

HAD AGAIN ORDER OF GOVERNMENT
IS NO.

ORDINARY, PRINTED.

Public DEPARTMENT.
G.O., DATED *24-11-92*
No. *503*

ENCLOSURE.

1892

From

Members
Remarks

INDEXED.

First copy sent to Press. *26-11-92*

Returned for signature. *2-12-92*

Despatched in print. *5-9-92*

CURRENT No.

DEPART WITH DITTO.

[Despatch Abstract.]

Statutory Civilian & the Provincial Service

Copy to statutory
Civilian concerned
extracts from letter
of the Govt. of In-
dia with request
that they will report
whether they desire
to reconsider their
former decision as
to retaining their
present positions

&c., OF GOVERNMENT-A.

Dated

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Registered
Enclosure

OF GOVERNMENT.

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- Q = Print heading
- R = Print, but not for

The the
Civilian
X I do not
remaining
has been
only
unable
post-humously

ORDINARY, PRINTED.

Public DEPARTMENT

G.O., DATED 26-8-92
No. 503

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7/11/00

19/11/00

22-8-03V

3-9-10V

26/2/13✓

25-5-14✓

11-6-14✓

24-4-18✓

30-1-23✓

24. 11. 25✓

HAD AGAIN ORDER OF GOVERNMENT
18, No.

ENCLOSURE

WARRANT No.

..proof

STANT WITH DITTO.

&C., OF GOVERNMENT-A.

OF GOVERNMENT.

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 WERE. { Letter only.
 { Order complete with Letter or Endorsement.

80.

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These will be
after some time
have decided
between the
as proposed for
a. 11-12

[illegible][illegible][illegible]

HAD AGAIN ORDER OF GOVERNMENT
18 No. DATED

PAGE PAPER, No.

FURTHER PAPER, No.

ENCLOSURES

GOVERNMENT No.

GOVERNMENT WITH DITTO.

&C., OF GOVERNMENT-A.

OF GOVERNMENT.

BE KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL
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N.B.-

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P. No. 450.

Yes
No

The first thing to be done, & to be
done is to communicate to the
Federal Statutory Civilian, the
Spec of plans in the Province a Statutory
law, & the above the Gov. to the
has to lay to enter them. I think
think paras 2, 3, the 4th I have marked
to show a connection to the
of them. The argument is, joining the
of para 4, the attention to this
line with local for, & the if all sta-
in the decision do not seem to be
young men.

I don't believe that a single meaning of
will go back on his decision. I don't im-
will all look to what will be done before
to them if they retain their position, and on this point the
gives them an assurance his
wanting & sufficient to decide
to refuse to join. I refer
quoted in the margin.

I think all that the Statutory
want, viz. a statement that
unfit they will receive proper
in the order stated. They

These will be
after some time
has been decided
by the Court & the
as per the
a. Hg-

"His claims to advancement (although
he does not belong to an organized service)
will come under consideration after
those of the last of the Indian Civilian
whose covenants bear date previous
to his confirmation."

lt.
30 June

seems to me to be still
highly in para 5 as to
in of a man who may
- Statutory Civilian. This
if he elects to retain his
he will be restricted to -

He was in the line of
Indian Civil Service.
24f

Levante your flag

This I think
is the position
concerning the first
grade.

Yes. but don't Chatto see
telegram before it goes.
HJ

Dec.
18 June.

3a June

NOTE
In connection with
this, Mr. H. H. H. is
requested to the marked
page on p. 137 of the
file book.

Does not this sufficiently
safeguard the men of
the I.C.S.?

W
I think that it is. Anyhow
we have better have it quite
clear.

W
6 July

W
16 July

Telegram
to Home, Simla

Despatched
7.7.92.

No 305, Para 5 [of] Home Dept. 153

May 27th states Statutory Civilian
~~electing~~ retaining present
position restricted to offices in
regular line held by Government
Civilians. Does regular line mean
non-listed posts and are claimants [of]
Statutory to those posts to be
considered after those [of] their content
-poraries [of] Indian Civil Service. Is
so it appears to this Govt. injustice
to now [of] latter service coming after
non-listed posts being [the] five-sixth
cadre for which Indian Civil Servants
[were] recruited, Statutory ~~recruits~~
having been recruited for five-sixth
cadre now made over [to] Provincial
Service. Following clause of para
5 states claimants Statutory to
listed posts also to be recognised &
similarly considered with contemporaries
Indian Civil Service. Is Statutory
Civilian retaining present position to
have claim of seniority to five-sixth
of non-listed as well as 1/6th
listed posts. Please wire reply

See also other

I understood the difficulty was in letter

17-3-35

Code
Class

INDIAN



TELEGRAPHS.

Monthly
Number.

To
(Office)

Cuttack

From
(Office)

Simla

Words

102/36

Day

13

Hour

17

Minute

16

Official
Instructions

defd.

To
(Person)

Madras.

From
(Person)

Home.

Number 1706. Public
your telegram. yth number
305. [cannot difficulty not
understood please state case
with full particulars by
letter. Meanwhile] please see
paragraph 11 of Home
Department letter of 14th
February 1890.
Paragraph 3 of letter
of 8th August 1890.
and paragraph 6
of resolution of 21st
April last [which
may clear up the
difficulty] reference to regular

H.E. the Governor
8/7

Recd. from

L.N.

Sent to

L.N.

At

Per

By

CUTTACK 14-7-32

Telegraph Ma

See also other I understood the difficulty was rather

Code Class. INDIAN  TELEGRAPHS. Monthly Number. 8

To (Office)				From (Office)	
Words.	Day.	Hour.	Minute.	Official Instructions.	

