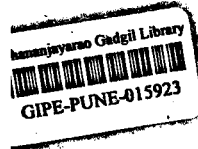


S 1723



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1

Representation to the Government
on the Position of Natives of India
in the Minor Civil Services.
R/377 S1722

from

The HONORARY SECRETARY,

To the INDIAN ASSOCIATION

The SECRETARY to the GOVERNMENT of INDIA,

HOME DEPARTMENT.

DATED CALCUTTA, THE 16TH DECEMBER, 1899.

SIR,

I am directed by the Committee of the Indian Association to submit the following representation for the consideration of his Excellency the Viceroy in Council, regarding the wider employment of the people of these Provinces in the higher appointments in the Minor Civil Services, *viz.*, the Police, the Public Works, the Opium, the Customs, the Survey, the Telegraph and other Departments :—

2. The Proclamation of the 1st November 1858, laid down the broad principle that merit and not race was to be the sole test of qualification for public employment. It authoritatively discarded all considerations of racial disqualification; and as such it was hailed and is still cherished as the Magna Charta of the people's rights and privileges, with this difference that whereas the English Magna Charta was wrung by rebellious barons, the Indian Magna Charta was the spontaneous gift of a beneficent Sovereign. The Proclamation of the Queen, said Lord Lytton in 1874, was "inadequately redeemed"; and on the 4th November, 1886, a commission was appointed by a Resolution of the Government of India, known as the Public Service Commission, "to devise a scheme which may reasonably be hoped to put in the elements of finality and to do full justice to the claims of native India to higher and more extensive employment in the Public Service. This Commission submitted its Report on the 23rd December 1888. The Committee of the Indian Association do not propose to discuss the question as to whether the claims of the people of India are to be met."

it is much less than what should have been done, and they have no hesitation in affirming that the terms of the Queen's Proclamation cannot be adequately redeemed unless and until Simultaneous Examinations are held in India, as well as in England for admission to the Covenanted and other Indian Civil Services. However that may be, the Committee respectfully submit that whatever advances have been made towards the fulfilment of the Queen's Proclamation and the carrying out of the recommendations of the Public Service Commission in connection with the Covenanted Civil Services, little or nothing has been done to satisfy the just "claims of natives of India to their higher and more extensive employment" in the Minor Civil Services; and the fact remains that here, at any rate, political considerations do not block the way. The maintenance of British supremacy or even of British prestige in India does not require that the higher appointments in the Forest Department or the Opium or the Customs or the Survey Department should be manned exclusively by British officers. It is a remarkable fact that in the Parliamentary Blue-Book which was issued embodying the views of the various Indian Governments on the Resolution of the House of Commons of the 2nd June, 1893, affirming the principle of Simultaneous Examinations in connection with the Indian Civil Services, not a single opinion is to be found recorded by any Government, Imperial or Local, against the principle of Simultaneous Examinations in respect of the Minor Civil Services. The Committee will for a moment call attention to the discussion which took place in connection with the Resolution of the House of Commons referred to above. The terms of the Resolution are as follows:—

"That all open competitive examinations heretofore held in England alone for the appointments to the Civil Services of India shall henceforth be held simultaneously both in India and England, such examinations in both countries being identical in their nature, and all who compete being finally classified in one list according to merit."

3 The Government of that day did not accept the Resolution, but forwarded it to the Government of India for their opinion. The Government of India consulted the various Local Governments. The papers connected with that discussion have been published in a Parliamentary Blue-Book, and will appear from them that whereas all the Governments, Imperial and Local, with the exception of the Government of Madras, were opposed to the holding of Simultaneous Examinations in connection with the Covenanted Civil Service, not a single Government said a word by way of condemnation of the principle of Simultaneous Examinations in regard to the Minor Civil Services, although the Resolution of the House of Commons which was passed by those Governments affirmed the principle of Simultaneous Examinations generally in connection with the Indian Civil Services. The Committee will call attention to the word "Services" which they have italicised, and therefore justified in holding that the various G

the higher offices in those Services, in respect of which by no stretch of language could it be held that political considerations were operative. But what are the facts? There are whole departments from the higher offices of which Indians are altogether excluded. The higher offices in the Opium, the Forest, the Survey, the Customs, the Telegraph, the Public Works and the Police are the monopoly of others than the children of the soil. In respect of these great Departments, the Proclamation of the Sovereign and the recommendations of the Public Service Commission remain a dead letter. The Public Service Commission submitted its Report in December 1887. The Commission made definite and distinct recommendations. Nearly twelve years have now elapsed since those recommendations were made and no serious effort has been made by the Government to carry them out, as will be abundantly clear from the statements which are appended to this letter which, though compiled a few months back, are substantially correct. These statements are mainly drawn up from the Bengal Civil List, and the Committee desire to offer a few observations with regard to each of the Departments included in the statements :—

4. *Forest Department.*—It will be seen that there are 24 appointments in the Bengal establishment in connection with this Department. Of these, 22 are held by Europeans and 2 by natives of India, both in the lowest grade of Extra-Assistants. The Public Service Commission recommended “that the Government should keep in view the policy of training in India men qualified to take charge of the higher administrative appointments so as to avoid as far as possible the necessity for expanding the Imperial Branch of the Service.” The Committee submit that this policy has not been kept in view. No arrangements have been made in this country for training natives of India for the higher administrative appointments in this Department.

5. *Customs Department.*—There are thirty-three superior appointments in the Customs Department. Of these, thirty-one appointments are filled by Europeans and Eurasians, and only one by a native of India, and one is vacant. Referring to the eligibility of natives of India to offices in this Department, the late Sir Charles Trevelyan, who was for sometime Governor of Madras and Finance Minister to the Government of India, observed: “There are whole classes of employment for which the natives are specially qualified. The natives of India are specially qualified for revenue functions.” This high authority then goes on to say:—“The whole of the appointments in the Customs might be filled by natives.” As a matter of fact, however, in the Bengal Establishment not a single appointment in the higher grades of this Department is filled by a native of India. To be a native of India is apparently a disqualification for appointment in this Department.

6. *The Preventive Service*—is a branch of the Customs Department. There are 157 appointments in it all held by Europeans. Moreover there are

about 100 apprentices, only one of whom is a non-European—he was born in India of a Mohamedan mother and European father belonging to the Murshidabad family. Yet the Public Service Commission recommended in this connection that “there is no ground for the exclusion of qualified candidates of any race from the appraisers or the Preventive Branches of the Department.” The Commission further pointed out that “native Christians in Bombay have been employed in the Preventive Service while a Brahmin Preventive officer in Madras is admittedly efficient, and in discharging his duties has experienced no difficulty owing to his race.” The Committee have been given to understand that a Parsi gentleman so efficiently performed his duties as an appraiser in the Bombay Customs Department that he was asked by the authorities after he had retired on pension to rejoin his appointment, on the passing of the Tariff Act imposing duties on imported goods.

7. *Salt Department.*—This Department has recently been transferred to the Bengal Government. The superior appointments are yet in abeyance, but the Committee have learnt, they must confess with some sense of surprise, that natives of India will not be taken as at present advised. The superior offices will chiefly be filled by Europeans.

8. *The Opium Department.*—It will be seen from page 3 of the Statement that in the Bengal establishment as shewn in the Bengal Civil List there are 77 appointments in the higher grades of the Opium Department, and of these 77 appointments, only 8 are held by natives of India. There are entire grades from which natives of India are excluded. To say nothing of the highest appointments such as Opium Agents and Factory Superintendents, there is not a single native of India in the entire grade of Sub-Deputy Agents nor even in the first grade of Assistant Opium Agents. It is not until we come to the second grade of Assistant Opium Agents that we find any Hindoo or Mohamedan holding an appointment in that and the lower grades. The eight appointments out of the seventy-seven are held by natives of India in the lower grades of the Opium Department, though the Public Service Commission recommended twelve years ago that “the future recruitment for this department would be subject to the general principle of equality of treatment of all classes of Her Majesty’s subjects.” The Committee of the Indian Association venture respectfully to submit, in the light of the facts which they have just submitted, that not even the semblance of an approach has been made to that “equality of treatment of all classes of Her Majesty’s subjects,” in regard to recruitment for this Department, which the Public Service Commission recommended twelve years ago.

9. *The Postal Department.*—There are fifty superior appointments in the Postal Department in Bengal. Out of these, only sixteen are held by natives of India. It will be seen that the bulk of these appointments belong to the grade of Superintendents. Not a single native of India holds the substantive appointment of a Deputy or Assistant Director General or of Post Master General or of Deputy Post Master General. Again so far as ^{generally} in connection with attention to the word “Services” will...

Presidency Post Masterships or Deputy or Assistant Post Masterships are concerned, not one of these offices is held by a native of India. Even as regards the twenty-eight Superintendents, fifteen are Europeans and thirteen natives of India.

10. *The Telegraph Department.*—There are in the Indian Telegraph Department 79 superior appointments, exclusive of the Examiner and Deputy Examiner of Accounts. All these appointments, with four exceptions, are held by Europeans and Eurasians. The Government of India resolved, on the recommendation of the Public Service Commission, to make some appointments to the Telegraph Service on the provincial scale of pay, which is about 66 per cent. of the scale of English pay, from among the native students of the Thomason College, Roorkee (*vide* Government of India P. W. D., Resolution No. 156 P. E. of 25th August, 1892). Since the introduction of the Provincial Scale of pay in June, 1892, thirty-two appointments have been made, out of which eight appointments have been made in India, and of the eight, only three have been given to Indians; the other five have been conferred on Eurasians. If the Government had exercised the powers which it assumed by the Resolution referred to above more largely, and the terms of which are quoted below,* there would have been a saving of expenditure and a proportionate relief to the finances. The Thomason Engineering College is adequately equipped for the purpose of turning out duly-qualified candidates for the Telegraph Service. There seems to be little doubt that some of the Indian Colleges are turning out students whose services might with advantage be utilized for the Telegraph and other scientific departments, with considerable relief to the public exchequer. Dr. J. C. Bose, Professor of Science in the Presidency College in Calcutta, who has acquired a European reputation by his discoveries in electrical science, thus observed in a paper which he read in London, at a meeting of the Society of Arts, on the Progress of Science Teaching in India:—“The advanced students, whom we hope to train in our laboratories, will form the best material for recruitment to the various scientific departments under the State. The students who now work in the electric science in our Presidency College Laboratory acquire a very high efficiency in it, and it would be an advantage to the Telegraph Department to utilise their services. Indeed, this was at one time contemplated, and Sir Alfred Croft, the retiring Director of Public Instruction, interested himself in it. It is to be hoped that something will be done in this direction.” If the hope expressed by Dr. Bose is fulfilled, a considerable impetus would be imparted to the teaching of science in India, and economy would also be ensured. The Public Service Commission practically made the same recommendation. They recommended the gradual reduction of the staff recruited in England, and the recruitment of a superior local Telegraph Service in India from classes to be established at one or more of the Indian Engineering Colleges (Report of the Public Service Commission page 139).

* “The number of appointments shall ordinarily be two and one in alternate years, but these numbers may be varied according to the requirements of the Department, due notice whereof will be given.”

11. Besides the superior appointments referred to above, there are 85 appointments divided into two grades, one with the initial pay of Rs. 275 and the maximum pay of Rs. 350 and the other with the initial pay of Rs. 250 and the maximum pay of Rs. 275. Of these 85 Sub-Assistant Superintendents only *four* are native Indians. These grades are recruited from the Signalling Establishment; and although a number of native Indian Signallers have undergone a regular course of training at the Telegraph Store Yard at Alipur, the appointments are given to Eurasians and Europeans. In filling up the Superior Service again by gradual promotion, Europeans only are selected to the exclusion of Eurasians and native Indians.

12. The same rule of exclusion prevails even in the lower grades. There are about 150 Telegraph Masters in all in India, and of these only 12 are Indians. The exclusion of native Indians from posts carrying even decent salaries will be best understood from the fact that in the first two grades of Telegraph Masters, the grades having decent allowances attached to them, there is not a *single* native Indian.

13. In the Signalling Establishment too, invidious distinctions are made in filling up the vacancies. There are two scales of Signallers—General and Local—and of these the General Scale Signallers draw respectable salaries. But out of about 840 General Scale Signallers, 47 only are native Indians. Of late very few native Indians have been admitted into the General Scale. Even in the Local Scale, although the pay can hardly be called high, the proportion of native Indians to Eurasians is not satisfactory. Of 770 Signallers in that Scale, only 338 are native Indians.

14. *Survey Department.*—There are thirteen appointments in the superior grades of the Survey Department, and all these appointments are filled by Europeans. The Committee of the Indian Association have to state with very great regret that there seems to be a strange and unaccountable prejudice against the employment of natives of India in the higher work of the Survey Department, despite the fact that it was a Bengalee gentleman, the late Radhanath Sikdar, who performed with great efficiency, the highly responsible duties of Head of the Computing Department of the Great Trigonometrical Survey. This was what Col. Du. Pru, late Head of the Survey Department, placed on record against the employment of natives of India in the higher and more responsible work of the Survey Department :—

“I may here remark incidentally that my numerous late inspections show me that the tendency of the European Surveyors is to stand and look on, while the natives are made to do the drawing and hand-printing, as if they thought themselves quite above that sort of thing. This is a mistake and cannot be permitted for the future. Besides, it is suicidal for the Europeans to admit that natives can do any one thing better than themselves. They should claim to be superior in *everything*, and only allow natives to take a secondary or subordinate part.

"In my old parties, I never permitted a native to touch a theodolite or an original computation on the principle that the triangulation or scientific work was the prerogative of the highly-paid European, and the reservation of the scientific work was the only way by which I could keep a distinction so as to justify the different figures respectively drawn by the two classes between the European in office-time and the native who ran him so close in all the office duties as well as on field duties. Yet I see that natives commonly do the computation, and the Europeans some other inferior duties."

15. The Public Service Commission recommended (page 152 of the Report) "that the admission to the Junior Division (or the Local Service, if the Recommendation of the Commission is adopted) should not be confined to special classes of Her Majesty's subjects in India." Apparently this part of the recommendation of the Public Service Commission has not been given effect to. Only recently eloquent testimony was borne to the ability of natives of India as surveyors by Captain Boileau, who had been employed on survey work in Nyasaland. At a meeting of the Royal Geographical Society held in London, he said that he had received invaluable help from the Indian Surveyors who accompanied him. The whole of the constructive and administrative work of the Uganda Railway is being done by natives of India.

16. *The Jail Department.*—In the Jail Department there are 15 superior appointments, exclusive of 3 Mechanical Engineers, in Bengal, all held by Europeans. One native of India, whose substantive appointment is that of a Jailor, officiates as Deputy-Superintendent of Jail, and yet the Public Service Commission recommended "that when Superintendents' of Jails, central and district, are not medical officers, more opportunity might be given to natives of India to show their fitness for those appointments from which at present they are practically excluded" (page 148, Public Service Commission Report). Twelve years ago, the Public Service Commission wrote in this strain. They called attention to the practical exclusion of natives of India from these appointments. But the remarks hold good now, as they did twelve years ago. The exclusion continues. Nothing has been done to give effect to the recommendations of the Commission.

17. *The Police Department.*—Twelve years ago, the Public Service Commission remarked that "endeavours should be made to introduce a reasonable proportion of natives, regard being had to the efficiency of the service," (page 150 of the Report of the Public Service Commission.) As regards the efficiency of the Service, it is the clear dictum of public opinion, both among Europeans and Indians, that among the Departments of the Government, the least efficient is the Police, and that as an agency for the detection of crime it is hopelessly incompetent. Detective ability involves an intimate knowledge of the habits of thought of the people and of their manners, customs and institutions. It is impossible for ordinary Englishmen, with their aloofness from the people, to possess this knowledge. The result is that seri-

ous crimes are not detected to the extent that they should be, and there is an alarming recrudescence of crime in Bengal. The true remedy for this state of things lies in the wider employment of the people in the higher offices of the Police. In this connection the Committee of the Indian Association would call attention to the Resolution adopted by the Bengal Provincial Conference, consisting of Delegates from various parts of Bengal, which recently met at Burdwan :—

“That in the opinion of the Conference there is much room for the reform of the Police in this Province and that such reform has become urgently necessary in view of the recrudescence of crimes of violence. The Conference has no hesitation in saying that if crimes were readily detected and the perpetrators thereof punished, there would be less of these crimes and that the detective ability of the Police force can only be improved by the wider employment of the people of the country in the higher offices in the Police Department, from which they are now even more effectually excluded than from appointments in the Covenanted Civil Service.”

18. In the Bengal Police out of 102 superior appointments, only 5 are held by natives of India, but not one above the rank of Assistant Superintendent. In the Calcutta Police out of 10 appointments, only one, *viz.*, that of a Detective Superintendent is held by a native of India. Surely this does not represent “a reasonable proportion” of natives of India in the higher departments of the Police Service, and obviously no serious effort has been made to give effect to the recommendations of the Public Service Commission in this respect. The Committee are aware of the orders of the Government of India which provide that in every three years two natives of India are to be promoted to the superior grade, the effect of which would be to secure about one-sixth of the appointments in the higher grades in the Police Department in the course of the next fifteen or twenty years. But one-sixth of the higher appointments in the Police is hardly “a reasonable proportion” which would do justice to the claims of the children of the soil.

19. In this connection the Committee would call attention to an invidious and irritating distinction between Europeans and natives of India which has only to be mentioned to be condemned by your Excellency's Government. An examination is held in Calcutta and also in London for recruitment to the office of Assistant Superintendent of Police in Bengal, and from this examination natives of India are excluded. A racial disqualification is thus imported which is contrary to the terms of the Queen's Proclamation and to the declared policy of the British Government in India. It is also directly opposed to the recommendations of the Public Service Commission; for they recommended “that admission to this grade (Assistant and District Superintendents) should be by (a) limited competition amongst candidates selected in England for such portion of the appointments in each Province as the Government of India may decide to be necessary, (b) limited competition amongst candidates selected in India, such candidates being carefully chosen on grounds of good physique, a knowledge of the vernacular languages prescribed for the

Provincial Service and high educational qualifications of an English kind ; (c) promotion from the grade of Inspectors for exceptional merit and ability shown in active service." It will be seen from the above that the Public Service Commission do not recommend the exclusion of natives of India from the limited competitive examinations to be held in India or in England. The examinations are to be the test of certain qualifications ; and if natives of India possess them, they should not be excluded from the appointments in respect of which these examinations are held, and certainly not from the examinations themselves. The present practice is to promote qualified Indian Inspectors of Police to be Assistant Superintendents. This is a species of recruitment which, it is evident in the opinion of the Public Service Commission, was to be resorted to only in exceptional cases and where Indian Inspectors shewed "exceptional merit." But unfortunately it is the only form of recruitment which is adopted in the case of natives of India for admission to the higher offices in the Police. Whether persons promoted from the subordinate to the superior grade of the service, except, of course, in rare cases, can be expected to exercise effectively their authority as superiors over persons who had hitherto been their colleagues, may well admit of doubt. But the effect of this system of recruitment is to place the natives of India who are thus promoted from the subordinate to the superior grade in a position of serious disadvantage. They become Assistant Superintendents when they are pretty well-advanced in life, and before they rise high in the superior grade, they are superannuated and are compelled to retire. The Committee are not able to recall to mind a single instance of an Indian District Superintendent of Police being in the first grade in Bengal. The Committee, therefore, beg to express the earnest hope that natives of India may not be excluded from the examinations for recruitment to the higher offices in the Police Department, and that whatever may be the system of recruitment, there shall be no disqualification on the ground of race.

20. *Public Works Department.*—There are 86 superior appointments in the Public Works Department in the Bengal establishment. Out of these, 68 are held by Europeans and only 18 by natives of India ; and there is not a single native of India in the grade of Superintending Engineer ; and so far as the Committee have been able to ascertain there never has been a single native of India in the Bengal establishment in that grade. The practice appears to be that when an Indian has been an Executive Engineer of the first grade sufficiently long to be qualified for promotion, he is promoted, not to the grade of Superintending Engineers, but is shunted off to a different line altogether and is made Inspector of Local Works. The Public Service Commission recommended that "the Engineer establishment of the Public Works Department should consist of an Imperial and of Provincial Branches," that "the strength of the Imperial Branch should not be greater than is necessary for purposes of control and direction and for the execution and repair of works calling for high engineering skill, and that the recruitment from the Cooper's Hill Royal Engineering College which

appears at present excessive should be regulated accordingly" (page 150, Public Service Commission Report). It is very obvious that these recommendations of the Public Service Commission have not been given effect to.

21. The Committee have now submitted their representation. They venture to urge that they have made it clear that in regard to the Minor Civil Services the recommendations of the Public Service Commission have not been given effect to and that no serious effort has been made in the twelve years that have elapsed since the Public Service Commission made their recommendations to carry them out. There are whole departments from the higher offices of which the children of the soil are practically excluded, although here at any rate there are no political considerations which might fetter the action of the authorities and interfere with the pursuit of a policy of justice and beneficence. The Committee of the Indian Association therefore appeal to His Excellency the Viceroy for justice being done to the claims of the people for their wider employment in the higher offices in the great Departments to which attention has been called in this representation, in accordance with the terms of the Proclamation and the recommendations of the Public Service Commission, and the Committee are confident that they do not make this appeal in vain.

I have the honor to be,

SIR,

Your most Obedient Servant,

SURENDRA NATH BANERJEA,

Honorary Secretary.

TABULAR STATEMENT* OF THE HIGHER APPOINTMENTS

in the

Minor Civil Services, viz. :—

- 1 Forest Department**
- 2. Customs Department**
- 3. Salt Department**
- 4. Opium Department**
- 5. Postal Department**
- 6. Telegraph Department**
- 7. Survey Department**
- 8. Jail Department**
- 9. Police Department**
and
- 10. Public Works Department.**

** Prepared from the Civil List corrected up to
the 1st April 1899 and Thacker's Indian
Directory 1899.*

Department.	Grade &c.	Number in the Grade.	Number of Europeans & Eurasians	Number of Indians.	REMARKS.	
Forest Department						
Conservator	2nd Grade	1	1	Nil.	A. B.—24 Appointments in all. There are only two natives in the lowest grades of the Extra Assistants.	
Dy. Do.	1st Grade	1	1	"		
	2nd Grade	1	1	"		
	3rd Grade	2	2	"		
	4th Grade	4	4	"		
Asst. Do.	1st Grade	3	3	"		
	2nd Grade	4	4	"		
Extra Asst. Do.	1st Grade	1	Nil.	"		
	2nd Grade	1	"	1		
	3rd Grade	3	3	Nil.		
	4th Grade	3	2	1		
	TOTAL	24	22	2		
Customs Dept.						
SUPERIOR (a)						
Collector		1	1	Nil.	The Customs have two Departments : (a) Superior Appointments and (b) Preventive Service and Salt Department. In the Superior Appointments there are 33 substantive places, one of which is vacant, and one is held by a Mahomedan.	
First Assistant		1	1	"		
Second Do.		1	1	"		
Accountant		1	1	"		
Superintendent of Statistical Department		1	1	"		
Export Supervisor		1	1	"		
Superintendent Correspondence.		1	1	"		
Hd. Appraiser		1	1	"		
Appraisers		17	17	"		
Chief C. S. Officer	Chittagong	1	1	"		
Collector of C.	Do.	1	1	"		
Assistant do.	Do.	1	1	"		
Superintendent do.	Do.	1	Nil	1 (Mahomedan)		
Chief C. S. Officer	Narain-gunge	1	1	Nil.		
Do.	Orissa	1	1	"		
Superintendent C. S.	False Point	1	1	"		
Surgeon to the Office of the Customs preventive Service.					(Vacant)	
	TOTAL	33	31	1	1 Vacant	

Department.	Grade &c.	Number in the Grade.	Number of Europeans & Eurasians.	Number of Indians.	REMARKS.
Customs.—(contd.) (b)					
PREVENTIVE SERVICE AND SALT DEPARTMENT					
Superintendent		1	1	Nil	In this branch of the Customs Department there are 157 substantive appointments, all held by Europeans. Moreover there are about 100 apprentices, only one of whom is a Non-European. He is born of a European mother and a Mahomedan father of the Murshidabad family and out of India. The Civil List does not give all these <i>Vide</i> Thacker's Directory.
Inspectors		10	10	"	
Preventive Officers	1st Grade	3	3	"	
Do.	2nd Grade	6	6	"	
Do.	3rd Grade	6	6	"	
Do.	4th Grade	8	8	"	
Do.	5th Grade	10	10	"	
Do.	6th Grade	25	25	"	
Do.	7th Grade	26	26	"	
Do.	8th Grade	31	31	"	
Do.	9th Grade	31	31	"	
	TOTAL	157	157	Nil	<i>N.B.</i> —Apprentices about 100.
Salt Department					This Department has recently been transferred from the Madras to the Bengal Government. Appointments are yet in abeyance. The Government order is to the effect that Natives will not be taken as at present advised. ("Will be filled up by Europeans in the main.")
Opium Department					
Opium Agents		2	2	Nil	There are 77 Substantive appointments in this Department of which 19 are graded, (all held by Europeans) 16 Sub-Deputy Agents ungraded, (Europeans) and 42 Assistant Opium Agents. There are only 8 Indians among the last <i>i. e.</i> Assistant Opium Agents; of these again one, <i>viz.</i> , Mr. Alfred Dutt, claims to be Non-Indian or European.
Factory Superintendent		2	2	"	
Sub Dy. O. Agents	1st Grade	2	2	"	
Do.	2nd Grade	2	2	"	
Do.	3rd Grade	5	5	"	
Do.	4th Grade	6	6	"	
Sub Dy. O. Agents	Ungraded	16	16	"	
Assistant O. A.	Do.	42	34	8	
	TOTAL	77	69	8	

Department.	Grade &c.	Number in the Grade.	Number of Europeans & Eurasians.	Number of Indians.	REMARKS.
Postal Department					
D. General		1	1	Nil	There are 22 appointments above the rank of Superintendents; and there are 28 Superintendents, making a total of 50 in Bengal, East Bengal and Behar Circles. There are only 3 Non-Europeans in the former class, of whom only 3 are Indians, and among them is a member of the Covenanted Service. In the latter class there are 15 Europeans and 13 Indians.
Deputy D. G.		1	1	"	
Assistant Do.		3	3	"	
Personal Assistant to D. G.		2	2	"	
Comptroller of P. O.		1	Nil	1	
Deputy Do.		1	1	Nil	
Assistant Compt. P. O.		2	1	1	
Superintendent R. M. S.		1	1	Nil	
P. M. General and Deputy P. M. G.	Bengal and Behar	3	3	"	
Personal Assistant Do.		2	1	1	
TOTAL		17	14	3	
Presidency P. M.					
Deputy Do.		1	1	Nil	
Assistant Do.		3	3	"	
TOTAL		5	5	Nil	
Superintendent Bengal and Behar					
1st Grade		5	4	1	
Do	2nd Grade	5	3	2	
Do	3rd Grade	5	2	3	
Do	4th Grade	8	2	6	
Head P. M.		5	4	1	
TOTAL		28	15	13	
Grand Total		50	34	16	

Department.	Grade &c.	Number in the Grade.	Number of Europeans & Eurasians.	Number of Indians.	REMARKS.
Indian Telegraph Department					
Officers of the Royal Engineers		3	3	Nil	The Officers of the Royal Engineers and other officers higher than Assistant Superintendents are 34 in number and all Europeans. Assistant Superintendents again are of two classes, namely, class VI and Class VII. Class VI has 17 appointments all held by Europeans. Class VII has 28, of whom only 4 are Indians. The total result is 79 appointments of which 4 are held by Indians. These facts are compiled from Thacker's Indian Directory for 1899. They relate to the whole of India.
Directors General		1	1	"	
Dy. Director Do.		1	1	"	
Directors		2	2	"	
Chief Superintendents		3	3	"	
Superintendents		24	24	"	
	TOTAL	34	34	Nil	
Asst. Superintendents	Class VI.	17	17	Nil	
Do.	Class VII	28	24	4	
	TOTAL	45	41	4	
	Grand Total	79	75	4	
Survey Department					
Superintendent of Settlement and Surveys		1	1	Nil	In the Survey Department there are 13 appointments of various grades from 1st to 6th, all filled by Europeans.
Dy. Do.	1st Grade	1	1	"	
Asst. Do.	1st Grade	1	1	"	
Extra Asst. Do.		3	3	"	
Sub Asst. Do.		5	5	"	
Extra Asst. Do.	Santhal Perganas	1	1	"	
Sub. Asst. Do.	Do.	1	1	"	
	TOTAL	13	13	Nil	
Jail Department					
Inspector General		1	1	Nil	There are 18 appointments (exclusive of Jailors who get only Rs. 125 to Rs. 350 a month) all held by Europeans. <i>N. B.</i> —One Jailor, Nowranga Marwari, is at present officiating as Deputy-Superintendent of Jail. But that is not his substantive appointment.
P. Asst. to Do.		1	1	"	
Superintendent Jail Manufactures.		1	1	"	
Superintendents.		8	8	"	
Dy. Do.		4	4	"	
Mechanical Engineers		3	3	"	
	TOTAL	18	18	Nil	

Department.	Grade &c.	Number in the Grade.	Number of Europeans & Eurasians	Number of Indians.	REMARKS.	
Police Department						
BENGAL POLICE						
Inspector General		1	1	Nil	In the Bengal Police out of 102 appointments, only 5 are held by natives of India, but not one above the rank of Assistant Superintendent. In the Calcutta Police out of 10 appointments only one <i>viz.</i> , that of a Detective Superintendent is held by a native of India.	
Deputy Do.		2	2	"		
District Superintendent	1st Grade	5	3	"		2 Vacant.
Do.	2nd Grade	6	6	"		
Do.	3rd Grade	7	7	"		
Do.	4th Grade	12	11	"		1 Vacant.
Do.	5th Grade	12	12	"		
Do.	6th Grade	12	12	"		
	TOTAL.	57	54	Nil		3 Vacant
Assistant Superintendent	1st Grade	14	10	4		
Do.	2nd Grade	31	30	1		
	GrandTotal	102	94	5	3 Vacant	
CALCUTTA POLICE						
Commissioner		1	1	Nil		
Deputy Do.		1	1	"		
Superintendent		8	7	1	(Detective Department) Jogendra Nath Mitra.	
	TOTAL	10	9	1	3 Vacant	
Great	Grand Total	112	103	6		

Department.	Grade &c.	Number in the Grade	Number of Europeans & Eurasians.	Number of Indians.	REMARKS.
Public Works Department					
Chief Engineer	Class II.	1	1	Nil	
Do.	Class III.	3	3	"	
Supdt. Engineer	Class I.	2	2	"	
Do.	Class II.	1	1	"	
Do.	Class III	5	5	"	
Executive Engineer	1st Grade	13	12	1	
Do.	2nd Grade	13	13	"	
Do.	3rd Grade	10	9	1	
Assistant Engineer	1st Grade	9	8	1	
Do.	2nd Grade	15	8	7	
Do.	3rd Grade	14	6	8	
	TOTAL	86	68	18	

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PREFACE.

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The apparent boldness on my part to discuss a topic prospective of the incurrence of an expenditure, which might have more advantageously employed a writer of established repute, requires an apology and explanation. While making therefore my apologies for this undertaking, I proceed to state humbly below what has led me to prepare this NOTE.

2. The long-neglected Sub-Registrars and their establishments are very grateful that, at length their Service has been righted and their incessant fond hopes have thus been realized since the Re-organization of their Department in 1905.

But a notable feature of the Re-organization has been that, the belated action in seeking to have that Service righted, has produced very great hardships to a considerable number of unfortunate Government servants.

The figures as to the yearly receipts and surplus published in the Annual Reports of the Registration Department, have shown the time when the Department became actually fit to bestow on its real working agents the usual advantages of the Government Service. For, it will be found that though originally it was never the intention of the Government that the Registration Department should be a source of General Revenue; the Department began to work with a great profit, yielding to the State a solid Revenue, from a long time past, and many years before 1905.

The most melancholy effect of the said belated action is that, what the Re-organization has secured for all those concerned Government servants generally, has practically been of no appreciable value to those very officers whose continuous past industry largely contributed to give the Department the position it now enjoys.

3. An attempt therefore has been made in the following pages to show—
FIRSTLY—That these neglected officers; as whole-time, pure Government servants, who became also eligible for transfer from one Sub-District to another, *have absolutely been different in every way, from those original Rural Sub-Registrars of Mr. Bignold's School, who had been quite reasonably and rightly debarred from pension, having specifically had to be "Mature-aged"; spare-time-working, local residents, freed from transfer from their own homes and privileged to pursue any callings for supplementing their income from Registration work;—*
SECONDLY—That their past careers were continuous with an industry that will justly bear the character of having been *remarkably extraordinary, if not unprecedented;—*
THIRDLY—That when their emoluments had been reduced from the originally allowed percentage of Fees, to a limited and fixed payment for "Piece-work" (a Service which is found to have counted) the change had the effect of giving their emoluments *the practical shape of "Pay and Commission" combined, such as also has been provided to count;—and*
FOURTHLY—That there are also precedents evidencing that, *services paid by pure "Commission" have easily counted for pension.*

And all these are under authority of such Articles of the "Civil Service Regulations" as have hereinafter been referred to.

4. With a character for such hard activity as shown in the following pages, the unfortunate Sub-Registrars and their Establishments continue to be the greatest of losers among the Government servants; and their greatest mortification has been that, *they have been themselves denied that harvest out of their own labours, which all new recruits from October 1905 (completely freed, unlike their predecessors, from all burdens of building and maintaining the Government offices in their charge) shall easily and fully reap by doing no more than simply walking on the footprints of the real builders of the Department.*

(ii).

The endless noble examples of unlimited Christian benevolence of our Paternal Government, regarding their servants of all classes in every other Department, greatly encouraged all reasonable anticipations and hopes that the said Registration Service was also bound to be righted without much delay. But unfortunately for them, *the turn came so late that, by the time the majority of the officers arrived more or less near to the end of their careers.*

5. Of the multitude of benefits which Government Service bestows, and which those officers might have plentifully reaped during their long careers *in any other Department*—or in their own, *if the said improvement of Service had taken place in the expected time*—the only one in its full measure (as a very small compensation for their all other losses explained hereinafter) which is open to be availed of by, and our Most Noble Government also could easily bestow on, the said aggrieved officers, is—*Pension for their Entire Careers, instead of only for such small fractions of those careers as have already been allowed to count for pension.*

6. In expecting our Most Noble, Paternal Government to deal with the question more sympathetically than before—when it could not have been considered by the light of what this elaborate NOTE pretends to furnish—we cannot conceive of a more auspicious time to be availed of, than the present.

