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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

GO. No. <u>877</u>	Press <u>Original</u>
Dated <u>16 12</u>	18 <u>92</u>

Not to be folded or roughly handled

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Public DEPARTMENT.
G.O., DATED 16-12-92
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[Despatch Abstract.]

Civil Service
Recording letter from the
Govt of India forwarding
revised rules under sec-
tion 6 of 33 Vict. Cap
3 for the appointment
of Statutes of India to
offices reserved for mem-
bers of the Indian
—; communicating
the same to the Asst
General for the ne-
cessary action regard-
ing the measures in
which Statutory Civil
— and officers
the Provincial Service
should be shown in
the Civil Service

of certain notations
in the Fort St. George
 Gazette 24.11.25 ✓
20-1-32 ✓

2/11/00

13/11/00

16/6/02

14/6/03

5/4/04

4-8-05

20-12-06

17-8-10

3-9-10

9-5-12

11/11/12

7-2-13

9-3-14

25-5-14

24-4-18

25-2-19

30-11-21

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India (Home Department—Public), to the Chief Secretary to the Government of Madras, dated Simla, the 10th November 1892, No. 2194.

In continuation of my letter, No. 1535, dated the 27th May 1892, I am directed to forward the accompanying extracts *
* Omitting paragraph 3. from a Despatch, No. 85 (Public), dated the 31st August 1892, from the Secretary

of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., Cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification, No. 2159, dated the 2nd instant, is also enclosed for the information of the Madras Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution, No. ^{9 Public} ₁₃₄₂₋₁₃₅₂, dated the 21st April 1892, which authorize the local Government to nominate, without reference to the Government of India, members of the Madras Provincial Civil Service to any office listed as open to that service, with the exception of the Headship of a District or a District and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including, of course, such Statutory Civilians as may have been transferred to that service, or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by rule 2 of the enclosed rules, under which the previous sanction of the Governor-General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of rule 2 is to continue in their case the principle of the existing orders regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade, which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Head Assistant. These promotions may continue to be made by the local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of District and Sessions Judge, or to any other office, such as that of Sub-Collector and Joint Magistrate or Under-Secretary to Government, which is entered as a separate office in the schedule to the Statute 24 and 25 Vict., Cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

It has not been the practice hitherto to refer, for the sanction of the Government of India, mere acting promotions to the grade of Sub-Collector and Joint Magistrate. As, however, these appointments are entered as separate offices in the schedule to the Statute cited above, such sanction will, in future, be necessary under the terms of rule 2. I am to say that references on the subject of these acting promotions will be regarded as of a purely formal character, but the Government of India are precluded by the requirements of the rule, as sanctioned by the Secretary of State in Council, from dispensing with them.

4. I am to invite the attention of the Governor in Council to paragraph 4 of the Despatch, under which the sanction of the Government of India, instead of that of the Secretary of State, will, in future, be sufficient for the appointment of Europeans who are not Statutory Natives of India to offices carrying a salary of Rs. 200 a month and upwards—*vide* paragraph 2 of the Secretary of State's Despatch to the Government of Madras, No. 9, dated 10th July 1879, and paragraph 9 (condition V) of my letter of the 27th May last.

5. In paragraph 5 of the Despatch, the Secretary of State observes that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject, I am to invite a reference to paragraph 14 of Mr. MacDonnell's letter, No. 300, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute, 33 Vict., Cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India as defined in section 6 to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment in a regulation province can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., Cap. 54) if the office in question is entered in the schedule to that Statute. In the non-regulation provinces, or in the regulation provinces if the office in question is not a "scheduled" post, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

6. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service, who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all presidencies and provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions and to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

- (1) The Statutory Civilians, who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list immediately after the Civil Service gradation list. Their names should also be retained in italics and without serial numbers in their appropriate places, determined according to the date of their confirmation,* in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.
- * Letter to the Government of Madras, No. 300, dated the 14th February 1890 (paragraph 11).
 Letter to the Government of Madras, No. 1543, dated the 8th August 1890.
 Letter to the Government of Madras, No. 1535, dated the 27th May 1892 (paragraph 5).