To (Person)	From (Person)
-------------------------------	---------------------------------

line in passage first-
quoted by you means
that Subordinates will not
be eligible for promotion
to higher grades hitherto
held by unaccompanied persons
such as 1st Grade
Deputy Collectors or District
Judge.

se
F.C.2.
131
P. 1847
file
star

Recd. from	L.N.	Sent to	L.N.	Registered
At	Hrs.	Mts. by	At	Hrs. Mts. by

COTACANUND 14-7-32

See also other
side. W

again that the forgoing did in
22 be added in the tenure
of the statute by the Hon. Secy.
to know, but there is another
point regarding which a decision
in favour of the Statutory (Hon.)
along with to a matter of
interest of the go along my
~~the Hon. Secy.~~ Statutory
being then, though it is effective
being present time joining the
Stat. Service. The point is
whether the Statutory did not
of themselves, he constituted the
Hon. Civil Service as distinct
from the J.C.S. & the
Stat. Service. The service
of the Statutory is present but
Statutory also. I am in
accord with the latter of them
the J.C.S. The latter of
Stat. has attempted already
to do so. This step being
taken - but the way is not
the matter if it has put before
him proposed & by giving the
Statutory a clear relief
as those are described.

22/1/92 J.H.F.
a minute
J.H.F.

I have to suggest because I believe
from the Statutory with I in
Stat. Service must P.R. Gov
be the chief ground of I agree
that they can
the number of the
the Stat. Service
to them as well as to the
by reference to the Stat. Service
307 J.H.F.

I understood the difficulty was whether
if a Statutory elects to remain as he is, a
not to join the Provincial Service - he might
have a claim to be appointed (if suitable)
to a post reserved for nominated civil
servants in the regular line (Page 4 - Govt
of India letter May 1892) i.e. that he
might poach on the 5/6 preserve, as well ^{have} as
on the 1/6th the native preserve.
But this is ^{made} clear on page 137 of the file
"The post to which he is appointed will
so long as he holds it, have to be deducted
from the number of posts open to the
Provincial Service." That is that his
appointment is not to be allowed to
count on the number of posts reserved
for nominated civil servants.
The only difficulty as it appears to me between
Statutory who remain Statutory, & those
who go over into the Provincial Service
is that those who remain Stat. are in a
special box as it were - from which they
may or not be moved - but when once
they are on the Provincial list, they will
rise in order of seniority as a matter
of course - unless there should be very
special reasons for passing them over.
I am satisfied in my own mind now
what their position is, and I do not see
any reason for our again addressing India
but of course I will offer no objection, if
my hon. colleagues are still undecided.
I hardly think it worth while to ask the
Secy of State to move the matter - to which he
has expressed his objection - of moving
civil service for such an insignificant
number of Statutory - especially as it is
desired to induce them to give up their
Statutory position W. J. H. F.

CURRENT No. 1889
Public DEPARTMENT.

From: *Sub of India*

No. 1708

Dated 13. 7. 92
Received 14. 7. 92
Registered 18. 7. 92
Enclosures

SUBJECT.

The promotion of Statutory Civilian
* I do not read it to. The Statutory remaining such is in a special post - and has no claim to rise by seniority - it is only his special merit & ability which will enable him to be advanced, & then his new post will be again a special one. W
his advancement will depend on the merit & ability he may display.

M. M. &

Submitted with reference to the notes written
C. J. - Please see pages 97, 137, 141 & 187 of the file. Is any further reference needed?

19 July

Containing further reference to the explanation, such as it is. The phrase "regular line" given in the telegram is apparently that of a person not to the 5/6 appointments which to the provincial service, but to those belonging to the provincial service and have not hitherto been held by the unappointed officers - in other words to the 1/6 or listed posts. The passage at p. 97 of the file is apparently to the same effect. It is competent Statutorians recruited since 1880 are to have their claims to such listed posts satisfied before provincial service officers can be appointed thereto.

A Statutory who joins the provincial service has a preferential claim, as compared with other members of the provincial service to listed posts. But he apparently has no such claim as compared with Statutorians who do not join it. All Statutorians have a claim according to seniority to listed posts whether they join the provincial service or not. When then is the advantage to Statutorians who join the provincial service? Apparently none except the few rubens of pay. I would ask Indian Statutorians whether the above view is correct, & whether Statutorians who do not join are to have any claim according to seniority or otherwise to such listed posts.
19 July.

8
Read again G.O. of

" " " "

Read also the G.O.
of India Home Dep

14. February
300 (Pukia).

11. With reference to 12th September last, I am the Madras Presidency before whether he will remain in Service with an acknowledgment of the fact that in connection with the Provincial Service it may be well to retain Civilian who elects to retain in the Provincial Service the ability necessary to justify the claims of Civilians whose claims have been satisfied. The Government before 1880, and after then officers recruited since the Provincial Service can be framed. The Governor-General's choice has been exercised in

It must not be forgotten that para. 4 of this letter as to the Provincial Service must for the time be reduced to join the Provincial Service hold offices. But once the officers of the Provincial Service are promoted to all grades.

The orders contained in para. 22 of the despatch of 12th September last, to request that each Statutory Civilian appointed in the Madras Presidency before the close of 1889 may now be called upon to choose between his present position, or be transferred to the Provincial Service, and to make judgment of his preferential claims to promotion to the Provincial Service before other members of the Provincial Service. In this connection it is to be stated that the claims to promotion of a Statutory Civilian in his present position and who has shown the merit and by his advancement, will only be considered after the claims of Civilian who have been recruited before him. The Government before 1880, and after then officers recruited since the Provincial Service can be framed. The Governor-General's choice has been exercised in

It must not be forgotten that para. 4 of this letter as to the Provincial Service must for the time be reduced to join the Provincial Service hold offices. But once the officers of the Provincial Service are promoted to all grades.