For, in the first place, we realize our Fresh Debts for the Most Benign Cure over us of a truly noble-hearted, sympathetic and far-sighted Statesman like HIS EXCELLENCY our RIGHT HON'BLE the present VICEROY and GOVERNOR-GENERAL—whose genuine good wishes and untiring zeal for the welfare of HIS MAJESTY'S subjects and servants, have earned for HIS EXCELLENCY the most affectionate regards and the sincerest gratitude of those subjects and servants, rendering HIS EXCELLENCY'S name a household word for this and the future generations.

Secondly.—A greater, and by far higher degree of auspiciousness must be claimed for the time just referred to, as the annexed NOTE which was to have been got through *ere the IMPERIAL BOONS could be considered and made known*, but was prevented, through frequency of interruptions, from making its appearance earlier, was nevertheless compiled within a very short space of time from that MEMORABLE PERIOD when the Most Powerful of the MONARCHS, after visiting the Empire, achieved, through Imperial Affection, Sympathy and Justice, *AN UNPRECEDENTED CONQUEST*, rich with materials for a most glorious chapter in the WORLD'S HISTORY. And—

Thirdly.—Ours has been, of all others, the best of the IMPERIAL BOONS signalized through the appointment of a most sympathetic REPRESENTATIVE OF THE THRONE for this Premier Presidency, in so NOBLE A RULER as HIS EXCELLENCY our most Beloved the RIGHT HON'BLE GOVERNOR whom the KING-EMPEROR selected as the fittest person *for the first APOSTOLIC CHARGE in the Presidency, of HIS MOST GRACIOUS IMPERIAL MAJESTY'S own SACRED GOSPEL of GOLDEN WISHES preached in a single VERSE, viz—*

“Sympathy should be the key-note of our Rule”

COMILLA,
NOVEMBER 12, 1912. }

Sharnakamal Chuckerbutty.

A
NOTE
ON THE HISTORY OF
THE ORGANIZATION OF
THE REGISTRATION DEPARTMENT
OF BENGAL
AND ITS
IMPERFECT REORGANIZATION.

CHAPTER I.

ON THE HISTORY OF THE ORGANIZATION OF THE DEPARTMENT.

It is nearly half a century now that, in supercession of the old Kazi system, a Department for the Registration of assurances had been organized in 1864—with a Registrar General at its head, and District Registrars and Deputy Registrars respectively, for the District and the Sub-Divisional head-quarters.

(a) The designations of these officers had soon afterwards to be changed into, respectively, Inspector General of Registration, Registrars and Sub-Registrars.

(b) The Sub-Registrars were again gradually classified into three classes, viz:—

I. The Special Sub-Registrars—for District head-quarters.

II. The Ex-officio Sub-Registrars—for Sub-Divisional head quarters where Deputy or Sub-Deputy Collectors were available for the work ; and

III. The Rural Sub-Registrars—for all rural areas.

2. Before the Department attained its present position, it had to undergo changes and modifications with the progress of business. and modifications in multifarious ways.

(a) Had there been a written and up-to-date regular history of the Department, chapters might be quoted from the same to show (1) how the Registration Department gradually developed itself ; (2) how great were the Department's debts to the long continued and most active services of the Rural Sub-Registrars and their establishments who had been really the chief working agents for the Department ; and (3) how the Registration Department became a profitable branch of administration yielding every year large Revenues to the State. The kind efforts of the Government for affording increased facilities for Registration—the creation of the post of Rural Sub-Registrars and the opening of Sub-Registry Offices in the rural centres—the rules as to the qualifications of, and the standard for selecting candidates for, Rural Sub-Registrarships—the changes in the mode of paying them and finally the fixing of the income of each officer to a minimum of Rs. 40 and to a maximum of Rs. 150 a month—the introduction of the salary system among, and the gradation of, the Special and the Rural Sub-Registrars—the conversion of their services into salaried and pensionable posts—the retirement of the Rural Sub-registrars and their establishments with nominal or no pension, for small fractions of their services towards the end, &c. &c. &c.—would have formed important chapters of such a history (if one such regular history did exist at all).

3. The Ruler to whom is due the credit for what the Registration Department is to-day, was our illustrious Lieutenant Governor of happy memory, the Hon'ble Sir George Campbell; for it was with him that the Rural Sub-Registry system originated.

(a) The following interesting anecdote which is very well remembered to this day, will amply repay perusal as showing what kind of men and services the government had been compelled to avail themselves of, in working out the Rural system at its start. It is said that Mr. T. F. Bignold, C. S., the then Inspector General of Registration, had been to see the Lieutenant Governor, one morning, when His Honour enquired—

“What was the number of Kazis’ offices abolished on the introduction of the Rural system?”

The Inspector General replied—“I guess about three hundred.”

His Honour—“How many Kazis have you got under you now?”

I. G.—“Some 150 only.”

H. H.—“Go and open three hundred rural offices and then come and see me.”

I. G.—“Where could I get good, competent men to man these new offices?”

H. H.—“Offer them to the pensioners and leisured well-to-do local residents in the first place. Their relatives and dependents will help them in lieu of office establishments and their Baithak-khana will be their offices. They won't require big pay. A small commission will help them to eke out their other income. The Muhammadan Kazis who are eating their hearts since the closing of their offices, might also be utilized, as a knowledge of English was not a *sine qua non*.”

4. The paragraphs quoted below from a memorable document, has been the means of assessing the value of the above anecdote. Mr. Bignold's Circular No. 4 dated the 28th April 1874, to all District Registrars (Vide Appendix A), was issued “with the approval of Government for the information and guidance of District Officers in dealing with the question of supplying increased facilities for registration.” Its paras 9 and 16 ran as follows :—

Para 9. “Preference will be ordinarily given to a resident of the town in which the Sub-Registry is to be established, of mature age, of the same creed as the majority of the population, especially if the majority be Muhammadans. It is also desirable that he should enjoy either pension or some other source of income, and that he should have a masonry building in his residence for the office. Residence in another part of the same District, is rather against a candidate than otherwise, since it makes him likely to desire frequent occasional leave”.

Para 16. “If the person nominated be a Government servant, it should be always noted by the District officer whether the sanction of the Departmental superior to his application has been accorded. In the case of a Post Master, the sanction of the Post Master General, Bengal, and in the case of a School Master, that of a School Committee, is required; and the hours which such candidates undertake to devote to Registration should be stated”.

5. Thus specifying the sort of candidates wanted at the time and deemed to be adequately strong and qualified to do a work which, at its start, could not possibly have been heavier than almost nil—thus prescribing the rules for the Rural Sub-Registrars’ appointment and beginning, the finishing touch to the new scheme was given by what the same Circular had also laid down as to how the officers, so recruited, were to get on and end. Paras 11 and 12 of the said Circular are quoted here for ready reference :—

Expectations of Government from the class of candidates prescribed, and *vice versa*,—the provision that the services of the Rural Sub-Registrars were not to qualify for pension—the rationality of the provision, for the class prescribed, undisputedly.

at its start, could not possibly have been heavier than almost nil—thus prescribing the rules for the Rural Sub-Registrars’ appointment and beginning, the finishing touch to the new scheme was given by what the same Circular had also laid down as to how the officers, so recruited, were to get on and end. Paras 11 and 12

Para 11. "Candidates will be required to provide secure accomodation for their offices and to provide their own establishments. They will be paid by such proportion of the fees received, as government may in each case from time to time authorize them to draw."

Para 12. "As rural Sub-Registrars will ordinarily reside at their own homes, no leave of absence will be granted to them except on very especial emergencies. Their service does not qualify for pension. They will not ordinarily be eligible for transfer."

(a) At the time to which the foregoing rules refer, i. e., when the Department had been in its infancy and the rural system quite a new scheme and absolutely an experimental measure—at the time when, for gaining "Préférence", the most eligible candidates had been *professedly those masonry-house-owning, leisured, local residents who had been either worn-out and got-rid-of-pensioned-officers, or had otherwise grown mature-aged and could be induced to do something for an addition to their other small incomes—at the time when those School-Masters and Post-Masters (and also practising pleaders, as seen in several instances, who could devote only a part of their spare-hours to Registration) had been declared welcome-candidates for Rural Sub-Registrarships—at a period so distant and backward from the present general advancement (nearly forty years behind)—it is quite clear that there could not have been any thing like serious work to require the zeal and energy of whole-time young men for the then newly created posts of the rural Sub-Registrars. Without therefore any objection whatever, it could have been thus easily and safely laid down at that time that, the services of the rural Sub-Registrars did not qualify for pension.*

6. But striking were the changes which began to take place soon afterwards. The extinction of the old class nominees as work and offices increased—future prospects tempting, young men for whole-time work became Rural Sub-Registrars—old privileges withdrawn from them. The pensioners and the other mature-aged local residents, the School-Masters, the Post-Masters and the pleaders lost their suitability for heavy work gradually, as Registrations gained popularity and the work so increased that the multiplication of the Rural offices became a very urgent demand in the country. Rural offices began then to be very freely opened with the result that, the great demand for Registrations which followed the increased facilities offered, soon enabled the Government to make the Department a source of solid Revenue to the State. It was then easy to foresee that like every other branch of the administration, the Registration Department stood the chance of being soon reorganized, and like those of all other Government servants, the services of the Rural Sub-Registrars and their establishments might be soon made pensionable. This belief which was shared by many, encouraged several young men to become Rural Sub-Registrars, for whole-time service, away from their homes; and thus gradually the nominees under the old Circular ceased to exist. The old privilege which had been given to the Rural Sub-Registrars as to following other pursuits for supplementing their income, had to be completely withdrawn, though, at the same time, they were not prevented from serving as Honorary Magistrates, Municipal Commissioners and Members of the District and the Local Boards. Their right to leave their head quarters even on Sundays and holidays, had to be taken away; and any one found absent from head quarters even on gazetted holidays, without the District Registrar's sanction, became liable to be dismissed.

7. Heavy Registrations swelling the income of the Rural Sub-Registrars who used to make large profits from the percentage allowed to them of the fees realized by those officers, the payment of the percentage of fees was stopped and, instead of that, payment for "piece-work" was adopted and introduced. This change reduced their income considerably; but then it fixed the same to a minimum of Rs. 40 as commission, and Rs. 10 as establishment expense, which however the Rural Sub-Registrar was free to draw for any month, no matter how small soever might be the number of Registrations during that particular month. (Vide Appendix B).

(a) The establishment charges might rise with the increase in the number of Registrations, to any extent, without restrictions ; but the Rural Sub-Registrars' commission was fixed to a maximum of Rs. 150 beyond which it could never rise, however the number of registrations might increase ; and for any number registered beyond the first 501 operations in one month, no commission was provided ; and the Sub-Registrars were bound to register labour-free, any excess number which would not count towards their fixed income which thus became as good as fixed salary.

8. The original announcement that the Rural Sub-Registrars were not ordinarily Rural Sub-Registrars became eligible for, and liable to, transfer—so were their establishments too, whose pay used to be regulated according to orders prescribed. to be transferred, as they would reside at their own homes, became quite inoperative when, without prejudice to the prescribed qualifications—denominational, residential, pensionary and the like—the posts began to be filled up freely by active young men from different parts. The records of the Department will, doubtless, furnish information that not in respect of a few of the Rural Sub-Registrars, in contravention of the rule in this connection, that transfers had frequently to be sanctioned ; and the number of instances which the records will furnish, will clearly establish that, *as a matter of fact, these officers were practically eligible for, and liable to, transfer.*

(a) The same thing may be said also with regard to the establishments of the Rural Sub-Registrars. Orders had also been issued to regulate the pay of the clerks and mohorers of these officers ; and Sub-Registrars who claimed a discretion in the matter, stood the risk of incurring the displeasure of their local superiors and others. On enquiry from the concerned clerks and mohorers now in service, correct information may be gathered as to the extent to which the members of the Rural office establishments also used to be transferred from one office to another in each district, under orders of the District Registrars.

9. All these points more than sufficiently substantiate the undeniable fact that the original Rural Sub-Registrars were quite another class of men—every way different from those officers who, recruited latterly under modified rules, resembled in all respects the Government officers in the other Departments of the service of His Most Gracious Imperial Majesty.

(a) It is also sufficiently clear that our Government could not have possibly had in view the latter class of the Rural Sub-Registrars—those young and whole-time officers posted to places away from their homes, who surely did not exist at the time and as such could not have been anticipated and contemplated of—when the question of pension must have had presented itself to be considered and thus pension had been disallowed in the days of yore. But that from all points considered, the rational conclusion must be that, the Government had positively in view only those spare-time-workers from among pensioners and such other home-staying mature-aged local residents as could be left to follow their own pursuits in addition to the nominal Registration work of the time ; and those were distinctly the sort of candidates whom the Government had been then in favour of, and had cast about for, through Mr. Bignold who, when urging District Registrars to make their selections from such class of candidates, announced also in the same breath that, the services of those Rural Sub-Registrars were not to qualify for pension.

10. Having just shown the two generations of the Rural Sub-Registrars whom Mr. Bignold's Circular must have had referred to, and whom it could never possibly have referred to by any manner of means, let us proceed to examine and consider the latter generation of the Rural Sub-Registrars who have been pure Government servants, for all intents and purposes, throughout

How Rural Sub-Registrars as pure Government servants, relieved the State from a multitude of such expenses as are borne by Government in all their other Departments.

to, and whom it could never possibly have referred to by any manner of means, let us proceed to examine and consider the latter generation of the Rural Sub-Registrars

their careers ; and who, besides earning a solid income to swell the Revenues of the State, yearly, also saved the State, unlike most other Government servants, from some such expenditure as the Government have always borne for all their servants of other Departments.

(a) Even on receipt of their modified and reduced emoluments for piece-work as per para 7, the Sub-Registrars had to bear themselves, and thus relieve the Government of, all or many of the expenses under the following heads :—

1. The house rents for office.
2. The Chaukidary and (where any) Municipal, taxes.
3. The Cost of furniture, the red and the black registration ink, and the other stationery articles.
4. The cost of providing safe Record Rooms.
5. The cost of remitting to the Treasury all Government Fees.
6. The cost of drawing monthly, the Sub-Registrars' Commissions and establishment charges.
7. The Peon and the Punkha pullers' wages.
8. Excess establishment charges beyond Government grant, incurred occasionally.
9. The cost of lighting for night-work, where the work used to be heavy.
10. All other incidental costs.

(b) From the time of the Reorganization, in October 1905, all these, or most of these, expenses are being borne by the Government. It can now be fairly guessed how much was the loss of the Rural Sub-Registrars who had to bear these themselves, and how much the Government gained, for a long time in the past, in these connections too.

11. It is a well known fact that among the Servants of the Government, the Rural

The magnitude of the officers' labours—additional expense for night-work in carrying out Mr. Holmwood's hard scheme for prompt registration and delivery of completed documents.

Sub-Registrars and their establishments used to be a most hard-worked set of officers engaged in a *most monotonously tedious kind of work.*

(a) In the midst of all their singular disadvantages, a few of which only have been noticed above, one of their former most esteemed Chiefs, the Hon'ble Mr. H. Holmwood, now a Justice of our Hon'ble High Court, had given the Rural Sub-Registrars and their establishments a most valuable practical training in still more harder activity and industry which enabled them to render their best possible services in carrying out Mr. Holmwood's hard scheme about prompt registration and delivery of completed documents.

(b) This promptitude in Registration, and delivery of registered documents, on the very day of presentation, which were appreciated and maintained by all the various successors in office of the Hon'ble Mr. Holmwood in the Registration Department, had been at first regarded as an impossibility in all quarters. It could never be successfully introduced in all the Sub-Registry offices at the head quarters of the Districts. But all the difficulties in the way, were admirably enough combated by most of the Rural Sub-Registrars and their establishments, with the smaller means at their disposal compared with what the Sadar Sub-Registrars used to be favoured with.

(c) Mr. Holmwood's system which was so popular and led to increase registrations all the more enormously, had the effect of also exacting from these already hard-worked officers and their establishments, at a very great cost to themselves, a hitherto unknown degree of activity—without its equal in many of our public offices. How much this statement is free from exaggeration, is shown below :—

We take for an instance, say Backerganj, a district famous for heavy registrations as also litigations. The Rural offices there used to start work, receiving documents for registration, early in the morning. Thus pushing on the whole day-through, (minus such time as the breakfast &c. required) they used to finish their daily work consuming oil till a late hour of the night, and frequently till mid-night, in the seasons of heavy presentations.

(d) A work that Consists of (1) the copying of documents the majority of which are lengthy and thickly written, (2) the comparison of the copy with the original, (3) the preparation of their indexes of several kinds, (4) the recovery of the balance of fees due on lengthy and thick documents at the time of the delivery of registered documents &c. &c., involves evidently very hard activity and industry ; and it will be found extraordinary when it is remembered that the same hands that began the work early in the morning, closed it at night, without the aid of relieving hands.

(e) Before every one of the night-workers sufficient light was indispensable ; and in the absence of any provision for that, all expense of lighting, which was by no means a trifle, was an additional tax on the Rural Sub-Registrars, to a little relief of the Government. And Rural Sub-Registrars who had entered the Department as young men, with their zeal and energies unabated, and aspired to please their Chief for the sake of promotion, had borne these expenses ungrudgingly until, in October 1905, a remarkable change took place and the establishments of the Rural Sub-Registrars had to be reduced and the Department became indifferent as to the promptitude introduced by the Hon'ble Mr. Justice Holmwood as former Inspector General of Registration.

12. There are besides the above, many other actions of the Sub-Registrars which will be found to have had a tendency in increasing the Registrations and thus the consequent prosperity of the Department. It is not possible to enumerate them all here without a careful enquiry ; but one instance may be taken from a District Officer's Inspection report regarding a particular officer in 1892 ; and that was the following :--

Other actions of the officers which tended to increase registrations. "The Sub-Registrar's endeavour to break down an old practice of clubbing into single deeds the interests of persons having definable rights and claims, enabled him to multiply a considerable number of deeds, especially leases".—"The observation in para 35 of Mr. Holmwood's last Triennial Administration Report * * * encouraged the Sub-Registrar to suggest the execution of the above class of deeds, (Khorposhnama) (annuity bonds from Muhammadan husbands to wives, as companion to Kabinnamas) and also gifts of ornaments. The Sub-Registrar noted this in his last annual report, and the following figures will show how fast these deeds are becoming customary here. * * * * "

13. Another link which may be added to the chain, is the extra usefulness of a number of the Rural Sub-Registrars who took part in the Criminal Administration, as Honorary Magistrates, as also in the affairs of the District and the Local Boards and of the Municipalities, as Members of the same.

(a) Several of them will be found to have so devoted themselves to Magisterial work, that they took away from the regular staff a great bulk of their work. In some of the heavy Sub-divisions, this additional Magisterial activity of the Rural Sub-Registrars, enabled the Government to save themselves the expenses of posting Second Officers to those places for a considerable number of years ; and it was seen that, on the transfer of such Sub-Registrars with Magisterial powers, the appointment of Second Officers to the Sub-Divisions concerned, became unavoidable.

(b) Not a few of them have done good work with credit as Honorary Magistrates, and not a few of them have been taken in as (1) Sub-Deputy Magistrates and Sub-Deputy Collectors, (2) Special or District Sub-Registrars, (3) Deputy Magistrates and Deputy Collectors, (4) Inspectors of Registration offices. One of the Deputy Superintendents of Police had been a Rural Sub-Registrar at his start.

CHAPTER II

ON THE IMPERFECT REORGANIZATION.

14. It has been proved how the Rural Sub Registrars under notice are materially quite different in every respect, and practically too, very distinct from those *Campbell-Bignoldian* earliest recruits whose spare-time—services in mature age, from their own homes, had to be reasonably held as disqualifying for pension, as per Appendix A—the basis of all the present disputes.

(a) Prominence has also been given to the important features in the careers of the affected Rural Sub-Registrars and their establishments, which most eloquently plead the cause of those unfortunate Government servants—the extreme usefulness and value of whose Entire Careers in building up such a paying, big Department, could never be denied or disputed.

(b) In the face of all these facts, it is a most grievous disappointment, with a most melancholy effect on the minds of not only the affected officers, but also of their families, to find that, contrary to all natural hopes and rational anticipations, the Reorganization scheme has provided only a small fraction of their services, from October 1905, to qualify for pension.

(c) Under this provision very little, or no pension, will be earned in many cases. It also follows—

First—That pension has been denied for that part of their services, rendered with the zeal and energy of manhood, and under circumstances partly described above, which, with an activity and industry of almost a singular feature in our public offices, so successfully and creditably combated all difficulties of the past and enabled the officers and their establishments to prove their greatest usefulness in the interest of Government, such as had a direct effect (1) in popularizing in the highest degree the Registration of Assurances, (2) in contributing to strengthen the financial condition of the State through annual heavy surplus, and (3) in raising the Department to its present prosperous condition from a long series of years in the past. And—

Secondly—That after summarily disqualifying the above valuable previous services, a mere farce of a nominal pension has been provided for the Rural Sub-Registrars and their establishments, for a comparatively much inferior quality of their self-same services and duties which, from October 1905, must have been done, in numerous cases, only for a very short time preceding the retirement, and performed amidst health shattered through the extraordinary activity in the past and the decay and somnolence due to old age.

15. From the light of equitable adjustment and abstract justice, based on most reasonable grounds, it was generally believed, just as the Rural Sub-Registrars and their establishments themselves also anticipated, that the old orders which Mr. Bignold had circulated (vide para 12 Appendix A), must be liberally interpreted and that the Reorganization scheme would make no distinction between the services of the aggrieved officers and the new recruits from October 1905 ; so that the Entire Careers of those hard working officers might, without any loss to them, *fully count towards pension*. How very much the disappointment has rent their hearts, is easier to conceive than describe.

The general belief and the concerned officers' anticipations as to a liberal interpretation of the old orders, so that the actual labourers might have their reasonable share in the harvest—how one is enabled to arrive at a certain depth of the griefs of the disappointed officers.

ments themselves also anticipated, that the old orders which Mr. Bignold had circulated (vide para 12 Appendix A), must be liberally interpreted and that the Reorganization scheme would make no distinction between the services of the aggrieved officers and the new recruits from October 1905 ; so that the Entire Careers of those hard working officers might, without any loss to them, *fully count towards pension*. How very much the disappointment has rent their hearts, is easier to conceive than describe.

(a) To a certain depth of their griefs we are however enabled to arrive at when we consider things in the light of following :—

Taking the aggrieved officers' position as that of a band of ploughmen who had brought under cultivation and rendered exceedingly fertile waste tracts now yielding most luxuriant produce, it is their greatest misfortune that they themselves have not been allowed their full share in the harvest of the choicest and the most coveted of the fruits of their own life-long labours !!

16. After wallowing in the mire of what has been only half-told in these pages and yet rendering active, long services in building a Department, *as best as labours could accomplish*—after thus contributing to the cause of

the growing facilities and steady expansion of Registration all the country over, and so enabling the Government now to bestow, and the country to receive, the benefits of the Registration of Assurances which are being availed of almost daily and hourly, by all classes, from the reis to the raiyat, the richest to the poorest—after thus labouring

in the casuse of the establishment of a regular, Solid, Revenue-bringing Department whose additional, invaluable functions in effectively checking forgeries and frauds and rendering most useful help in the administration of both Civil and Criminal Justice, are *facts universally admitted*—after such noteworthy, life-long, close devotion of theirs, absolutely in the interest of the Government, should those unfortunate Public Servants be so summarily denied their legitimate share of dues such as may be so easily given them kindly *through what has already been sanctioned for all new recruits*, namely, Pension for their Entire Careers ?

After doing all they did to build the Department, should those builders be denied their legitimate share of dues?—The root as to how, when, and for whom, a rule had been framed, has been arrived at, through Appendix A.—That rule is not applicable to the existing generation of Sub-Registrars.—The Distressing feature of the policy adopted by the Reorganization with regard to the Pension of the Sub-Registrars.

(a) Through Appendix A (Paras 8 to 12 and 16) we arrive at the very root of the rule disallowing pension to the earliest recruits. That has distinctly shown how, when, and for whom, the Government had directed Mr. Bignold, close nigh half a century back, to circulate that rule which certainly never had, nor could possibly have had in view the generation of the whole-time officers now under notice.

(b) To any one it would be quite clear how unfortunate it was, how profound must be the griefs of those hard-lotted Government servants that, our noble Government could have been advised to be in favour of the policy of an extraordinary provision whose peculiar feature, with its most distressing effect, has been this:—That while there could be no difficulty in providing that the new recruits from October 1905, shall all hold pensionable service, their elders who have so laboured life-long, for the interest of the Department, will count such parts of their services as will earn no pension, or may earn very little if at all, in certain cases. Thus having through their long continued industry rendered the Department strong enough to bear at length the costs of bestowing on their long-neglected but most useful servants the benefits of a pensionable service, the really active working agents have themselves been denied, in a very large measure, those very benefits, the produce of their own labours, which their juniors the new recruits will reap in their fullest abundance by doing no more than simply walking on the foot-prints of their elders, the actual labourers who have rendered the paths quite smooth and easy for all future workers.

17. It is a well-known fact that many of those unfortunate officers (the aggrieved Sub-Registrars), unable to keep their griefs pent up long, had to memorialize their respective

The griefs of the Sub-Registrars led them to memorialize Government. A sample of the memorial generally adopted by them appears through Appendix C.

) Governments, i. e., the Government of Bengal and the Government of Eastern Bengal and Assam. A copy of a memorial (in the form generally adopted by all the concerned officers)

which was handed over to us for disposal in connection with this Note, by one of the Memorialists, Moulvi Aminuddin, Joint Sub-Registrar of Commilla, District Tippera, appears at the end of this, as Appendix C.

18. Now the most important questions about which a decision seems so urgently needed, are these :—

Expectations from the Imperial Utterance that
 "SYMPATHY SHOULD BE THE KEY-NOTE
 OF OUR RULE."

Firstly—After the Imperial Utterance that
 —"SYMPATHY SHOULD BE THE
 KEY-NOTE OF OUR RULE"—is it

any way too much that those hard lotted Government servants, the old Sub-Registrars and their establishments, should also expect to be dealt with, in the matter of their pension, *sympathetically* ?

Secondly—Should the rule for the *spare-time-workers, the earliest recruits*, be taken advantage of, in telling the Sub-Registrars under notice that (1) their services under the commission system are not to count and that (2) they accepted their posts knowing this already ? And—

Thirdly—Should they be so unsympathetically denied their Entire Careers' pension, because in days when "SYMPATHY" was not a subject for culture, no one brought sympathetically to the notice of the Government that, Mr. Bignold's candidates had been extinct and thus there was none whom his rule could govern ; and that fresh rule was needed thus for application to those forming the generation of the *whole-time Government servants* ? For their percentage of fees was withdrawn and the shape of their subsequent remuneration (as per Appendix B) resembled that of many for whom the "Civil Service Regulations" has provided pension, such as has been fully dealt with in the next Chapter where it has been also shown that remuneration by commission has also earned pension elsewhere.

CHAPTER III.

WHY SHOULD
AND
HOW COULD
THE AGGRIEVED OFFICERS' CONTINUOUS, ENTIRE CAREERS
COUNT TOWARDS PENSION,
INSTEAD OF
ONLY SUCH SMALL FRACTIONS OF THEIR PAST SERVICES
AS HAVE ALREADY BEEN SANCTIONED TO COUNT
(SINCE THE SERVICES OF ALL FRESH RECRUITS
HAVE BECOME WHOLLY PENSIONABLE).

THE STRONG SUPPORT OF
SUCH FAVOURABLE ARTICLES OF, AND PRECEDENTS IN,
"THE CIVIL SERVICE REGULATIONS",
AS REFERRED TO HEREUNDER
AND IN THE
APPENDIXES.

19. It is a noteworthy fact that, Government servants on receipt of even such low income as Rs. 6 to Rs. 10 a month and holding even such menial posts as that of a peon, Rural Sub-Registrars though appointed by the Government and their appointments published in the Government Gazette, are less favoured than even low class Government servants allowed pension. an orderly, a constable, a warder, and the like, are also allowed pension in old age in return for good services rendered. In the matter of pension &c., the Rural Sub-Registrars and their establishments, the value of whose services has been explained above, have the misfortune of being less favoured than even such menial servants.

(a) But the Rural Sub-Registrars used to be appointed by the Government, and their appointments were published in the Government Gazette, over the signature of the Chief Secretary to the Government. They are a respectable class of Government servants both in the eyes of the public as also in those of the Government.

20. It has been pointed out in para 7, that the first part of the Rural Sub-Registrars' emoluments was Rs. 40 every month and the balance exceeding that, was fluctuating up to Rs. 150 beyond which it could never rise in a month. The emoluments of the Rural Sub-Registrars logically proved to have been partly "pay" and partly "commission" which have always counted towards pension.

(a)—Turning for the definition of "pay" in the "Civil Service Regulations", as per Articles 47 (a) of the Third Edition, and 38 (a) of the Fifth Edition, we find that "pay" means "monthly substantive pay".

(b)—Articles 48 and 39 respectively of the said Editions of the "Civil Service Regulations" also say that—"The "pay of an appointment" means the pay which any particular officer would receive monthly if he held the appointment substantively." The term "substantive" has been found to denote "betokening or expressing existence; depending on itself;—independent".

(c)—From the Sliding Scale which was introduced for regulating the Rural Sub-Registrars' emoluments, as per Appendix B, it will be seen that the Sub Registrars could never be paid less than Rs. 40 a month (plus Rs. 10 for establishment allowance), no matter however so small their work might be in any month.

(d)—Thus when irrespective of the quantity of their "piece-work" they could be sure of their forty Rupees on any month, this payment for "piece-work," in succession to the percentage of fees, had the favourable effect of having assigned to each of those officers practically a fixed "pay" to the extent of that amount. This most important part of their emoluments, notwithstanding that it was *not christened "pay"*, had nevertheless the great effect on their emoluments that, *for all intents and purposes, a fixed pay of Rs. 40 was assigned to each of the Rural Sub-Registrars.*

(e)—That the above view has not been based merely on a theory, will be quite clear from the practical treatment of the Rural Sub-Registrars *as salaried servants*, and not exclusively as working on receipt of commissions only, as explained above in clause (a) of para 7, Chapter I. For, even though there was no allowance provided for the extra labours, the Rural Sub-Registrars were expected to deal with, *and they had to deal with*, any number of documents tendered for Registration, in excess of what the Sliding Scale provided for adding to their subsequent fluctuating earnings beyond their fixed Rs. 40 up to the limit of Rs. 150 in one month. Thus the latter part of their emoluments alone was virtually their commission as an addition to their first part of Rs. 40 fixed as firmly as "pay". Evidently it was in view of the fact that an amount of Rs. 40 was allotted to each of them like fixed pay (*however it might have then been designated*) that no additional allowance was deemed necessary to be provided for the Rural Sub-Registrars' obligation to register any number of documents that failed to add to their commission in a month.

21. If therefore this logic is not fallacious that the Rural Sub-Registrars' emoluments, as shown above, were commissions in addition to what was practically their pay that had been fixed, *no matter how the same was designated*, then there is absolutely no difference between the nature of their emoluments and that of the emoluments of the Special Sub-Registrars who, with their commission, in addition to their pay, used

Exact similarity of the nature of the emoluments of the Rural Sub-Registrars with that of the emoluments of the Special Sub-Registrars whose pension used to be on both *pay and commission*—Articles of the "Civil Service Regulations" covering and supporting their case through most favourable precedents of cases quite analogous to those of the Rural Sub-Registrars.

to be given pension on their average emoluments calculated upon their last three years of service. Article, No. 430 clause (b) page 115 of the "Civil Service Regulations" Third Edition, provides that "Service in an office paid by fees or by commission in addition to pay from the General Revenues, qualifies." Kindly see Appendix D.

(a) There can be no dispute that the service of the Rural Sub-Registrars and their establishments also conformed to the "Three conditions" for qualifying for pension as laid down in Article No. 393 of the Third Edition of the "Civil Service Regulations" (vide Appendix E), namely, "First.—The Service must be under Government.

Second.—The employment must be substantive and permanent.

Third.—The Service must be paid by Government."

(b) Apart from what the aforesaid Article No. 430 clause (b) provides, it will be seen that two clauses under it, namely, Nos. 2 and 3, as per Appendix D, and also Article No. 414 of the same, as per Appendix F, disclose most favourable precedents of cases quite analogous to those of the Rural Sub-Registrars, in which our kind Government granted pensions to officers paid by "fees" or "commission" or paid for "piece-work."

22. In calculating the pension of a Government servant, his "Average Emoluments"

Where the last three years' "Average Emoluments" are to count, the emoluments at the start, are absolutely immaterial and have no value, the Government being concerned with only continuous loyal services.

received immediately before his retirement from a continuous career with loyal services, are all that is essential and taken into account. The "Average Emoluments" which used to be formerly calculated upon the last five years of service, is now calculated, under Article 487 of the Fifth Edition of the "Civil Service Regulations" upon the last three years of service. The Articles on the point

(Nos. 530 and 531 of the Third Edition and No. 437 of the Fifth Edition of the "Civil Service Regulations") are quoted in Appendix G.

(a) Thus it will be seen that the emoluments received by an officer at his start, or even three years before his retirement, are absolutely immaterial and have no value whatever in determining a Government servant's pension.

(b) Every Rural Sub-Registrar or every member of a Rural Sub-Registrar's establishment, who stood on the list in October 1905, and has, as such, continued since then in Service, must have served more than the required number of years for the purpose of the calculation of his "Average Emoluments."

(c)—Our Government is only concerned with continuous services with good records as to faithful discharge of duties, and loyal attachment to the Throne and to the Government; and there can be no doubt that the Rural Sub-Registrars and their establishments, generally, acquitted themselves admirably as Government servants also in the past i. e. before October 1905.

23. Our Most Noble Government have already admitted that the services of all the Sub-Registrars and their establishments, appointed since October 1905, shall qualify for pension. The Government having already taken the greatest portion of the burden, by making the services of all the Sub-Registrars pensionable, only a most trifling little remains to be done to make the Reorganization perfect and universally satisfactory. The services of those officers who, after entering the Department much earlier than that, worked under the Government for a long series of years and stood on the list in October 1905, shall also count, under that provision, just for a few years of their long careers from October 1905 which, as has been explained above, can have no practical value in earning a pension, or earning a suitable pension, according to the length of the service in each case.

(a) Our Most Kind, Paternal Government having already been pleased to take the greatest portion of the burden by the above notable act, only a most trifling little remains to be done to make the recent Reorganization perfect and universally satisfactory, namely the inclusion of also the aforesaid excluded portions of the most active and valuable services so devotedly rendered during the past long careers of those unfortunate officers, so as to enable them to really earn a pension worthy of the world-wide-known benevolent donors, the British Government, just as the pensions may also maintain the retired servants of theirs in the old age with their families, in days when the cost of living has been rising higher and higher gradually.