These instructions supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists

is different in different provinces. In the Madras Civil List, corrected to 1st October 1892, there is a separate list of Statutory Civilians at pages 60 to 63, but their names are not shown in the Civil Service gradation list. The Civil List for the North-Western Provinces and Oudh, corrected up to 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S. referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have *ceteris paribus* a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Civil Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the Headship of a District which have been amalgamated with the grades of Deputy Collectors (paragraph 6 of Resolution of 21st April 1892); it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3) specifying the number of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last and again to invite the attention of the Madras Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians nor members of the Provincial Service. An example of such appointments would be that of a barrister to a judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that, where they exist, they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

7. It is understood that the notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the Madras Government. I am to request that it may now be issued, the Provincial Service in the Madras Presidency being designated the "Madras Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

ENCLOSURES.

Despatch from the Right Honorable Her Majesty's Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council, dated India Office, London, 31st August 1892, No. 85, Public.

My Lord Marquis,—I have considered in Council the letter of your Government, No. 39, dated the 7th of June last, relating to your action in carrying out the instructions of my predecessor on the subject of the recommendations of the Public Service Commission as regards the higher branches of the Judicial and Executive Services in India, and also submitting for sanction the draft of new rules to be prescribed by you under Statute 33 Vict., Cap. 3, Section 6.

2. The draft rules have by my directions been revised and altered so that one set of rules may suffice for all the regulation provinces and take the place of the four sets approved by your Government. As revised, they have been sanctioned by me in Council, with the concurrence of a majority of the members present. I enclose a copy of them as so sanctioned, and they can at once be prescribed (to use the language of Section 6 of 33 Vict., Cap. 3) by your Government unless you consider that they require alteration or amendment, in which case they must again be referred to me or final sanction before they can be issued.

4. I observe that in your letters to the various local Governments your Excellency in Council has repeated the provisions of the orders of 1879 in the form that Europeans who are not Natives of India may be recruited into the Provincial Civil Service on complying with certain conditions, with the sanction of the Secretary of State as regards Madras and Bombay, and of the Government of India as regards the other provinces. I am of opinion that it will be sufficient in future and more convenient that the sanction of the Government of India only should be obtained in all presidencies and provinces alike.

5. The admission of Europeans who are not Natives of India into the Provincial Civil Services involves the question of their eligibility for promotion to those higher offices hitherto reserved for the Civil Service of India, which are named in your list as those specifically thrown open to the Provincial Services. On this subject my predecessor made some observations in his Despatch of the 12th September 1889, which I have no doubt your Lordship will have kept in view in considering and preparing these various rules and notifications, particularly the notifications which you propose to extend by executive order to those provinces in which the Statute of 1870 is not in force.

Notification of the Government of India, Home Department (Public), dated Simla, the 2nd November 1892, No. 2159.

In exercise of the power conferred by Statute 33 Victoria, Chapter 3, Section 6, and in supersession of the rules published in Notification, No. 1534, dated the 22nd August 1879, the Governor-General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability to any of the offices, places and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor-General of India in Council.

2. The local Government may, with the previous sanction of the Governor-General in Council (but not otherwise), at any time appoint any Native of India of proved merit and ability to any of the offices, places and employments specified by such local Government in any such notification as in rule 1 is mentioned; provided that not more than one-fourth of the offices, places and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to that local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., Cap. 3, Section 6, to an office, place or employment in the Civil Service of India.

3. The local Government may (with the previous sanction of the Governor-General in Council, in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The local Government may at any time suspend and, with the previous sanction of the Governor-General in Council, remove any person appointed by such local Government under these rules.

(Signed) C. J. LYALL,
Secretary to the Government of India.

ORDER—dated 16th December 1892, No. 877, Public.

Recorded.

2. The letter read above will be communicated to the Accountant-General, together with copies of the correspondence noted in the margin, for the necessary action with reference to paragraph 6.

No. 401, dated 4th June 1890.

" 662, " 29th Sept. "

" 776, " 17th Nov. "

Nos. 61-62, " 23rd Jan. 1891.

No. 342, " 18th May 1892.