Resolution 72.
24th 1892. No. 9
1042-52

6. The Government of India have determined, with the approval of the Secretary of State, to amalgamate the scheduled posts on the Executive side subordinate to the headship of a district, with the existing grades of Deputy Magistrates and Collectors.

These posts are the following :—

Madras 7

In all these provinces the majority of them are at present held by Statutory Civilians appointed under the rules of 1879, while in some they are still occupied by officers of the Civil Service of India or Commissions appointed before 1882. Until these Statutory Civil Servants are provided for, either by promotion or by amalgamation with the new Provincial Service, the posts which they hold cannot be thrown into the general cadre of the latter service; but when that happens and when the prior claims of officers of the Civil Service of India and Commissions have been satisfied, the posts now specified should be distributed as follows among the existing grades of Deputy Magistrates and Collectors and Extra Assistant Commissioners :—

	<i>Madras.</i>	RS.
2 posts in the 1st Grade on (corresponding to Sub-Collector.)		700
4 posts in the 3rd Grade on (corresponding to Head Assistant.)		500
1 post in the 5th Grade on (corresponding to passed Assistant.)		300

~~Read again G. O. dated 20th September 1890, No 662 (passport only)~~

~~23rd January 1891, No 61/62 (ditto.)~~

~~Read also the following extracts from letter from the Govt. of India, Home Department, dated 27th May 1892, No 1535 Public.~~

X X X X X X

2. In the first place His Excellency in Council desires again to draw attention to the general conditions subject to which, alone appointments can be made from the Provincial Service to the scheduled posts. The *first* and paramount condition is absolute and proved fitness, opportunity of testing which will be afforded by the officiating appointments for short periods, which Local Governments and Administrations will be able to make. *Secondly*, the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service is one-sixth of the appointments in the cadre of the Indian Civil Service or the Commission, except in cases where Military officers in a fixed proportion are still, in Non-Regulation Provinces, recruited for the Commission, when the maximum is one-sixth of the total after deducting the proportion reserved for Military officers. *Thirdly*, such appointments, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's Despatch of the 12th September 1889, are subject to the preferential right of officers who entered the Service before the reduction of recruitment in 1880—that is, of Indian Civil Servants who passed the competitive examination in or before the year 1879, and officers of the Commissions appointed in or before 1881. An instance of the exceptional circumstances contemplated by the Secretary of State would be the creation of a new appointment outside of the existing cadre, to which no officer in the service could have a preferential right. *Fourthly*, such appointments are further subject to the right of the remaining officers of the Indian Civil Service or Commission (as the case may be), recruited after 1879—81, to have their claims considered to the extent of five-sixths of the posts for which recruitment was or might have been made in any one year. Thus, if it be assumed that the vacancies in the cadre for which recruitment of Indian Civilians in any one year after 1881 had to be made were ten, this, representing five-sixths of the total recruitment, would give two posts in that year to fill which recruitment might have been made for the Provincial Service; but the claims of officers in the Provincial Service to succession to those posts would not come into consideration until those of the ten members of the Indian Civil Service, or the survivors of them, had been considered; and when the two posts had been given to the Provincial Service, no more scheduled posts (always subject of course to the maximum of one-sixth of the total) could be allotted to that service till the legitimate claims to promotion of the Indian Civilians of the following year had come under consideration. *Fifthly*, if no member of the Provincial Service who is fully fit and competent be available for any listed office which may become vacant, a member of the Indian Civil Service may be appointed to it.

3. With regard to the pay assigned to the superior appointments listed as open to the Provincial Service, I am to observe that in some provinces it has been proposed to reserve for Provincial Officers appointed Judges or Heads of Districts appointments in particular grades. Thus, if there are three grades of Judges, and four appointments have been declared open to the Provincial Service, it has been recommended that one appointment in the first, one in the second, and two in the third grade shall be declared open. This proposal, however, appears to rest on a misconception of the mode in which a Provincial Officer will succeed to a listed appointment. As explained above (paragraph 2, head 4), he will rise *pari passu* with his contemporaries in the Indian Civil Service or the Commission, and it is not necessary to reserve for him any particular appointment in any one grade; he may traverse all the grades in turn. The same is the case with executive appointments, and therefore in provinces where there are more than two grades, e.g. of Collectors; although it is proposed only to open two Collectorships to the Provincial Service, the posts actually held by members of that service may be of the first, second or third grade. It has accordingly been considered necessary to specify in the Resolution of the 21st April last the salary in each of these grades which a Provincial Officer may draw, although there may never at any one time be more than two such officers who will be Collectors.

In the letter of the Home Department dated the 14th February 1890 it was pointed out that the duties and powers of the existing members of the Uncovenanted Service known as Deputy Collectors and Magistrates were the same as those of the officers of the Covenanted Civil Service designated as Joint and Assistant Magistrates, Sub-Collectors, and Head Assistant or Assistant Collectors: and that it was both administratively convenient and in accordance with the intentions of the Commission and the Secretary of State that the appointments of the class so styled in the Covenanted Service, now thrown open to the Provincial Service, should be amalgamated with the general body of Deputy Collectorships now belonging to the latter service.

x x x x x x x x x
x x x x x x x x x

For these reasons the Government of India have, as observed in paragraph 6 of the Resolution of the 21st April 1892, determined to adhere to the decision communicated in the letter of 14th February 1890, and to amalgamate the scheduled posts on the Executive side subordinate to the Headship of a district with the existing grades of Deputy Magistrates and Collectors. This decision has now received the approval of the Secretary of State.

5. In the letter of 14th February 1890 the Government of India desired that each Statutory Civilian appointed before the close of 1889 might be called upon to choose whether he would retain his present position, or be transferred to the Provincial Service with an acknowledgment of his preferential claims to promotion to scheduled appointments before other members of the Provincial Service. Subsequently, in my letter No. 1543 dated the 8th August 1890, the position which, under the orders of the Secretary of State, Statutory Civilians who do not elect to join the Provincial Service will hold was further explained with a view to guide those gentlemen in their choice.