24. It is a suggestion as being quite likely that, the apparent monstrosity of the area for the distribution of pensions and the consequent magnitude of the expenditure to cover the same, may be looked upon as the greatest obstacle in the way of favourably considering all the reasons submitted herein to support as to why and how the aggrieved officers should have, like the fresh recruits, pensions for their Entire Careers. In that case may we not expect the question to be looked at by the light of the following ?

Apprehended obstacle as to favourable consideration of the discussion in these pages, from the apparent magnitude of the expenditure—the expenditure appearing belittled, the Government may be safely advised to allow the Entire Careers to count towards pension. Firstly—Indian lives are well known to be comparatively short. Ordinarily, the Indian servants have to retire at the age of 55 years. In the sudden change from active careers combined with a regularity and method of life in which they are brought up during their long service under the Government, to a life of inactivity and somnolence which follow retirement from active careers, the Indian servants generally fall victims to diseases and in

a vast majority of cases relieve the Government in a very short time from the burden of the pension very considerably.

(a) It is also worth considering as to how many of those Indians who serve the Government, are spared to serve out their whole course for pension—how many of those who are spared, do live to earn the pension—how many of those who get the pension, are permitted to enjoy the same—how many of those who do enjoy the pension, are permitted to enjoy that more than but for a very short time—and in how many cases the pensioners live long and enjoy their pensions so as to be a burden on the State for good many years.

Secondly—A distinction may be made among the officers from reports (obtained after a thoroughly careful enquiry as to who worked hard and honestly and were well reported, or promoted to higher posts, and who did not give satisfaction as honest and hardworking officers and had to be badly reported and kept on in service as a matter of favour only). Thus a list may be made shewing who are deserving and who are not. By this course while the deserving officers might be picked up and afforded the desired protection, cases shall certainly come out in which the concession may not be a necessity. Viewed from these and similar standpoints, the apprehended magnitude of the liabilities will be found to be dwarfishly belittled. Thus the kind Government might safely be advised to admit the Entire Services of at least the deserving ones among the afflicted officers whose grievances may easily be laid before the Government. Such a course may lead each case to be considered and disposed of according to the depth of its grievances, and thus deserving cases may be selected out for the concession of the Entire Career's Pension.

25 We are proud that ours is the most Civilized and the Noblest of all the Governments in this wide world. Our people have always considered it a proud privilege to be able to serve the Government whose fame regarding their anxiety for the welfare and interest of their servants, is not only in the mouths of all in the Empire, but is most widely well known all the whole Civilized World over.

The value of the Government service—its advantages uniformly bestowed on all classes of the Government servants—to no other whole-time Government servants these advantages were denied except the unfortunate Rural Sub-Registrars who, for the poor emoluments accorded to them, also bore the expenses of the Public Offices in their charge.

(a) All the various happy provisions made for the Service—such as (1) the casual leave, (2) the privilege leave, (3) the sick leave, (4) the furlough, (5) the leave on private affairs, (6) the pension, (7) the gratuity, and the numerous other advantages which have been only for the benefit of their servants,—white or black, high or low, learned or half-learned, literate or illiterate,—are monumental proofs to confirm how very much our Most Noble Paternal Government have always cared for their servants *even when they do not work or permanently retire from the Service.*

(b) Among the whole-time servants of Government—whether employed to deal with the people and earn for the State a Revenue, or employed to do any other kind of work—it remains to be heard if there is another class of officers who, like the most unfortunate Rural Sub-Registrars and their establishments, had been so fully denied the advantages of all the provisions which have made Government Service such an attraction in the country. It remains also to be heard whether any other class of the Government servants in charge of Public Offices and engaged to earn an income for the State, *had to be required to bear themselves the expenses for maintaining their offices, as noticed above in para 10 (a);* and all these for such poor emoluments as were accorded to the Rural Sub-Registrars after the percentage system had been withdrawn and payment for "piece-work" was substituted for the same.

26. Accustoming themselves to all the various hardships and disadvantages of their

The Rural Sub-Registrars without themselves troubling the Government to right their Service, did their best smoothly amidst all their hardships and waited patiently for their salvation *through the Justice of the Government at their own convenience*—their turn came too late to give them the full advantage of the benefits bestowed by Government Service, in the short space of their remaining careers—the only advantage they may be enabled to reap fully, as a very small compensation for all their other losses, is their Entire Careers' pension, instead of the very small fraction of the same as already provided.

singular position—without even its distant resemblance in perhaps the whole of the Service of our Noble Government—these practically despised outcasts among the Government servants nevertheless smoothly did all in their power to prove themselves as much useful *as men could possibly do* and rendered their best possible services to the State throughout their careers. Weighed down by the griefs of their peculiar position in the Service, they proved a quiet sort of officers who, for the matter of their salvation, *resigned completely on the Consideration and Justice of the Government, waiting patiently all along until the Government found their own convenience to take up the question themselves*—instead of troubling the Government with memorials to right the Service at the early stages of the officers' careers.

(a)—At length when their turn did come and their Service was sought to be righted through entitling them to the blessed provisions of the Government Service, as referred to above in para 25 (a), it happened to be too late for the actual labourers themselves who had so fought hard in the past for the increase of Registrations (on which depended their increase of emoluments). For, *by the time that the Reorganization did take place*, the Rural Sub-Registrars and their establishments were not very far from the border of their retirement. Within the short space of time between the Reorganization and their retirement, they could not be made to fully avail themselves of all the said blessed advantages of the Government Service, in the same way that those advantages are open to be availed of, very considerably by their juniors, and every way, fully, by all the future recruits.

(b)—As a *very small compensation for all their past losses*—which this most humble Note has most respectfully sought to submit and no doubt gives a fair idea of—the only one among the aforesaid advantages and others, which is open to be availed of, *in the fullest measure* by those hard-lotted Government servants, is what is conferrable by the Noblest of those provisions, namely, *that which has granted pensions to all the other classes of the Government servants for the whole of their continuous careers*. And it has been shown above, especially in para 21 and Appendix D, that the "Civil Service Regulations" has the record of the excellent precedents of numerous other Noble acts of our Paternal Government, *most satisfactorily substantiating that, Services paid by the same nature of emoluments as were accorded to these ill-fated Rural Sub-Registrars, had, all along in the past, fully counted towards pension*.

(c) In this state of things, it will be for our Paternal Government themselves to consider if the policy adopted to pay the Rural Sub-Registrars and their establishments pensions, *only for a very small fraction of their long services towards their closing days*, and in several cases to pay no pension at all (instead of allowing pensions for their Entire Careers of hard activity of proved and acknowledged usefulness and real value) *has not been quite a departure from one of the Oldest and the Noblest of the Established, Sacred Principles of a Most Benign Christian Government as that which Providence has so graciously blessed us with and placed us under*.

27. Evidently no one cared to place all the above state of things in full details, for the kind consideration of the Government when the scheme for the Reorganization had been submitted; or else our kind Government, it may be well presumed, would have most probably done the needful. But now that this Note is expected to lead to an enquiry for accurate information, as to how many of the Rural Sub-Registrars, or others who had been Rural Sub-Registrars before and were seconded, should be exempted from the operations of a policy having the effect of a *wholesale massacre*, we confidently hope that the arguments contained herein, will prove convincing.

(a) May we not most respectfully commend this humble Note for the Most Gracious Consideration of our Most Noble Paternal Government and such Authorities as may have to take part in this connection?

28. Will such a Noble Government like that of ours, be in favour of caring for the small difference of the expense involved in mending the matter and allow one Great and Noble act of theirs to remain *imperfect through such a minor and yet palpable defect* and thus reject as pensionable those very services whose character has been explained above at sufficient length and which alone virtually enabled the Government to find the Registration Department in a position fit to undergo the Reorganization?

29. From all what have been furnished in this humble Note, may we not cherish the fond hope that quite a good case has been made out in respect of the afflicted Government servants referred to herein, for the purpose of also invoking to their *Most Extraordinary Hard case* the Memorable "SYMPATHY" OF THE IMPERIAL UTTERANCE?

APPENDIXES.

APPENDIX—A.

Circular No. 4, Dated Calcutta, April 28, 1874—From T. F. Bignold, Esquire, C. S.,
Offg. Inspector General of Registration, Bengal, to all District Registrars :—

SIR,—The following remarks and instructions are issued, with the approval of Government, for the information and guidance of District Officers in dealing with the question of supplying increased facilities for Registration within their districts.

1. It is the wish of Government that, as far as possible, a Sub-District Office may be established wherever one, two or three Thanas afford a sufficient number of registerable documents to support a Registering officer. It is however, essential that the Thanas should be within one and the same executive Sub-Division.

2. The incomes of Rural Sub-Registrars vary from Rs. 30. to Rs. 200 per mensem. In some cases where the work is light, gentlemen are found ready to give their services for the sake of the distinction conferred on them, the net income being small ; or a pensioner is glad to receive a net addition of Rs. 20/- or 30/- to his income. In other cases the work entailed is heavy, and a working man is needed, to whom a liberal remuneration is allowed.

The following condensed extracts give the views of Government on the point :—

“The Lieutenant Governor by no means intends that the Rural-Sub-Registrars should be fine gentlemen, sitting at the head of a staff of ministerial officers.” “His Honor does not see why they should not do most of the work themselves. The Lieutenant Governor’s idea of a model registry office would be a working registrar, with perhaps one copyist.” “His Honor’s impression is that Bengal is not so rich but that in almost every locality many very decent men will be extremely glad to earn even such a total income as Rs. 75/- i. e. Rs. 50/- for themselves, and Rs. 25/- for their clerks, by easy and dignified work.”

3. Inspection Reports show that the rural offices are, as a rule, at least as well managed and as successful as those at Sub-Divisions.

4. I observe that when one or two offices have been opened in a District, the District Officer generally supports proposals for the increase of their numbers.

5. Sub-Registrars are not now vested with concurrent jurisdiction within one Registration Sub-District.

6. It is, of course, convenient that the head quarters of the office should be either geographically or virtually central in respect of its local jurisdiction. If not central, it is *cæteris paribus*, better placed on that side of the tract within its jurisdiction which is nearer to the Sub-divisional or district head quarters, as the case may be, since the ordinary business of the inhabitants takes them in the direction of head quarters more frequently than to the more remote parts.

7. It is not essential that the head quarters should be at a police station. If the Sub-Registrar has a masonry house at some other fairly accessible spot, it is often better that he should hold his office there. Similarly, on a change of incumbency, the head quarters may be often advantageously shifted. But for facility of comparison the name of the Sub-district will always be that of its most important Thana. The only exception to this rule is where the leading town is not a Police station but the office is placed and is sure to remain there.

8. It is absolutely necessary that the candidate should read and write with facility and correctness the language prevailing in the locality in which he is to serve. A knowledge of English is not absolutely required.

9. Preference will be ordinarily given to a resident of the town in which the Sub-Registry is to be established, of mature age, of the same creed as the majority of the population, especially if that majority be Mohamedans. It is also desirable that he should enjoy either a pension or some other source of income, and that he should have a masonry building in his residence for the office. Residence in another part of the same district is rather against a candidate than otherwise, since it makes him likely to desire frequent occasional leave.

10. It may occasionally happen that residents are not forthcoming. Candidates may therefore apply for employment in districts in which they do not at present reside, naming the Districts in which they are willing to serve. In such case the applicant must agree to take up his family residence in the locality to which he is appointed.

11. Candidates will be required to provide secure accommodation for their offices and to provide their own establishment. They will be paid by such proportion of the fees received, as Government may in each case from time to time authorize them to draw.

12. As rural Sub-Registrars will ordinarily reside in their own homes, no leave of absence will be granted to them except on very especial emergencies. Their service does not qualify for pension. They will not ordinarily be eligible for transfer.

13. Applications should only be received, when written on the proper printed form (Registration form No. 74) which should be freely distributed by District Officers.

14. Candidates should be particularly warned of the importance of applying in the first instance to the District Officer. If they come to Calcutta, they not only waste the time of this office, but are in all probability distanced by some one nominated in the meanwhile by the District Officer.

15. The District officers should note briefly on the petition of each candidate his opinion of his fitness or unfitness and should nominate the candidate they prefer for any Sub-Registry that it may seem desirable to create. To certify to the fitness of several candidates, for one post, is a mistake, as such a course leads each candidate to suppose himself the one selected by the District Officer. A supplementary nomination may of course be submitted; should a superior candidate afterwards appear. The petitions of unsuccessful candidates as well as that of the nominee should be submitted to this office; but no papers except the form itself needs be forwarded. All applications sent from this office for report should be returned with the replies.

16. If the person nominated be a Government servant, it should always be noted by the District Officer whether the sanction of his departmental superior to his application has been accorded. In the case of a post master, the sanction of the Post Master General, Bengal, and in the case of a school master that of a District Committee is required; and the hours which such candidate undertake to devote to registration should be stated.

17. Should a European or Eurasian be nominated, a full report as to his acquaintance with the vernacular, his length of residence in the district, and the probability of his remaining permanently at his post, should be furnished for the information of Government.

18. Isolated proposals for new offices should always be submitted in the printed form of proposal (of which a copy is appended) by the District Officer. Schemes of revision affecting several offices, or the whole district may be more conveniently stated in a special letter.

19. In any case a proposal must hang fire, unless it be accompanied by a nomination illustrated by all the particulars indicated by the nomination form.

APPENDIX—B.

The method adopted for paying the emoluments of the Sub-Registrars, after the percentage of Fées which had been first allowed to them, was stopped :—

SLIDING SCALE FOR CALCULATION OF COMMISSION.

FOR RURAL SUB-REGISTRARS.				FOR SPECIAL SUB-REGISTRARS.			
When the number of Registrations does not exceed 60 in a month the Sub-Registrar will receive Rs. 40				When the number of Registration does not exceed 150 in a month the Special Sub-Registrar will receive' Rs. 60			
Above 60 and not exceeding	80	125	50	Above 150 and not exceeding	200	70	
"	80	"	70	"	200	"	80
"	125	"	85	"	250	"	90
"	170	"	95	"	300	"	95
"	200	"	105	"	350	"	100
"	250	"	110	"	400	"	105
"	300	"	115	"	450	"	110
"	350	"	125	"	500	"	115
"	400	"	135	"	550	"	120
"	450	"	145	"	600	"	125
"	500	"	150	"	650	"	130
							and so on at Rs. 5 for each 50 additional deeds.

A Rural Sub-Registrar's establishment allowance is thus calculated :—

When the number of documents does not exceed 100, Rs. 10.

Above 100,	} and not exceeding	400,—Rs. 5 for every 50 documents.
" 400		500, " 11 " 110 "
" 500		... " 12 " 100 "

APPENDIX—C.

A copy of one of the aggrieved officer's memorial to Government, made in the printed form generally adopted by a large number of the Rural Sub-Registrars and the Special Sub-Registrars who had worked long as Rural Sub-Registrars and found that their services as Rural Sub-Registrars before the reorganization in October 1905, were not to count towards pension :—

No. 46.

To

The Hon'ble Sir Lancelot Gair, B. C. S. I., C. I. C.

LIEUTENANT-GOVERNOR OF EASTERN BENGAL & ASSAM.

Through the Inspector-General of Registration, Eastern Bengal & Assam.

THROUGH THE DISTRICT REGISTRAR OF TIPPERA.

Dated Comilla the 21st March 1910.

The humble memorial of Aminuddin, Joint Sub-Registrar of Comilla,

In the District of Tippera,

Most Respectfully Sheweth:—

1. THAT Your honour's humble memorialist entered the Registration Department as Rural Sub-Registrar on 20. 6. 1885 and that, thus has been in the service of Government for a period of 24 years and 9 months.

2. THAT when the rural system was first introduced in Bengal in the year 1871/72, the post of a Rural Sub-Registrar was established with a view to popularizing the system in the country and 60 to 100 per cent of the fees were allowed to Registering Officers as their commission, and they had, in addition, also the privilege of engaging in other pursuits, thus supplementing their income as Rural Sub-Registrars. As a matter of fact most of the officers then appointed as Rural Sub-Registrars held a respectable position in life and had independent sources of income.

3. THAT the scheme proved a success and registration became popular, thus securing great advantages to the public in the shape of providing means for preserving official records of private documents and preventing forgery of documents and their fabrication to a great extent. As many of the Officers drew a high sum as commission, it was subsequently laid down that no Rural Sub-Registrar should draw more than Rs. 150 per month.

4. THAT in 1886 Sub-Registrars were prohibited from leaving their stations without permission and that in 1889 they were debarred from serving as Directors of any Bank or Company. In 1891 they were prohibited from practising as pleaders, doctors etc., and generally from this time Rural Sub-Registrars were made subject to the same discipline and restrictions as other Government servants, except that they were not liable to compulsory retirement at the age of 55. They were generally able to live in their houses and look after their private affairs and were not generally liable to transfer.

5. THAT in the year 1905 the Government of Bengal with a view to reorganize the Department and place it on a sound footing, introduced the salaried system involving general liability to transfer and compulsory retirement at the age of 55, and all officers below 45, were brought under the new system and it was directed that the services of such officers should qualify for pension from the date of introduction of the salaried system.

6. THAT Your Honour's humble memorialist is grateful to the Government for their great kindness in introducing the salaried system, but begs to point out that under present orders his service under Government for a period of about 20 years, previous to the introduction of that system, when he was subject to the same discipline and restrictions as other Officers of Government, does not count for pension.

7. THAT Your Honour's memorialist understands that on the introduction of the salaried system among Munsiffs, Employees of the Khas Tosil and Irrigation Departments, Tipperah Nazirs etc., their past services under Government were allowed to count for pension. That your humble memorialist begs also to point out that under section 403 of the Civil Service Regulations, certain officers are allowed to add a number of years to their period of service qualifying for pension and that on a very recent date the Secretary of State for India has been graciously pleased to sanction the Munsiffs to count their acting periods towards pension.

8. THAT Your Honour's humble memorialist further begs to submit that under article 430 (Note 2) of the Civil Service Regulations (3rd edition), certain Sheriffs (Nazirs) were allowed to count the period when they served under commission system, towards pension, and your humble memorialist understands that copyists of the Calcutta High Court paid by fees on obtaining a permanent appointment, are entitled to pension for the period they served in the temporary establishment like all other ministerial officers under the paternal Government.

9. THAT Your Honour's memorialist begs to submit that the Sub-Inspectors of Schools serving under the District Board have been exempted from the operation of Article 478 (A) of the C. S. Regulations in Eastern Bengal, a favour which has not even been extended towards your memorialist.

10. THAT Your Honour's memorialist begs also to submit that under the salaried system he will have to retire when his time comes, and that under present order, he will then

under article 478 (A) of the C. S. Regulations be entitled to a nominal pension only and thrown out of service with little or no subsistence at all, after having served the Government faithfully for a period of 24 years and 9 months.

11. THAT Your Honour's humble memorialist therefore most respectfully and humbly prays that the period of his service from the date of his first appointment in the Department may be allowed to count for pension and for which act of kindness your humble memorialist as in duty bound shall ever pray.

(Sd) Aminuddin.

Note—The following Appendices D, E, F and G are from the Third Edition of the Civil Service Regulations corrected up to 1st may 1897.

APPENDIX—D.

Fees and Commission.

("Civil Service Regulations", Third Edition, Page 115)

Article No. 430 clause (b)—Service in an office paid by fees or by commission, in addition to pay from the *General Revenues*, qualifies.

Clause 2—Sheriffs (Nazirs) on the establishments of Civil or Revenue Courts, who were paid wholly or partly by fees, are entitled to pension, unless the establishment on which they have served is excluded by Article 398.

(Note Article 398 page 110, Third Edition refers to service paid from contract allowances.)

Clause 3—Service as a Thugy (local Collector of Revenue paid by Commission) in Lower Burma qualifies. * * * * *

—o—

APPENDIX—E.

Conditions of qualification.

("Civil Service Regulations" Third Edition, Page 109.)

Article No. 393.—The service of an officer does not *qualify for pension* unless it conforms to the following three conditions :—

First—The service must be under Government.

Second—The employment must be substantive and permanent.

†Third—The service must be paid by Government. These three conditions are fully explained in the following sections.

Sec IV. †Third condition. (Page 113, Third Edition.)

Article No. 420.—Service which satisfies the conditions prescribed in section II and III qualifies or does not qualify, according to the source from which it is paid ; with reference to this Article service is classified as follows :—

(a) Paid from *General Revenues*. * * * * *

(d) Paid by fees levied by law, or under the authority of the Government, or by commission. * * * * *

—o—

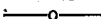
APPENDIX—F.

Piece-work.

("Civil Service Regulations," Third Edition, Page 112.)

Article No. 414.—A section writer, or Press servant, who is paid for piece-work, is treated as having held a substantive office, if—

- (i)—he is employed, not casually, but as a member of a fixed establishment ; and
- (ii)—during the last seventy-two months of his actual employment he has been attached to one office uninterruptedly for twenty four months, or it has not been through his own choice or misconduct that he has not been so attached.



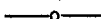
APPENDIX—G.

Emoluments and average emoluments.

("Civil Service Regulations," Third Edition, Page 138 to 139.)

Article No. 530.—The term "Emoluments" when used in this part of the Regulations means the emoluments which the officer was receiving immediately before his retirement, and includes—

- * * * * *
- (c) Fees or commission, if they are the authorized emoluments of an appointment, and are in addition to pay. In this case "Emoluments" means the average earnings for the last six months of service.
- * * * * *



(From the Third Edition of the "Civil Service Regulations" page 139.)

Article No. 531.—The term "Average Emolument" means the average calculated upon the last five years of service.



(From the Fifth Edition of the "Civil Service Regulations" page 122.)

Article No. 487.—The term "Average Emoluments" means the average calculated upon the last three years of service.



W. 10/14

RULES

~~R/307~~

S1723

FOR THE

EXAMINATION OF JUNIOR CIVIL SERVANTS, POLITICAL
OFFICERS, DEPUTY COLLECTORS, CANTONMENT
MAGISTRATES, AND OTHERS

IN THE



BOMBAY PRESIDENCY.

Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1886.

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CHAPTER I.

SECTION I.

RULES RELATING TO JUNIOR CIVIL SERVANTS.

Introductory Rules.

1. Every gentleman appointed in England to be a member of the Civil Service of the Presidency of Bombay shall, immediately on arrival at Bombay, report himself to the Chief Secretary to Government, or, in his absence, to the officer in charge of the Separate Department.
Report to be made by Junior Civil Servants on arrival.
2. (a) The salary of a Junior Civil Servant will be Rs. 400 per mensem from the date of arrival, increasing to Rs. 450 from the date of his passing the Departmental Examination, Lower Standard, and to Rs. 500 from the date of his passing the Departmental Examination, Higher Standard, and being invested with the full powers of a Magistrate.*
Salary of Junior Civil Servants appointed in England.
† (b) The salary of a Probationer appointed to the Statutory Civil Service will be Rs. 200 per mensem from the date of his joining his appointment, increasing to Rs. 250 from the date of his passing the Lower Standard Departmental Examination. If he acquits himself satisfactorily during a period of not less than two years from the date of his admission on probation and passes the Lower Standard Departmental Examination, he will be eligible for confirmation by the Governor General in Council on the report of this Government.
Salary of Statutory Civil Servants.
3. On a Junior Civil Servant reporting his arrival and in the case of a Statutory Civil Servant on his appointment to the service, orders will be issued placing him under the Collector or other chief Executive Officer of a district, for the purpose of his qualifying himself in the languages and departmental subjects of examination.
Junior Civil Servants placed under District Officers.
4. (a) The Junior Civil Servant is required to pass examinations in Hindustáni and in one Vernacular language within fifteen months of arrival. If he fail so to pass, a deduction of 10 per cent. will be made from his salary until he shall have passed the examinations. For the standard of the examination in Hindustáni see *infra*, Rule 15. The
Junior Civil Servants required to pass examinations in Hindustáni and in one Vernacular.

* Officers on passing the lower or higher standard of examination shall, as a rule, be at once invested, respectively, with the powers of a Subordinate Magistrate of the First Class [Second Class Magistrate] or with full Magisterial powers [powers of a First Class Magistrate]; and they shall accordingly be entitled to the higher rates of pay from the date of their passing the examination. But if in the case of any officer subordinate to him the Magistrate of a district shows to the satisfaction of the Local Government that investiture with higher powers ought to be deferred, then the mere passing of the examination will not establish a title to higher pay, nor shall such higher pay be granted until the investiture with higher powers takes place. (Resolution of the Government of India, No. 377, January 20, 1871.)

Powers of a Subordinate Magistrate of the First Class [Second Class Magistrate] are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the Second Class [Magistrate of the Third Class] for six months; and full Magisterial powers are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the First Class [Magistrate of the Second Class] for the same period: provided that no officer shall be entitled to a higher rate of pay by reason of exercising higher powers, unless he has passed in all the subjects of examination by the First or Second [Lower or Higher] Standard, as the case may be. (Resolution of the Government of India, No. 2990, June 17, 1871.)

† Government Notification (General) No. 2311, August 27, 1879, and Resolution (Revenue) No. 6751, November 11, 1881.

standard of the examination in the Vernaculars is the Lowest Vernacular Standard : see *infra*, Rule 16.

(b) It is not necessary that the Statutory Native Civil Servant should pass in Hindustáni, but must, if posted to a district of which the language is not his own Vernacular, pass in the language of that district. (Government Resolution (Revenue) No. 1881, March 21, 1882).

Statutory Civil Servants not required to pass in Hindustáni and in their own Vernaculars.

Junior Civil Servants gazetted as Supernumerary Assistant Collectors and invested with Third Class Magisterial powers.

5. On passing either in Hindustáni or in a Vernacular language, a Junior Civil Servant will ordinarily be gazetted as Supernumerary Assistant Collector, and invested with the powers of a Magistrate of the Third Class.

6. It is optional with a Junior Civil Servant, who may not have passed in Hindustáni or in any Vernacular language, to present himself for the Departmental Examination, Lower Standard. In the event of his passing the above Departmental Examination, he shall be considered as having passed in the Vernacular language in which he has been examined at such Departmental Examination. He shall likewise be considered as having passed in any other Vernacular language which may have been one of the subjects of the Departmental Examination, Higher Standard, in which he may afterwards have passed.

Optional to pass Lower Standard Departmental Examination before passing in Hindustáni or Vernacular.

7. (a) A Junior Civil Servant who has passed in one Vernacular language shall, on being moved to a district in the Vernacular language of which he has not passed, be liable to pass in the Vernacular language of the new district within one year after joining his appointment, and on his failing to do so, a deduction of 10 per cent. will be made from his salary until he passes, or is removed to a district in the Vernacular of which he has passed. This Rule applies to all Assistants in whatever branch of the service employed.* 'Junior Civil Servant' in this Rule means one not above ten years' service. (Government Resolution (Revenue) No. 6055, October 14, 1881.)

Junior Civil Servants further required to pass in the Vernaculars of the districts to which they may be transferred.

(b) The standard of examination under this Rule is the Lowest Vernacular Standard.

Junior Civil Servants not to receive charge of *tálukás* and be invested with Second Class Magisterial powers without passing Lower Standard Departmental Examination.

8. Except for special reasons,* a Junior Civil Servant appointed Supernumerary Assistant Collector will not receive permanent charge of a *táluka*, or be invested with the powers of a Magistrate of the Second Class, until he shall have passed the Departmental Examination, Lower Standard.

Junior Civil Servants not to be appointed Second Assistant Collectors or Assistant Judges, or Session Judges, and be invested with First Class Magisterial powers without passing Higher Standard Departmental Examination.

9. Except for special reasons, a Junior Civil Servant will not be appointed to be or act as Second Assistant Collector or Assistant Judge and Session Judge, or be invested with the powers of a First Class Magistrate, until he has passed the Departmental Examination, Higher Standard.

10. A Junior Civil Servant, desirous of entering the Judicial Branch of the Service, may, on application made to the Secretary to the Central Committee for Departmental Examinations one month before the date of the Departmental Examination, Higher Standard, be examined thereat in an extra paper relating to Judicial matters as hereinafter provided. The Junior Civil Servant will not by passing in this paper bind himself to enter the Judicial Branch, but he will be freed from obligation to pass any other examination in Judicial matters.

Candidates for the Judicial Branch required to pass in an extra Judicial paper.

* *Vide* Government Resolution (Revenue) No. 4151, September 27, 1883.

11. (a) Promotions in the several grades of Assistants will, under ordinary circumstances, be regulated according to the date of their passing the Higher Standard. Passing the Departmental Examination, however, will not entitle to promotion any one whose conduct is otherwise unsatisfactory.

(b) A Statutory Civil Servant will be required to pass the Lower Standard Departmental Examination within two years from the date of his appointment. No obligatory period has been fixed within which he should pass the Higher Standard Departmental Examination; but until he has passed the Higher Standard Departmental Examination he cannot be invested with the powers of a Magistrate of the First Class, and will not be eligible for promotion. The Government of India have reserved to themselves power to dispense with the services of any Native Civilian appointed under the Statutory Rules who may fail to pass by the Higher Standard within a reasonable time, and who as a result of such failure is found to be disqualified for the efficient discharge of his duties as a Member of the Civil Service.*

12. A Junior Civil Servant will not be entitled to travelling allowance on these occasions, unless the Central Committee for Vernacular or Departmental Examinations, as the case may be, shall certify that his proficiency was such as to entitle him to the allowance.

Certificate for travelling allowance to examination Candidates.

HINDUSTANI AND VERNACULAR EXAMINATIONS.

13. The Central Committee for Vernacular Examinations will consist of the Secretary or Under Secretary to Government in the Revenue Department, the Oriental Translator to Government, and two other Members appointed by Government, the Oriental Translator being Secretary to this Committee. This Committee is distinct from the Central Committee for Departmental Examinations (see *infra*, Rule 19), and examines in Hindustani and the Vernaculars only.

14. This Committee will meet at Bombay or Poona quarterly on such date as they may appoint for the examination of Junior Civil Servants desirous of being examined in Hindustani or in any of the Vernacular languages of the Presidency, *viz.*, Maráthi, Gujaráti, Kánarese, and Sindhi.‡

Subjects of examination in Hindustani.

15. The examination in Hindustani shall contain the following exercises:—

1. Translation <i>visd voce</i> into English, with reasonable premeditation, but without assistance, from a fairly-written Hindustani letter or petition ...	Full marks	40
2. Written translation, without assistance, into Hindustani from an ordinary English narrative, and from a letter or petition, or Government order or regulation ...	"	40
3. Translation <i>visd voce</i> into Hindustani of a simple dialogue, or of questions and answers proposed by the Examiner ...	"	40
4. Conversation on ordinary subjects, including Commercial, Revenue, and Magisterial matters, to test the Candidate's capability of understanding and making himself understood in a conversation on such subjects ...	"	40
5. A knowledge of the Grammar of the language, to be tested by parsing, or by the Candidate's answers to questions proposed by the Examiner ...	"	40
Total ...		200

* Government Notification (Revenue) No. 383, dated January 19, 1881, and Government Memo. No. 4340, dated December 23, 1881.

† The practice of the Central Committees is to refuse certificates for travelling allowance to Candidates who obtain less than a half of the minimum number of marks required to pass.

‡ *Vide* Government Resolution (Revenue) No. 885, February 11, 1881.

A candidate must, in order to pass, obtain at least one-third of the marks under each head of examination and 60 per cent. of the total number of marks. If he obtains less than the requisite number of marks under the 1st or 2nd head of examination, it is to be in the discretion of the Committee whether he should be further examined.

Marks required for passing in Hindustani.

(b) Fifteen marks are required to pass a Candidate in Hindustani.

Standard by which the Committee examines in the Vernaculars.

16. The standard by which the Central Committee for Vernacular Examinations examines in the Vernaculars is the Lowest Vernacular Standard.

Subjects of examination in the Vernaculars.

17. (a) The examination in a Vernacular language by the Lowest Standard shall contain the following exercises :—

The Candidate is to be required—

- | | | |
|---|------------|----|
| 1. To read a page of Village or Taluka Accounts written in the Vernacular language and ordinary cursive character. | Full marks | 40 |
| 2. To read off in the Vernacular of the district, and explain <i>visu voce</i> in English, a deposition or other exhibit selected from a Magisterial case, and a petition in the ordinary character... | " | 40 |
| 3. To render back into the Vernacular from an English translation an ordinary report by a Native Revenue Officer. This must be rendered in a style sufficiently intelligible to enable a Native to read it out as written. It must be free from material errors in grammar and spelling, and the handwriting must be legible... | " | 40 |
| 4. To converse with two or three Natives in such manner as to satisfy the Committee that he is able to understand, and make himself understood by Natives of various classes in ordinary conversation | " | 40 |

A candidate must, in order to pass, obtain at least one-third of the marks under each head of examination and at least 60 per cent. of the total of the aggregate number of marks. If he obtains less than the requisite number of marks for the 1st head, it shall be in the discretion of the Committee whether his examination shall proceed further.

DEPARTMENTAL EXAMINATIONS.

18. Half-yearly examinations of Junior Civilians and others who may be permitted to appear shall be held at Bombay or Poona, under the supervision of the Central Committee for Departmental Examinations on 1st April and 1st October, or such other dates as may be notified to the Examinees by order of the President.

19. The Central Committee for Departmental Examinations will consist of a Judge of the High Court as President, or such other officer as may be nominated by Government, the Secretary or Under Secretary to Government in the Revenue Department, the Accountant General, his Deputy or Assistant, the Registrar of the High Court, and the Oriental Translator to Government, who shall also be Secretary, and such other Members as Government may from time to time appoint.

20. (a) There shall be two standards of qualification. The Lower Standard must be passed before a Candidate can present himself for examination according to the Higher Standard.

(b) It will not be necessary for a Native Junior Civil Servant or for a Statutory Civil Servant to undergo the language part of the examinations by the Lower and Higher Standards.

LOWER STANDARD.

(See Appendix A.)