533 " 558, " 24th Aug. "

" 575, " 16 Dec. "

3. With advertence to clause (2) of that paragraph, the Government considers that it would be more convenient if the names of Statutory Civilians who join the Provincial Service were distinguished by the employment of a distinct style of type instead of by marks or letters.

4. The Accountant-General is also requested to report at an early date what plan he would propose to ensure that the claims of Provincial officers to listed posts are not overlooked. The instructions in clause (1) of paragraph 6 of the letter read above provide, in this respect, for the case of Statutory Civilians, but, as Provincial officers will be shown in a list distinct from that of Indian Civilians, some notes in the latter seem necessary as to the number of appointments which can be allotted to the Provincial and Statutory Services combined after the claims of Indian Civilians of different years have been satisfied.

5. The notification appended to Home Department letter recorded in G.O., dated 18th May 1892, No. 342, and Home Department Notification, dated 2nd November 1892, No. 2159, will be published in three consecutive issues of the *Fort St. George Gazette*.

(True Extract.)

Chief Secretary.

To the Accountant-General.

Copy to the Revenue Department.
Gazette.

Exd. S. J. Pereira.

15

V.E

Resubmitted to the
Honorable Mr. Garton C.S. J.
as the Hon. Member has
not initialed the draft. The
proposals were circulated with
in the same box as the
letter to India with the
draft rules regarding the
Provincial Service, but the
Hon. Member appears to
have overlooked them.
They have been put into
broadsheet form for convenience.
It is desirable that the
Accountant General should
have this order as early as
possible in connection with
the bill.

They must have been hidden in the
box very carefully, for I am bringing
them to your attention before long.
I am, Sir, very respectfully,
18/12 24/12

Pub for 877-16-12-92
Sent to Mr. Garton -

14/12

16

7

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper :—

From C. J. LYALL, Esq., C.I.E., Secretary to the Government of India (Home Department—Public), to the Chief Secretary to the Government of Madras, dated Simla, the 10th November 1892, No. 2194.

In continuation of my letter, No. 1535, dated the 27th May 1892, I am directed to forward the accompanying extracts * from a Despatch, No. 85 (Public), dated the 31st August 1892, from the Secretary

of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., Cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification, No. 2152, dated the 2nd instant, is also enclosed for the information of the Madras Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution, No. ^{9 Public} 1342-1352, dated the 21st April 1892, which authorize the local Government to nominate, without reference to the Government of India, members of the Madras Provincial Civil Service to any office listed as open to that service, with the exception of the Headship of a District or a District and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including, of course, such Statutory Civilians as may have been transferred to that service, or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by rule 2 of the enclosed rules, under which the previous sanction of the Governor-General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of rule 2 is to continue in their case the principle of the existing orders regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade, which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Head Assistant. These promotions may continue to be made by the local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of District and Sessions Judge, or to any other office, such as that of Sub-Collector and Joint Magistrate or Under-Secretary to Government, which is entered as a separate office in the schedule to the Statute 24 and 25 Vict., Cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote.

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5. In paragraph 5 of the Despatch, the Secretary of State observes that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject, I am to invite a reference to paragraph 14 of Mr. MacDonnell's letter, No. 300, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute, 33 Vict., Cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India as defined in section 6 to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment in a regulation province can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., Cap. 54) if the office in question is entered in the schedule to that Statute. In the non-regulation provinces, or in the regulation provinces if the office in question is not a "scheduled" post, but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

6. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service, who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all presidencies and provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions and to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

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* Letter to the Government of Madras, No. 300, dated the 14th February 1890 (paragraph 11).

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italics and without serial numbers in their appropriate places, determined according to the date of their confirmation,* in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

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is different in different provinces. In the Madras Civil List, corrected to 1st October 1892, there is a separate list of Statutory Civilians at pages 60 to 63, but their names are not shown in the Civil Service gradation list. The Civil List for the North-Western Provinces and Oudh, corrected up to 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S. referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have *ceteris paribus* a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Civil Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

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7. It is understood that the notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the Madras Government. I am to request that it may now be issued, the Provincial Service in the Madras Presidency being designated the "Madras Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

ENCLOSURES.