In Madras only one Statutory Civilian, Mr. P. Rámachandra Ráo, has elected to enter the Provincial Service.

It is not improbable that some obscurity may still remain in the minds of the officers who were called upon to make their election in regard to the advantages and disadvantages to them of the transfer, and the Government of India think it desirable to explain the matter more at length in order that these gentlemen may have an opportunity of reconsidering the decision at which they have provisionally arrived.

A Statutory Civilian appointed under the Rules of 1879 has been declared ^{* Paragraph 22 of Despatch of 12th September 1889.} by the Secretary of State* to hold an appointment outside both the Covenanted and the Provincial Services and not to belong to any organized service, in which he would, under

ordinary circumstances, rise by seniority to certain posts. His claims to advancement depend entirely on the merit and ability that he may display, and each step will be treated as a fresh appointment under the Statutory rules. If he elects to retain this position, he will be restricted to those offices in the regular line which are held by Covenanted Civil Servants, and his pay will be 64 per cent. of that which would be drawn by a member of the Indian Civil Service. His claims to advancement (although he does not belong to an organized service) will come under consideration after those of the last of the Indian Civilians whose covenants bear date previous to his confirmation.

If, on the other hand, he joins the Provincial Service, there will be open to him the whole range of offices in the present Uncovenanted Judicial and Executive Service; and he can (subject to the general conditions stated above in paragraph 2) be promoted at any time, if deemed thoroughly competent, to a listed post. If not deemed fit for promotion to the Headship of a district or a District Judgeship, he may still, if sufficiently competent, rise to the highest grade of Deputy Magistrate or Subordinate Judge. If he elects to retain his present position, his fitness for succession to a listed post will only be taken into consideration when the claims of his contemporaries in the Indian Civil Service, counting from the date of his confirmation, have been considered; if he joins the Provincial Service, his fitness may, at any time, subject to the conditions of paragraph 2 above, cause him to be selected for appointment to a listed post, and he will, according to the decision of the Secretary of State, have a claim to be preferred over other equally competent members of the Provincial Service when the selection is made. Should he be chosen for appointment as Magistrate and Collector, he will, if he joins the Provincial Service, draw the salary set forth in paragraph 5 of the Resolution of the 21st April 1892; if he does not join the Provincial Service, his salary will be, at 64 per cent., Rs. 106 or 48 a month less than that mentioned in the Resolution according as he is a Magistrate and Collector of the 1st or 2nd grade.

The Governor General in Council will be glad if the Madras Government will again draw the attention of the Statutory Civilians now serving under them to the facts stated in this paragraph, and report whether they desire to reconsider their former choice.

their choice if the decision
for this purpose A may be
in 1879 and whose cove-
in 1881 with a covenant
in their appointments in
officers. The claims of
or member of the Provin-
e case of a special appoint-
ary of State's Despatch of
at the number of Statutory
appointed to superior post-
shall not, except in the case
ned, exceed the number of
er the Rules of 1879 in the
the date on which he signed
to higher posts than those
their present position, depend-
and can only be effected by
e other hand, they join the
of F, G and other members
competent; and they will
e of a member of the Indian
r after 1880, subject to this
d by members of the Provin-
ceed the number of statutory
es of 1879 before the parti-
enant. Subject to the same
y time, and of course they
the Provincial Service but
deficient in the experience
the above position may be
as Presidency before the
in due course be informed

referred to in paragraph 4
vinoial Services must for
ilians decline to join the
ry Civilians hold offices.
atisfied, all officers of the
regards promotion to all
by the same rule, namely,

Letter 7.8th August
1890 N. 1673 (Public)

Starrs letter

4

3. In para. 12 of your letter it is stated that the views of the Government of Madras differ from those of the Government of India on the question of the present position of Statutory Civilians, and that the Governor in Council therefore thinks it advisable to address the Government of India on the subject before calling upon the existing Statutory Civilians to make their election between remaining in their present position or joining the Provincial Service. ~~It is urged that, rightly or wrongly, the 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 been acknowledged in the Madras Presidency. The Governor in Council, while acknowledging that the rules as they now stand are possibly not in accordance with the statute, 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 to them the status conferred on them and hitherto recognised. This subject has, I am to say, been fully considered by the Governor General in Council and the Secretary of State.~~ In para. 9 of his despatch No. 23, dated 8th March 1883, Lord Kimberley pointed out that it was desirable to alter the rules under the Statute of 1870, so as to make it clear that natives appointed under them are not members of the Covenanted Civil Service, though they might hold offices which, under 24 and 25 Vict., Cap. 54, are reserved for Covenanted Civil Servants. Draft rules prepared with this object were circulated with Home Department letter No. 25—1074-83, dated 18th June 1885, and accepted by the Madras Government in Mr. Webster's letter No. 1903, dated 12th August 1885. The question whether these orders should apply to Statutory Civilians already appointed was raised by some Local Governments and had not finally been decided when the Public Service Commission was appointed. The view taken by the Commission is expressed in para. 87 of their report and has been accepted by the Government of India and the Secretary of State, His Lordship having finally decided that Statutory Civilians do not belong to any organised service in which they would under ordinary circumstances rise by seniority. The contention of the Madras Government regarding the position of Statutory Civilians, as well as the statement in para. 6 of your letter, that it is understood that as soon as the last Covenanted Civilian of 1880 is confirmed as a Collector or Judge, the next six vacancies in this class should be provided for from the Provincial list if it contains men fit to fill them, shows that the intentions of the Government of India in para. 11 of its letter No. 300, dated 14th February last, have not been expressed with sufficient exactness, and as an inaccuracy in the wording of one of the sentences in the paragraph in question has also been noticed.