21. The principal object of the Lower Standard of examination shall be to test the Candidate's proficiency in the Vernacular language of the district. The further objects shall be to test his general acquaintance with the leading principles of Revenue Administration and Criminal

Justice, and especially with so much of the Laws of Procedure as it is necessary for an officer to know in order to exercise properly the functions of an Assistant Collector and Subordinate Magistrate, and his power of dealing with conflicting arguments and evidence. With these objects the following scheme of examination is laid down :—

- (1.) Papers and questions are to be proposed to the Candidate for the purpose of ascertaining his knowledge of the language of the district.
Papers to be set, &c.
- (2.) Papers on Revenue and Judicial questions are to be answered without reference to any books, except the text (without commentary) of Regulations and Acts and the printed Rules for administration of Revenue Survey Settlements, and such other books of reference as may be prescribed by the Central Committee. These questions will be so framed as not to involve difficult and rare points, or recollection of forms, dates, &c., but must be sufficient to test the Candidate's general knowledge of the subjects of examination. *The Indian Evidence Act will also be a subject of examination, and questions in it are to be answered without books.
- †(3.) (a). The Candidate is to be required to answer ordinary questions showing a general acquaintance with the principles and system of Huzur, Táluka, and Village Accounts as given in Hope's Manual, and of Treasury and Local Fund Accounts as given in the Civil Account Code, Vol. I., and the Pay and Acting Allowance Code.
(b). The Candidate shall produce a certificate from the Collector of the district that he has duly attended to and satisfactorily discharged the duties of Treasury Officer for a period of not less than six weeks in the twelve months immediately preceding the examination. No Candidate shall be declared as passed without such certificate.
- (4.) With a view of testing the power of the Candidate in dealing with conflicting arguments and evidence, a decided case, which he has never before seen (from a Magistrate's record), of the nature of those which come before Assistants in charge of districts, is to be placed before him, the final proceeding in the case being withdrawn, as also any English translations or summary. The papers may then be read over to the Candidate by a Native Officer, and the explanation of any difficult word or phrase asked for and given in the Vernacular, the circumstance being on each occasion noted. The Candidate may make notes as the record is read over. Finally, he must write out in English a summary of the evidence of each witness and his decision upon the question or questions at issue, with a sufficient statement of the grounds on which it is based.

HIGHER STANDARD.

(See Appendix A.)

22. The Higher Standard of examination shall be similar in its nature to the Lower, but more difficult in degree. Its object shall be to test the fitness of the Candidate to transact creditably the ordinary business of a Collector and Magistrate, and the examination will be conducted in conformity with the following scheme :—

- (1.) The Candidate must show an unimpaired acquaintance with the Vernacular of the district, the papers selected as tests being of a more difficult description than those in the former examination. The Candidate's power of explaining himself clearly in
Papers to be set, &c.

* Government Resolution (Revenue) No. 2618, May 31, 1872.

† Government Notification No. 2036, March 28, 1882, and No. 1128, February 6, 1884.

the Vernacular is to be tested by an argument of some difficulty, such as may occur in official business.

- (2.) Questions of law and practice are to be selected from the whole range of the duties of a Collector and Magistrate, and arranged in two classes: one comprehending important and leading points, in answering which no books shall be allowed; and the other comprehending less general and less common points, in answering which the assistance of books shall be allowed. No guides, digests, or summaries, however, are to be used, but only the original laws, circular orders, and interpretations, with rules relative to different departments printed by authority. The object of this class of questions is to test the Candidate's capacity readily to find the law or practice in the less common points which arise in business. It is not to evoke subtlety or ingenuity, but merely to ascertain whether or not the acquisitions of the person examined are such as to enable him fitly to perform the important functions of a Magistrate and Collector.
- (3.) A Magisterial case is to be selected from those possessing enough of complexity to test the Candidate's ability to master all ordinary difficulties, and especially to test his power of minute attention to, and just appreciation of evidence, and his knowledge of one or two nice points connected with Native custom. The course laid down in sub-para. 4 of the preceding Rule (21) should be adopted.
- (4.) (a) The Candidate is to be examined relative to Revenue administration, and especially the principles of a Survey Settlement, and the rules laid down for the guidance of Revenue Officers in connection therewith.
* (b) The Candidate shall be examined in a paper on subjects connected with Revenue Survey and Settlement.
- (5.) The Candidate is to be tested in the Penal Code, the Criminal Procedure Code, the Police Acts, the Summary Settlement Acts, the District Municipal Act, the Salt Act, the Watan Act, the Registration Act, the Opium Act, the Forest Act, the Abkari Act, the Bombay Revenue Code, the Local Boards Act, the Stamp Act, and other Acts and Regulations commonly referred to in practice.
- † (6.) (a) The Candidate is to be required to show his knowledge of the accounts of a Collectorate, whether Village, Taluka, or Huzur, and to have a satisfactory general acquaintance with the subjects treated of in Hope's Manual, and with the whole system of Treasury and Local Fund Accounts prevailing in the Presidency as given in the Civil Account Code, Vol. I., and the Pay and Acting Allowance Code.
(b) The Candidate shall produce a certificate from the Collector of the district that he has duly attended to and satisfactorily discharged the duties of Treasury Officer for a period of not less than six weeks in the twelve months immediately preceding the examination. No Candidate shall be declared as passed without such certificate.‡
- (7.) The Candidate will also be examined in Best's Law of Evidence, the examination being limited to the part which deals with general principles only, and the Indian Evidence Act and the Indian Contract Act (Nos. I. and IX. of 1872), the questions in which should be answered without books. (Government Resolution (Revenue) No. 2618, May 31, 1872.)

* Government Resolution (Revenue) No. 4353, August 27, 1881.

† Government Notification No. 2036, March 23, 1882, and No. 1123, February 6, 1884.

‡ If a Junior Civilian, who has been in charge of a District Treasury for six weeks in January and February, or February and March, passes the Lower Standard Departmental Examination in April, he can present himself for examination at the Higher Standard Departmental Examination in the following October, and pass it without being required to hold charge of a District Treasury for another period of six weeks in the interval between the two examinations. (Government Resolution (Revenue) No. 424, January 16, 1885.)

Examination in extra Judicial paper.

23. The extra paper on Judicial matters described in Rule 10 will consist of questions on the following subjects :-

The Civil Procedure Code.
 The Law of Limitations.
 The Law of Contracts.
 The Law of Evidence.
 The Specific Relief Act, the Indian Succession Act, the principles of Hindu Law, and the leading cases decided by the Bombay High Court.

The marks obtained in answering this extra paper will be reckoned towards the Junior Civil Servant's passing the Departmental Examination, Higher Standard, provided the minimum in all other branches of examination has been duly attained.

Local Committees.

24. On application made one month previous to the ordinary date of an examination, Local Committees will be appointed for the examination of Candidates stationed in the Province of Sind, the Persian Gulf, or Arabia.

25. The Central Committee for Departmental Examinations will fix the half-yearly examination days. If local examinations are sanctioned, they must be held on the same days. The Central Committee shall prepare beforehand for each examination sets of questions, a sufficient number of copies of each of which sets shall be forwarded to each Local Committee in a sealed packet, not to be opened until the moment of examination. The Central Committee shall, subject to the general control of Government, frame rules for the general guidance of the Local Committees, in order to ensure a fair and uniform method of fixing the degree of attainment upon each point of examination.

26. The Local Examination Committee will consist of the chief Judicial and chief Revenue Officer of the district, the senior of whom shall be President; and the other Members shall consist of one experienced Native Officer from the Judicial, another from the Revenue Branch of the Service, and a third from the Educational Department. When the chief Judicial or chief Revenue Officer is unable to attend, an experienced Assistant or Subordinate will perform his duties as Member of the Committee. In Sind, where the examinations will be held at Karachi, the Assistant Commissioner will be *ex-officio* Secretary to a Branch Local Committee, the President and Members of which will be appointed by the Commissioner of that Province.*

27. (a) The Local Examination Committee will conduct the examinations and, after due deliberation in respect of each Candidate examined, will record the result so far as regards the points on which their report is due, and the President shall transmit the record to the Central Examination Committee. The President will be responsible for the fairness, impartiality, and proper strictness of the examination. The written answers of the Candidates and the other papers written by them, either in the Vernacular or in English, shall be forwarded with the record.

(b) To preserve uniformity of standard in the examinations held by the Central Committee and those in Sind, the same papers for translation into Sindhi will be set for the Sindhi Candidates as are set to Candidates attending the language part of the examination in Bombay, though the marks may be assessed in Sind, and the same Magisterial case will be set to the Sindhi Candidates as is set in Bombay. The Central Committee will send an English translation of the case, which will then be translated into Sindhi in Sind for the use of the Sindhi Candidates.

(c) All papers set by Members of the Central Committee, and the answers to which are to be examined and marked by such Members, will be sent under sealed

cover to the Secretary to the Branch Local Committee, who will return under sealed cover the answers to the Secretary to the Central Committee for assessment of the marks, and the decision whether a Candidate has or has not passed will rest with the Central Committee.*

Results of Examinations.

23. The Central Examination Committee shall report to Government the names of such Candidates as have successfully passed.

APPENDIX A—JUNIOR CIVILIANS.

LOWER STANDARD.

1. Translation from English	165	}	250
2. Translation into English	85		
3. Reading and explaining Vernacular papers, and Conversation, (in cases of local examination according to report of Local Committee)	150		
4. (a) Judicial Questions to be answered with books	}	150	
(b) Judicial Questions, including questions on the Indian Evidence Act, to be answered without books			
5. Magisterial Case	50		
6. Revenue Questions	150		
7. (a) Paper of Questions on Treasury and Local Fund Accounts	75		
(b) <i>Viva voce</i> in Revenue Accounts	75		
Aggregate marks	900		

HIGHER STANDARD.

1. Translation from English	125	}	200
2. Translation into English	75		
3. Reading and explaining Native papers, and Conversation, (in cases of local examination according to report of Local Committee)	150		
4. Judicial Questions to be answered with books	75		
5. Judicial Questions, including questions on the Indian Evidence Act and the Indian Contract Act, to be answered without books	75		
6. Best's Law of Evidence	100		
7. Magisterial Case	50		
8. Revenue Questions with books	150		
9. Ditto without books	150		
10. Paper on Revenue Survey and Settlement matters	100		
11. Paper on Treasury and Local Fund Accounts	100		
12. <i>Viva voce</i> in Revenue Accounts	75		
Aggregate marks	1,225		
Add extra Judicial paper	150		
	1,375		

Note 1.—A Candidate, who obtains at least one-fourth of the marks in every subject and at least half of the total number of aggregate marks, will be considered to have passed, unless the Central Committee for special reasons reported see fit to rule otherwise. Except in the case of Political Officers and Cantonment Magistrates, this standard of marks will be increased from the 1st of October 1886 to 50 per cent. in every subject and 60 per cent. of the total number of aggregate marks in the case of the Lower Standard Departmental Examination, and to 30 per cent. in every subject and 50 per cent. of the total number of aggregate marks in the case of the Higher Standard Departmental Examination. (Government Resolution (Revenue) No. 7106, September 2, 1885.)

Note 2.—The following are the heads under which the subjects of examination are arranged, each head being considered as one subject when calculating the minimum marks entitling a Candidate to pass :—

In the Lower Standard.

- I.—Languages, Nos. 1, 2, and 3.
- II.—Judicial, Nos. 4 and 5.
- III.—Revenue, No. 6.
- IV.—Accounts, No. 7.

* Government Resolution (Revenue) No. 3992, July 9, 1881.

In the Higher Standard.

- I.—Languages, Nos. 1, 2, and 3.
 II.—Judicial, Nos. 4, 5, 6, and 7.
 III.—Revenue, Nos. 8 and 9.
 IV.—Revenue Survey and Settlement, No. 10.
 V.—Accounts, Nos. 11 and 12.

Note 3.—* Any Candidate for the Lower or the Higher Standard Examination who obtains the minimum qualifying marks out of the aggregate total for all the subjects, and passes in all the subjects but one, will not be obliged to present himself again for examination, except in the subject in which he may have failed, but he will not be declared to have fully passed until he has successfully undergone examination in every subject: provided that the Candidate must, in order to have the benefit of this rule, come up and pass at the next ensuing examination in the one subject in which he may have failed.

SECTION II.

Rules for the Encouragement of the Study of Oriental Languages among the Junior Members of the Bombay Civil Service.

- Former rules cancelled. 1. The rules published in the *Bombay Government Gazette* of the 23rd July 1868, Part I, pages 682-3, are cancelled.
- Standards of examinations and donations. 2. The standards of examinations and donations to be given to successful Candidates will be as follows:—

				Rs.		
Higher Standard.	{	Arabic	...	800	} With certificate from the Presiding Examiners.	
		Sanskrit	...	800		
		Persian	...	500		
High Proficiency.	{	Maráthi	...	1,000		
		Gujaráti	...	1,000		
		Kánarese	...	1,000		
		Sindhi	...	1,000		
		Persian	...	2,000		
Degree of Honour.	{	Arabic	...	2,000		} With diploma from the Government of India.
		Sanskrit	...	2,000		
		Maráthi	...	2,000		
		Gujaráti	...	2,000		
		Kánarese	...	2,000		
		Persian	...	4,000		
		Arabic	...	5,000		
		Sanskrit	...	5,000		

3. No Civil Servant will be permitted to present himself for examination by two standards of the *same* language simultaneously, but he may have the option of competing for the higher examinations in any languages without first undergoing any inferior test.
- Candidates not to appear simultaneously for any two standards.
4. No Civil Servant will ordinarily be permitted to appear more than twice as a Candidate at any examination; but, if a special recommendation be made by the Examiners, a Candidate will be allowed to appear a third time.
- Candidates not to appear more than twice.
5. No Civil Servant will be allowed any pecuniary reward for passing the Higher Standard, High Proficiency, or Honour Examinations, after the expiration of five, ten, and fifteen years, respectively, counted from the date of his first arrival in India. No exception to this rule will be made on account of leave or any other cause. Civil Servants may be permitted to attend the examinations after the expiration of the periods specified in this rule, but no reward will be granted to them if they pass; and their leave must be limited to such time as may be necessary to enable them to attend the examination, and no extra expense must under any circumstances be caused to the State. In such cases it will be within the competence of the Local Government to refuse applications for permission to attend any particular examination when compliance with such applications would involve inconvenience to the public service. Civil Servants who pass the examinations after the expiration of the periods specified will be entitled, however, to the usual certificate or diploma declaring the successful result of the examination.

Candidates passed under former rules not allowed to appear.

6. Civil Servants who may have passed examinations under any former rule shall not be eligible to compete at corresponding examinations in the same language or languages under these rules.

7. Civil Servants who are natives of India, and who have entered the service either by competition in England or by appointment under the Statutory Rules, shall not receive the donations prescribed in these Rules when such Native Civilians pass in the Vernacular of the district in which they were born or educated, Government determining in each case what languages come within this definition. Probationers under the Statutory Rules shall not be allowed to appear at these examinations.

8. Examinations will be held quarterly, on the first Monday in January, April, July, and October of each year at Bombay. Should the 1st of January fall on a Monday, the examinations will be held on the following day. Civil Servants desirous of attending examinations must apply to Government for leave to do so at least three months before the date of examination. When a Covenanted Civilian who has been granted permission to appear for examination does not purpose to avail himself of such permission he should intimate his change of mind to the Civil and Military Examination Committee at least ten days before the date of examination so as to save unnecessary trouble to the Examiners.*

Subjects of examinations for the Higher Standard. 9. The following are the subjects of examination for the Higher Standard :—

(a) Construing *vidá voce*, with readiness and accuracy, from the undermentioned books :—

Sanskrit ... Riju Páth.	}	Arabic ...	{ Nafhat-ul-Yaman, 1st Part.
Persian ... { Ikd-i-Gul. Ikd-i-Manzum.			

(b) Translating accurately, and with correctness of idiom and grammar, not less than half an ordinary octavo page of plain English into the language in which the examination is held.

(c) Reading fairly and translating readily and correctly manuscripts in the above languages. These manuscripts may be selected from the proceedings of a case in Court, from reports or petitions addressed to Civil or Military authorities, from letters passing between Natives of India in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters generally employed.

(d) † *Vidá voce* translation into the Oriental language of a paper of English sentences, and conversing with the Examiners, or in their presence with persons selected by them, with fluency and with such correctness of pronunciation, grammar, and idiom as to be at once intelligible. In Sanskrit the colloquial and manuscript portions must be omitted.

Subjects for the High Proficiency Examinations. 10. The following are the subjects for the High Proficiency Examination :—

(a) Construing *vidá voce*, with readiness and accuracy, from the undermentioned books :—

Maráthi ... { Navanit. Venisanhár Nátak.	}	Arabic ...	{ Nafhat-ul-Yaman. Selections from Alif Laila.
Gujarátí ... { Kávya Dohan. Jay-Kumári-Vijay Nátak.				{ Gulistán. Bostán.
Kánarese... { Káthá Manjari. Rávan Digvijay. Chan-Basveshvar' Purán (7 to 10 cantos).	}	Persian ...	{ Mirza Háirat's translation of Malcolm's History of Persia, Vol. II.
Sindhi ... { Nandirám's History of Sind by Mahomed Mas- sum. Sasvohin and Panhu. (Khevatrá'm's) Sukrea Galionjion.				{ Hitopadesh. 1st nine cantos of Raghu- vansh (expurgated edition by Ishvar Chandra Vidya- ságar.)

*Government Resolution (General) No. 2050, dated June 3, 1885.
†Government Notification (General) No. 1574, dated April 29, 1885.

- (b) Translating into English, with accuracy, a passage in narrative style not taken from the text books and selected in all languages, except Sanskrit, from the current literature of the day.
- (c) Translating with accuracy of idiom and neatness of expression into the language in which the examination is held, an English paper in narrative style.
- (d) Translating in like manner a paper of English sentences.
- (e) Conversation in the language (except in Sanskrit).
- (f) Reading and translating at sight a manuscript in the language.
- (g) Dictation in the language of a translation made at sight from a paper in English placed before the Candidate.
- (h) A paper of grammatical questions.

Subjects for the Honour Examinations. 11. The following are the subjects for the Honour Examination:—

- (a) Construing *visá voce*, with readiness and accuracy, from the under-mentioned books:—

Maráthi ...	{ Kekávali Bhárat } by Moropant. Sításvayamvar by Váman Pandit. Dásbodh. Compilation of Dayáram's Poems.	Arabic ...	{ Hamásáh, 1st two books, pages 1—109, Calcutta Edition. Taimur Námáh. Makámát of Hariri, 1st half. Saba Muallakát.
Gujaráti ...	{ Narma Kavita. Shakuntala Nátak by Dál- patráam Pránjivan.		{ 1st and 2nd Adhyáys of the 1st Ashtak of the Rig-Ved Sanhita.
Kánarése ...	{ Jaimini Bhárat. Rámáyan.	Sanskrit ...	{ Cantos I to VI and XI to XVIII, inclusive, of the expurgated edition of the Kirátárjuniya of Ishvar Chandra Vidyáságar. Shakuntala Nátak.
Persian ...	{ Akhalák-i-Jaláli. Inshá-i-Abul Fazl. Sháh Námáh, one volume, or about one-fourth of the whole. Diwán of Háfiz.		

- (b) A written examination in the books, the paper set to include questions in grammar and prosody.
- (c) Translating into English with accuracy two passages, one in prose and the other in poetry, selected from some difficult work not being a text book. The passage in prose will, in all languages except Sanskrit, be selected from the current literature of the day.
- (d) Translating a difficult passage from English with accuracy, elegance and neatness of expression, and perfect correctness of grammar and spelling.
- (e) Conversing with accuracy and fluency except in Sanskrit.
- (f) Reading and translating at sight a manuscript in the language.
- (g) Dictation in the language of a translation made at sight from a paper in English placed before the Candidate.

Nature of the Honour Examinations.

12. The Honour Examination will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

13. Successful Candidates for the Degree of Honour shall be arranged in two divisions according to the number of marks obtained. For the first division 80 per cent. of the marks must be obtained in all subjects, and not less than 60 per cent. in any one paper; for the second division 60 per cent. must be obtained in all subjects, and not less than 45 per cent. in each paper. The reward and diploma will be granted only to those passing in the first division, and their names only will be published in the *Gazette of India*. Those passing in the second division will be deemed to have passed for the purposes of leave

and travelling allowance rules, but they will not be allowed the benefit of those rules on a second occasion should they elect to compete again for the reward of a Degree of Honour.

14. The following Rules from the Civil Leave Code regulate the grant of leave to enable officers to appear at examinations :—

Leave to appear at examinations.

Section 77—

- " 1. (a) A Covenanted Civil Servant * * * who is a Candidate for a reward by the Higher Standard in Persian or Sanskrit, or by the High Proficiency Standard in the Vernacular languages or Sanskrit, or by the Degree of Honour Standard in the Vernacular languages or Sanskrit, is entitled to Joining Time to and from the place of examination, besides leave for the day or days of examination.
- (b) A Candidate for a reward by the Higher Standard in Arabic or for High Proficiency in Arabic or Persian may be allowed leave for one month, and, if he passes the examination, for two months.
- (c) The maximum leave for two months authorised by Clause (b) may be prefixed to the examination if the Candidate undertakes to spend it in study under professional tuition at a Presidency town.
- (d) An officer who is a Candidate for the Degree of Honour in Arabic or Persian may be allowed, instead of the leave for two months provided in Clause (c), leave for three months to Persia for Persian; and to Arabia, Mesopotamia, Egypt, or Syria for Arabic."
- " 2. An officer on leave under Rule 1 has a lien on his appointment, substantive or officiating, and is entitled to Leave Allowances, as if he were on Privilege Leave, for an aggregate maximum period of twelve months."

Section 78, Rule 3.—"Examination Leave may be affixed or prefixed to Privilege Leave; provided that Privilege Leave prefixed to the three months' Examination Leave under Clause (d), Rule 1, Section 77, must be spent in, or in the journey to, one of the appropriate countries mentioned in that clause. Except as herein provided, no kind of leave, except Furlough on Medical Certificate, may be granted in continuation of Examination Leave."*

CHAPTER II.

- RULES RELATING TO DEPUTY COLLECTORS.

1. Every person appointed to be or to act as Deputy Collector without having Deputy Collectors required passed the Departmental Examinations prescribed to pass the Higher Standard for graduates and non-graduates (*vide* Chapter V.) is Departmental Examination. required to pass the Departmental Examination, Higher Standard, prescribed for Junior Civil Servants, within one year from date of taking charge, or at the first examination held after the expiration of one year from such date. On failure so to pass, a deduction of 10 per cent. will be made from his salary until he shall have passed the examination. Until the above examination shall be passed, the person appointed will be shown in the Civil List as a Probationer, and on failure so to pass within two years from the date of nomination he will forfeit his appointment.
2. No Native Deputy Collector will be assigned any marks for passing No marks for Vernaculars in any of the Vernaculars, but if he be appointed to a to Natives. district the Vernacular of which is different from his own he will have to undergo an examination in the language of the district in

* Government Resolution (General) No. 1032, March 21, 1882.

the same manner as a Junior Civil Servant is required to do under Rule 7 of Chapter I., Section I. This Examination will, however, be quite distinct and independent of his Departmental Examination. (Government Notifications (Revenue) dated 20th August 1873 and 3rd March 1874.)

Note.—For the purpose of this Rule, Eurasian Candidates are Native Candidates. (Government Resolution (Revenue) No. 1986, dated March 25, 1882.)

3. *A Deputy Collector will not be required to answer the paper on Survey and Settlement matters, nor to produce the certificate referred to in Chapter I., Section I, Rule 22, sub-para. 6 (b).

CHAPTER III.

RULES RELATING TO POLITICAL OFFICERS.

Political Officers required to pass the Lower Standard Departmental Examination prescribed for Junior Civil Servants.

1. The Departmental Examination according to the Lower Standard prescribed for Junior Civil Servants shall, till further notice, be the examination to qualify for gazetted Political appointments within the Presidency of Bombay.

2. †All persons who may enter the Political Department in order to hold such gazetted appointments are to be considered as Probationers for the term of one year, during which period they will be required to pass this examination. And no person will be confirmed in the Department unless favourably reported on by his official superior as regards conduct and general fitness for his duties.

Probationers required to pass the examination within one year.

3. Any officer in the service of Government desirous of being examined will submit an application for leave to appear before the Central Committee, and with his application he will forward a certificate from his official superior to the effect that he is fairly well prepared in the prescribed subjects.

Candidates for the examination required to submit applications and certificates.

4. The provisions contained in Rules 2 and 3 will, when necessary, be relaxed by order of Government in special cases to meet the exigencies of the public service.

5. Political Officers from Káthiáwár will be required, in lieu of the Examination of Political Revenue and Account Examination which Junior Civil Officers from Káthiáwár. Servants undergo, to do the following exercises:—

- | | | |
|--|---|--|
| <p>(a) Political Questions;
(b) A Political Case; and
(c) Revenue questions according to the system prevailing in Káthiáwár.</p> | } | <p>Prepared and furnished by the Political Agent of that Province.</p> |
|--|---|--|

CHAPTER IV.

RULES RELATING TO CANTONMENT MAGISTRATES AND OTHERS.

Every person appointed to be or to act as Cantonment Magistrate, Assistant Cantonment Magistrate, Railway Magistrate, or Town Magistrate, is required to pass the Departmental Examination, Lower Standard (with the exception of the subjects of Revenue, Accounts, and Vernacular Language) within one year from the date of taking charge, or at the first examination held after the expiration of one year from such date. Until the above examination shall be passed, the person appointed will be shown in the Civil List as a Probationer, and on failure so to pass within two years from the date of nomination he will forfeit his appointment.

Cantonment, Railway, and Town Magistrates required to pass the Lower Standard Departmental Examinations.

* Government Resolution (Revenue) No. 1530, March 7, 1882.

† Government Notification (Political), March 1, 1871.

CHAPTER V.

RULES RELATING TO GRADUATES AND NON-GRADUATES EMPLOYED IN THE
REVENUE DEPARTMENT.

1. *Graduates who have been appointed to the Revenue Department will be admitted to the Lower Standard Departmental Examination after a period of eighteen months' service, and during that period they must be employed—

Graduates employed in the Revenue Department admitted to the Lower Standard Departmental Examination.

- (a) for six months on account duties in a Mámíatdár's kacheri;
- (b) for six months doing duty as a Revenue Kárkun in a Mámíatdár's kacheri; and
- (c) for six months serving as a General Duty Kárkun or Circle Inspector.

Note 1.—Graduates serving under this rule shall, as far as possible, be placed in the appointments named in (a), (b), and (c).

Note 2.—If the Collector so directs, a portion of the service in (a) not exceeding three months may be in the Collector's Account Office.

Graduates admitted to the Higher Standard Departmental Examination after six months' further service on passing the Lower Standard Departmental Examination.

2. Graduates after passing the Lower Standard Departmental Examination must serve for a further period of six months, after which they may appear for the Higher Standard Examination.

During this further period Graduates shall, as far as possible, hold the appointments of Head Kárkuns to Mámíatdárs, and be invested with powers as Magistrates of the Second or Third Class.

3. Graduates who have passed the Departmental Examination, Higher Standard, are eligible for appointment as Mámíatdárs, and have the first claim to vacancies in that office in order of seniority according to date of passing the examination, but subject to the condition that the claimant has proved himself deserving of promotion by efficiency and good conduct in his previous service.

Graduates on passing the Higher Standard Departmental Examination eligible to be appointed to vacant posts of Mámíatdárs.

Non-Graduates admitted to the Lower Standard Departmental Examination.

4. The Departmental Examination, Lower Standard, is also open to non-Graduate officers of the Revenue Service on the following conditions:—

- (a) That the Candidate holds an appointment in the Revenue Department, of which the salary is not less than Rs. 30 per mensem;
- (b) That the Candidate produces a certificate of the Commissioner or Collector, under whom he is serving, that he is qualified by merit, industry, character, and knowledge for admission to the examination; and
- (c) That he has completed five years' service in the Revenue Department.

5. Non-Graduate officers of the Revenue Department, on passing the Departmental Examination, Lower Standard, are entitled to promotion to the following appointments along with passed Graduates according to the dates of their passing the examination:—

Places to which non-Graduates become entitled after passing the lower Standard Departmental Examination.

- (a) Head Kárkun to Mámíatdár;
- (b) Chitnis to Commissioner or Collector;
- (c) Maháikari;
- (d) Head Clerk to Commissioner or Collector;
- (e) Second Clerk to Commissioner or Collector;
- (f) Native Huzúr Accountant;
- (g) Deputy Chitnis or First Kárkun to Collector;
- (h) Shirastedár to Assistant or Deputy Collector;
- (i) Shirastedár to the District Superintendent of Police;
- (j) Clerk to the Collector and District Registrar.

Note.—Except that passed Graduates shall have a special claim to appointment to the office of Head Kárkun to a Mámíatdár during their probationary service under Rule 2.

* Government Notification (Revenue) No. 7165, September 2, 1885.

† If several Graduates and non-Graduates pass at the same examination, they shall take rank according to merit as shown by the number of marks obtained in the examination.

Proviso.—This Rule will not be construed absolutely in Gujarát for the 10 years ending the 2nd September 1895, that is, the places (a) to (j) will in Gujarát be ordinarily, but not exclusively, reserved for officers who have passed the Departmental Examination, Lower Standard, as against those who have not.

6. The following persons, not being Graduates, but having passed the Departmental Examination, Lower Standard, will be admitted to the Higher Standard Departmental Examination, and on passing it shall have their names registered in order of passing on a supplementary list of non-Graduates qualified for the appointment of Mám-latdár, and be eligible to fill vacancies in the office of Mám-latdár, either acting for short periods, or, when no qualified Graduate is available, permanently:—

Non-Graduates admitted to the Higher Standard Departmental Examination, and eligible to be appointed to Mám-lats in the absence of Graduates and for short period.

(a) Persons holding the offices of Chitnis or Head Clerk to a Commissioner or Collector (substantive);

(b) Any other officer of the Revenue Service of not less than 10 years' standing who may be recommended by a Commissioner on grounds of special merit, and may thereon have been permitted by Government to appear for the Departmental Examination, Higher Standard.

Note 1.—No other officer of the Revenue Department below the rank of Mám-latdár is entitled to appear for the Departmental Examination, Higher Standard.

Note 2.—Mám-latdárs appointed from the supplementary list will be eligible for promotion to Deputy Collectorships according to merit.

Note 3.—"Commissioner" in this part includes the Commissioner of Survey and Settlement.

Passed Graduates and non-Graduates given preference in filling places of more than Rs. 30 a month.

Departments included under Revenue Department

7. Both Graduates and non-Graduates who have passed the Lower Standard Departmental Examination will also be given preference in filling all other appointments of which the salary is over Rs. 30.

8. The Revenue Department for the purpose of these Rules includes—

(1). The Department of Land Revenue and General Administration;

(2). The Revenue Survey Department.

9. If a Graduate or non-Graduate fails to pass the Lower Standard Departmental Examination after having been afforded three opportunities, or the Higher Standard Departmental Examination after having been afforded two opportunities of doing so, he will not be allowed to present himself for examination again, but may remain in the service in any appointment not reserved for officers who pass these examinations, for which he may be deemed fit.

Note.—It is not intended to allow three further chances of passing to persons who have already appeared under the old Rules for the Lower Standard Departmental Examination on one or more occasions, and failed. In all, only three chances of passing can be allowed, whether under the old or the new Rules.*

10. From the 1st of January 1889 non-Graduates who pass the Departmental Examinations under the above Rules will be eligible to fill every third vacancy in the office of Mám-latdár in each division, in addition to the occasional appointments secured by the provisions of Rule 6.

Further privileges to be given to non-Graduates from 1st January 1889.

11. Government reserve the right in very exceptional cases to sanction the promotion to Mám-lats, without passing the Departmental Examinations, of old officers of the Revenue or Survey Departments who were already of long standing in the service when the passing of these examinations was first made a condition of advancement to that office, and who have proved their fitness while acting in the office of Mám-latdár or in other responsible posts.

Promotion to Mám-lats without examinations.

12. The examination prescribed for Graduates and non-Graduates will be the ordinary Departmental Examinations of Junior Civilians and others held half-yearly. The subjects will be the same, but an additional District Revenue

Nature and time of examinations.

* Government Resolution (Revenue) No. 10358, December 24, 1885.

Officer of experience will be added to the Examiners, special papers may be set, and there should be a thorough *viva voce* examination in all the subjects.*

13. The Lower Standard Examination held under this chapter is called the Special Lower Standard Examination, and is identical with the Lower Standard Departmental Examination prescribed for Junior Civil Servants (which is now known as the Ordinary Lower Standard Departmental Examination), except in the following particulars :—

- (1) that besides the paper of Revenue Questions (Appendix A., Lower Standard 6) it contains a special paper on the subject in addition ;
- (2) that it contains an additional paper on Revenue Accounts, besides that on Treasury and Local Fund Accounts (Appendix A. L. S. 7 (a)), and that the paper on Treasury Accounts excludes questions on the Pay and Acting Allowance Code.†
- (3) that it dispenses with the certificate required under Chapter I., Section I., Rule 21 (3) (b) ;
- (4) that it dispenses with the language part of the examination in the case of Native Candidates ; and
- (5) that the standard of marks for passing are 50 per cent. in each subject and 60 per cent. of the aggregate marks of the whole examination instead of 25 and 50 respectively as required of Junior Civil Servants.‡ After the 1st of October 1886, the standard shall be that from time to time in force for junior members of the Civil Service.§

14. The Higher Standard Examination passed by Graduates and non-Graduates after they have passed the Special Lower Standard Examination is identical with the Higher Standard Departmental Examination prescribed for Junior Civil Servants, except—

- (1) that it dispenses with the certificate required of Junior Civil Servants under Chapter I., Section I., Rule 22, sub-para. 6 (b) ;
- (2) that it dispenses with the language part of the examination in the case of Native Candidates ; and
- (3) that it dispenses with the paper on Survey and Settlement matters.

15. Mámlatdárs who have received their Mámplats not under the foregoing Rules, and Head Accountants may present themselves at the Departmental Examination, Higher Standard, which in this case is called the Special or Raised Higher Standard. Any other persons who wish to do so must obtain the sanction of Government.

16. In the case of Candidates for whom the passing of the Departmental Examination is not compulsory, a certificate of having passed the examination [by the Higher Standard] shall hold good only for five years from the date of passing, and after the expiration of that period it will be necessary to undergo the examination afresh, unless in the meantime the Candidate shall have obtained an appointment as Deputy Collector.||

17. In the case of Candidates examined under Rule 15, the Higher Standard Departmental Examination is the same as that prescribed for Graduates, except

- (1) that in addition to the two Revenue papers, a third is set, called the Special Revenue Paper, and ¶
- (2) that the ¶ minimum marks required to pass are 50 per cent. of the marks of each subject and 60 per cent. of the aggregate marks of the whole examination. The standard so modified is called the Special or Raised

* Government Resolution (Revenue) No. 3507, July 4, 1879.

† Government Resolution (Revenue) No. 4131, June 27, 1882.

‡ Government Resolution (Revenue) No. 6391, November 29, 1879.

§ Government Resolution (Revenue) No. 7837, September 26, 1885.

|| Government Notification (Revenue), August 20, 1873.

¶ Government Resolution (Revenue) No. 1766, March 25, 1881, and No. 3357, June 30, 1880.

Higher Standard, to contradistinguish from which the Higher Standard Examination passed by the Junior Civil Servants and the Graduates and non-Graduates is called the ordinary Higher Standard Examination.