Despatch from the Right Honorable Her Majesty's Secretary of State for India, to His Excellency the Most Honorable the Governor-General of India in Council, dated India Office, London, 31st August 1892, No. 85, Public.

My Lord Marquis,—I have considered in Council the letter of your Government, No. 39, dated the 7th of June last, relating to your action in carrying out the instructions of my predecessor on the subject of the recommendations of the Public Service Commission as regards the higher branches of the Judicial and Executive Services in India, and also submitting for sanction the draft of new rules to be prescribed by you under Statute 33 Vict., Cap. 3, Section 6.

2. The draft rules have by my directions been revised and altered so that one set of rules may suffice for all the regulation provinces and take the place of the four sets approved by your Government. As revised, they have been sanctioned by me in Council, with the concurrence of a majority of the members present. I enclose a copy of them as so sanctioned, and they can at once be prescribed (to use the language of Section 6 of 33 Vict., Cap. 3) by your Government unless you consider that they require alteration or amendment, in which case they must again be referred to me or final sanction before they can be issued.

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5. The admission of Europeans who are not Natives of India into the Provincial Civil Services involves the question of their eligibility for promotion to those higher offices hitherto reserved for the Civil Service of India, which are named in your list as those specifically thrown open to the Provincial Services. On this subject my predecessor made some observations in his Despatch of the 12th September 1889, which I have no doubt your Lordship will have kept in view in considering and preparing these various rules and notifications, particularly the notifications which you propose to extend by executive order to those provinces in which the Statute of 1870 is not in force.

Notification of the Government of India, Home Department (Public), dated Simla, the 2nd November 1892, No. 2159.

In exercise of the power conferred by Statute 33 Victoria, Chapter 3, Section 6, and in supersession of the rules published in Notification, No. 1534, dated the 22nd August 1879, the Governor-General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability to any of the offices, places and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor-General of India in Council.

2. The local Government may, with the previous sanction of the Governor-General in Council (but not otherwise), at any time appoint any Native of India of proved merit and ability to any of the offices, places and employments specified by such local Government in any such notification as in rule 1 is mentioned; provided that not more than one-fourth of the offices, places and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to that local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., Cap. 3, Section 6, to an office, place or employment in the Civil Service of India.

3. The local Government may (with the previous sanction of the Governor-General in Council, in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The local Government may at any time suspend and, with the previous sanction of the Governor-General in Council, remove any person appointed by such local Government under these rules.

(Signed) C. J. LYALL,
Secretary to the Government of India.

ORDER—dated 16th December 1892, No. 877, Public.

Recorded.

2. The letter read above will be communicated to the Accountant-General, together with copies of the correspondence noted in the margin, for the necessary action with reference to paragraph 6.

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Nos. 61-62, " 23rd Jan. 1891.
No. 342, " 18th May 1892.
" 583, " 24th Aug. "
" 875, " 16 "

3. With advertence to clause (2) of that paragraph, the Government considers that it would be more convenient if the names of Statutory Civilians who join the Provincial Service were distinguished by the employment of a distinct style of type instead of by marks or letters.

4. The Accountant-General is also requested to report at an early date what plan he would propose to ensure that the claims of Provincial officers to listed posts are not overlooked. The instructions in clause (1) of paragraph 6 of the letter read above provide, in this respect, for the case of Statutory Civilians, but, as Provincial officers will be shown in a list distinct from that of Indian Civilians, some notes in the latter seem necessary as to the number of appointments which can be allotted to the Provincial and Statutory Services combined after the claims of Indian Civilians of different years have been satisfied.

5. The notification appended to Home Department letter recorded in G.O., dated 18th May 1892, No. 342, and Home Department Notification, dated 2nd November 1892, No. 2159, will be published in three consecutive issues of the *Fort St. George Gazette*.

(True Extract.)

Chief Secretary.

To the Accountant-General.

Copy to the Revenue Department.
Gazette.

Exd. S. J. Pereira.

NO. 2194.