It may assist Statutory Civilians in the exercise of conveyed above is made clearer by an illustration, and taken to be an Indian Civilian who passed the examination signed in 1881, B an Indian Civilian recruited signed in 1883, C, D and E Statutory Civilians confirmed 1881, 1882 and 1883, respectively, and F and G Provincial. A will have to be considered before any Statutory Civilian can be appointed to a listed post, except in the event made in accordance with paragraph 21 of the Secret 12th September 1879. B will be entitled to claim the Civilians and members of the Provincial Service combine without his claims to promotion having been considered of such a special appointment as has just been mentioned. Statutory Civilians who might have been appointed under Presidency or Province in which he may be serving prior to his covenant in 1883. The advancement of C, D and E now occupied by them will, if they elect to remain in the entirely on the merit and ability which they may display means of fresh appointments under the Statute. If, on Provincial Service, their claims will be preferred to those of the Provincial Service, provided that they are fit and also be entitled to have their claims considered before the Civil Service who passed the competitive examination in limitation, viz., that the number of listed appointments in Provincial Service and Statutory Civilians combined shall not exceed appointments which might have been made under the Regular member of the Indian Civil Service signed his covenant, limitation, the claims of F and G may be considered at any would be promoted before any statutory who had joined was, at the time in question, judged to be incompetent or required for the particular office. I am to request that explained to the Statutory Civilians appointed in the March close of 1883, and that the Governor-General in Council in of the manner in which each of them has exercised his claim.

It must not be forgotten that the number of appointments of this letter as to be opened from time to time to the Provincial Service and in the grade in which such Statutory Civilians are. But once the claims of existing Statutory officers are Provincial Service would be placed on the same footing, grades. In other words, their promotion would be governed by fitness.

Read also the following telegram from the G. of I. from Dep.
1892 N. 1706 Public

[H. E. C. No 1889 omitting portion
in brackets]

ORDER

Communicated to the Statutory
Civilians concerned with the request that
they will report within one month whether
they desire to reconsider their former
decisions as to retaining their present
positions.

2 It will be observed from the
extracts read above that those Statutory
Civilians who elect to remain as such
can expect promotion to listed posts ^{alone} ~~only~~
^{and to these only}
on the ground of special merit & not of
C.
3/8 mere seniority.

(From orders)

Mr K C Manavedan Raja
,, Muhammad Raza Khan
,, Mir Shujaat Ali Khan
,, T M Swaminatha Aiyar
,, C Ramachandra Aiyar
,, T. Varada Rao
,, P Rajagopalachari

Note The additions referred to in the Honorable
Members' note have been made to the draft
order. Orders are solicited whether it would
not be as well to omit the portion of para 3 of
the letter of 8th August 1890 marked between
brackets in blue pencil (p. 1. of draft order)

C.
11/8.

Provincial Senate

Draft Order

From Orders

Print

The Hon^{ble} Sir Henry

K

W. A. P. M. C.

Print

E

Please show this of

CS

11/8

2. 40
OK
See below

Printed and published
by the printer
at the office of the
Provincial Secretary
at the Provincial
Office, Ottawa,
1911

The accompanying proof of the
draft order to Statutory Civilians,
requesting them to reconsider their
former decisions as to retaining
their present positions, is submitted
to the Honorable Sir Henry Stokes K.C.S.I.
with reference to his note of 9th
August and instructions after last
Council.

It is believed that the
proof as now amended is in
accordance with the Honorable
Members wishes

CS
22/8

Need not send to Mr. - he told
me after Council that I would see to
what is to go out. It is now all
right and there's nothing objectionable
in my issue In
23 Aug.

24th August 1892, No. 662, Public.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—again the following papers:—

G.O., dated 29th September 1890, No. 662, Public.

ABSTRACT.—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.

G.O., dated 23rd January 1891, Nos. 61, 62, Public.

ABSTRACT.—Ordering that the replies of certain Statutory Civilians to the order calling on them to elect whether they will remain in their present positions or join the Provincial Service be forwarded to the Government of India.

Read also the following extracts from letters and Resolution of the Government of India, Home Department:—

[11 With reference to the orders contained in paragraph 22 of the Despatch of Letter, dated 14th February 1890, No. 300 (Public). 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 Service 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 as that which applies to the Provincial Service.

Noti

It is proposed to omit this extract as a revised paragraph to be substituted for it was forwarded with India's letter of 8. August 1890 No. 1643. viz the last 3 lines of the second clause of the para 3 of that letter extracted on page 2 of this proof.

Omit this

RE K1

Letter dated 8th August 1890, No. 1543
(Public).

12. This
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Note. The Statute
have had this
before in L.O.
of 29. Sept 1890
no 662. It will,
however, be convenient
for them for
reference purposes
to reproduce
the extract in
this L.O.
Ed. This may be
reprinted.
4

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 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.

6. The Government of India have determined, with the approval of the Secretary of State, to amalgamate the scheduled posts on the Executive side subordinate to the headship of a district, with the existing grades of Deputy Magistrates and Collectors.

Not. This

Resolution has already been

published in the Gazette. Submitted, however, that the extract may be conveniently reproduced. The ruling in it marked with blue pencil on page 4 of this copy is an important one & it will be convenient to all concerned to keep the extracts with the others in this order.

cd.