18. *All persons, whether in the Government service or not in that service, who present themselves for examination at the Higher Standard Departmental Examination, must, if they have not previously passed the prescribed Lower Standard Departmental Examination, qualify under the Special or Raised Higher Standard test before they can be declared to have passed the Higher Standard Departmental Examination.

APPENDIX-B.

Special Lower Standard.

✓ 1. (a) Judicial Questions to be answered with books	150	✓ 50
✓ (b) Judicial Questions, including questions on the Indian Evidence Act, to be answered without books	50	30
2. Magisterial Case	150	30
✓ 3. Revenue Questions to be answered with books	150	90
✓ 4. Special Revenue paper to be answered without books	75	45
✓ 5. Questions on Treasury and Local Fund Accounts, excluding questions on the Pay and Acting Allowance Code	75	45
✓ 6. Questions on Revenue Accounts	75	45
7. <i>Vidâ voce</i> questions on Revenue Accounts	75	45
	<u>725</u>	435
Additional exercises for Candidates other than Natives—		
8. Translation from English	165	
9. Translation into English	85	225
10. Reading and explaining Vernacular papers, and Conversation	150	
	<u>400</u>	180
	<u>1,125</u>	4.

Higher Standard.

1. Judicial Questions to be answered with books	75
2. Judicial Questions, including questions on the Indian Evidence Act and the Indian Contract Act, to be answered without books	75
3. Best's Law of Evidence	100
4. Magisterial Case	50
5. Revenue Questions, with books	150
6. Do. without books	150
7. Paper on Treasury and Local Fund Accounts	100
8. <i>Vidâ voce</i> in Revenue Accounts	75
	<u>775</u>
Additional exercises for Candidates other than Natives :—	
9. Translation from English	125
10. Translation into English	75
11. Reading and explaining Native papers, and Conversation	150
	<u>350</u>
	<u>1,125</u>

Special or Raised Higher Standard.

1. Judicial Questions, with books	75
2. Judicial Questions, including questions on the Indian Evidence Act and the Indian Contract Act, without books	75
3. Best's Law of Evidence	100
4. Magisterial Case	50
5. Revenue Questions, with books... ..	150
6. Do. without books	150
7. Special Revenue paper	120
8. Paper on Treasury and Local Fund Accounts	100
9. <i>Vidâ voce</i> in Revenue Accounts... ..	75
	<u>895</u>

* Government Resolution (Revenue) No. 2525, March 22, 1894.

Additional exercises for Candidates other than Natives :—

10. Translation from English	125
11. Translation into English	75
12. Reading and explaining Native papers, and Conversation	150
	<u>350</u>
	<u>1,245</u>

Note I.—The following are the heads under which the subjects of examination are arranged, each head being considered as one subject when calculating the minimum marks entitling a Candidate to pass :—

<p><i>20 marks 50%</i> <i>60%</i></p>	<i>In the Special Lower Standard.</i>	
	I.—Judicial, Nos. 1 and 2.	100 120
	II.—Revenue, Nos. 3 and 4.	150 180
	III.—Accounts, Nos. 5, 6, and 7.	174 135
	IV.—Language, Nos. 8, 9, and 10.	
	<i>In the Higher Standard.</i>	
	I.—Judicial, Nos. 1, 2, 3, and 4.	364 435
	II.—Revenue, Nos. 5 and 6.	
	III.—Accounts, Nos. 7 and 8.	
	IV.—Language, Nos. 9, 10, and 11.	-71
	<i>In the Special or Raised Higher Standard.</i>	
	I.—Judicial, Nos. 1, 2, 3, and 4.	
	II.—Revenue, Nos. 5, 6, and 7.	
	III.—Accounts, Nos. 8 and 9.	
	IV.—Language, Nos. 10, 11, and 12.	

Note II.—Any Candidate for the special Lower Standard, Higher Standard, or the Special or Raised Higher Standard Examination, who obtains the minimum qualifying marks out of the aggregate total for all the subjects, and passes in all the subjects in which he is examined, but one, will not be obliged to present himself again for examination, except in the subject in which he may have failed, but he will not be declared to have fully passed until he has successfully undergone examination in every subject: provided that the Candidate must, in order to have the benefit of this rule, come up and pass at the next ensuing examination in the one subject in which he may have failed.

CHAPTER VI.

RULES RELATING TO REVENUE OFFICERS IN SIND.

- I. Assistant Collectors, being members of the Sind Commission, are examined by the same standards as Junior Civil Servants, *except in the paper on Survey and Settlement matters which is set in the Higher Standard Examination.
- Uncovenanted or Military Officers in Sind.
- Rules for admission into the Revenue Service.
- Classes eligible for appointments to higher grades of Revenue Service.
- II. †The following rules apply to the admission of Graduates and others to the higher appointments in the Revenue branch of the Public Service in Sind :—
1. All vacant appointments in the grade of Head Munshi, Mukhtyárkar, and Deputy Collector will be filled up from the following classes only :—
- (a) Graduates of any University who become qualified under these Rules.
- (b) Government servants in the Revenue or kindred Departments who pass the Departmental Examinations required by these Rules before the 31st December 1887.

* Government Resolution (Revenue) No. 1530, March 7, 1882.

† Government Notification (Revenue) No. 6840, October 2, 1882.

(c) Experienced servants of Government of proved merit and ability, whose age and ignorance of English may prevent their passing the prescribed examinations.

2. Any Graduate can become qualified for a Head Munshiship by serving for not less than one year under a Mukhtyárkar as Second Munshi and by passing the ordinary Lower Departmental Examination.

3. Such Graduate can further become qualified for a Mukhtyárkarship, (1st) by serving for six months as a Head Munshi, (2nd) by then passing the Higher Departmental Examination, provided that he produces proof of competency and good moral character.

All appointments as Second Munshi to be reserved for graduates.

their willingness to serve

Lists should be kept of all graduates who apply for appointments in the Revenue Branch under these Rules.

Name of Graduate twice refusing an appointment to be moved from list.

4. All vacancies in the grade of Second Munshi in Mukhtyárkar's offices shall first be offered to Graduates who have formally intimated to the Commissioner under these rules. Lists will be kept of such Graduates, and only in the event of there being no Graduate willing to take up the appointment of Second Munshi should it be granted to others. The name of any Graduate who twice refuses or declines to accept an appointment will be struck off the list of applicants.

5. Lists shall be kept, as provided in Rule 6, of all Revenue subordinates and of all duly qualified Graduates who pass the Departmental Examinations, the names being arranged in order of merit, e.g., where a Revenue subordinate before 1887 and a Graduate who has served for a year as Second Munshi pass the Lower Departmental Examination at the same time, their names shall be entered in the lists in the order of merit, and they shall be entitled to promotion to Head Munshiships as they fall vacant in that order. Similarly, if a qualified Graduate and Revenue subordinate both pass the Higher Standard at the same time, they shall be promoted to the office of Mukhtyárkar in the order in which they pass the examination.

Detailed lists of officers qualified to be Head Munshis and Mukhtyárkar.

Both Lower and Higher Standard Examinations must be passed, except in certain cases.

Only two chances of passing allowed for each examination.

Promotion to grades of Mukhtyárkar how regulated.

6. The lists of persons qualified to hold the office of head Munshi shall be kept by the Collectors, and the lists of all persons qualified for promotion to Mukhtyárkarship will be similarly kept by the Commissioner in Sind.

7. No Graduate or Revenue Officer can go up for the Higher Standard Examination, except as provided in Rule 13 or 14, without first passing the Lower Standard, and no Candidate will be permitted to present himself more than twice for the same examination.

8. Promotion from one grade to another in the appointment of Mukhtyárkar will be regulated by seniority or exceptional merit.

9. An officer who has served satisfactorily as Mukhtyárkar, or who has qualified himself under Rule 14, will be considered eligible for appointment as Deputy Collector.

10. No subordinate officer will be permitted to present himself for the Departmental Examination without the approval of the Collector and a certificate from the Divisional Officer declaratory of the thorough fitness of the Candidate.

Restrictions on appearance at Departmental Examination.

Graduates failing to pass Lower Standard Departmental Examination in two years to be removed from appointment.

12. Service as Head Accountant, as Head Munshi to Commissioner, to Collector or Assistant Collectors, as Head Clerk to Commissioner or Collector, as Deputy Accountant, as Huzur Accountant, as Kotvâl, will be held to qualify for promotion to a Mukhtyârkarate in the same way as service as a Head Munshi to a Mukhtyârkar; *i.e.*, a qualified officer upon passing the Lower Standard Examination becomes eligible for any of those appointments, and after six months' service in them can go up for the Higher Standard, and thus qualify himself for promotion to a Mukhtyârkarate in the same way as if he had held a Head Munshiship. Existing incumbents of such offices are required to pass both Departmental Examinations if they wish to be promoted to the grade of Mukhtyârkar.

Head Accountants to qualify for Mukhtyârkarship need only pass Higher Departmental Standard.

Present incumbents of office of Mukhtyârkar in order to qualify themselves for promotion to grade of Deputies must pass Higher Standard.

In the absence of qualified Candidates vacancies to be filled up as at present.

16. Any Candidate who passes the Lower Standard Departmental Examination becomes qualified to be appointed a Magistrate of the Third Class, and any Candidate who passes the Higher Standard becomes eligible, if otherwise duly qualified, to be appointed a Magistrate of the Second or First Class as may be recommended by the District Magistrate: provided that no Third Class Magistrate can be appointed a Second Class Magistrate, until he has exercised the powers of a Third Class Magistrate for six months, and no Second Class Magistrate can be appointed a Magistrate of the First Class until he has exercised Second Class powers for not less than six months.

Officers transferred from Sind to Presidency proper required to pass the Special Higher Standard Examination.

11. Any Graduate holding the office of Second Munshi who fails to pass the Lower Standard Departmental Examination within two years from the date of his appointment as a Probationer will be removed from his probationary appointment.

13. Head Accountants at present in the service wishing to qualify themselves for Mukhtyârkarates must pass the Departmental Examination, Higher Standard, but need not serve for six months as Head Munshis.

14. Mukhtyârkaras at present in the service wishing to qualify themselves for promotion to the rank of Deputy Collector must pass the Departmental Higher Standard, and appointments to Deputy Collectorships will ordinarily be made from Mukhtyârkaras qualified under this Rule or under Rule 1 (c).

15. Until properly qualified Candidates become available, vacancies will be filled up as usual by seniority and selection.

17. Any Candidate who passes the Lower Standard Departmental Examination becomes qualified to be appointed a Magistrate of the Third Class, and any Candidate who passes the Higher Standard becomes eligible, if otherwise duly qualified, to be appointed a Magistrate of the Second or First Class as may be recommended by the District Magistrate: provided that no Third Class Magistrate can be appointed a Second Class Magistrate, until he has exercised the powers of a Third Class Magistrate for six months, and no Second Class Magistrate can be appointed a Magistrate of the First Class until he has exercised Second Class powers for not less than six months.

18. Any Candidate who passes the Lower Standard Departmental Examination becomes qualified to be appointed a Magistrate of the Third Class, and any Candidate who passes the Higher Standard becomes eligible, if otherwise duly qualified, to be appointed a Magistrate of the Second or First Class as may be recommended by the District Magistrate: provided that no Third Class Magistrate can be appointed a Second Class Magistrate, until he has exercised the powers of a Third Class Magistrate for six months, and no Second Class Magistrate can be appointed a Magistrate of the First Class until he has exercised Second Class powers for not less than six months.

III. An* officer transferred or promoted from Sind to the Presidency proper will be required to pass the Special Higher Standard Examination.

CHAPTER VII.

RULES RELATING TO HEAD ACCOUNTANTS.

1. All persons appointed to be Probationary Head Accountants shall pass an examination in Revenue and Financial Accounts before the Central Committee at the time of Departmental Examinations of Junior Civil Servants. The Committee shall set the paper in Hope's Forms, and the Accountant General, a searching paper in the Financial Accounts. No Probationary Head Accountant shall be confirmed in his appointment unless he passes the prescribed examination.†

* Government Resolution (Revenue) No. 6840, October 2, 1882.

† Government Resolution (Financial) No. 3358, June 14, 1875.

2. 100 marks are to be assigned for the paper on Financial Accounts and 300 for the one on Revenue Accounts. 50 per cent. Standard of marks. in each paper and 60 per cent. of the aggregate number of marks for both papers will be required to pass a Candidate, and 75 per cent. to pass with credit.

Head Accountants in Sind. 3. Head Accountants in Sind shall be examined by the Branch Examination Committee at Karachi.

CHAPTER VIII.

RULES RELATING TO SUBORDINATE JUDGES

1. Every Subordinate Judge will be required to pass, within two years of obtaining his first substantive appointment, an examination before the *Central Committee for Departmental Examinations in any one of the three Vernacular languages in use in the Regulation Provinces of the Presidency, other than his own; unless he shall have already done so before obtaining a substantive appointment, or shall have furnished a certificate of proficiency under the provisions of Government Resolution (Judicial Department) No. 4654, dated 9th July 1883.

(a) Failure to qualify in accordance with this Rule will render a Subordinate Judge liable to removal from his appointment.

2. In making new appointments, Candidates already qualified as above will ordinarily be selected in preference to Candidates who passed the High Court Pleaders' or LL.B. Examination in the same year, but are not thus qualified.

3. In making appointments to the First Class subsequent to 1st April 1885, preference will ordinarily be given to those who have qualified according to Rule 1.

4. The subjects in which the Candidates are examined are as follows:—

	Marks.
1. Translation of an English paper into Vernacular	125
2. Translation of a Vernacular paper into English	75
3. Reading and explaining Vernacular papers, and Conversation ...	150
Total marks...	350

33 per cent. marks under each head and 60 per cent. of the aggregate marks of the examination should be considered as the minimum that should be obtained by every Candidate before he can be declared as passed.†

CHAPTER IX.

RULES RELATING TO POLICE OFFICERS.

I.—A class of not more than ten Police Probationers will be constituted. †On first appointment, a Probationer shall receive pay at the rate of Rs. 200 per mensem without any extra allowances. He will be placed under a Police Superin-

* Government Resolution (Judicial) No. 1818, March 8, 1884.

† Government Resolution (Judicial) No. 3766, May 26, 1884.

‡ These Rules are applicable to Probationers, and do not supersede the Rules in Government G 1133—6

tendent to learn his work or prepare for his examinations. On passing the examination prescribed in Rule 1 of the Rules, which follow, the Probationer will receive pay at the rate of Rs. 250 per mensem without any extra allowances. He will then be required to pass the examinations prescribed in Rules 4 and 7, and if necessary those prescribed in Rules 5 and 11, before he can be held permanently qualified for the duties of a Superintendent or Assistant Superintendent of Police. If appointed to such duties before passing the examina-

Resolution No. 3552, dated 30th June 1873, so far as the latter are applicable to those Police Officers not appointed as Probationers. The Rules of 1873 are as follows:—

No. 3552 of 1873.

JUDICIAL DEPARTMENT.

The following Rules for the examination of Police Officers, in supersession of all existing Rules, are published for general information:—

1. From the date of the publication of these Rules, every person hereafter appointed to be or to act as an Assistant Superintendent of Police will be required to pass, at the first examination held not less than six months after the date on which he joined his appointment, an examination in at least one Vernacular language of the Presidency, either Maráthi Gujaráti, or Kánarese, and in the following subjects:—

Persons appointed to be Assistant Superintendents required to pass an examination in Vernaculars and Acts.

The Indian Penal Code.
The Criminal Procedure Code.
Act VI. of 1864.
Acts VII. and VIII. (Bombay) of 1867.
Chapters 2, 7, 9, and 10 of the Indian Evidence Act of 1872.
2. This examination will be held at the time and at the place fixed for the half-yearly Departmental Examination of Junior Civilians, and will be conducted by a Committee consisting of the Under Secretary to Government in the Judicial Department, the Oriental Translator to Government and another Member to be from time to time appointed by Government.

Time and place of examination.
Constitution of the Examination Committee.
3. The examination in the Vernacular language will be of the same nature and difficulty as the examination required to be passed by Junior Civilians before their investiture with the lowest Magisterial powers. Two papers of questions in the Acts mentioned in Rule 1 will be set at each examination. The questions in one paper will be taken from the Penal Code and Bombay Acts VII. and VIII. of 1867; the other paper will consist of questions from the other Acts specified. The time allowed for each paper will be three hours. 150 marks will be allotted to each paper. No Candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for both papers, or 180 marks in all. The questions will have to be answered without the assistance of books. If an officer fails to pass the examination as prescribed in Rule 1, he shall be removed from his appointment.

Nature of examination.
4. Every person, after having been appointed to be or to act as an Assistant Superintendent of Police, shall, within twelve months after the date on which he passed the examination prescribed in Rule 1, pass before the Central Departmental Examination Committee at Bombay or Poona an examination according to the Higher Standard test in the Vernacular language of the district to which he may have been appointed: provided that if prior to his appointment he shall have passed this examination, or one of equal difficulty, in the language in question before the above-mentioned Committee he shall not be required to pass again in the same language.

Assistant Superintendents required to pass an examination in the Vernacular by the Higher Standard.
5. If an officer after appointment is removed from a Maráthi to a Gujaráti or Kánarese district or to Sind, or *vice versa*, he shall be required to pass an examination of the nature described in Rule 4 in the Vernacular language of the district to which he is transferred within one year from the date of his transfer, if prior to his transfer from the district to which he was originally appointed he shall not have passed in the language of the district an examination of the nature prescribed in Rule 4, but if before his removal he shall have passed the examination as directed in Rule 4 in the Vernacular of the district in which he was first serving, he shall then only be required to pass within one year from the date of his transfer an examination in the Vernacular of the district to which he may be moved, of a nature similar to that prescribed for Junior Civilians before their investiture with the lowest Magisterial powers.

Assistant Superintendents further required to pass an examination in the Vernacular of the district to which they may be transferred.
6. If an officer fails to pass within the specified time the examinations prescribed in Rules 4 and 5, he shall be permitted to present himself a second time for examination after the expiration of a further period not exceeding six months; but if within eighteen months from the date of his passing the examination prescribed in Rule 1, or of his transfer, he shall not have succeeded in passing the above examinations, he shall be removed from his appointment.

Failure to pass within eighteen months entails loss of appointment.

tions, he will receive the ordinary travelling allowance attached thereto, but no acting allowance.

II. The seniority of Probationers will ordinarily be fixed according to priority of appointment, modified by the priority of date of passing all the examinations required to qualify them permanently, except such examinations as may be temporarily excused on account of circumstances over which the Probationers have no control; but Government reserve the right of drafting Military or other officers into the higher grades of the Police, should such procedure appear desirable.

III. Service as a Probationer will not count as service towards pension.

7. In addition to the above-mentioned examinations in the Vernacular language, every officer, whether in the Military or Uncovenanted Service, appointed to be or to act as Assistant Superintendent of Police, shall within twelve months of the date of his passing the examination prescribed in Rule 1 pass an examination in the following Acts and any others which may from time to time be added to the list by Government:—

Acts in which Assistant Superintendents are required to pass in addition to the examination in the Vernaculars.

The Indian Penal Code and Amending Acts.
The Code of Criminal Procedure in force for the time being.
The Evidence Act (Act I. of 1872).
The Foreign Jurisdiction and Extradition Act (Act XXI. of 1879).
The Criminal Tribes Act (Act XXVII. of 1871).
The European Vagrancy Act (Act IX. of 1874).
The Arms Act (Act XI. of 1878).
The Cattle Trespass Act (Act I. of 1871).
Act XXXVI. of 1858.
The Railway Act (Act IV. of 1879).
The Whipping Act (Act VI. of 1864).
Bombay Regulation XII. of 1827.
Bombay Acts III. and VIII. of 1866.
Bombay Acts VII. and VIII. of 1867.

8. Two papers of questions relating to the above Acts will be set at each examination. The questions in one of these two papers will relate solely to the Penal and Criminal Procedure Codes and the Whipping Act. The questions in the second paper will refer to the other Acts mentioned. 150 marks will be allotted for each paper of questions. No Candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for both papers, or 180 marks in all. The questions will have to be answered without the assistance of books.

9. The above examination shall be held in Bombay or Poona once in every half-year on the date fixed for the Departmental Examination of Junior Civilians, and shall be conducted by the Under Secretary to Government in the Judicial Department and another officer to be from time to time appointed by Government, by whom the papers of questions shall be prepared, and with whom it shall rest to estimate the merit of the answers and to decide whether the Examinee has passed.

10. If an officer fails to pass within the specified time the examination prescribed in Rule 7, he shall be permitted to present himself a second time for examination after the expiration of a further period of six months; but if within eighteen months of the date of his passing the examination prescribed in Rule 1 he shall not have succeeded in passing the above examination, he shall be removed from his appointment.

11. An officer serving as Assistant Superintendent of Police will be considered to be on probation until he has passed the examinations prescribed in Rules 4 and 7, and if within twelve months from the date of his passing the examination prescribed in Rule 1 he shall not have passed those examinations, a deduction of 20 per cent. will be made from his salary until he shall have passed both such examinations.

12. All officers appointed prior to December 17, 1872, and who on that date were holding the appointment, either acting or substantive, of Assistant Superintendent of Police, and who have not yet passed the examinations prescribed in the Notifications of Government in the Judicial Department, dated August 12, 1853, July 8, 1863, and December 17, 1872, will be required to pass the examinations prescribed in Rules 4 and 8 of the Rules of December 17, 1872, within one year of the date of the publication of those Rules, and will render themselves liable to the consequences stated in those Rules should they fail so to do.

13. Police Officers of the rank of Inspector may be examined if they obtain leave from the Police Commissioner to present themselves for examination, and, if passed, should receive a certificate of qualification.

Police Officers of the rank of Inspector may present for examination if permitted, and receive certificates of qualification.

IV. The following are the rules for the examination of Police Probationers :—

(1.) Every person hereafter appointed to be a Police Probationer will be required to pass, at the first examination held not less than six months after his appointment, an examination in at least one Vernacular language of the Presidency, either Maráthi, Gujaráti, Sindhi, or Kánarese, unless he shall have previously passed such examination before the Committee mentioned below in Rule 2, or unless he is exempted from passing by the operation of the Rules published with Government Resolution, Revenue Department, No. 2565 of 24th March 1884,* and in the following subjects :—

The Indian Penal Code.
The Criminal Procedure Code.
Act VI. of 1864.
Acts VII. and VIII. (Bombay) of 1867.
Chapters 2, 7, 9, and 10 of the Indian Evidence Act of 1872.

(2.) The examination will be held at the time and at the place fixed for the half-yearly Departmental Examination of Junior Civilians, and will be conducted by a Committee consisting of the Under Secretary to Government in the Judicial Department, the Oriental Translator to Government, and another Member to be, from time to time, appointed by Government.

(3.) The examination in the Vernacular language will be of the same nature and difficulty as the examination required to be passed by Junior Civilians before their investiture with the lowest Magisterial powers. Two papers of questions in the Acts mentioned in Rule (1) will be set at each examination. The questions in one paper will be taken from the Penal Code, and Bombay Acts VII. and VIII. of 1867; the other paper will consist of questions from the other Acts specified. The time allowed for each paper will be three hours. 150 marks will be allotted to each paper. No Candidate will be considered to have passed, who fails to obtain 60 per cent. of the aggregate number of marks for both papers, or 180 marks in all. The questions will have to be answered without the assistance of books. If a Probationer fails to pass the examination as prescribed in Rule (1), he shall be liable to be removed from his appointment.

(4.) A Probationer shall, within twelve months after the date on which he passed the examination prescribed in Rule (1), pass before the Central Departmental Examination Committee at Bombay or Poona an examination according to the Higher Standard test in the Vernacular language of the district to which he may have been appointed: provided that if prior to his appointment he shall have passed this examination or one of equal difficulty in the language in question before the above-mentioned Committee he shall not be required to pass again in the same language.

(5.) If a Probationer after appointment is removed from a Maráthi to a Gujaráti or Kánarese district or to Sind, or *vice versa*, he shall be required to pass an examination of the nature described in Rule (4) in the Vernacular language of the district to which he is transferred within one year from the date of his transfer, if prior to his transfer from the district to which he was originally appointed he shall not have passed in the language of that district an examination of the nature prescribed in Rule (4); but if before his removal he shall have passed the examination, as directed in Rule (4), in the Vernacular of the district in which he was first serving, he shall then only be required to pass, within one year from the date of his transfer, an examination in the Vernacular of the district to which he may be moved, of a nature similar to that prescribed for Junior Civilians before their investiture with the lowest Magisterial powers.

(6.) If a Probationer fails to pass within the specified time the examinations prescribed in Rules (4) and (5), he shall be permitted to present himself a second

* Government Resolution (Judicial) No. 3479, June 14, 1886.

time for examination after the expiration of a further period not exceeding six months; but if within eighteen months from the date of his passing the examination prescribed in Rule (1), or of his transfer, he shall not have succeeded in passing the above examinations, he shall be liable to be removed from his appointment.

(7.) In addition to the above-mentioned examinations in the Vernacular languages, every Police Probationer shall within twelve months of the date of his passing the examination prescribed in Rule (1) pass an examination in the following Acts and any others which may from time to time be added to the list by Government:—

Acts in which Police Probationers are required to pass in addition to their passing in the Vernaculars.

The Indian Penal Code and Amending Acts.
The Code of Criminal Procedure in force for the time being.
The Evidence Act (Act I. of 1872).
The Foreign Jurisdiction and Extradition Act (Act XXI. of 1879).
The Criminal Tribes Act (Act XXVII. of 1871).
The European Vagrancy Act (Act IX. of 1874).
The Arms Act (Act XI. of 1878).
The Cattle Trespass Act (Act I. of 1871).
Act XXXVI. of 1858.
The Railway Act (Act IV. of 1879).
The Whipping Act (Act VI. of 1864).
Bombay Regulation XII. of 1827.
Bombay Acts III. and VIII. of 1866.
Bombay Acts VII. and VIII. of 1867.

(8.) Two papers of questions relating to the above Acts will be set at each examination. The questions in one of these two papers will relate solely to the Penal and Criminal Procedure Codes and the Whipping Act. The questions in the second paper will refer to the other Acts mentioned. 150 marks will be allotted for each paper of questions. No Candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for both papers, or 180 marks in all. The questions will have to be answered without the assistance of books, and will be of a simple and practical character.

(9.) The above examination shall be held in Bombay or Poona once in every half-year on the date fixed for the Departmental Examination of Junior Civilians, and shall be conducted by the Under Secretary to Government in the Judicial Department and another officer to be from time to time appointed by Government, by whom the papers of questions shall be prepared, and with whom it shall rest to estimate the merit of the answers, and to decide whether the Examinee has passed.

Place and date of examination, &c.

(10.) If a Probationer fails to pass within the specified time the examination prescribed in Rule 7 he shall be permitted to present himself a second time for examination after the expiration of a further period of six months if he has given satisfaction and has shown such qualifications as to indicate that he is likely to prove an efficient Police Officer; but if within eighteen months of the date of his passing the examination prescribed in Rule 1 he shall not have succeeded in passing the above examination, he shall be liable to be removed from his appointment.

Certificate of proficiency in Drill and Equitation.

(11.) A Probationer will also, before being

appointed to act in the grade of Superintendent or Assistant Superintendent, be required to furnish certificates of proficiency in drill and equitation similar to those

No. 7486 of 1878.

JUDICIAL DEPARTMENT.

Bombay Castle, 23rd December 1878.

RESOLUTION.—The Governor in Council has decided that Civilian Officers appointed to perform the duties of Superintendents or Assistant Superintendents of Police should in future be required to pass an examination in military drill, as a subject additional to their Departmental Examination. The Military Department should be requested to ask His Excellency the Commander-in-Chief to co-operate in the attainment of this object by allowing these officers to be taught drill with the Infantry Regiment or part of such regiment stationed in their districts, and by requiring the Commanding Officer to test and certify their proficiency.

2. In the case of officers appointed to districts where no troops are stationed, it is probable that instruction may be obtained from a pensioned Native Officer, and if none be available, the Military Department will be moved to detach a Drill Master to instruct the Superintendent or Assistant Superintendent of Police. A certificate of knowledge of drill must be obtained from the Officer Commanding a regiment in some neighbouring district.

No. 551 of 1879.

JUDICIAL DEPARTMENT.

Bombay Castle, 28th January 1879.

RESOLUTION.—Copy of the Resolution in the Military Department should be sent to the Commissioners with an intimation that Government in the Judicial Department concur with His Excellency the Commander-in-Chief in considering that it will be sufficient to require a knowledge of squad and company drill, i. e., of parts 1 and 2 of the Field Exercise Book, 1877, from officers holding the posts of Superintendents and Assistant Superintendents of Police.

2. The proposals of the Superintendent of Police, Ahmedabad, in which the Commissioner, N. D., concurs, are approved by Government. It is very desirable that Police Officers to whom the Resolution of Government in the Judicial Department, No. 7488 of 23rd December last, applies, should go through the Military riding course, as it is essential that an officer serving as Superintendent or Assistant Superintendent of Police should be able to ride well. The Military Department should be requested to move His Excellency the Commander-in-Chief to issue the requisite orders for the admission to the Military Riding Schools to pass through the prescribed riding course of the officers referred to in the above Resolution. The Assistant Superintendent in the Panch Mahals would ordinarily have to pass through the riding course at Ahmedabad, whilst those in Khándeah would have to attend the Riding School at Poona or at Ahmednagar. The requisite certificates of having gone through the riding course must be obtained during the course of the current year by the officers to whom Government Resolution No. 7488 of 23rd December 1878 at present applies.

now required from Civilian Police Officers (*vide* Government Resolutions marginally quoted): provided that it shall be within the discretion of Government to relax this rule for special reasons.

(12.) Officers without substantive appointments in the Police Department, but who are now acting as Superintendents or Assistant Superintendents and who may be appointed to the class of Probationers, will not be required to re-pass under this Resolution any examination which they have already passed under Notification No. 3553 of the 30th June 1873.

Officers without substantive appointments and who have passed under former rules not required to pass the same examinations under the above rules.

Probationers not to receive permanent appointments, unless they have proved their fitness for such appointments.

(13.) Probationers will not receive permanent appointments as Assistant Superintendents unless they have in their acting appointments proved their fitness for such employment.

(14.) Government do not consider that the examination in Law and the examination in Language prescribed in Rules (1), (2), and (3) should be held to be two distinct examinations. They must be regarded merely as two branches or subjects of one and the same examination, and if a Candidate succeeds in obtaining the requisite number of marks in Law, but fails in Language, or *vice versa*, he must be deemed to have failed entirely. This examination cannot be passed by instalments. In order to pass it, the Candidate must pass at the same time in both branches.

Examinations in Law and Language under Rules (1), (2), and (3), not two distinct examinations.

(15.) In the case of the second examination as prescribed in Rules (4), (5), (6), (7), (8), (9), and (10) of the Rules it is not essential that the examination in Law and Language should be passed at one and the same time. A Candidate presenting himself for examination in both these subjects may fail in one, but pass in the other. He would then have subsequently only to pass in the subject in which he failed at his first attempt, and would get credit for having passed in the subject in which he had made the requisite minimum number of marks. *Vide* Government Resolution (Judicial Department) No. 3552 of 30th June 1873.

Examinations in Law and Language under Rules (4) to (10), distinct examinations.

(16.) (a) All officers, to whatsoever Civil Department appointed, who shall prior to their appointment, whether officiating, substantive, or on probation, have passed an examination according to the Higher Standard test before the Civil and Military Examination Committee in any Vernacular language shall be exempted from liability to pass an examination in the same language according to the Lower Standard test before any Departmental Examination Committee, but shall be required to pass an examination in the language of the district in which they are employed according to the Higher Standard Departmental test before the Central Committee for Departmental Examination within the period prescribed in the rules.

Passing, prior to appointment, in any Vernacular according to the Higher Standard before the Civil and Military Examination Committee exempts Civil Officers only from passing in the Lower Standard before the Central Committee.

(b) All officers, to whatsoever Civil Department appointed, who shall not prior to their appointment, whether officiating, substantive, or on probation, have passed an examination according to the Higher Standard test before the Civil and Military Examination Committee in a Vernacular language, shall be required to pass, before the Central Committee for Departmental Examinations, examinations according to both the Lower Standard and the Higher Standard Departmental tests in the language of the district in which they are employed, within the period prescribed in the Rules.

(c) No person can be permitted to present himself for examination before the Central Committee for Departmental Examinations until he has been appointed to some office in a Civil Department; but any person who having been appointed to officiate during a temporary vacancy ceases to hold office on the expiration of the period of such vacancy may present himself for examination in a Vernacular language before the Central Committee for Departmental Examinations, even though at the time he may not be holding any appointment under Government.*

CHAPTER X.

RULES RELATING TO OFFICERS OF THE SALT DEPARTMENT.

1. Every officer already appointed to be or to act as an Assistant Collector of Salt Revenue, who shall not have passed the examinations prescribed in paras. 900 and 909 of the Digest of Service Rules, and every officer hereafter appointed to be or to act as an Assistant Collector of Salt Revenue, will be required to pass, at the first examination held not less than six months after the date on which he joined his appointment, an examination in at least one Vernacular language of the Presidency, either Maráthi, Gujaráti, or Kánarese, and in the following subjects:—

The Indian Penal Code.

The Criminal Procedure Code.

The Salt Acts in force in the Bombay Presidency for the time being.

The Sea Customs Act do. do.

The Land Customs Acts in force in the Bombay Presidency for the time being.

The Ports and Port Dues Acts do. do.

Chapters 2, 7, 9, and 10 of the Indian Evidence Act.

2. This examination will be held at the time and at the place fixed for the half-yearly Departmental Examination of Junior Civilians, and will be conducted by a Committee consisting of the Under Secretary to Government in the Judicial Department, the Oriental Translator to Government, and another Member to be from time to time appointed by Government.

Time and place of examination. Constitution of the Examination Committee.

3. The examination in the Vernacular language will be of the same nature and difficulty as the examination required to be passed by Junior Civilians before their investiture with the lowest Magisterial powers. Two papers of questions in the Acts mentioned in Rule 1 will be set at each examination. The questions in one paper will be taken from the Penal Code and the Salt and the Sea Customs Acts; the other paper will consist of questions from the other Acts specified. The time allowed for each paper will be three hours. 150 marks will be allotted to each paper. No Candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for both papers, or 180 marks in all. The questions will have to be answered without the assistance of books. If an officer fails to pass the examination as prescribed in Rule 1, he shall be removed from his appointment.

Nature of examination.

* Government Resolution (Revenue Department) No. 2565, March 24, 1884.

4. Every person after having been appointed to be or to act as an Assistant Collector of Salt Revenue shall, within twelve months after the date on which he passed the examination prescribed in Rule 1, pass before the Central Departmental Examination Committee at Bombay or Poona an examination according to the Higher Standard.