FROM

C. J. LYALL, ESQ., C.I.E.,
Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department
Public

CHIEF SECRETARY
16 NOV 92
GOVERNMENT OF MADRAS

Simla, the 10th November 1892.

SIR,

IN continuation of my letter No. 1535, dated the 27th May 1892, I am directed to forward the accompanying extracts* from a Despatch No. 85 (Public), dated the 31st August 1892, from the Secretary of State, sanctioning a revised set of rules under section 6 of the Statute of 1870, 33 Vict., Cap. 3, for the appointment of Natives of India to offices reserved for members of the Indian Civil Service. A copy of the revised rules as issued by the Government of India with Home Department Notification No. 2159, dated the 2nd instant, is also enclosed for the information of the Madras Government, and I am to convey the following remarks and instructions for future guidance in connection with them.

2. Rule 1 is in accordance with the orders contained in paragraph 8 of this Department's Resolution No. ^{9 Public} 1344-1352, dated the 21st April 1892, which authorize the Local Government to nominate, without reference to the Government of India, members of the Madras Provincial Civil Service to any office listed as open to that service, with the exception of the Headship of a District or a District and Sessions Judgeship, in cases in which the vacancy to be filled in the latter offices is permanent or for a period of more than three months. This Rule, it will be observed, applies only to the appointment to reserved posts of members of the Provincial Civil Service, including, of course, such Statutory Civilians as may have been transferred to that service, or as may now avail themselves of the option of joining it offered in paragraph 5 of my letter of the 27th May last.

3. The case of Statutory Civilians who elect to remain in their present position will be governed by Rule 2 of the enclosed rules, under which the previous sanction of the Governor General in Council is required to their appointment to any listed post. As explained in my letter of the 27th May last (paragraph 5), such Statutory Civilians hold appointments outside both the Covenanted and the Provincial Civil Services, and the effect of Rule 2 is to continue in their case the principle of the existing orders regulating their promotion. The sanction of the Government of India will not be required to promotions merely from grade to grade, which do not involve a change in the duties and responsibilities discharged, such as that of an Assistant Collector to be a Head Assistant. These promotions may continue to be made by the Local Government of its own motion. The sanction of the Government of India will, however, be required before any promotion, however temporary, of a Statutory Civilian who remains in his present position is made to the office of Collector and District Magistrate, or of District and Sessions Judge, or to any other office, such as that of Sub-Collector and Joint Magistrate or Under-Secretary to Government, which is entered as a separate office in the Schedule to the Statute 24 and 25 Vict., Cap. 54, or the duties of which differ in character from those of the substantive appointment of the officer whom it is proposed to promote:

Sub. Secy. to Govt.
much difference
between the
of an Assistant
Head Assistant
between the
Head Assn.
and a Sub.

It has not been the practice hitherto to refer for the sanction of the Government of India mere acting promotions to the grade of Sub-Collector and Joint Magistrate. As, however, these appointments are entered as separate offices in the Schedule to the Statute cited above such sanction will in future be necessary under the terms of Rule 2. I am to say that references on the subject of these acting promotions will be regarded as of a purely formal character, but the Government of India are precluded by the requirements of the Rule as sanctioned by the Secretary of State in Council from dispensing with them.

4. I am to invite the attention of the Governor in Council to paragraph 4 of the Despatch, under which the sanction of the Government of India, instead of that of the Secretary of State, will in future be sufficient for the appointment of Europeans who are not Statutory Natives of India to offices carrying a salary of Rs. 200 a month and upwards. (Vide paragraph 2 of the Secretary of State's Despatch to the Government of Madras, No. 9, dated 10th July 1879, and paragraph 9 (Condition V) of my letter of the 27th May last.)