Thurman

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These posts are the following :—

Madras

In all these provinces the majority of them are at present held by Statutory Civilians appointed under the rules of 1879, while in some they are still occupied by officers of the Civil Service of India or Commissions appointed before 1882. Until these Statutory Civil Servants are provided for, either by promotion or by amalgamation with the new Provincial Service, the posts which they hold cannot be thrown into the general cadre of the latter service; but, when that happens and when the prior claims of officers of the Civil Service of India and Commissions have been satisfied, the posts now specified should be distributed as follows among the existing grades of Deputy Magistrates and Collectors and Extra Assistant Commissioners :—

	Madras.	RS.
2 posts in the 1st grade on (corresponding to Sub-Collector)		700
4 posts in the 3rd grade on (corresponding to Head Assistant)		500
1 post in the 5th grade on (corresponding to Passed Assistant)		300

2. In the first place His Excellency in Council desires again to draw attention to the general conditions subject to which alone appointments can be made from the Provincial Service to the scheduled posts. Letter, dated 27th May 1892, No. 1535, Public]

The first and paramount condition is absolute and proved fitness, opportunity of testing which will be afforded by the officiating appointments for short periods, which Local Governments and Administrations will be able to make. Secondly, the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service is one-sixth of the appointments in the cadre of the Indian Civil Service or the Commission, except in cases where Military officers in a fixed proportion are still in Non-Regulation Provinces recruited for the Commission when the maximum is one-sixth of the total after deducting the proportion reserved for Military officers. Thirdly, such appointments, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's despatch of the 12th September 1889, are subject to the preferential right of officers who entered the service before the reduction of recruitment in 1880—that is, of Indian Civil Servants who passed the competitive examination in or before the year 1879 and officers of the Commissions appointed in or before 1881. An instance of the exceptional circumstances contemplated by the Secretary of State would be the creation of a new appointment outside of the existing cadre, to which no officer in the service could have a preferential right. Fourthly, such appointments are further subject to the right of the remaining officers of the Indian Civil Service or Commission (as the case may be), recruited after 1879—81, to have their claims considered to the extent of five-sixths of the posts for which recruitment was or might have been made in any one year. Thus, if it be assumed that the vacancies in the cadre for which recruitment of Indian Civilians in any one year after 1881 had to be made were ten, this representing five-sixths of the total recruitment, would give two posts in that year to fill which recruitment might have been made for the Provincial Service; but the claims of officers in the Provincial Service to succession to those posts would not come into consideration until those of the ten members of the Indian Civil Service, or the survivors of them, had been considered, and, when the two posts had been given to the Provincial Service, no more scheduled posts (always subject of course to the maximum of one-sixth of the total) could be allotted to that service till the legitimate claims to promotion of the Indian Civilians of the following year had come under consideration. Fifthly, if no member of the Provincial Service, who is fully fit and competent be available for any listed office which may become vacant, a member of the Indian Civil Service may be appointed to it.

8. With regard to the pay assigned to the superior appointments listed as open to the Provincial Service, I am to observe that in some provinces it has been proposed to reserve for Provincial officers appointed Judges or Heads of Districts appointments in particular grades. Thus, if there are three grades of Judges and four appointments have been declared open to the Provincial Service, it has been recommended that one appointment in the first, one in the second, and two in the third grade shall be declared open. This proposal, however, appears to rest on a misconception of the mode in which a Provincial officer will succeed to a listed appointment. As explained above (paragraph 2, head 4), he will rise *pari passu* with his contemporaries in the Indian Civil Service or the Commission, and it is not necessary to reserve for him any particular appointment in any one grade; he may traverse all the grades in turn. The same is the case with executive appointments and therefore in provinces where there are more than two grades, *e.g.*, of Collectors, although it is proposed only to open two collectorships to the Provincial Service, the posts actually held by members of that service may be of the first, second or third grade. It has accordingly been considered necessary to specify in the Resolution of the 21st April last the salary in each of these grades which a Provincial officer may draw, although there may never at any one time be more than two such officers who will be Collectors.

4. In the letter of the Home Department, dated the 14th February 1890, it was pointed out that the duties and powers of the existing members of the Uncovenanted Service, known as Deputy Collectors and Magistrates, were the same as those of the officers of the Covenanted Civil Service designated as Joint and Assistant Magistrates, Sub-Collectors, and Head Assistant or Assistant Collectors, and that it was both administratively convenient and in accordance with the intentions of the Commission and the Secretary of State that the appointments of the class so styled in the Covenanted Service, now thrown open to the Provincial Service, should be amalgamated with the general body of Deputy Collectorships now belonging to the latter service.

For these reasons the Government of India have, as observed in paragraph 6 of the Resolution of the 21st April 1892, determined to adhere to the decision communicated in the letter of 14th February 1890 and to amalgamate the scheduled posts on the executive side subordinate to the Headship of a District with the existing grades of Deputy Magistrates and Collectors. This decision has now received the approval of the Secretary of State.

5. In the letter of 14th February 1890, the Government of India desired that each Statutory Civilian appointed before the close of 1889 might be called upon to choose whether he would retain his present position, or be transferred to the Provincial Service with an acknowledgment of his preferential claims to promotion to scheduled appointments before other members of the Provincial Service. Subsequently, in my letter No. 1543, dated the 8th August 1890, the position which, under the orders of the Secretary of State, Statutory Civilians, who do not elect to join the Provincial Service, will hold was further explained with a view to guide those gentlemen in their choice.

In Madras only one Statutory Civilian, Mr. P. Ramachandra Rao, has elected to enter the Provincial Service.

It is not improbable that some obscurity may still remain in the minds of the officers who were called upon to make their election in regard to the advantages and disadvantages to them of the transfer and the Government of India think it desirable to explain the matter more at length in order that these gentlemen may have an opportunity of reconsidering the decision at which they have provisionally arrived.

A Statutory Civilian appointed under the Rules of 1879 has been declared by the Secretary of State to hold an appointment outside both the Covenanted and the Provincial Services and not to belong to any organized service in which he would under ordinary circumstances rise by

* Para. 22 of despatch of 12th September 1889.