Officers of the Salt Department required to pass in the Vernacular by the Higher Standard.

ard test in the Vernacular language of the District to which he may have been appointed: provided that if prior to his appointment he shall have passed this examination, or one of equal difficulty in the language in question, he shall not be required to pass again in the same language.

5. If an officer after appointment is removed from a Maráthi to a Gujaráti or Kánarese district, or *vice versa*, he shall be required to pass an examination, of the nature described in Rule 4, in the Vernacular language of the district to which he is transferred, within one year from the date of his transfer, if prior to his transfer from the district to which he was originally appointed he shall not have passed in the language of that district an examination of the nature prescribed in Rule 4; but if before his removal he shall have passed the examination as directed in Rule 4 in the Vernacular of the district in which he was first serving, he shall then only be required to pass within one year from the date of his transfer, an examination in the Vernacular of the district to which he may be moved, of a nature similar to that prescribed for Junior Civil Servants before their investiture with the lowest Magisterial powers.

6. If an officer fails to pass within the specified time the examinations prescribed in Rules 4 and 5, he shall be permitted to present himself a second time for examination after the expiration of a further period not exceeding six months; but if within eighteen months from the date of his passing the examination prescribed in Rule 1, or of his transfer, he shall not have succeeded in passing the above examinations, he shall be removed from his appointment.

Failure to pass within eighteen months entails loss of appointment.

7. In addition to the above-mentioned examinations in the Vernacular language, every officer, whether in the Military or Uncovenanted Service, appointed to be or to act as Assistant Collector of Salt Revenue, shall, within twelve months of the date of his passing the examination prescribed in Rule 1, pass an examination in the following Acts and any others which may from time to time be added to the list by Government:—

Acts in which officers of the Salt Department are required to pass in addition to their passing in the Vernaculars.

The Indian Penal Code and Amending Acts.
 The Code of Criminal Procedure in force for the time being.
 The Indian Evidence Act.
 The Acts relating to Salt in the Bombay Presidency.
 The Acts relating to Sea and Land Customs in the Bombay Presidency.
 The Acts relating to Ports and Port Dues do. do.
 The Acts relating to Opium do. do. do.
 The Acts relating to Abkári do. do. do.
 The Acts relating to Registry of Vessels.
 The Acts relating to Passenger and Pilgrim Ships.
 The Acts relating to Arms and Ammunition.

8. Three papers of questions relating to the above Acts will be set at each examination. The questions in one of these three papers will relate solely to the Penal and Criminal Procedure Codes, and those in the second to the Salt and Sea and Land Customs Acts. The questions in the third paper will refer to the other Acts mentioned. 150 marks will be allotted for each paper of questions. No Candidate will be considered to have passed who fails to obtain 60 per cent. of the aggregate number of marks for the three papers, or 270 marks in all. The questions will have to be answered without the assistance of books.

Nature of examination.

9. The above examination shall be held in Bombay or Poona once in every half year on the date fixed for the Departmental Examination of Junior Civilians, and shall be conducted by the Under Secretary to Government in the Judicial Department and another officer to be from time to time appointed by Government, by whom the papers of questions shall be prepared, and with whom it shall rest to estimate the merit of the answers, and to decide whether the Examinee has passed.

10. If an officer fails to pass within the specified time the examination prescribed in Rule 7, he shall be permitted to present himself a second time for examination after the expiration of a further period of six months; but if within eighteen months of the date of his passing the examination prescribed in Rule 1 he shall not have succeeded in passing the above examination, he shall be removed from his appointment.

11. An officer serving as Assistant Collector of Salt Revenue will be considered to be on probation until he has passed the examinations prescribed in Rules 4 and 7; and if within twelve months from the date of his passing the examination prescribed in Rule 1 he shall not have passed those examinations, a deduction of 20 per cent. will be made from his salary until he shall have passed both such examinations.

12. An officer holding the post of Supernumerary Assistant Collector of Salt Revenue will not be appointed to be or to act as an Assistant Collector until he has passed the Higher Standard Examination (Government Resolution (Revenue) No. 120, dated January 10, 1882).

13. Officers of the Salt Department drawing salaries of Rs. 100 and upwards may be examined if they obtain leave from the Collector of Salt Revenue to present themselves for examination, and if passed should receive a certificate of qualification. (Government Resolution (Revenue), August 7, 1874.)

Note I.—It should be clearly understood that all officers appointed to be or to act as Assistant Collectors of Salt Revenue are required to pass before the Committee appointed under Rule 2, or that mentioned in Rule 4 of the Rules for the examination of officers in the Vernaculars before the Central Committee. In the Vernaculars before the Central Committee. In the Vernaculars before the Central Committee. In the Vernaculars before the Central Committee. The only exception which can be allowed to this general rule is that Government may in special cases, and on a special reference to be made in each case, exempt from the liability to pass in a Vernacular language before the Committees mentioned in the Rules any officer who has prior to his appointment to the Salt Revenue Department passed before the Civil and Military Examination Committee an examination according to the Higher Standard test in that language. (Government Resolution (Revenue) No. 337, January 14, 1884.)

Note II.—Rule 16, (a), (b), (c), in Chapter IX. (Police) applies to officers of the Salt Department.

CHAPTER XI.

RULES RELATING TO FOREST OFFICERS.

1. Every officer joining the Forest Department in the Bombay Presidency shall pass an examination in one of the Vernacular languages of the Presidency—Maráthi, Gujaráti, Kánarese, or Sindhi, and in surveying, according to the Lower Standard, provided that officers who hold the certificate of having completed the professional education prescribed by the Secretary of State shall not be required to pass again in surveying.

2. The test in the Vernacular language shall be that prescribed for Junior Civilians before their investiture with Third Class Magisterial powers.
- Nature of examination.
3. This examination will be held before the Central Committee for Vernacular Examinations, or such other Committee as Government may appoint specially for the purpose.
- Examination Committee.
4. Every officer shall present himself for examination in the Vernacular language of the district in which he is employed at the first meeting of the Central Committee held after he has been nine months in the service, and he shall be liable to lose his appointment if he fails to pass at the first examination held after he has been 18 months in the Forest Department.
- Forest Officers failing to pass in the Vernacular within eighteen months liable to be removed from office.
5. The test in surveying according to the Lower Standard will be as follows:—

A circuit round an area of not less than two square miles of flat country to be traversed with a prismatic compass and chain; the bearings, distances, and offsets to be recorded in a field-book, and to be plotted on a scale of not less than 8 inches = 1 mile. The roads, paths, streams, houses, and other topographical features to be filled in by plane table and chain. If the officer conducting the examination certifies that no plane table is available, the interior detail should be filled in by prismatic compass and chain. A line not less than one mile in length to be levelled throughout from both ends, and the sections to be afterwards plotted on a scale of 8 inches = 1 mile for horizontal distances and not less than 20 feet = 1 inch for vertical distances.

Examination in surveying.

6. To qualify for promotion to the post of Assistant Conservator of Forests, Second Grade, an examination in the following subjects must be passed by an Assistant Conservator of the Third Grade before the Central Committee for Departmental Examinations.
- Examination for promotion to Second Grade of Assistant Conservators of Forests.

First.—The Vernacular language of the district in which he has been employed according to the Lower Standard Examination test for Junior Civilians, if this test has not already been passed.

Second.—Surveying according to the Lower Standard, if he has not already qualified in this subject.

Note.—As a Candidate cannot be examined in this subject by means of a written set of questions, the Conservator of Forests on the application of a Forest Officer should request a Deputy Superintendent of Revenue Survey, if there is such an officer in the station, or otherwise the Executive Engineer, to conduct the examination and to send to him the map, field-book, and certificate of qualification, which the Conservator should forward to the Central Committee when submitting the Forest Officer's name for the examination in the other test subjects. (Government Resolution (Revenue) No. 8220, November 23, 1882.)

Third.—The Indian Forest Act No. VII. of 1878.

Fourth.—Departmental rules, accounts, standing orders relating to forests and official business.

Note.—The Conservator of Forests in Sind is authorized to set to the Candidates in that Province questions on this subject (Government Resolution (Revenue) No. 6459, August 30, 1883.)

Fifth.—The land revenue system of the district in which he may have been employed.

Note 1.—This subject comprises the Land Revenue Code and the rules laid down thereunder. (Government Notification No. 1741, March 14, 1882.) The questions on this subject should relate to such matters connected with the Land Revenue system as an officer must know to carry on forest administration properly. (Government Resolution (Revenue) No. 2930, May 4, 1882.)

Note 2.—Questions under the head "Accounts" will be set from the Government of India Forest Department Code. (Government Resolution No. 5890, July 21, 1894.)

In addition to the above, a certificate must be obtained from the Conservator of Forests of the Division, in the form prescribed, that the Assistant Conservator is competent to hold charge of a forest district.

7. To qualify for promotion to the First Grade of Assistant Conservators, an Assistant Conservator of the Second Grade must pass an examination in the Vernacular language according to the Higher Standard Examination test prescribed for Junior Civilians; must be certified by the Conservator of Forests to be fully competent to hold charge of a forest district; and must be considered to have merited promotion.

8. An officer transferred from one district to another district in the Vernacular language of which he has not passed, will be required to pass an examination in the Vernacular language of his new district, according to the Lower Standard Examination test, within one year of transfer. But an officer who in consequence of transfers has passed in the Vernacular languages of two different districts by the Lower Standard, will, if otherwise qualified, be eligible for promotion to the First Grade of Assistant Conservator in whatever district he may be serving without being required to pass in any one language by the Higher Standard. (Government Resolution (Revenue) No. 5142, dated September 29, 1880.)

Certificate of qualification by the Higher Standard of Surveying to be granted to Forest Officers. (Forest Department Code, Addenda and Corrigenda, No. 11, 2.)

9. Certificates of qualification by the Higher Standard of Surveying may be granted to Forest Officers proficient in the following branches of surveying, *viz.*—

In the Field.

1. Survey with chain only.
2. Survey with prismatic compass and chain, and plot by angles and distances.
3. Traverse with chain and circular protraction.
4. Traverse with theodolite, chain, and clinometer.
5. Connection of traverses with trigonometrical stations.
6. Triangulation.
7. Survey with plane table and chain.
8. Survey of hilly ground with plane table (to include the fixing of ridges and streams and the production of an intelligible map).

In Office.

1. Reducing and enlarging a map by squares and triangles.
2. Use of the pentagraph.
3. Use of the planimeter.
4. Methods of calculating areas roughly.
5. Computation of traverses.
6. Reduction of distances from clinometer readings.
7. Drawing up a chart from numerical data. (Government Notification No. 2878, June 4, 1880).

Standard of marks. 10. The standard of marks fixed for the examination under Rule 6 is as follows:—

<i>First—</i>				
Vernacular—				
Translation from English ...	...	...	...	150
Translation from Vernacular ...	...	...	...	75
Reading and explaining Vernacular papers, and Conversation ...				75
				<u>300</u>
<i>Second—</i>				
Surveying ...	...	...	...	150
<i>Third—</i>				
Indian Forest Act ...	...	...	...	125
<i>Fourth—</i>				
Departmental Rules ...	...	...	...	175
<i>Fifth—</i>				
Land Revenue system of the Candidate's district ...				100
				<u>850</u>

50 per cent. of the marks in each of the five subjects, and 60 per cent. of the total number should pass a Candidate, and 75 per cent. of the aggregate number of marks should be considered to pass with credit. (Government Resolution (Revenue) No. 5670, September 29, 1881.)

Note 1.—It must be distinctly understood that the examinations in Vernacular languages required under the rules to be passed by officers of the Forest Department must be passed before the Central Committee for Departmental Examinations, and that the fact that any officer in the Forest Department has passed in any Vernacular language before any other Examination Committee either before or after he joined the Department will not exempt him from the necessity to pass before the Central Committee for Departmental Examinations, the examinations in the Vernacular languages as prescribed in the rules. (Government Resolution (Revenue) No. 275, January 11, 1884.)

Note 2.—Rule 16 (a), (b), (c) in Chapter IX. (Police) applies to officers of the Forest Department.

Note 3.—The Departmental Examinations of Forest Officers will be conducted by the Central Committee for Departmental Examinations, a Conservator or Deputy Conservator of Forests being from time to time appointed by Government to be an additional member of the Committee to conduct the examination in surveying and in 'Departmental rules, accounts and standing orders relating to forests and official business.' (Government Resolution (Revenue) No. 5924, November 10, 1880.)

CHAPTER XII.

RULES RELATING TO THE REMUNERATION PAID TO THE EXAMINERS.

1. With the exception of the Secretary to the Central Committees for Vernacular and Departmental Examinations and to the Committees for the examination of officers of the Police, Salt, and Forest Departments and of Head Accountants, and the additional Member or Members called from the Mofussil to conduct the special examinations, no other Member is paid any remuneration. The Secretary is paid* at the rate of Rs. 15 per diem for the number of days the sittings of the Committee continue. In order to recoup his actual expenses, an officer who has to leave his head-quarters to superintend a service examination is entitled to travelling allowance under the ordinary rules and a deputation allowance of Rs. 10 for every night spent out of his station.†

* Government of India (Resolution) No. 6079, October 29, 1858; and Government Resolution No. 2589, June 5, 1877. The Secretary will not be entitled to any fee for attending meetings of the Committee, except on days when his presence is absolutely requisite, and he is actually engaged as an Examiner. (Government Resolution (Financial) No. 1071, March 15, 1883.)

† Government of India (Resolution) No. 1576, March 21, 1877, para. 6.

CHAPTER XIII.

RULES RELATING TO THE GRANT OF REWARDS TO CANDIDATES WHO APPEAR BEFORE THE CENTRAL COMMITTEE AND PASS EXAMINATIONS IN THE VERNACULAR LANGUAGES.

(These Rules are in addition to, and do not affect, those given in Chapter I, Section II.)

Note.—Although the officers of the Survey and Customs Departments do not appear before this Committee to be examined in Vernacular languages, yet, as the Rules for the grant of rewards to successful Candidates are the same as those relative to the officers appearing before this Committee, the officers of those Departments have been entered herein for making this pamphlet as complete as possible.

1. An Officer of the Bombay Civil Service who, after passing in two compulsory languages, passes in a third compulsory language, will be entitled to a reward of Rs. 500, provided that he passes the examination within one year from the date of his becoming liable to pass in the additional compulsory language. (Para. 2 of Resolution of the Government of India, Home Department (Public), No. 35-1307, dated 4th May 1874, republished at pages 431 and 432 of the *Bombay Government Gazette* of the 21st May 1874.)

2. In accordance with para. 4 of the same Resolution, officers engaged in the Administration of Sind will be entitled to a reward of Rs. 1,000 for passing in Beluchi, Persian, Turki, or Pashtu, as optional languages.

Note.—This para. has been modified with regard to Persian, and it has been ruled that an officer who passes the examination in Persian by the Higher Standard and receives the reward of Rs. 500 under the rule sanctioned in Government of India's Resolution, Home Department, No. 18, dated the 2nd March 1882, embodied in Bombay Government Resolution, General Department, No. 1032, dated 21st March 1882, should on passing the optional examination in that language prescribed for officers engaged in the Administration of Sind, receive only the difference between this amount and the full amount, *viz.*, Rs. 1,000, admissible for the optional test. (Resolution of the Government of India, Home Department, No. 16, dated 22nd February 1884, embodied in Bombay Government, General Department, Resolution No. 791, dated 6th March 1884.)

3. Munshi allowance, equal to a sum of Rs. 180, will be granted as a reward to European officers in the Police Department of rank not lower than Assistant Superintendents, in the Survey not lower than Assistant Superintendents, in the Forest Department not lower than Assistant Conservators, and in the Customs and Salt Departments not lower than Assistant Collectors, who may qualify for the Lower Standard Examination in Hindustani, and a reward of Rs. 360 will be awarded to those who may pass the Higher Standard Examination at once. (Resolution of the Government of India, Home Department, No. 15-947, February 24, 1868, republished at page 183 of the *Bombay Government Gazette* of 12th March 1868; Government Notification, General Department, dated the 23rd June 1874, published at page 532 of the *Bombay Government Gazette* of 25th June 1874; and Bombay Government Resolution, Financial Department, No. 3722, dated 19th October 1880.)

Note.—The Munshi allowance is also admissible to officers even acting in the appointments specified in the Departments mentioned above. (Bombay Government, General Department, No. 1223, dated 27th June 1868, and Government of India, Home Department, No. 673 F, dated 9th August 1882, communicated under Bombay Government Resolution, Revenue Department, No. 5827 dated 27th August 1882.)

4. European officers of the Controlling Forest Establishment (Government of India, Department of Revenue, Agriculture and Commerce No. 1354, dated 9th November 1872, embodied in Bombay Government Resolution, Revenue Department, No. 5735, dated 22nd November 1872, and Government of India, Home Department, No. 673 F., dated 9th August 1882, embodied in Government Resolution, Revenue Department, No. 5827, dated 25th August 1882), officers in the Police Department not below the grade of Assistant Superintendents, in the Survey not lower than Assistant Superintendent, in the Customs Department not below the grade of Assistant Collector (Government of India, Home, Revenue, and Agricultural Departments, No. 65, dated 17th September 1879, embodied in Government Resolution, Revenue Department, No. 5424, dated 9th October 1879), and in the Salt Department not below the grade of Assistant

Collector of Salt Revenue, (Government Resolution, Revenue Department, No. 6489, dated 9th December 1880) will be allowed a reward of Rs. 500 if they pass by the Higher Standard in the Vernacular of the District, in which they may be employed, within five years of their entering Government service, or within five years of their coming for the first time into a part of the Presidency where the Vernacular in question is spoken. The reward should only be granted for passing in languages other than Hindustani, and it should not be given where passing in the particular language is compulsory. The Higher Standard required from the Candidates should in all cases be the Higher Standard laid down for the Departmental Examination of Covenanted Civilians, and not the Higher Standard for Military Officers.

Note.—The above reward of Rs. 500 is also admissible to officers even acting in the appointments specified in the Departments mentioned above. (Government of India, Financial Department, No. 673 F., dated 9th August 1882, communicated under Bombay Government Resolution, Revenue Department, No. 5827, dated 25th August 1882.)

MEMORANDA

ON THE

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METHOD OF RECRUITMENT, ETC.,
OF CERTAIN SERVICES

UNDER THE

REVENUE DEPARTMENT



BOMBAY

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INDIAN CIVIL SERVICE.

The sanctioned strength of the Indian Civil Service of the Bombay Presidency is fixed at 173 but has been temporarily reduced to 171. It is manned by persons who are natural-born subjects of His Majesty, whether European or Indian, and are selected each year at the Open Competitive Examination held in accordance with the regulations made by the Secretary of State in Council with the advice and assistance of His Majesty's Civil Service Commissioners in England. According to the regulations now in force the candidates appearing at the examination must have attained the age of 22 and not completed the age of 24 on the 1st day of August of the year in which the examination is held. This Government considered that the limits of age for appearance at the Competitive Examination should be fixed between the years 20 and 22; whereas the Commissioners appointed to investigate into the conditions of the Public Services in India have recommended that the age limits for the Open Competitive Examination held in London should be 17—19 on the 1st January preceding the examination.

2. In settling the principles regarding the strength of the cadre of the service and its annual rate of recruitment two main ideas were kept in view, viz :—

(1) that the members of the service should have sufficient training in Subordinate or Inferior appointments before they were called upon to discharge the duties of higher ones and

(2) that they should, throughout the whole period of their service, have sufficient salaries and sufficiently responsible duties.

To secure these objects, it was decided to ascertain exactly the number of posts technically called "Superior" posts carrying a salary of over Rs. 1,000 per mensem and to recruit only a sufficient number of officers to make it probable that each officer would find himself officiating with practical permanency in at least the lowest grade of such appointments after the completion of 8 years' service. It was further settled that an attempt should be made to fix the cadre in such a way that officers of over two but under 8 years' service should be appointed in the ordinary course of promotion in charges of minor responsibility technically called "Inferior" posts and be paid at rates above that of the lowest grade but not exceeding Rs. 1,000 per mensem, whilst the lowest grade would be kept *firstly* for officers under two years' service, who would be regarded as under training, *secondly*, for a reserve against leave vacancies, and *thirdly* to cover vacancies caused by the absence of officers in temporary posts and on deputation. In accordance with this scheme lists of superior posts have been framed to show the actual total number of superior posts in each Presidency or province, the deductions which have to be made on account of the posts listed as open to the Provincial Civil Service, the additions required to meet the claims of the superior posts *directly* under the Government of India, and an addition of four per cent. to provide for temporary posts and deputations of a superior character; and the resulting total is taken as the basis on which the whole cadre is built up by a series of increments, *vis.*, 39, 15.5, and 40 per cent. on account of inferior appointments, the training reserve, and the leave reserve respectively. The annual rate of recruitment has been fixed at 4.17 per cent. on the total strength of the service. The working of the cadre for the Bombay Presidency is shown in the following statement :—

(1) No. of superior posts, <i>i.e.</i> , posts carrying a salary of over Rs. 1,000 a month	84
(2) <i>Deduct</i> for posts listed as open to the Provincial Civil Service.	6
(3) <i>Add</i> for posts under the Government of India	8
(4) Net number of superior posts	86
(5) Add 4 per cent. for temporary posts and for deputation (N. B. for such posts additions are made in the lowest grade of Assistant Collectors)	3
(6) Total number of superior posts on which recruitment is based	89
(7) Add inferior posts, <i>i.e.</i> , posts above the lowest grade of assistants but below the superior posts, at 39 per cent. of line (6)	35
(8) Add leave reserve at 40 per cent. of line (6)	35½
(9) Add training reserve at 15½ of line (6)	13½
(10) Strength of service required at 194.5 per cent. of line (6)	173
(11) Rate of recruitment at 4.17 per cent. of strength shown in line (10)	7.2

3. In the beginning of each year Local Governments are required to inform the Government of India of the number of recruits required. This is done after ascertaining the actual strength of the service on the first of the preceding October, the addition on account of the new recruits who arrive at the end of the year and the number of casualties up to 30th June of the year in which the recruitment is to be made. After the number of recruits required for the whole of India has been reported by the Government of India, the Secretary of State announces the number of vacancies to be filled by competition, and allots the candidates selected at the Open Competitive Examination to the several provinces in accordance with the Government of India's recommendation on the subject. The time spent in England on probation after passing the Open Competitive Examination has been limited to one year. This Government recommended to the Royal Commission that the successful candidates should leave England as soon as possible after the declaration of the result of the examinations; in other words the period of probation in England should be dispensed with. The Commissioners appointed to serve on the Royal Commission have, however, recommended that direct recruits to the Indian Civil Service should go through a three years' probationary course in England.

4. An officer appointed to the Indian Civil Service is, on joining his appointment, invested with the powers of a Magistrate of the third class, and is required to pass as soon as possible certain departmental tests in accordance with rules prescribed for the Bombay Presidency. The examination is divided into two standards—a Lower and a Higher. The object of the Lower Standard Examination is to test an officer's general acquaintance both with the leading principles of provincial revenue administration and criminal justice and with the more important local laws and rules of procedure. The Higher Standard Examination is similar in its nature to the Lower Standard but more difficult in degree. Officers on passing the Lower and Higher Standards of Examination in all subjects are, as a rule, invested with the powers of a second class and a first class Magistrate respectively and are entitled to higher rates of pay accordingly, *viz.*, Rs. 450 on passing the Lower and Rs. 500 on passing the Departmental Examination, Higher Standard. A limit of time is laid down within which the vernacular language of the district and Hindustani must be passed, and an officer failing to do so is penalised by deduction from pay, until he passes the examination, unless for special reasons the period prescribed for passing those examinations is extended. These officers are also encouraged, but not compelled, to undertake the study of certain Oriental languages by the grant of rewards and donations for passing the examinations according to certain standard.

Leave.

5. Leave of absence can never be claimed as of right and is given or refused at the discretion of Government so as to suit or facilitate the administrative convenience. It can be divided into four main heads, *viz.*, (i) privilege leave, (ii) furlough, (iii) combined leave and (iv) other leave. The rules regarding the different forms of leave for European Services will be found in Chapters XII and XIII of the Civil Service Regulations. The Public Services Commission has made certain recommendations for improving the facilities for leave, the most important of which are, the accumulation of privilege leave for four months, the commutation of certain amounts of furlough into half that amount of leave on full pay, and the removal of the restriction by which furlough is not given till after eight years' service.

Disciplinary control, suspension and dismissal.

6. No special rules seem to have been laid down for the Indian Civil Service. The rules laid down in the Government Servants' Conduct Rules are applicable to this service. Annual reports concerning Collectors and Assistant Collectors are submitted to Government confidentially by the Commissioners in which information is given regarding the defects or merits of the officers concerned and the general character of their work during the period covered by the reports. In cases where a report is unfavourable Government exercise their discretion as to whether it should be communicated to the officer concerned, the decision depending on whether the defects or shortcomings commented upon are of such a nature that there is a possibility of their being corrected if brought to his notice. Particular delinquencies or derelictions of duty are sometimes dealt with by the withholding of promotion for a specified period of time. In cases in which a member of the Indian Civil Service is charged with

grave misconduct, he is suspended from his office and departmental inquiries into the charges brought against him are instituted or a special enquiry is conducted by a Commission appointed *ad hoc*. An order of dismissal can be passed by the Secretary of State only.

Pension.

7. On the resignation of a member of the Indian Civil Service being accepted, he is entitled to an annuity of £1,000 provided that he has completed 25 years' total service and 21 years' active service. Retirement is compulsory on the completion of 35 years' total service. To secure the annuity every member of the service is required to pay a pension contribution at a fixed percentage on his salary from the date of his arrival in India until his retirement. Special rates of annuity have been prescribed in the case of officers compelled to resign the service on account of ill-health before the completion of 25 years' total service or of 21 years' active service. The rates are as follows:—

- (i) for less than five years' service a gratuity of £500;
- (ii) for five years' completed service an annuity of £150 rising by £20 for each additional year upto 12;
- (iii) for 12 years' service an annuity of £290 rising by £30 for each additional year upto 23;
- (iv) for 23 years' service an annuity of £620;
- (v) for 24 years' service an annuity of £660; and
- (vi) for 25 years' service (of which less than 21 have been active service) an annuity of £700.

Members of the Indian Civil Service who apply for permission to retire prematurely on account of a block in promotion are allowed to do so by the Secretary of State on a proportionate pension provided that the circumstances of the case are of such an exceptional nature as to justify special treatment.

**PROVINCIAL CIVIL SERVICE EXECUTIVE BRANCH—
UPPER DIVISION.**

The strength of the Executive Branch of the Provincial Civil Service (Upper Division) is fixed at 83. It is at present entirely manned by Natives of India. Apart from the regular Provincial appointments, five special appointments are thrown open to that service, *viz.*, two posts of Collector and District Magistrate, two posts of Superintendent of Land Records, and the post of Talukdari Settlement Officer. No. I of the rules for admission to, and promotion in, the service provides for the appointment, with the sanction of the Government of India, of Europeans not coming within the definition of Natives of India but who are otherwise qualified under the rules. Before the creation of the Provincial Civil Service, Natives of India were appointed to the Statutory service by the Governor General in Council on the nomination of Local Governments. This system was superseded in 1895 when the Provincial Civil Service was constituted, substantially on its present basis, by a method of combined competitive examination, selection and promotion from the superior ranks of the subordinate service. Appointments by direct nomination were also made in exceptional cases of persons considered to be specially qualified. Shortly after the constitution of the Provincial Service the question of the abolition of the competitive examination for admission to it came before the Government of India. In accordance with the conclusions then arrived at, it was decided that for the higher grades of the service there was no need to have recourse to the competitive system, as in most cases it was possible to accept the University degrees and distinctions, as indicating that the holders had acquired the general educational attainments necessary to enable them to fill particular posts. It was also decided that special competition should be abolished, as the departmental knowledge necessary for the discharge of the duties devolving on members of the service would best be attained during the period of probation and could be tested after a period of such service. The rules for admission to the Provincial Civil Service were accordingly revised. The following are the existing rules governing admission to the Executive Branch, Upper Division, of the Provincial Civil Service.

Presidency proper and Sind.

- (1) Vacancies will be filled up by—
 - (a) selection of persons of high educational qualifications who are not already in Government service;
 - (b) promotion of selected officers who are already in the Lower Division.
- (2) Notice will be given in the *Government Gazette* of the number of appointments to be filled by selection and of the latest date for receipt of applications. Applicants must produce evidence—
 - (i) that they will be above 21 and below 25 years of age on the date above mentioned and that they are eligible for appointment under the rules and can furnish proofs of age and nationality prescribed by the rules;
 - (ii) as to the University degrees or other educational distinctions gained by them;
 - (iii) as to their proficiency and conduct in the shape of certificates from the heads of such Educational Institutions as they may have attended, provided that a candidate who has attended a college must produce a certificate from the Principal of such College.
- (3) Every selected candidate will be required to satisfy Government, after a special medical examination to be conducted by the Medical Board of the Presidency, that he is in all respects physically fitted for the performance of the duties required of an officer holding any appointment in this Division of the Executive Branch of the Provincial Civil Service.
- (4) Every probationer appointed by selection will be required to go through the course of equitation and obtain a certificate of proficiency, and to pass the tests prescribed for junior members of the Indian Civil Service, *viz.*, the Lower and Higher Standard Departmental Examinations, including an examination in the language of the district to which he is posted. The Collector of the

district to which the probationer is appointed is required to afford the latter every necessary facility for acquiring a thorough insight into his duties. Except for special reasons such probationer will not receive permanent charge of the taluka nor be invested with magisterial powers until he shall have passed the Departmental Examination, Lower Standard. After the period of two years prescribed such probationer will ordinarily be appointed to the first vacancy occurring in the cadre of Deputy Collectors. His pay will be for the first year of the probationary period Rs. 150 per mensem, then until he passes the Departmental Examination, Higher Standard, Rs. 175 per mensem, and after that Rs. 200 per mensem until he obtains a substantive appointment in the Provincial Service.

(5) The foregoing rules do not debar the Governor in Council or the Commissioner in Sind, as the case may be, from appointing, in exceptional cases, any person whom they consider to be specially qualified to the Executive Branch, Upper Division, or Judicial Branch of the Provincial Service by nomination pure and simple.

2. Whenever there was a depletion in the ranks of the Indian Civil Service owing to the number of officers on deputation being in excess of 18 (*vis.*, 15 under the Government of India and 3 under this Government) the Local Government was authorized to create, for a period not exceeding six months, an additional temporary appointment of Deputy Collector for each excess appointment. This limit of six months has since been removed, and the Local Government is now empowered to sanction such appointments in the cases contemplated for any period, so long as the number of deputations of members of the Indian Civil Service exceeds the prescribed limit of 18. The Local Government has also been authorised to create permanent posts of Deputy Collectors on a salary not exceeding Rs. 800 per mensem.

3. The Government of India have further empowered this Government to appoint temporarily, for a period not exceeding six months, any native of India of proved merit and ability to any of the offices ordinarily held by members of the Indian Civil Service whenever the exigencies of the public service render this necessary. If the exercise of such powers involves the appointment of Natives of India for a period of more than three months but not more than six months or the transfer of an officer from another station, such appointments are to be reported to the Government of India.

4. The principles of recruitment for self-contained services have not been made applicable to the Executive Branch of the Provincial Civil Service in the Bombay Presidency. The rate of recruitment of the service accordingly depends upon the actual number of vacancies caused by retirements, deaths, transfers of officers to foreign service, etc.

Leave.

5. The leave rules of the Provincial Civil Service are the same as those governing the general body of the Indian Services. So far as short leave is concerned, members of the Provincial Civil Service are on the same footing as members of the Indian Civil Service. The conditions, however, for the grant of long leave of the following kinds differ materially from those in force for the Indian Civil Service:—

- (i) Leave on medical certificate.
- (ii) Leave on private affairs.
- (iii) Furlough.
- (iv) Leave without allowance.

(i) Leave on medical certificate may be granted for three years in all, but not for more than two years at a time. Leave on medical certificate out of India cannot be taken more than twice in an officer's service.

(ii) Leave on private affairs can be granted for six months, after six years' service, to an officer who has not taken furlough and can be repeated at intervals of six years. Such leave does not accumulate, nor can it be taken in instalments.

(iii) Furlough can be taken for one year or any less period after ten years' service in which case it can be taken again, at intervals of not less than eight years, for one year or for such other period as, together with all periods

already spent on furlough, will not exceed two years. Furlough can alternatively be taken for two years or any less period after 18 years' service, in which case it can be taken again at intervals of not less than eight years for any such period as together with all periods already spent on furlough will not exceed two years. If an officer takes leave on private affairs on completion of six years' service he can take furlough after completing ten years' service from the date of his return to duty from the former leave.

(iv) Extraordinary leave without allowances can be granted for such time as may be necessary in case of necessity and when no other leave is by rule admissible.

Disciplinary control.

6. Government receive from the Commissioners annual confidential reports regarding the Deputy Collectors respectively employed under them, in which their work and conduct are reviewed. In cases where a report is unfavourable Government exercise their discretion as to whether it should be communicated to the officer concerned, the decision depending on whether the defects or shortcomings commented upon are of such a nature that there is a possibility of their being corrected if brought to his notice. Promotions to appointments the salary of which is less than Rs. 500 a month are ordinarily given according to seniority, subject to fitness and approved conduct. The promotion of an officer is liable to be withheld for a determined period should his conduct or work be considered not to be satisfactory. There are no special disciplinary rules laid down for Deputy Collectors, but the Government servants' conduct rules are applicable to them.

Dismissals.

7. No member of the Provincial Civil Service can be dismissed otherwise than as a result of a judicial or formal departmental inquiry.

Pensions.

8. Members of the Provincial Civil Service are in this respect in the same position as the employes of Government generally. Detailed rules on the subject are embodied in Chapters XV to XIX of the Civil Service Regulations. Speaking generally, a member of the Provincial Civil Service is superannuated at the age of 55, and it is only on very special grounds of public interest that he receives any extension of service beyond this age. He makes no contribution to his pension. He receives on retirement after not less than ten years' service a proportionate pension according to the scale laid down in Article 474 of the Civil Service Regulations. After 25 years' service or more he is entitled to draw a pension equal to half of his average emoluments for the last three years subject to a maximum of Rs. 5,000 a year or Rs. 416-10-8 a month. In the case of an officer who has not completed 30 years' service nor attained the age of 55 years, the application for pension must be supported by a medical certificate showing his incapacity to continue in service longer. The rules regarding the grant of pension to Statutory Civilians are set out in Chapter XXVI of the Regulations. Under these rules they are entitled to draw a pension not exceeding Rs. 5,000 a year after not less than 25 years' active service and not exceeding Rs. 6,000 a year after not less than 30 years' active service.