5. In paragraph 5 of the Despatch the Secretary of State observes that the admission of Europeans to the Provincial Service involves the question of their eligibility for the higher offices hitherto reserved for the Civil Service of India, which are named in the Resolution of the 21st April last as those specifically thrown open to the Provincial Civil Service. On this subject, I am to invite a reference to paragraph 14 of Mr. MacDonnell's letter No. 300, dated the 14th February 1890. From the nature of the case Europeans who are not Natives of India within the definition contained in section 6 of the Statute, 33 Vict., Cap. 3, cannot be appointed to any listed posts under the rules now promulgated, inasmuch as the rules themselves and the Statute under which they are framed only authorize the appointment of Natives of India, as defined in section 6, to posts ordinarily held by members of the Indian Civil Service. If it is considered desirable at any time in the public interests to appoint a European member of the Provincial Service to any of the listed posts, the appointment in a Regulation Province can only be made in accordance with the procedure of sections 3 and 4 of the Civil Service Statute of 1861 (24 and 25 Vict., Cap. 54) if the office in question is entered in the Schedule to that Statute. In the non-Regulation Provinces, or in the Regulation Provinces if the office in question is not a "scheduled" post but only reserved for members of the Indian Civil Service by executive order, the appointment of a European member of the Provincial Service can only be made with the previous sanction, as an executive measure, of the Secretary of State.

6. The Government of India desire to take this opportunity of issuing instructions regarding the manner in which Statutory Civilians and officers of the Provincial Service, who hold posts ordinarily reserved for the Civil Service of India, should be shown in the Quarterly Civil Lists. It is desirable that the practice in this matter should be uniform in all Presidencies and Provinces, so that the number and proportion of reserved posts which are held by persons who are not members of the Indian Civil Service may be readily ascertainable on a reference to the Civil Lists. I am accordingly to convey the following instructions, and to request that they may be carefully observed in future issues of the Quarterly Civil Lists:—

(1) The Statutory Civilians, who elect to remain in their present position and do not join the Provincial Service, should be shown in a separate list, immediately after the Civil Service gradation list. Their names should also be retained in italics, and without serial numbers, in their appropriate places, determined according to the date of their confirmation,* in the gradation list of the Indian Civil Service, so that their relative position for promotion as compared with Indian Civilians may be quite clear.

These instructions supersede all previous orders on this subject. The present practice in the matter of showing the names of Statutory Civilians in the Civil Lists is different in different Provinces. In the Madras Civil List, corrected to 1st October 1892, there is a separate list of Statutory Civilians at

pages 60 to 63, but their names are not shown in the Civil Service gradation list. The Civil List for the North-Western Provinces and Oudh, corrected up to 1st October 1892, follows the arrangement which the Government of India would now be glad to see generally adopted.

(2) The names of the Statutory Civilians who join the Provincial Service should be removed from the list of Statutory Civilians and entered in their proper places in the list of members of the Provincial Service. A note should be added against their names (or some distinctive mark or letter, such as Ex-S. referring to a note) explaining that they are ex-Statutory Civilians transferred to the Provincial Service, and that they have *ceteris paribus* a preferential claim to promotion to listed posts over other equally qualified members of the Provincial Service, as explained in the letters cited in the margin above.

(3) After the list of Statutory Civilians who retain their present position there should be a list showing the names of those members of the Provincial Civil Service who are holding substantively or officiating in posts ordinarily reserved for the Civil Service of India listed as open to the Provincial Service. The posts which they are holding or in which they are officiating should also be shown.

(4) As regards the reserved offices inferior to the Headship of a District which have been amalgamated with the grades of Deputy Collectors (paragraph 6 of Resolution of 21st April 1892), it probably will not be possible to show the incumbents by name. A note should accordingly be added after the list of Provincial Service officers referred to above in sub-paragraph (3) specifying the number of such transferred offices which are held by members of the Provincial Service. I am also to refer you to the latter part of paragraph 9 of the Resolution of the 21st April last, and again to invite the attention of the Madras Government to the necessity for showing the number of transferred appointments against the grades of the Provincial Service to which they are attached.

(5) There remains the case of exceptional appointments—permanent or officiating—to reserved posts of persons (other than members of the Civil Service of India or the non-Regulation Commissions) who are neither Statutory Civilians, nor members of the Provincial Service. An example of such appointments would be that of a barrister to a judicial post otherwise than under the rules relating to the Provincial Services; other appointments to offices which are included in the cadre of recruitment for the Indian Civil Service might also occasionally be made with the sanction of the Secretary of State. Such appointments are quite exceptional, but the Government of India desire that, where they exist, they should be separately shown in the Civil Lists, and I am to request that they may be shown in future immediately after the list of Provincial Service officers holding reserved posts referred to above.