One line of text will do

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seniority to certain posts. His claims to advancement depend entirely on the merit and ability that he may display and each step will be treated as a fresh appointment under the Statutory rules. If he elects to retain this position, he will be restricted to those offices in the regular line which are held by Covenanted Civil Servants and his pay will be 64 per cent. of that which would be drawn by a member of the Indian Civil Service. His claims to advancement (although he does not belong to an organized service) will come under consideration after those of the last of the Indian Civilians whose covenants bear date previous to his confirmation.

If, on the other hand, he joins the Provincial Service, there will be open to him the whole range of offices in the present Uncovenanted Judicial and Executive Service, and he can (subject to the general conditions stated above in paragraph 2) be promoted *at any time*, if deemed thoroughly competent, to a listed post. If not deemed fit for promotion to the Headship of a District or a District Judgeship, he may still, if sufficiently competent, rise to the highest grade of Deputy Magistrate or Subordinate Judge. If he elects to retain his present position, his fitness for succession to a listed post will only be taken into consideration when the claims of his contemporaries in the Indian Civil Service, counting from the date of his confirmation, have been considered; if he joins the Provincial service, his fitness may, at any time, subject to the conditions of paragraph 2 above, cause him to be selected for appointment to a listed post, and he will, according to the decision of the Secretary of State, have a claim to be preferred over other equally competent members of the Provincial Service when the selection is made. Should he be chosen for appointment as Magistrate and Collector, he will, if he joins the Provincial Service, draw the salary set forth in paragraph 5 of the Resolution of the 21st April 1892; if he does not join the Provincial Service, his salary will be, at 64 per cent., Rs. 106 or 48 a month less than that mentioned in the Resolution according as he is a Magistrate and Collector of the first or second grade.

The Governor-General in Council will be glad if the Madras Government will again draw the attention of the Statutory Civilians now serving under them to the facts stated in this paragraph and report whether they desire to reconsider their former choice.

READ—also the following paper:—

Telegram from the Government of India, Home Department, to the Chief Secretary to the Government of Madras, dated Simla, 13th July 1892, No. 1706, Public.

Your telegram 7th, number 305. Please see ~~Paragraph 11 of Home Department letter of 14th February 1890,~~ paragraph 3 of letter of 8th August 1890, and paragraph 6 of Resolution of 21st April last. Reference to regular line in passage first quoted by you means that statutories will not be eligible for promotion to higher grades hitherto held by uncovenanted servants, such as First-grade Deputy Collector or Subordinate Judge.

ORDER—dated 24th August 1892, No. 583, Public.

Communicated to the Statutory Civilians concerned with the request that they will report within one month whether they desire to reconsider their former decisions as to retaining their present positions.

Nil

It is proposed to omit this reference as the paragraph in question has, for the reasons given in the note on page 1 of this paper, been itself omitted.

Para 5 of Home Dept. letter of 27. May 1892 No 1535 Public

2. It will be observed, from the extracts read above, that those Statutory Civilians who elect to remain as such can expect promotion to listed posts alone and to these only on the ground of special merit and not of mere seniority.
(True Extract.)

Chief Secretary.

To Mr. K. C. Manavedan Raja. 3
" Muhammad Raza Khan. 3
" Mir Shujaat Ali Khan. 3
" T. M. Swaminatha Aiyar. 3
" C. Ramachandra Aiyar. 3
" T. Varada Rao. 3
" P. Rajagopalachari. 3

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23/9/92

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again the following papers:—

G.O., dated 29th September 1890, No. 662, Public.

ABSTRACT.—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.

G.O., dated 23rd January 1891, Nos. 61, 62, Public.

ABSTRACT.—Ordering that the replies of certain Statutory Civilians to the order calling on them to elect whether they will remain in their present positions or join the Provincial Service be forwarded to the Government of India.

READ—also the following extracts from letters and Resolution of the Government of India, Home Department:—

[Letter, dated 8th August 1890, No. 1543, Public.]

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

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Please look into all
things that are in
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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 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 post 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 Service 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.

[Resolution, dated 21st April 1892, No. 9—1342-52, Public.]

6. The Government of India have determined, with the approval of the Secretary of State, to amalgamate the scheduled posts on the Executive side subordinate to the headship of a district, with the existing grades of Deputy Magistrates and Collectors.

These posts are the following:—

Madras 7

In all these provinces the majority of them are at present held by Statutory Civilians appointed under the rules of 1879, while in some they are still occupied by officers of the Civil Service of India or Commissions appointed before 1882. Until these Statutory Civil Servants are provided for, either by promotion or by amalgamation with the new Provincial Service, the posts which they hold cannot be thrown into the general cadre of the latter service; but, when that happens and when the prior claims of officers of the Civil Service of India and Commissions have been satisfied, the posts now specified should be distributed as follows among the existing grades of Deputy Magistrates and Collectors and Extra Assistant Commissioners:—

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[Letter, dated 27th May 1892, No. 1535, Public.]

2. In the first place His Excellency in Council desires again to draw attention to the general conditions subject to which alone appointments can be made from the Provincial Service to the scheduled posts. The first and paramount condition is absolute and proved fitness, opportunity of testing which will be afforded by the officiating appointments for short periods, which Local Governments and Administrations will be able to make. Secondly, the maximum extent to which room in the higher offices will gradually become available for competent members of the Provincial Service is one-sixth of the appointments in the cadre of the Indian Civil Service or the Commission, except in cases where Military officers in a fixed proportion are still in Non-Regulation Provinces recruited for the Commission when the maximum is one-sixth of the total after deducting the proportion reserved for Military officers. Thirdly, such appointments, save in the exceptional circumstances contemplated in paragraph 21 of the Secretary of State's despatch of the 12th September 1889, are subject to the preferential right of officers who entered the service before the reduction of recruitment in 1880—that is, of Indian Civil Servants who passed the competitive examination in or before the year 1879 and officers of the Commissions appointed in or before 1881. An instance of the exceptional circumstances contemplated by the Secretary of State would be the creation of a new appointment outside of the existing cadre, to which no officer in the service could have a preferential right. Fourthly, such appointments are further subject to the right of the remaining officers of the Indian Civil Service or Commission (as the case may be), recruited after 1879—81, to have their claims considered to the extent of five-sixths of the posts for which recruitment was or might have been made in any one year. Thus, if it be assumed that the vacancies in the cadre for which recruitment of Indian Civilians in any one year after 1881 had to be made were ten, this, representing five-sixths of the total recruitment, would give two posts in that year to fill which recruitment might have been made for the Provincial Service; but the claims of officers in the Provincial Service to succession to those posts would not come into consideration until those of the ten members of the Indian Civil Service, or the survivors of them, had been considered, and, when the two posts had been given to the Provincial Service, no more scheduled posts (always subject of course to the