9. The Government of India exercise no control over the appointments made to the Provincial Civil Service except in the case of the appointment of Europeans. Following on the report of the Royal Commission on Decentralization, they have authorised the Local Governments to frame rules for the recruitment of the Provincial Civil Service subject to their general control and with due regard to the conditions laid down by them. Any amendments made in the rules are reported to the Government of India from time to time.

**PROVINCIAL CIVIL SERVICE EXECUTIVE
BRANCH—LOWER DIVISION**

Method of Recruitment.

This service consists of Mamltdars in the Presidency proper and Mukhtyarkars in Sind. They are appointed by promotion of men in the Upper Branch of the Subordinate Revenue Service to which candidates are appointed (1) by direct nomination and (2) by promotion of men in the Lower Branch of the Subordinate Revenue Service. Candidates for the Upper Branch must have taken the degree of M.A., B.A., LL.B., B.Sc., L.Ag., B.Ag., L.C.E., or the Diploma for the higher course granted by the Chiefs Colleges. Candidates for the Lower Branch must have passed the School Final Examination, the European High School Examination, the full Senior Commercial Examination of the London Chamber of Commerce, the Cambridge Senior Local Examination or the Vernacular Final Examination. Candidates selected for direct appointment to the Upper Branch are kept on probation for a period of 18 months and they as well as men in the Lower Branch who are considered deserving of promotion to the Upper Branch, have to pass a qualifying test.

Leave.

This is governed by the ordinary leave rules for Indian Services given in the Civil Service Regulations.

Disciplinary control, suspensions and dismissals.

The discipline, suspension and dismissal of Mamltdars and Mukhtyarkars are controlled by the Local Government in accordance with general rules laid down by the Government of India.

Pensions.

This is governed by the pension rules for Indian Services given in the Civil Service Regulations.

Control exercised by the Government of India.

The service is entirely controlled by the Government of Bombay.

INDIAN AGRICULTURAL SERVICE.

The sanctioned strength of the Indian Agricultural Service (including the Director of Agriculture) is eight. The appointments and the salaries attached to them are as follows:—

(1) Director of Agriculture...	...	...	Pay, substantive or officiating, of his rank according to his gradation in the cadre of the Indian Civil Service; a local allowance of Rs. 150 a month; a daily travelling allowance of Rs. 7-8-0 and a tentage allowance of Rs. 30 per mensem.
			Rs.
(2) Principal, Agricultural College	...	...	1,250—50—1,500
(3) Professor of Agriculture	...	...	} 500—50—1,000 each.
(4) Economic Botanist to Government, Bombay	...	...
(5) Deputy Director of Agriculture, N. D.	...	...
(6) Do. do. S. D.	...	...
(7) Do. do. Sind	...	...
(8) Agricultural Engineer	...	...	550—50—750

2. *Recruitment of the Director of Agriculture.*—In advocating the establishment of an Agricultural Department in India the Famine Commission of 1880 recommended that selected members of the Indian Civil Service should be sent to England to gain a scientific and practical training in agriculture, that the period which they would have to spend in Europe for the purpose of undergoing the course should be counted as residence in India, and that the Civil Servants chosen for this special education should be those who had shown an aptitude and inclination for that kind of work. In 1906 the Secretary of State for India observed that, having regard to the fact that the most important work of the Directors of Agriculture in the immediate future would be the organisation of the Department in their several Presidencies, members of the Civil Service of India might in the first instance be appointed to the office, but that the question should be re-examined after five years with the view of determining whether it might not then be possible to select competent Directors from among the expert staff of the Agricultural Service. He considered that ultimately the service should be capable, as other services were, of providing its own chiefs. This Government was of opinion that on general considerations the appointment should continue for an indefinite period to be held by a member of the Indian Civil Service and that it was easier to find among the members of that service the requisite administrative experience, ability, and sound knowledge of the agricultural population than in an expert who had devoted all his time to one particular line of study. The Government of India intimated that there was a general consensus of opinion in favour of the continuance, at least for the time being, of Civilian Directors of Agriculture, while in some provinces it was thought that a Civilian Director would always be preferable to an expert. The Secretary of State has provisionally accepted this view but has added the qualification that Agricultural Officers should be given full opportunity as time goes on of proving their fitness for the post and should be tried when temporary vacancies occur.

3. *Recruitment of officers of the Indian Agricultural Service.*—Before 1905 officers were appointed to the Agricultural Department by the Secretary of State on special terms, and there was no regular system in regard to their recruitment, training and probation. The Department attained its present form in 1905, when the Indian Agricultural Service was constituted and the emoluments and conditions of that service were prescribed by the Secretary of State. Some of the appointments in the Indian Agricultural Service are included in the Imperial Department of Agriculture under the direct control of the Government of India, but the majority are included in the Departments of Agriculture of the several Provinces in India. Candidates must, as a rule, be not less than 23 and not more than 30 years of age. They must furnish evidence of having received a good general education and of possessing a thorough knowledge of the science of agriculture or of the particular science required for the appointment applied for. Preference is given to British-born subjects and to distinguished graduates of

some University in the British Empire. An officer appointed to the Agricultural Service, whether as a Supernumerary or otherwise and whatever his salary may be, is on probation in India for three years, and within two years he has to pass an examination in a vernacular language.

4. As regards the employment of natives of India in the Indian Agricultural Service, the Government of India have explained their policy to be as follows :—

“What is practically a new profession is being opened to Natives of India, and as the scheme develops, a number of appointments, both in the Agricultural Colleges and in the Agricultural Department generally, will become available. The Superintendents of Farms and their immediate Assistants will be part of the general staff which they ultimately hope to recruit in India, and the men in charge of the demonstration farms, which may be expected to multiply as results appear, will naturally be Indians. Practical men equipped with an agricultural education are wanted for service with the Courts of Wards and large land-owners in British territory or in Indian States, and it is proposed to look not only to the Institute at Pusa but also to the Provincial Agricultural Colleges to enable these requirements to be met. The object aimed at is the employment, wherever possible, of trained indigenous agency.”

5. *Leave and Pension.*—The European Service Leave Rules of the Civil Service Regulations are applicable to members of the Indian Agricultural Service. The General Provident Fund Rules also apply to these officers.

6. No special rules have been laid down for *disciplinary control, suspension and dismissal*. The rules laid down in the Government Servants' Conduct Rules are applicable to this service also.

7. *The control of the Government of India* is restricted to the retention of or dispensing with the services of officers appointed on probation, and to the transfer of officers from one Province to another. When an officer requires leave and a substitute is found to be necessary, application is made to the Government of India who sanction the leave and provide the substitute.

PROVINCIAL AGRICULTURAL SERVICE.

The Provincial Agricultural Service at present consists of—

	Pay. Rs.
1 Extra Deputy Director of Agriculture ...	350—50/2—550
1 Personal Assistant to the Director of Agriculture of the grade of Deputy Collector ...	... 400
4 Divisional Superintendents of Agriculture ...	} 200—30/2—350 (each).
7 Assistant Professors ...	

2. For filling appointments in the Provincial Agricultural Service selection is made from the upper Branch of the subordinate Agricultural Service, which consists of graduates in Agriculture of the Bombay University, and also from candidates who have undergone special training at an Indian or English College. The posts of Assistant Professors and Divisional Inspectors (now Superintendents) created in 1907 were recruited from competent graduates specially deputed to England by Government for training in Agriculture and the allied sciences, as well as from graduates in Agriculture of the Bombay University and from other graduates of the University specially selected for their knowledge of the subjects which they were expected to teach. Selected candidates were in the first instance appointed to these posts on probation for one year on a pay of Rs. 200—30/2—350 per mensem, and were confirmed at the end of that period if their work was found satisfactory.

3. *Leave and Pension.*—The members of the Provincial Service of the Agricultural Department are subject to the Indian Leave and Pension Rules as embodied in Chapters XIV to XIX of the Civil Service Regulations.

4. With the exception of the usual financial restrictions the Government of India do not exercise any direct control over the Provincial Agricultural Service.

5. No special rules have been laid down for disciplinary control, suspension and dismissal in the case of members of the Provincial Agricultural Service. The rules laid down in the Government Servants' Conduct Rules are applicable to this service also.

INDIAN CIVIL VETERINARY SERVICE.

(a) Recruitment and training.

The Imperial Service as organised in 1892 was recruited entirely from the Army Veterinary Department, and the terms of recruitment were, after some correspondence with the War Office, formulated in 1895, and were subsequently revised by Government Resolution No. 3419, dated 1st April 1908. The revised rules contemplate the selection of officers of the Army Veterinary Department by the Government of India for particular appointments in the Civil Veterinary Department. An officer of the Army Veterinary Department who accepts permanent appointment in the Civil Veterinary Department elects for continuous civil employment in India. In 1900 the Government of India decided to recruit the Civil Veterinary Department by direct selection of civilians from the Veterinary Colleges in England. Under the rules issued in August 1901 candidates are ordinarily to be under 27 years of age and to possess a diploma of the Royal College of Veterinary Surgeons. There is no restriction as regards nationality. These appointments are made on probation for 5 years, and the officers so appointed must qualify in the vernacular language within two years. The number of appointments in this Presidency is as shown below:—

Two Superintendents (Military) one for Presidency proper and one for Sind.

One Principal, Bombay Veterinary College (Civilian).
One Assistant Principal (Civilian).

These officers are borne on a single cadre for the whole of India and are transferred from one province to another by the Government of India, but they are (with the exception of the Muktesar staff) under the orders of the Local Government of the Province in which they are serving and are usually under the control of the Director of Agriculture of that Province. In the Presidency proper they are under the control of the Director of Agriculture. The Principal, Bombay Veterinary College, was placed on the cadre of the Civil Veterinary Department on the recommendation of the Veterinary Conference of 1890, subject to the proviso that this Government should retain authority to make their own selection for the post, even outside the Civil Veterinary cadre, should occasion arise. The Superintendent, Civil Veterinary Department in Sind, is administratively subordinate to the Commissioner in Sind, but his charge extends to Baluchistan and Rajputana with the administration of which he is also connected. The Director of Agriculture is at liberty to correspond direct with the Superintendent on all professional and technical subjects, and administrative proposals involving such points are not to be submitted by the Superintendent to the Commissioner without previous consultation with the Director. References from Government on professional and technical matters only may be made to the Director of Agriculture for the Presidency including Sind; and on administrative matters connected with the Civil Veterinary Department, or those involving both technical and administrative points, references in respect of Sind are to be made to the Commissioner in Sind.

(b) Pay.

The scale of pay for Army Veterinary officers serving in the Civil Veterinary Department consists of the Indian Military pay and allowances of their rank and a civil allowance on the following scale:—

	Indian Military pay and allowances.	Civil allowance.	Total.
	Rs.	Rs.	Rs.
Major—			
After 15 years' total service ...	750	350	1,100
After 17½ do. do. ...	750	400	1,150
After 5 years' service as such ...	500	500	1,300
Lieutenant-Colonel ...	1,120	500	1,620
Colonel ...	1,220	500	1,720

The pay of the Civilian Veterinary officers recruited from the English Veterinary Colleges is on a time scale beginning from Rs. 500 per mensem and rising by Rs. 40 each year to Rs. 1,100, a further rise to Rs. 1,200 being given in the 21st year of service. All officers, military and civil, get exchange compensation allowance, and there are special local, house rent and carriage allowances attached to special posts.

(c) *Leave and Pension.*

On completing the period of probation, Civil Veterinary officers are entitled to the benefit of the Leave and Pension Rules for European officers contained in the Civil Service Regulations. The leave reserve consisting of five officers is under the control of the Government of India by whom officers are temporarily allotted to the various Provinces as necessary. To the Army Veterinary officers in the Civil Veterinary Department pensions are granted at the rates prescribed for the Army Veterinary Department by the Army Regulations *plus* an addition to be made on the following scale:—

	£
After 10 years' service in the Civil Veterinary Department	... 72
After 15 years' service in the Civil Veterinary Department	... 96
After 20 years' service in the Civil Veterinary Department	... 120

Retirement is optional after 20 years' service and is allowed on medical certificate after 15 years' service. Retirement is obligatory at 55 years of age. Private practice is not allowed except with the permission of the Local Government.

(d) *Disciplinary control, suspensions and dismissals.*

The Government Servants' Conduct Rules are applicable to this service also. There are no special rules for disciplinary control, suspensions and dismissals.

PROVINCIAL VETERINARY SERVICE.

(a) Recruitment and training.

1. In 1904 the Government of India suggested that, in view of the necessity of strengthening the superior staff and of the limitation put by the Secretary of State on the employment of European agency, an attempt should be made to recruit a superior class of well trained indigenous officers who should be entitled Deputy Superintendents and should relieve the Superintendents of a certain amount of their work.

2. In 1906 this Government made the following arrangements as regards the recruitment for the appointments of Deputy Superintendents and Veterinary Inspectors:—

"(1) Veterinary Inspectors shall ordinarily be appointed by the Director of Agriculture by selection from amongst Veterinary Assistants who have obtained the diploma of the Bombay Veterinary College and have been employed in this Presidency for at least 3 years;

(2) Deputy Superintendents shall ordinarily be appointed by Government by selection from Veterinary Inspectors;

(3) Any such officer selected for appointment as Veterinary Inspector or Deputy Superintendent may be permitted to rejoin the College for one year for a further course of study, drawing for the period the pay of the post which he holds at the time of selection;

(4) From time to time Government may appoint direct to Inspectorships and Deputy Superintendships men specially selected for their aptitude for veterinary work and superior intellectual and educational attainments. Any man so selected will be required to pursue an additional course of study at the College and thereafter to undergo two years' probation in charge of a Veterinary Dispensary. During these three years he will receive a salary of Rs. 100 per mensem. On obtaining a certificate of satisfactory pursuit of the College course and of capacity during his probation, he will be eligible for promotion to an Inspectorship or Deputy Superintendship, as the case may be, on the occurrence of the first suitable vacancy."

(b) Pay.

In letter No. 4638 dated 15th May 1911, this Government recommended that the Professors and Assistant Professors of the Bombay Veterinary College should be graded with the Deputy Superintendents and that sanction might be accorded to the creation of 4 additional posts of Deputy Superintendents. These proposals were sanctioned by the Government of India and were given effect to by Government Resolution, Financial Department, No. 3713, dated 18th November 1911. The revised cadre of Deputy Superintendents thus sanctioned consists of—

	Rs.
3 Deputy Superintendents, 4th grade	200
2 do. do. 3rd grade	275
2 do. do. 2nd grade	350
1 Deputy Superintendent, 1st grade	400

This cadre provides for two Professors and two Assistant Professors at the College. Two posts are vacant.

In their letter No. 8348, dated 6th September 1912, the Government of India were requested to sanction the treatment of Deputy Superintendents as gazetted officers belonging to the Provincial Service. This proposal was sanctioned in October 1912.

(c) Leave and Pension.

The Leave and Pension Rules of the Provincial Veterinary Service are the same as those governing other Provincial Services.

(d) Disciplinary control, suspensions and dismissals.

There are no special rules for disciplinary control, suspensions and dismissals laid down in the case of Deputy Superintendents, but the Government Servants' Conduct Rules are applicable to them.

(e) Control of the Government of India.

There is no control of the Government of India over this service.

DEPARTMENT OF LAND RECORDS.

The Department of Land Records, which practically forms part of, and is closely associated with, the Revenue Department, is wholly a Provincial Department under the exclusive control of the Bombay Government, with the Director of Land Records as its head. All appointments in this Department are made by, or under the authority of, the Governor of Bombay in Council. The Department is chiefly concerned with the maintenance of Land Records, including the Record of Rights, the survey and classification and settlement of inam villages and unsurveyed estates, the revision settlements of British areas, the measurement and assessment of sub-divisions and the survey of urban areas.

2. The staff in the Presidency proper consists of (a) the Director of Land Records, who is also Settlement Commissioner and Inspector-General of Registration, (b) Divisional Superintendents of Land Records who are Assistants to the Divisional Commissioners generally in matters relating to Land Records, survey and measurement work and the maintenance of the Record of Rights, (c) District Inspectors of Land Records who are subordinate to the Collectors and (d) Circle Inspectors. In Sind there are no corresponding appointments except that of Superintendent of Land Records, who is under the orders of the Commissioner in Sind.

3. The following scale of pay and allowances has been fixed for the Settlement Commissioner and Director of Land Records, Inspector-General of Registration and Registrar of Births, Deaths and Marriages :—

- (a) The pay, substantive or officiating, of his rank according to his gradation in the regular line.
- (b) A local allowance of Rs. 250 a month, subject to the condition that the maximum limit of the salary admissible should be fixed at the grade pay of a Senior Collector, *plus* the local allowance of Rs. 250.
- (c) A daily travelling allowance of Rs. 7-8-0 and a tentage of Rs. 30 per mensem.

4. Government have considered it essential that the Settlement Commissioner and Director of Land Records and Inspector-General of Registration in order to discharge satisfactorily the duties in connection with Settlement, Land Records and Registration, should be a specially able, active and experienced officer and of sufficient seniority to carry weight with the Collectors and Commissioners.

5. The present holder of the appointment of Settlement Commissioner and Director of Land Records is a European member of the I. C. S. of the rank of Senior Collector.

6. There are four Superintendents of Land Records in the Presidency proper, one for each Division and one for Sind. Two of these four appointments are reserved for Assistant Collectors and two—one in the Presidency proper and one in Sind—are thrown open to members of the Provincial Civil Service. The Assistant Collectors are granted the pay and travelling and tentage allowances of their grades in addition to a special allowance of Rs. 150 per mensem. The Deputy Collectors, who are appointed Superintendents of Land Records, are also granted the pay and allowances of their grades and a special allowance of Rs. 100 per mensem.

To assist the three Superintendents in the Presidency proper in the supervision of *pôt hissa* and city survey work, three appointments of Deputy Superintendents of Land Records were sanctioned for a period of two years in the first instance. These posts in the Northern and Central Divisions were suspended from January 1916. The post in the Southern Division has been continued for a further period of two years. It was intended that the Deputies should rank above Survey Mamlatdars. The pay of the present incumbent in the Southern Division is Rs. 250 per mensem.

7. Owing to the present paucity of officers of the I. C. S., a second appointment, also in the Presidency proper, is now held by a member of the Provincial Civil Service.

8. There are no special methods of recruitment and systems of training and probation for the posts of Superintendents of Land Records. The rules for the examination of Assistant Collectors in the Bombay Presidency provide for their examination in a paper on subjects connected with revenue survey and settlement. No Assistant Collector serving in the Presidency proper is declared to have passed the Higher Standard Departmental Examination until he produces a certificate that he has undergone a six weeks' course of instruction in Survey under a Divisional Superintendent of Land Records, and no Assistant Collector serving in Sind is declared to have passed the Higher Standard Departmental Examination until he produces a certificate of attendance at the Survey class at Hyderabad.

9. There is one District Inspector of Land Records for each district in the Presidency proper. These District Inspectors are graded with Mamlatdars.

10. A District Inspector is required to become thoroughly qualified in survey classification and the use of theodolite within two years from the date of his appointment, failing which, he is liable to a deduction of 10 per cent. from his salary. The men are generally selected from among those who have done Circle Inspectors' work and are qualified to become Mamlatdars, preference being given to men who are Licentiates and Graduates in Agriculture. Such of the District Inspectors as are duly qualified for the posts of Mamlatdars are allowed to revert to a mamlat after a service of six years as District Inspectors.

11. Circle Inspectors are graded in the same list with the other members of the revenue establishment of the district.

12. The Superintendent of Land Records in Sind, who is practically the head of the Department of Land Records in Sind, has a large office under him which includes the appointment of a head Record Keeper whose appointment is graded with the appointments of Mukhtyarkars.

13. The general leave, pay and pension rules contained in the Civil Service Regulations are applicable to all officers employed in the Land Records Department, who, as regards discipline and control, are subject to the Government Servants' Conduct Rules.

INDIAN FOREST SERVICE.

Method of recruitment.

The recruitment of candidates for this service is made in England by the Secretary of State with the advice of a Select Committee. The candidates are required to be of not less than 19 and not more than 22 years of age, to be natural-born subjects of His Majesty and to be of good physique and character. They must have obtained a degree with *Honours* in some branch of Natural Science in a University of England, Wales or Ireland or have passed the Final Bachelor of Science examination in Pure Science in one of the Universities of Scotland and must undergo a prescribed course in Forestry during a probationary period of two years. A certificate of health by a Medical Board and proficiency in riding are essential.

Leave.

The leave rules are the same as for other European Services noted in chapters XII and XIII of the Civil Service Regulations.

Disciplinary control, suspensions and dismissals.

Disciplinary control over an Imperial Forest Service officer is exercised by the Local Government under whom he may be serving, in accordance with general rules laid down by the Government of India. The suspension and dismissal of these officers is controlled by the Government of Bombay.

Pensions.

After a service of less than ten years an invalid gratuity not exceeding one month's emoluments for each completed year of service is admissible.

The following scale of pensions is admissible after a service of not less than ten years:—

	Years of completed service.			Maximum limit of pension. Rs.
Invalid pension ...	10	...	...	... 1,000 a year.
	11	...	...	... 1,400 do.
	12	...	...	... 1,800 do.
	13	...	...	... 2,200 do.
	14	...	...	... 2,600 do.
	15	...	...	...
	16	...	...	...
Retiring pension. 20—24	17	...	...	... 3,000 do.
	18	...	...	...
	19	...	...	...
Retiring pension. 25 and above	20—24	...	...	... Half of average emoluments subject to a maximum of Rs. 4,000 a year.
	25 and above	...	...	... Half of average emoluments subject to a maximum of Rs. 5,000 a year.

An additional pension of Rs. 1,000 a year may be granted to an officer who has done three years' efficient service as Conservator of Forests.

Control exercised by the Government of India.

The Indian Forest Service is under the general control of the Government of India.

PROVINCIAL FOREST SERVICE.

Method of Recruitment.

Appointments to this service are made by (1) promotion of Rangers and by (2) direct nomination of recruits. Candidates for Rangers' appointments are selected from applicants who have passed the B.A., F.A., B.Sc., L.Ag., the Matriculation, the School Final or the European High School Examination and who have undergone the Ranger's course. Candidates for direct nomination are selected from amongst applicants who are required to possess high educational qualifications and to be in all respects qualified by previous education, more especially in Science, English and Mathematics, to follow the course prescribed for the Provincial Forest Service at the Forest College, Dehra Dun. The course of studies at the Dehra Dun College extends over a period of two years. The candidates must be not less than 18 nor more than 24 years of age and must be Natives of India of good moral character and good physique.

Leave.

This is governed by the leave rules in the Civil Service Regulations applicable to Indian Services.

Disciplinary control, suspensions and dismissals.

The discipline, suspensions and dismissals of officers of the Bombay Provincial Forest Service are controlled by the Bombay Government in accordance with general rules laid down by the Government of India.

Pensions.

Pensions to the officers of the Provincial Forest Service are governed by the ordinary pension rules for Indian Services given in the Civil Service Regulations.

Control exercised by the Government of India.

The rules for appointment to, and promotion in, the Provincial Forest Service are framed by the Local Government in accordance with certain general principles laid down by the Government of India.

REGISTRATION DEPARTMENT.

(a) The Inspector General of Registration and the District Registrars are Covenanted or Statutory Civil Servants, the District Registrars being ordinarily the Collectors of the districts.

(b) The Inspectors of Registration are recruited by selection from Sub-Registrars or from among the clerical establishment attached to the offices of the Inspector General of Registration or Sub-Registrar of Bombay.

(c) Sub-Registrars are generally appointed either from the clerical staff of the registration offices or from the class of probationers who are men of good education with a knowledge of English, a few being graduates.

There are no rules special to the Registration Department regulating such matters as leave, disciplinary control, suspension, dismissal and pension.

CUSTOMS DEPARTMENT.

The administration of the Customs Department is vested in the Local Government, subject to the control of the Government of India. Since the creation of the Imperial Customs Service in 1906 questions relating to the appointment, leave, transfers, etc., of the gazetted establishment of the department are disposed of by the Government of India. The whole of the revenue and the expenditure on account of Customs is Imperial, the Local Government carrying out all administrative details, subject to the provisions of the Sea Customs Act, VIII of 1878, and the orders of the Government of India issued from time to time.

Presidency proper, including Bombay City.

2. The controlling authority vests in the Commissioner of Customs, Salt and Excise, who is a member of the Indian Civil Service graded with the Commissioners of Divisions. The Commissioner is also Reporter General of External Commerce. The upper executive staff of the Bombay Customs Department consists of a Collector, who is usually an officer of the Indian Civil Service, one Civilian Assistant Collector and five uncovenanted Assistant Collectors, of whom two belong to the old Provincial Customs Service and the rest to the Imperial Customs Service. When the Assistant Collectors in the local cadre vacate their appointments by retirement or otherwise their places will be filled by officers of the Imperial Customs Service.

3. All appointments to the Collectors' grade, whether acting or permanent, are made by selection, and seniority does not give any Assistant Collector a claim to a Collectorship, and once the rank of Collector is attained Civilian and non-civilians are on the same footing for the purposes of promotion. For the Civilian post of Assistant Collector members of the Civil Service of four or five years' standing are ordinarily selected, and they are required to remain in the Department for at least four years. At the end of that time they are permitted, if they so wish, to revert to the ordinary line in their own provinces. Officers so trained, whether they have reverted for a time or not, are eligible for subsequent appointment as Collector, and no officer is ordinarily appointed Collector of Customs unless he has served as an Assistant. Appointments of non-civilian Assistant Collectors in the Imperial Customs Service are made by selection in England or in India, the officers selected being liable to transfer from one province to another. Occasionally officers of the Provincial or subordinate customs service are promoted to the Imperial Service by reason of their exceptional qualifications, but such promotions are rare.

4. The probationers attached to the Imperial Service are required to pass, on the expiry of one year, a departmental examination in the vernacular, in customs work and in law and procedure. Probationers who fail to pass their first examination are re-examined after six months, and those who fail to pass the second examination are given another chance before the expiration of their probationary period of two years. If they fail to pass the third examination, their services are dispensed with.

5. The pay of the officers in the Imperial Customs Service is as follows:—

	Rs. per mensem.
Collector, Class I	2,500
Collectors, Class II	2,250 each
Collectors, Class III	2,050 "
Civilian Assistant Collectors on Rs.	1,000 rising to Rs. 1,300 by annual increments of Rs. 100 and then by biennial increments of Rs. 50 to Rs. 1,400.
Non-civilian Assistant Collectors on Rs.	300 rising to Rs. 1,150 by annual increments of Rs. 50 and then by biennial increments of Rs. 50 to Rs. 1,400.

Probationers recruited in England start on a pay of Rs. 300 a month, and those recruited in India on a pay of Rs. 200. In their second year of service

they rise to Rs. 350 and Rs. 300, respectively, on passing either part of the departmental examination, and on completion of two years' service officers of both classes rise to Rs. 400, subject to the condition that they have passed the departmental examination in full and are confirmed in the department. Thereafter their pay is fixed according to the general time-scale, Rs. 300 being taken as the starting point. Increments may be drawn by officers who have been confirmed in the department from the date on which they are due, but the Government of India have the right of withholding or withdrawing such increments on account of misconduct or inefficiency.

Officers promoted to the Imperial Customs Service from the subordinate grades, or those transferred from the local service, ordinarily begin on an initial pay equal to the nearest stage in the time-scale which saves them from loss of pay. A larger initial salary is granted in special cases when the strict application of the ordinary rule would be inequitable. Civilian officers appointed to officiate as Assistant Collectors of Customs draw Rs. 1,000 a month. Their officiating tenure is however taken into account in determining their initial pay on confirmation.

6. The Collector of Customs, Bombay, draws a local allowance of Rs. 250 per mensem if he is a First or Second Class Collector and Rs. 200 per mensem if he belongs to the third class. All Assistant Collectors* and probationers in the Imperial Customs Service attached to the port of Bombay receive a local allowance of Rs. 75 each per mensem. The Assistant Collectors in the local cadre are eligible for house rent allowance at Rs. 75 per mensem each. For journeys on tour Collectors are entitled to a daily allowance of Rs. 7-8-0 a day and Assistant Collectors (Imperial Service) at Rs. 5 a day.

7. All officers of the Imperial Customs Service who are appointed in England, as well as those appointed in India drawing pay of not less than Rs. 900 a month, are admitted to the benefits of the European Service Leave Rules. So far as the remaining officers (whether belonging to the Imperial Service or the local cadre) are concerned, the conditions of service in regard to leave are governed by the Indian Service Rules contained in the Civil Service Regulations. Collectorships in the Imperial Customs Department, when not held by members of the Indian Civil Service, are eligible for an additional pension of Rs. 1,000 a year under Article 475 of the Civil Service Regulations. Other officers of the department get pension under the ordinary rules.

8. As regards disciplinary control, suspension and dismissal, the officers of the department are subject to the rules applicable to Government servants generally.

9. The control of the Customs Department at ports other than that of Bombay is entrusted to the Deputy Commissioners of Salt and Excise who work under the Commissioner of Customs, Salt and Excise. No separate Customs establishment is entertained for these ports, as the Assistant Collectors of Salt and Excise and the subordinate staff of the Salt Department also perform the duties of customs officials.

Sind Customs Department.

10. The Commissioner in Sind is the Chief Customs Authority in Sind, the immediate control of the department resting with the Chief Collector of Customs in Sind, who is an officer of the Imperial Customs Service. The Chief Collector has under him two Assistant Collectors, who are also officers of the Imperial Customs Service.

* Except the holder of a temporary appointment created in connection with the war.

SALT AND EXCISE DEPARTMENT IN THE PRESIDENCY PROPER.

Besides the salt duties proper, *vis.*, the control and supervision of all salt-works (both Government as well as leased), the collection of salt duty and the prevention and detection of smuggling, the Salt Department supervises and controls the conservancy of the continental ports, the sea customs at those ports and the land customs, the Deputy Commissioners of Salt and Excise being the Chief Customs Officers with regard to all ports in their charges except the port of Bombay, and also with regard to the Goa and Daman land frontiers where customs posts have been established for the levy of customs duties on goods passing by land to or from the Portuguese territories in India.

2. Though the revenue derived from 'Salt' is credited to the Imperial Government, the Local Government, subject to certain financial restrictions, exercise full control over the department in all administrative details and over the establishment employed in the department, all appointments, including that of the Commissioner of Salt Revenue, being made by the Government of Bombay. The administration of the Abkari or Excise Department, which is concerned with the working of the Bombay Abkari Act and the Opium Act, is conducted wholly on a provincial basis.

3. Prior to the amalgamation of the controlling and supervising staffs of the Salt and Excise Departments, which came into effect from 17th September 1917, there were separate cadres of gazetted officers for the two departments. Under the amalgamation scheme the post of Collector of Salt Revenue was abolished, his duties being apportioned among the three Deputy Commissioners of Salt and Excise, and the Assistant Collectors of Salt Revenue and Excise were brought on one combined list and entrusted both with salt (including customs) and excise duties within their charges. The expenditure on account of the Deputy Commissioners of Salt and Excise and the Assistant Collectors of Salt and Excise and the establishments* of these officers is divided between Imperial and Provincial in the proportion of 5:4. The question of the amalgamation of the non-gazetted establishments of the two departments is under consideration.

*Excluding the combined Salt, Excise and Opium establishment, in Sind and the establishment of the Chief Account Officer of Customs, Salt and Opium.

4. The chief controlling officer of the Department of Salt and Excise is Commissioner of Customs, Salt and Excise who is a member of the Indian Civil Service and is graded with the Commissioners of Divisions. He is a supervising and controlling officer, the immediate working of the department being under the District Collectors and the Deputy Commissioners of Salt and Excise, aided by the Assistant Collectors and a non-gazetted staff of Supervisors, Inspectors, Preventive Officers, etc. The District Collectors are concerned only with the administration of the Excise Department. They are responsible for the observance of the broad principles laid down by Government for the regulation of the general excise administration and for the collection of the excise revenue. They decide such matters as the number and location of shops for the sale of intoxicants, and their opening and closing hours, dispose of shop licenses and deal with misdemeanours by licensees. In short the District Collectors deal with Excise work which affects the general district administration. The Deputy Commissioners of Salt and Excise are charged with the control of the preventive establishments in their divisions, and are directly under the Commissioner.

5. There are two other gazetted officers in the Department of Salt and Excise directly under the Commissioner who do not form part of the combined cadre of the amalgamated department. They are the Deputy Commissioner of Excise, Bombay Presidency, and the Superintendent of Lights. The work of the Deputy Commissioner is confined mainly to the internal management and control of distilleries and warehouses and in giving advice to the Commissioner in technical Excise matters. His emoluments are debitable wholly to the Provincial head "7, Excise". The work of the Superintendent of Lights consists of inspecting lights and lighthouses, taking up and relaying buoys, preventing obstruction to navigation, making inquiries in case of collisions and wrecks, surveying and charting creeks, etc., and the sphere of his duties embraces the whole of the

sea coast of the Presidency from Cambay to the south of Kanara. His pay is debitable "to 5-Salt (Imperial)".

6. Of the three Deputy Commissioners of Salt and Excise one is a member of the Indian Civil Service and the other two are selected officers of the Salt and Excise Department. The post of Deputy Commissioner of Excise requires technical qualifications, and the present incumbent was formerly employed in the British Excise Department. The Assistant Collectors of Salt and Excise are generally officers promoted from the subordinate grades of the Department on the ground of special fitness and merit, but sometimes officers of other departments (*e. g.*, Customs and Police) are also appointed. The Governor in Council has power to make direct appointments by selection, but this power has not been exercised for years, all the Assistant Collectors at present in service being officers promoted from subordinate ranks. The qualifications for Assistant Collectorships are good natural capacity and education, a probability of power to withstand the temptations to which the department is liable, social standing sufficient to obtain the respect of the outside public, of officers of other departments and of their own subordinates, energy and physique for the arduous work involved, proved detective ability, and the power to control large and widely scattered establishments. The Superintendent of Lights is expected to have practical maritime experience and to be capable of advising the Commissioner in technical matters connected with the sea.