7. It is understood that the Notification suggested in paragraph 9 of the Resolution of the 21st April has not yet been issued by the Madras Government. I am to request that it may now be issued, the Provincial Service in the Madras Presidency being designated the "Madras Provincial Civil Service" in conformity with the wording of the rules sanctioned by the Secretary of State.

I have the honour to be,

SIR,

Your most obedient Servant,

C. J. Hall

Secretary to the Government of India.

* Letter to the Government of Madras, No. 300, dated the 14th February 1890 (paragraph 11).

Letter to the Government of Madras, No. 1543, dated the 8th August 1890.

Letter to the Government of Madras, No. 1535, dated the 27th May 1890 (paragraph 5).

Statutory Civilians
Officers

Show them
in different
type - not to
be lost

8-0-342
18-5-92

4 17

INDIA OFFICE,
London, 31st August 1892.

Public,
No. 85.

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,—I have considered in Council the letter of your Government No. 39, dated the 7th of June last, relating to your action in carrying out the instructions of my predecessor on the subject of the recommendations of the Public Service Commission as regards the higher branches of the Judicial and Executive Services in India, and also submitting for sanction the draft of new rules to be prescribed by you under Statute 33, Vict., Cap. 3, Section 6.

2. The draft rules have by my directions been revised and altered so that one set of rules may suffice for all the Regulation Provinces and take the place of the four sets approved by your Government. As revised, they have been sanctioned by me in Council, with the concurrence of a majority of the members present. I enclose a copy of them as so sanctioned, and they can at once be prescribed (to use the language of Section 6 of 33 Vict., Cap. 3) by your Government, unless you consider that they require alteration or amendment, in which case they must again be referred to me for final sanction before they can be issued.

* * * * *

4. I observe that in your letters to the various Local Governments your Excellency in Council has repeated the provisions of the orders of 1879 in the form that Europeans who are not Natives of India may be recruited into the Provincial Civil Service on complying with certain conditions, with the sanction of the Secretary of State as regards Madras and Bombay, and of the Government of India as regards the other Provinces. I am of opinion that it will be sufficient in future and more convenient that the sanction of the Government of India only should be obtained in all Presidencies and Provinces alike.

5. The admission of Europeans who are not Natives of India into the Provincial Civil Services involves the question of their eligibility for promotion to those higher offices hitherto reserved for the Civil Service of India, which are named in your list as those specifically thrown open to the Provincial Services. On this subject my predecessor made some observations in his Despatch of the 12th September 1889, which I have no doubt your Lordship will have kept in view in considering and preparing these various rules and notifications, particularly the notifications which you propose to extend by Executive order to those Provinces in which the Statute of 1870 is not in force.

I have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient humble Servant,

KIMBERLEY.

5
19
No. 2159.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

Simla, the 2nd November 1892.

NOTIFICATION.

IN exercise of the power conferred by Statute 33 Victoria, Chapter 3, Section 6, and in supersession of the rules published in Notification No. 1534, dated the 22nd August 1879, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :—

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a Native of India and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of India, to fill which it has been declared by such Local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed; provided that no appointment shall be made to the office of District and Sessions Judge, or Chief Administrative Officer of a district, or to any administrative office of higher rank, if the vacancy to be filled is permanent, or for a period of more than three months, without the sanction of the Governor General of India in Council.

2. The Local Government may, with the previous sanction of the Governor General in Council (but not otherwise), at any time appoint any Native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such notification as in Rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by Natives of India not members of the Provincial Civil Service subordinate to that Local Government; but this proviso shall not apply to or include any Native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under Statute 33 Vict., Cap. 3, Section 6, to an office, place, or employment in the Civil Service of India.

3. The Local Government may (with the previous sanction of the Governor General in Council, in any case in which such sanction is required for a permanent appointment) declare any appointment to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

4. The Local Government may at any time suspend and, with the previous sanction of the Governor General in Council, remove any person appointed by such Local Government under these rules.