maximum of one-sixth of the total) could be allotted to that service till the legitimate claims to promotion of the Indian Civilians of the following year had come under consideration. *Fifthly*, if no member of the Provincial Service, who is fully fit and competent be available for any listed office which may become vacant, a member of the Indian Civil Service may be appointed to it.

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4. In the letter of the Home Department, dated the 14th February 1890, it was pointed out that the duties and powers of the existing members of the Uncovenanted Service, known as Deputy Collectors and Magistrates, were the same as those of the officers of the Covenanted Civil Service designated as Joint and Assistant Magistrates, Sub-Collectors, and Head Assistant or Assistant Collectors, and that it was both administratively convenient and in accordance with the intentions of the Commission and the Secretary of State that the appointments of the class so styled in the Covenanted Service, now thrown open to the Provincial Service, should be amalgamated with the general body of Deputy Collectorships now belonging to the latter service.

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In Madras only one Statutory Civilian, Mr. P. Ramachandra Rao, has elected to enter the Provincial Service.

It is not improbable that some obscurity may still remain in the minds of the officers who were called upon to make their election in regard to the advantages and disadvantages to them of the transfer and the Government of India think it desirable to explain the matter more at length in order that these gentlemen may have an opportunity of reconsidering the decision at which they have provisionally arrived.

A Statutory Civilian appointed under the Rules of 1879 has been declared by the Secretary of State * to hold an appointment outside both the Covenanted and the Provincial Services and not to belong to any organized service in which he would under ordinary circumstances rise by seniority to certain posts. His claims to advancement depend entirely on the merit and ability that he may display and each step will be treated as a fresh appointment under the Statutory rules. If he elects to retain this position, he will be restricted to those offices in the regular line which are held by Covenanted Civil Servants and his pay will be 64 per cent. of that which would be drawn by a member of the Indian Civil Service. His claims to advancement (although he does not belong to an organized service) will come under consideration after those of the last of the Indian Civilians whose covenants bear date previous to his confirmation.

* Para. 22 of despatch of 12th September 1889.

If, on the other hand, he joins the Provincial Service, there will be open to him the whole range of offices in the present Uncovenanted Judicial and Executive Service, and he can (subject to the general conditions stated above in paragraph 2) be promoted at any time, if deemed thoroughly competent, to a listed post. If not deemed fit for promotion to the Headship of a District or a District Judgeship, he may still, if sufficiently competent, rise to the highest grade of Deputy Magistrate or Subordinate Judge. If he elects to retain his present position, his fitness for succession to a listed post will only be taken into consideration when the claims of his contemporaries in the Indian Civil Service, counting from the date of his confirmation, have been considered; if he joins the Provincial service, his fitness may, at any time, subject to the conditions of paragraph 2 above, cause him to be selected for appointment to a listed post, and he will, according to the decision of the Secretary of State, have a claim to be preferred over other equally competent members of the Provincial Service when the selection is made. Should he be chosen for appointment as Magistrate and Collector, he will, if he joins the Provincial Service, draw the salary set forth in paragraph 5 of the Resolution of the 21st April 1892; if he does not join the Provincial Service, his salary will be, at 64 per cent., Rs. 106 or 48 a month less than that mentioned in the Resolution according as he is a Magistrate and Collector of the first or second grade.

The Governor-General in Council will be glad if the Madras Government will again draw the attention of the Statutory Civilians now serving under them to the facts stated in this paragraph and report whether they desire to reconsider their former choice.

READ—also the following paper:—

Telegram from the Government of India, Home Department, to the Chief Secretary to the Government of Madras, dated Simla, 13th July 1892, No. 1706, Public.

Your telegram 7th, number 305. Please see paragraph 3 of letter of 8th August 1890, and paragraph 6 of Resolution of 21st April last. Reference to regular line in passage * first quoted by you means

* Paragraph 5 of Home Department letter, dated 27th May 1892, No. 1535, Public. that statutories will not be eligible for promotion to higher grades hitherto held by uncovenanted servants, such as First-grade Deputy Collector or Subordinate Judge.

ORDER—dated 24th August 1892, No. 583, Public.

* Communicated to the Statutory Civilians concerned with the request that they will report within one month whether they desire to reconsider their former decisions as to retaining their present positions.

2. It will be observed, from the extracts read above, that those Statutory Civilians who elect to remain as such can expect promotion to listed posts alone and to these only on the ground of special merit and not of mere seniority.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To Mr. K. C. Manavedan Raja.
„ Muhammad Raza Khan.
„ Mir Shujaat Ali Khan.
„ T. M. Swaminatha Aiyar.
„ C. Ramachandra Aiyar.
„ T. Varada Rao.
„ P. Rajagopalachari.

of {1892} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 24th August 1892, No. 583.

AUGUST.

**Statutory Civilians and the Provin-
cial Service.**

Communicating to Statutory Civilians concerned extracts from letters of the Government of India with request that they will report whether they desire to reconsider their former decisions as to retaining their present positions.