C. J. LYALL,

Secretary to the Government of India.

1882
Pub. Dept.
No. 20
301

Pub DEPARTMENT.

From

The Govt of India
Home Department.

No. 2194

Dated 10th }
Received 16th } 20/10/92
Enclosures 2

SUBJECT.

Forwarding extracts from a despatch
No 85-(Public) & 31st Aug/92 from the
Secy. of State, sanctioning a revised
set of rules under Sec 6 of the Statute
of 1870 35 Vict. Cap. 3 for the appo-
intment of natives of India to offices reserved
for members of the Indian Civil Service.

17/5/92 Lt 342 Prod Prod
25/7/92 Lt 507
C 10/10/92

* Order and Rules: 15.3.55 in circulation
27.5.92

* No 401. 7.4.6.90
" 662 27.29.9.90.
" 776 27.17.11.90.
" 61/2 " 23.12.91.
" 342 " 18.5.92
" 558 " 24.8.92
* 11-92

* Order and Rules: 15.3.55 in circulation
27.5.92

They may be able to
be distinguished by the
letters to show them who
like P. Ramchandran Row
may be distinguished from R. Row
as distinguished from R. Row
- Chandran Row who has been
all along P. Row. They have
different initials.

Having gone to India
has been distinguished that
some of them who have been
from the P. Row. Row has
been all along to do so.

It is not possible to
distinguish between the
all of all ex.

Read C. No 3192.

Order.

Recorded

The letter read above
will be communicated

2. Communicated to the Accountant
General, together with copies of the
correspondence noted in the margin,
for the necessary action with reference
to para 6 of the letter.

3. With ^{advise} reference to clause (2) of
that paragraph, the Govt. considers
that it would be more convenient
if the names of Statutory Civilians
who join the Provincial Service were
distinguished by the employment of
a distinct style of type instead of by
marks or letters.

4. The Accountant General is
also requested to report, at an early
date, what plan he would propose
to ensure that the claims of
Provincial officers to listed posts
are not overlooked. The instructions
in clause (1) of para 6 of the
letter read above provide, in this
respect, for the case of Statutory
Civilians but, as Provincial Officers
will be shown in a list distinct
from that of Indian Civilians,
some notes in the latter seem
necessary as to the number of
appointments which can be
allotted to the Provincial Service
and Statutory Services combined
after

after the claims of Indian
Civilians of different years
have been satisfied.

5. The Notification appended
to ~~the~~ ^{Home Dept.} letter recorded in
G.O. of 18 May 1892 No. 342 and
Home Dept. Notification of 2.11.92
No. 2159 will be published in
three consecutive issues of
the Fort St. George Gazette.

C.S.
20/10
to.

24 Nov
Don't burn!

Accel. Genl (with papers as per para 2).
Copy to the Revenue Dept.
Gazette.

Note

Paras 3 and 4 of the above
draft are submitted for orders.

With reference to para 3, it is
submitted that the Civil list has
quite enough notes in it as it is that
the Provincial Service scheme will
retain a good number more.

Para 4 raises a point which
India has overlooked throughout
this correspondence. Something in
the direction is absolutely necessary
to permit of working out appt. The
procedure detailed in para 6 (1)
of India's letter is, and has for a
long time been, followed in the
office copies of the Civil list, the
entries being made by hand. The
question of Provincial officers & their
claims is one ^{regarding} which so far
no plan, other than that described
in para 4 of the draft, has

In the first "Provincial
& changing
Service" into "Major
Provincial Service."

I don't see the difficulty. As soon as the
Civilians of 1899 are confirmed as collectors
or judges, there will be no claims except
of Statutory & Provincial Service men to
listed posts. But I don't object to the
proposed reference to the Civil list.

W.S.
p. 60

suggested itself

C.S.
20/10

9.

Provincial Service

Circulate

C. 30/10	C. 2/12	C. 3/12	C. 4/12
R. 2/12	R. 3/12	R. 5/12	R. 6/12

28.174/9
10/80

~~186/8/8~~

~~25/6/81/55~~

8941/8

24.84
1/RH

331/RH/84

~~9/8/84/24~~

51/8/14