7. The pay of the Commissioner of Customs, Salt and Excise is Rs. 3,500 or Rs. 3,000 according as he is a first or second grade Commissioner. He draws travelling allowance and tentage at the rates of Rs. 200 and Rs. 50 per mensem respectively. The emoluments of the other gazetted officers of the Department of Salt and Excise are shown below. The officers marked with an asterisk are on the combined cadre of the amalgamated department :—

	Pay per mensem. Rs.
*1 Deputy Commissioner of Salt and Excise (appointment reserved for an officer of the Indian Civil Service).	Pay admissible according to the rank in the I. C. S. cadre <i>plus</i> deputation (duty) allowance of Rs. 250 per mensem.
*2 Deputy Commissioners of Salt and Excise.	1,200—50—1,450 each.
1 Deputy Commissioner of Excise ...	650—50—1,300
*3 Assistant Collectors of Salt and Excise...	1,000 each.
*3 Do. do. ...	800 "
*3 Do. do. ...	700 "
*4 Do. do. ...	600 "
*4 Do. do. ...	450 "
1 Superintendent of Lights ...	350—25—600

The officers with headquarters at Bombay, *viz.*, the Deputy Commissioner of Salt and Excise, C. D., the Deputy Commissioner of Excise, three Assistant Collectors and the Superintendent of Lights, are eligible for the Bombay house-rent allowance. One Assistant Collector doing duty as Chief Account Officer of Customs, Salt and Opium draws Rs. 200 per mensem as duty allowance, while another Assistant Collector draws a duty allowance of Rs. 150 per mensem for holding charge of the Tobacco Department. An allowance of Rs. 100 per mensem is attached to the post of Assistant Collector of Salt and Excise, Khara-gghoda Sub-division, as the living is expensive and the climate trying. The rates of travelling and tentage allowances are shown below :—

	Travelling allowance per mensem each. Rs.	Tentage per mensem each. Rs.
Deputy Commissioners of Salt and Excise ...	200	30
Deputy Commissioner of Excise ...	Travelling allow- ance under the ordinary rules.	...
Assistant Collector of Salt and Excise, Castle Rock Sub-division ...	200	19
Assistant Collector of Salt and Excise, Khara-gghoda Sub-division ...	150	19
Assistant Collector of Salt and Excise, Bombay ...	50 (conveyance allowance).	11
Other Assistant Collectors of Salt and Excise (11) in charge of Sub-divisions ...	125	19

The Assistant Commissioner of Salt, Excise and Opium in Sind, who is graded with the Assistant Collectors of Salt and Excise in the Presidency proper and whose appointment is included in the 17 appointments of Assistant Collector shown above, draws travelling allowance under the ordinary rules and tentage at Rs. 19 per mensem. The remaining two appointments of Assistant Collector are held by the Chief Account Officer of Customs, Salt and Opium and the Personal Assistant to the Commissioner of Customs, Salt and Excise who are not touring officers. The Superintendent of Lights gets travelling allowance under the ordinary rules.

8. Every officer appointed to the post of Assistant Collector is required to pass a lower and a higher examination in law (*i. e.*, the Indian Penal Code, the Criminal Procedure Code and the Indian Evidence Act) and Acts pertaining to the Salt, Excise and Customs Departments, as well as in the vernacular language of the district where he is posted. Failure to pass any of these examinations at the dates prescribed by Government, *viz.*, in the case of the lower departmental examination six months, and in that of the higher departmental and the vernacular examinations eighteen months, from the date of the appointment, renders the officer liable to a deduction of 10 per cent. from his salary, while a second failure would lead to his removal from his appointment. The agreement with the Deputy Commissioner of Excise provides for the passing by him within two years after his arrival at Bombay of such examination as may be prescribed by Government in one of the vernacular languages, failure to do so entailing loss of his appointment.

9. The Deputy Commissioner of Excise enjoys the concession of European Service Leave Rules. The two Deputy Commissioners of Salt and Excise drawn from the department, the Assistant Collectors of Salt and Excise and the Superintendent of Lights are subject to the Indian Service Leave Rules, but such of these officers as prior to the amalgamation of the Salt and Excise Departments were entitled to the European Service Leave Rules continue to enjoy that privilege. As regards pension, the ordinary rules of the Civil Service Regulations apply.

10. As regards disciplinary control, suspension and dismissal, the officers of the department are subject to the rules applicable to Government servants generally.

Combined Salt, and Excise and Opium Department in Sind.

11. The Commissioner in Sind is the head of the combined department. He has under him a gazetted officer styled Assistant Commissioner of Salt, Excise and Opium in Sind who is in immediate charge of the department. This officer is graded with the Assistant Collectors of Salt and Excise in the Presidency proper and the combined establishment is directly subordinate to him, subject to the general control of the Collector or the Deputy Commissioner in whose charge they are employed. In the case of Salt the Assistant Commissioner works directly under the Commissioner in Sind, independently of the Collectors, while in respect of Excise, his relations to district heads correspond to those of the Superintendent of Police to the District Magistrate, the Assistant Commissioner occupying the position, of an expert adviser to the district officers who may consult him in all excise matters relating to their districts.

Aden Salt and Excise Departments.

12. For the Settlement of Aden and Sheikh Othman the Political Resident, Aden, is Salt and Abkari Commissioner, the duties of the Collector of Salt Revenue and Excise being performed by one of the Assistant Residents. The powers of Commissioner under the Opium Act are exercised by the Commissioner of Customs, Salt and Excise, Bombay.

PUBLIC SERVICE COMMISSION.

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OF THE

PUBLIC SERVICE COMMISSION,

1886-87.

(5)

Presented to both Houses of Parliament by Command of Her Majesty.



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REPORT
OF THE
PUBLIC SERVICE COMMISSION,
1886-87.

CHAPTER I.

INTRODUCTORY.

1. Appointment of the Commission: Its object.—The Public Service Commission was appointed under the orders of the Governor General in Council contained in the Resolutions of the Government of India (Home Department), No. ³⁴/₁₅₇₃₋₈₃, dated the 4th of October,* and No. ⁴²/₁₈₅₉₋₉₈, dated the 4th of November 1886. In the first of these Resolutions the Government expressed its desire that the inquiry to be made by the Commission should extend not only to the system under which Natives of India are at present admitted either under the Statute 21 & 22 Vict., Cap. 106, Section 32, to the Covenanted Civil Service, or under the Statute 33 Vict., Cap. 3, Section 6, to offices formerly reserved exclusively for members of that service, but to their employment in all branches of the public service connected with the civil administration of the country; the object of the appointment of the Commission was declared, broadly speaking, to be "to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher and more extensive employment in the public service," and it was intimated that the investigations of the Commission would be preparatory to a parliamentary inquiry into Indian affairs. All questions connected with the conditions on which English candidates are admitted to the Indian Civil Service Examination in England were excluded from the inquiry.

2. Constitution of the Commission.—The Commission, as constituted by the Resolution of the 4th November 1886, consisted of a President, the Hon. Sir Charles Aitchison, K.C.S.I., C.I.E., then Lieutenant-Governor of the Punjab, fifteen members,† and a Secretary. It included a trained English lawyer of judicial experience,

* Printed in *extenso* in Return to Parliament No. 162 of 1887.

† *Members:*

Sir C. A. TURNER, Kt., C.I.E., late Chief Justice of the High Court of Judicature, Madras.
Mr. C. H. T. CROSTHWAITE, Bengal Civil Service, late Chief Commissioner of the Central Provinces.
The Hon. ROMESH CHUNDER MITTER, B.L., Puisne Judge of the High Court of Judicature, Bengal.
The Hon. J. W. QUINTON, C.S.I., Bengal Civil Service, Additional Member of the Council of the Governor General for making Laws and Regulations.
Mr. F. B. PRACOCK, Bengal Civil Service, Chief Secretary to the Government of Bengal.
RAJA UDDHAI PERTAB SINGH, of Bhinga, Oudh.
Mr. H. J. STOKES, Madras Civil Service.
Mr. T. H. STEWART, Bombay Civil Service.
SAYYID AHMAD, KHAN BAHADUR, C.S.I.
Mr. W. B. HUDSON, Mozufferpore.
The Hon. KAZI SHAHBUDIN, KHAN BAHADUR, C.I.E., late Dewan of Baroda.
M. R. RY. SALEEM RAMASWAMI MUDALIYAR, B.L., Madras.
Mr. W. H. RYLAND, Uncovenanted Civil Service, late Officiating Superintendent of Stamps and Stationery, Calcutta.
RAO BAHADUR KRISHNAJI LUKSHMAN NULKAR, Poona.
Mr. D. S. WHITE, Madras.

Secretary:

Mr. F. C. DAUKES, Bengal Civil Service, Under-Secretary to the Government of India, Home Department.

five members (excluding the President) of the Covenanted Civil Service—whose personal experience of the actual working of district administration had been sufficiently varied and extensive to entitle them to speak with authority upon the subject-matter of the inquiry for their own Provinces—a representative of the non-official European and of the Eurasian community respectively, a member of the Uncovenanted Civil Service, and six Native members selected from the various Provinces as sufficiently representative of the different classes and modes of thought in India and as commanding the confidence of their fellow-countrymen.

3. Instructions to the Commission: Restricted scope of inquiry in the first instance.—Although, as above stated, it was laid down by the Government of India that the inquiries of the Commission should ultimately embrace the employment of Natives of India not only in appointments ordinarily reserved by law for members of the Covenanted Civil Service but also in the Uncovenanted Service generally, including in that term the lower administrative appointments, executive and judicial, and all special departments connected with the civil administration of the country, the Governor General in Council considered it desirable that the Commission should, in the first instance, “direct its attention mainly to the question of the conditions under which Natives of India should be employed in the posts which are ordinarily reserved for the Covenanted Service, and to questions relating to the admission of Natives of India and Europeans respectively to those branches of the Uncovenanted Service which are directly engaged in the executive and judicial administration of the country.” It was subsequently explained* that the Commission was not to discuss the general question of the present pension conditions of the Uncovenanted Service as such or any grievances of that service as at present constituted, and that questions of this nature were only to be considered by the Commission so far as they affect the relative interests of Europeans and Natives. The branches of the public service to be inquired into were declared† to be the following:—

I.—Appointments held by members of the Covenanted Civil Service, including members of Commissions in Non-Regulation Provinces:

(a) Executive, comprising—

- (1) Appointments under the Government of India.
- (2) The higher administrative and local Secretariat appointments.
- (3) Headships of districts and similar appointments.
- (4) Sub-divisional charges.

(b) Judicial, comprising—

- (1) Judgeships of High and Chief Courts and Judicial Commissionerships.
- (2) District or Special Judgeships and similar appointments.
- (3) Assistant Judgeships and similar appointments.

(c) General, comprising the higher miscellaneous appointments held by Covenanted Civil Servants or other members of Commissions of the rank of Assistant Commissioner and upwards in the Non-Regulation Provinces.

II.—Appointments held by members of the Uncovenanted Service:

(a) Executive, comprising—

- (1) Sub-divisional charges.
- (2) Tahsildarships or other appointments corresponding therewith.

(b) Judicial, comprising—

- (1) Judgeships of High and Chief Courts and Judicial Commissionerships.
- (2) District or Special Judgeships and similar appointments.
- (3) Subordinate Judgeships, Munsifships, and similar appointments.

Questions relating to the other branches of the public service, which were more or less technical in their character, were to be dealt with under different arrangements after the more important questions affecting the Judicial and Executive Services were disposed of.

4. Instructions to the Commission: Covenanted Civil Service.—

As regards the Covenanted Civil Service, the Commission was instructed that its most important duty would be “to consider the means best adapted to secure the admission

* Telegram from Government of India to Secretary of State for India, No. 3200C., dated 15th June 1887.

† Supplementary letter from the Government of India, Home Department, to the President of the Public Service Commission, No. 1598A., dated 4th October 1886.

of competent Natives of each Province of India to such full proportion of the Covenanted Service employed in that Province as may not, under the orders of Her Majesty's Government, be reserved for Europeans." It was explained that the question of the proper strength of the Covenanted Service had already formed the subject of careful examination; that important decisions upon it had been arrived at by the Government of India in communication with Her Majesty's Secretary of State; that although, in view of the discussions which had already taken place and of the conclusions which had been come to, there would be no necessity to go over the same ground again, the Commission was not precluded from reviewing the facts thus collected or the conclusions thus arrived at; and that if the Commissioners should "find in the course of its investigations reason for thinking that a further limitation in the number of posts reserved by law for the Covenanted Service is desirable, or that the larger employment of Natives of India in particular offices or classes of offices connected with the civil administration not now usually held by them may be conducive to the public good, either absolutely or on condition of the freer admission of Europeans to offices from which they, in their turn, are now excluded, it will not be debarred from submitting any recommendations it may desire on such points."

5. Instructions to the Commission: The Statute 33 Vict., Cap. 3, Section 6, and the Rules framed thereunder.—The Commission was instructed that its investigation should not be confined to the Rules framed under the Statute 33 Vict., Cap. 3, Section 6, but should be instituted with a view to Parliamentary legislation, if necessary. Various points*—in regard to the existence, extent, and grounds of any dissatisfaction felt by the native community with the Statute or the Rules framed under it, the suitability of the Civil Service privileges of pay, promotion, retiring annuity, and general conditions of service to Natives obtaining office under the Statutory Rules, the results of the selections made under the Statute, and the relative merits of different systems of appointment—were indicated as demanding special and careful consideration; and an instruction was added that, "in a country of such extent as India, inhabited by a population so vast and various and of such unequal civilization, the evidence taken on these points, to be of real value, should be collected over a wide area and from numerous classes of people."

6. Instructions to the Commission: Relative merits of competitive selection in England and in India respectively for Natives of India.—In connection with the question whether or not it is desirable that there should be a competitive examination in England for Natives of India, the Commission was instructed to "fully examine into and report on the advantages and disadvantages of competitive selection in India, on the conditions of such competition, on the view which is likely to be taken of such a system by the Native community at large, and on the desirability or otherwise of requiring or encouraging candidates selected in India to proceed to England with a view to passing there a period of probationary training." If the Commissioners should be favourable to the maintenance, substantially, of the present system, which permits Natives to compete in England, they were instructed "to inquire what are the limits of age for Native candidates, and what the changes (if any) in the character of their examination, which the Commissioners would recommend," and in view of the difficulty of reconciling the systems which are respectively best adapted to Native candidates and to English candidates (regarding whom no question was referred to the Commission), they were to "give special attention to a suggestion made by the Bengal Government, that the number of Native probationers to be selected by competitive examination in London should be first fixed, and that the Native candidates should be selected by an examination separate from that of the Europeans, and specially adapted, as regards limits of age and otherwise, to the conditions of Natives of India." And with regard to the question of affording facilities to Natives of India to proceed to England to compete for the Indian Civil Service, the Commissioners were expected to obtain much valuable evidence from an inquiry on the following points: "(1) whether there is reason to believe that the young Natives obtained under the existing system of the open competition in England for the public service in India are the best, as regards character and capacity, who could be got for it under any system; (2) whether such a system is favourably looked upon by large and important classes in India; and (3) what is the relative weight to be attached to recent representations which affirm the general willingness of Indian youths to cross the sea for education, and to others which as strongly deny it."

* See paras. 5 to 7 of the Resolution dated 4th October 1886.

7. Exclusion of Burma from the direct scope of the inquiries of the Commission.—In view of the very exceptional circumstances which prevail in Burma, the Government of India concurred in a proposal made by the President, before the first collective meeting of the Commission, that that Province should be excluded from the direct scope of the Commission's inquiries.

8. Method adopted by the Commission in conducting the inquiry.—Under the terms of the Resolution of the 4th of October 1886, the Commission was left free to determine the particular method or methods of inquiry which might be best calculated to effect the object which the Government has in view. Before the first collective meeting of the Commission, with a view to economise time, a series of detailed questions bearing upon the subject-matter of the inquiry and based upon various schemes and suggestions put forward in official papers supplied by the Government of India, were drawn up under the orders of the President, and after submission to the Commissioners* were, with their concurrence, circulated to Local Governments for distribution to such persons, official and non-official, and to such associations and societies, and editors of newspapers both English and Vernacular, as the Local Governments might select. It was explained that the questions were necessarily very wide and general; and that those consulted were not expected to reply to all of them, but only on points regarding which they might hold distinct opinions or wish to lay particular information or facts before the Commission. As a general rule, officers of Government, whose evidence the Commissioners desired to obtain, were summoned to appear before the Commission; every individual was afforded an opportunity of himself tendering oral evidence before the Commission, and every society consulted was permitted to depute a member duly authorised to represent its views; and in order to meet the case of any who, although not specially consulted, might nevertheless be desirous of offering evidence, public notices were issued and widely circulated in each Province, inviting such persons to intimate their names and addresses to the Secretary to the Commission with a note of the particular points on which they wished to be examined. Further, with a view to render the witnesses as representative as possible of the various opinions and interests involved and to secure a fair balance of the several classes interested, the lists of persons or societies consulted under the orders of the Local Governments were in almost all cases considerably supplemented and enlarged by the addition of individuals or bodies known to the Commission generally, or to the particular member or members who represented the Province concerned, to be likely to give a useful opinion on the subject-matter of the inquiry, or to be anxious to lay their views before the Commission. By these means, and also by placing no restriction whatever on the attendance of the public at the examination of witnesses before the Commission, and by excluding no person who was desirous of giving evidence on any point falling within the scope of the inquiries, it may fairly be said that the Commission has, as far as it was in its power to do so, afforded to every class of Her Majesty's subjects in India full opportunity to explain and illustrate its views on all the subjects of inquiry, and that, as desired by the Government of India, the evidence taken has been "collected over a wide area and from numerous classes of people."

9. Sketch of the proceedings of the Commission.—The Commission held its first collective meeting at Lahore on the 15th December 1886, and after agreeing upon a general plan of operations, proceeded to take the evidence of witnesses in the Punjab. On the termination of the work at Lahore, the Commission visited Allahabad, Jubbulpore, Bombay, Madras, and Calcutta. The dates of the commencement and termination of the sittings of the Commission at each centre are shown below†; and the whole of this time was, with the exception of Sundays and the days

* Except Sir Charles Turner, who, being on his way from England, could not be communicated with.

† Centre.	Commencement of proceedings.	Termination of proceedings.
Lahore	15th December 1886 (no sitting on Christmas Day).	27th December 1886.
Allahabad	29th December 1886 (no sitting on New Year's Day).	8th January 1887.
Jubbulpore	11th January 1887	13th January 1887.
Bombay	17th January 1887	29th January 1887.
Madras	31st January 1887	11th February 1887.
Calcutta	21st February 1887	4th March 1887.

specified, continuously devoted to the examination of witnesses belonging to the Presidencies or Provinces concerned, or to adjoining territories including Native States. At an early stage of its proceedings the Commission decided that it would facilitate work if Sub-Committees were to proceed to each centre in advance of the general body of the Commission, and make preliminary arrangements in connection with the attendance of witnesses, take such evidence as might be considered desirable, and determine what witnesses should be reserved for examination by the whole Commission. The names of the members who constituted the several Sub-Committees are shown below,* with the period during which they were detached from the main body of the Commission. The Commission did not leave any centre of inquiry until it had completed the whole of the evidence which representatives of the various interests concerned desired to offer. The constitution of the Commission during its sittings remained unaltered, except that from the 29th January to 21st February 1887, during the absence of Sir Charles Aitchison who was recalled to Lahore on duty, the office of President was filled by Sir Charles Turner; that Mr. C. H. T. Crosthwaite, who had been appointed Chief Commissioner of Burma, terminated his connection with the Commission at the close of the Bombay sittings, his place being taken, with effect from the commencement of the sittings at Calcutta, by Mr. D. Fitzpatrick of the Bengal Civil Service; that Raja Udhai Pertab Singh of Bhinga, owing to ill-health, did not take part in any of the sittings previous to the reassembling of the Commission in November 1887; and that on the appointment of Mr. Fitzpatrick in September 1887 to be Chief Commissioner of Assam, the vacancy thereby caused in the Commission remained unfilled. The work of editing the evidence, both oral and written, which was tendered before the Commission, was performed by Mr. E. W. Parker, an Extra Judicial Assistant Commissioner in the Punjab. There are obvious inaccuracies in the record, but the Commission made the best arrangements in its power to secure the correct reporting of the evidence, which, however, was no easy matter, as the examination of witnesses was almost continuous, and the agency available in India for reporting by short-hand is very limited and inadequate for the requirements of an investigation conducted on such a scale as the present one has been. The Commission would here record its obligations to the Secretary, Mr. F. C. Daukes, C.S., for the invaluable assistance rendered by him in the preparation of this Report; in dealing with the voluminous mass of evidence which the Commission has had to consider, and generally in making the complicated arrangements necessary to secure the prompt performance of business at the different places at which the Commission held sittings. The assistance thus rendered has enabled the Commission to complete the work entrusted to it within a considerably shorter period than would otherwise have been possible.

10. Classification of the witnesses examined by the Commission and the Sub-Committees.—The following tables show the number of witnesses

*Presidency or Province for which the Sub-Committee was appointed.	Names of Members who constituted the Sub-Committee.	Period of Absence from the general body of the Commission.
North-Western Provinces and Oudh.	The Hon. J. W. Quinton, C.S.I. - Mr. T. H. Stewart - Sayyid Ahmad, Khan Bahadur, C.S.I.	22nd December 1886 to 29th December 1886.
Bombay Presidency	Mr. T. H. Stewart - M. R. Ry. Salem Ramaswami Mudaliyar - The Hon'ble Kazi Shahbudin, Khan Bahadur, C.I.E.	6th January 1887 to 17th January 1887.
Madras Presidency	M. H. J. Stokes - M. R. Ry. Salem Ramaswami Mudaliyar - Mr. D. S. White	24th January 1887 to 31st January 1887.
Lower Provinces of Bengal	The Hon. Romesh Chunder Mitter - Mr. F. B. Peacock - Sayyid Ahmad, Khan Bahadur, C.S.I. - Mr. W. B. Hudson	11th January 1887 to 21st February 1887.

actually examined in each Province, including witnesses examined by the Sub-Committees :—

I.—Witnesses summoned or specially invited.

PROVINCE.	OFFICIALS BELONGING TO THE				NON-OFFICIAL.				Total number of witnesses summoned or invited who were actually examined.
	Covenanted Civil Service.	Statutory Service.	Uncovenanted Service.	Total.	Societies or Associations (by delegate).	Editors of Newspapers.	Others.	Total.	
Punjab - - -	13*	3	21	37	4	5	14	23	60
North-Western Provinces and Oudh -	15	2	11	28	3	--	17	20	48
Central Provinces -	3	1	11	15	4	1	3	8	23
Bombay - - -	12	2	25	39	6	4	20	30	69
Madras - - -	7	2	25	34	4	3	22	29	63
Bengal - - -	21	2	35	58	5	12	61	78	136
TOTAL -	71	12	128	211	26	25	137	188	399

* Includes three Military Officers in Civil-employ.

II.—Witnesses who volunteered evidence.

PROVINCE.	OFFICIALS BELONGING TO THE				NON-OFFICIALS.				Total number of voluntary witnesses examined.
	Covenanted Civil Service.	Statutory Service.	Uncovenanted Service.	Total.	Societies or Associations (by delegate).	Editors of Newspapers.	Others.	Total.	
Punjab - - -	1	—	2	3	2	1	2	5	8
North-Western Provinces and Oudh -	—	—	—	—	1	1	7	9	9
Central Provinces -	—	—	—	—	—	—	4	4	4
Bombay - - -	—	—	1	1	—	—	6	6	7
Madras - - -	—	—	1	1	3	—	8	11	12
Bengal - - -	—	—	10	10	—	—	20	20	30
TOTAL -	1	—	14	15	6	2	47	55	70

The figures given above show that the total number of witnesses actually examined in the course of the inquiry regarding the Covenanted Civil Service and the Executive and Judicial Services aggregated 469, of whom 399 attended by summons or special invitation, and only 70 voluntarily offered oral evidence. It has already been explained that notices were widely circulated in each Province inviting members of the public to give evidence if they wished to do so; and the fact that these general invitations met with such a small response may be taken to indicate that the direct inquiries of the Commission have elicited evidence sufficiently representative of the various views of those sections of the community at all events who have cared to follow its proceedings.

As regards the first of the above tables it should be explained that the figures under each head show the number of witnesses actually examined before the Commission, and do not include persons who, although summoned or specially invited, failed to attend. Details of the latter, the number of whom was in some cases considerable, will be found in the lists of witnesses contained in the Provincial volumes.

Among the official witnesses examined were representatives of every branch of the public service falling within the scope of the inquiry. They included, among others, fourteen members of Provincial Legislative Councils, eleven Judges of High or Chief Courts, five members of Boards of Revenue, ten Commissioners of Divisions, seven Secretaries to Local Governments, seventeen District or Divisional Judges, fifteen Magistrates and Collectors of Districts (including Deputy Commissioners), and forty-four members of the Provincial Departments of Education. Several high officials and

others who were not orally examined also communicated their views to the Commission in the form of written notes or memoranda. The non-official witnesses consisted of representatives of the learned professions, delegates of associations, editors of newspapers, zemindars, merchants, pensioned officers of the British Government, and officials belonging to Native States. As was to be expected in an inquiry of this nature, the majority of the non-official witnesses belong to classes of the community who are sufficiently educated to be interested in the proceedings of the Commission, and able to express their wishes and aspirations. Other classes remained comparatively silent, partly, it may be conjectured, from inability to formulate their views, and partly by reason of the natural apathy of persons who, having themselves little to gain or lose from the inquiry, feel that the matter may safely be left in the hands of the Government. But the Commission, by summoning special witnesses and by questioning witnesses who were understood to have special knowledge, took every opportunity that was open to it to ascertain the views of every section of the community.

Turning, next, to the classification of the witnesses according to nationality, the details for each Province are :—

PROVINCE.	DOMICILED EUROPEANS AND EURASIANS.		NON-DOMICILED EUROPEANS.		HINDUS.		SIKHS.		MAHOMMEDANS.		PARSIS.		OTHERS.		TOTAL.	
	Invited.	Voluntary.	Invited.	Voluntary.	Invited.	Voluntary.	Invited.	Voluntary.	Invited.	Voluntary.	Invited.	Voluntary.	Invited.	Voluntary.	Invited.	Voluntary.
Punjab	1	—	19	1	19	3	6	1	13	2	—	—	2	1	60	8
North - Western Provinces and Oudh	4	3	17	—	17	4	—	—	9	2	1	—	—	—	48	9
Central Provinces	2	—	6	—	11	4	—	—	4	—	—	—	—	—	23	4
Bombay	5	2	19	—	25	3	—	—	10	1	10	1	—	—	69	7
Madras	7	3	15	—	38	3	—	—	3	6	—	—	—	—	63	12
Bengal	3	3	30	—	36	25	—	—	14	2	1	—	2	—	136	30
TOTAL	22	11	106	1	196	42	6	1	53	13	12	1	4	1	399	70

A nominal list of the witnesses examined in each Province is given in Appendix B. to this Report.

11. System adopted in connection with the examination of witnesses.—To facilitate the oral examination of witnesses and avoid loss of time, definite issues were drawn up in the form of a short set of questions which were put to each witness on his appearance before the Commission. These issues grouped together in a convenient form the various points covered by the more detailed questions originally circulated; but if any witness had prepared written replies to the latter, he was permitted to refer to them, and to read such of them as he chose; while witnesses who represented associations or societies were in all cases allowed to read written answers embodying the views of the persons whom they were deputed to represent. In no case were witnesses of any class compelled to confine themselves to the particular questions framed. All were invited to give any evidence they might wish to lay before the Commission on any points relevant to the inquiry.

12. Appointment of a Sub-Committee to inquire into the Special Departments: Constitution of the Sub-Committee and general scope of inquiry.—After the Commission had finished taking evidence on the main questions referred to it, namely, “the conditions under which Natives of India should be employed in the posts which are ordinarily reserved for the Covenanted Service, and questions relating to the admission of Natives of India and Europeans, respectively, to those branches of the Uncovenanted Service which are directly engaged in the executive and judicial administration of the country,” the Government of India issued a Resolution,* dated the 8th of March 1887, giving instructions regarding the second division of the inquiry. This was to embrace the question of the admission of Natives of India and of Europeans to the following branches of the public service connected with the civil administration of the country, namely,

* Printed in *extenso* in Return to Parliament, No. 162 of 1887.

Accounts, Archæology, Customs, Education, Forests, Geological Survey, Jails,* Meteorological Survey, Mint, Opium, Pilot Service, Post Office, Police, Public Works, Registration, Salt, Surveys, and Telegraphs. The inquiry was to be conducted by a Sub-Committee of members of the Public Service Commission, aided by professional colleagues. The Sub-Committee consisted of six members. It was presided over by Sir Charles Turner, with whom were associated the Hon. J. W. Quinton, C.S.I., the Hindu, Mahomedan, and Eurasian members of the Commission for the period devoted to the inquiry in the Province to which the latter belonged, and a local member nominated by each Local Government to the Sub-Committee for duty while engaged within its jurisdiction, and selected from the Department or branch of the public service which was being passed under review. As the Public Service Commission did not contain a Mahomedan member from Madras or Bengal, nor a Eurasian member from Bombay or the North-Western Provinces, the Local Governments of those Provinces were requested to nominate as local member of the Sub-Committee a Mahomedan or Eurasian member as required.

13. Instructions to the Sub-Committee: Its powers and duties.—

The powers entrusted to the Sub-Committee were identical with those vested in the Public Service Commission, and its duty was declared to be "to obtain and digest evidence on definite questions of fact" to be placed in due course before the Public Service Commission. The subjects of inquiry were described as "first, the present regulations of the various Departments as to admission to the various grades and ranks in each; the conditions of service in each Department, and the capacity for rendering efficient service therein of the various classes who put forward claims to such employment." The particular duty of the professional or departmental member was defined as being "to bring his local knowledge and professional experience to the assistance of the Committee in obtaining accurate and complete information on the special subject with which it is dealing; and in testing the evidence of witnesses on technical points;" and, further, to "bring clearly and accurately before the Committee by means of evidence the existing organisation of the Department, its technical requirements, the professional attainments essential for efficient service in its various branches, and the results of local experience as to the comparative value of the services rendered by persons of various classes now employed in the Department."

14. Method adopted by the Sub-Committee in conducting the inquiry.—The method of inquiry adopted by the Sub-Committee closely followed that of the Commission, and the necessary facts in regard to the several Departments enumerated in the Resolution of the 8th of March 1887 were elicited partly in the form of written replies to letters addressed to the controlling authority in each case, and partly by means of the oral examination of witnesses invited to attend for this purpose at the instance of the professional member concerned. These witnesses were further fully cross-examined on the various points indicated in the instructions to the Sub-Committee, and, as in the case of the Commission, opportunity was given to the general public, by means of notices previously circulated in each Province, to tender evidence on any points falling within the scope of the inquiry. The proceedings of the Sub-Committee on the occasion of the oral examination of witnesses were, moreover, open to the public, and no person was excluded from offering evidence on any relevant matter.

15. Sketch of the proceedings of the Sub-Committee.—The Sub-Committee held sittings at Calcutta, Allahabad, Lahore, Simla, Bombay, Poona, and Madras for the examination of witnesses, and the President of the Sub-Committee, Sir Charles Turner, examined at Meerut some witnesses connected with the Forest School at Dehra, whose attendance could not be secured in proper time at Allahabad.

No sittings were held in the Central Provinces, the Chief Commissioner having expressed an opinion that this was unnecessary in view of the information contained in the Departmental notes and reports submitted. Moreover, the Departmental officers under this Administration are largely drawn from the adjoining Provinces, and it was considered that their views would be sufficiently represented by the witnesses examined at Allahabad and Bombay. At the same time, in order to afford to all persons who felt interested in the inquiry an opportunity of bringing their

* This Department was not specifically mentioned in the Resolution of the 8th of March, but was included in accordance with orders received subsequently.

opinions before the Commission, special notice was given by public advertisement that the Sub-Committee would be glad to receive them in writing, and in some Departments advantage was taken of this invitation. Associations were not invited to send delegates, but the Sub-Committee endeavoured, so far as practicable, to secure by invitation the attendance of gentlemen named by the associations as witnesses competent to give evidence respecting the various Departments with which it had to deal.

At the close of the sittings the evidence in regard to each Department was digested and finally prepared for the Press at Simla by the permanent members of the Sub-Committee, and notes were drawn up by them for the guidance of the Commission, containing the information obtained for the several Departments and abstracts of the evidence.

16. Classification of witnesses examined by the Sub-Committee.

—The table given in Appendix D to this Report contains a nominal list of the witnesses examined by the Sub-Committee, and further shows, in the case of official witnesses, the branch of the public service to which they belonged. The general results are that the total number of witnesses examined was 380, of whom 159 were non-domiciled Europeans, 89 were domiciled Europeans and Eurasians, 103 were Hindus, 10 were Mahomedans, 13 were Parsis, and 6 belonged to other classes. The official witnesses aggregated 316, of whom 18 were Covenanted Civilians, 32 were Military Officers in Civil employ, and 266 belonged to the Uncovenanted Service.

17. Summary of the materials obtained.—The materials collected by the Commission and by the Sub-Committee thus consist of the evidence of 849 witnesses orally examined at local centres throughout India, and the written replies received from 113 witnesses who, although invited to give oral evidence, were either unable to do so or preferred to submit their views in writing. It was thought that written replies received from individuals whose opinion was specially invited should be brought on the record of the Commission notwithstanding the fact that they were not orally examined; but in the case of witnesses who were orally examined, it was not considered necessary to burden the record with their written replies in addition to their oral evidence, as the former were practically covered by the latter, and as every witness, when orally examined, was given full opportunity of expressing his views on any point relevant to the inquiry of the Commission. In regard to associations and societies which, although invited to do so, failed to send delegates for oral examination, any written replies received have been duly recorded; and, lastly, in the case of persons who, although not invited to give evidence, voluntarily submitted their views in writing without tendering themselves for oral examination before the Commission, it was decided that the replies should not be admitted to the record, except in selected instances and by special order of the Commission passed in each case. To these materials must be added (1) the official correspondence placed by the Government of India at the disposal of the Commission and of the Sub-Committee; (2) the replies of Local Governments to the questions of the Commission and of the Sub-Committee, the memoranda supplied by Local Governments regarding the characteristic features of the several Provinces and their administration, and the answers received from them to letters bearing on various specific points; (3) several notes or memoranda on the general subject of the inquiries of the Commission which were from time to time received from high functionaries of the State, such as the Judges of High Courts; and (4) certain memorials or representations,* which were received either directly from the writers or through the Government of India.

18. Final proceedings of the Commission.—The Commission re-assembled at Calcutta on the 15th November 1887 to deliberate on the materials thus obtained, and to consider the evidence taken by the Sub-Committee. It divided the questions before it into the following chief branches, namely—(1) questions connected with the Covenanted Civil Service; (2) questions connected with the Statutory Service; (3) questions connected with the Executive and Judicial branches of the Uncovenanted Service; and (4) questions connected with the special Departments enumerated in the Resolution of the 8th of March 1887.

19. Arrangement of the Report.—The Report will follow the classification indicated in the foregoing paragraph, and the various questions referred to the

* See Appendix E. to this Report.

Commission by the Government of India will be considered in the following order:—

	Chapter.
(1) Particulars relating to the Covenanted Civil Service - - -	II
(2) Particulars relating to the Statutory Service - - -	III
(3) Particulars relating to the Executive and Judicial branches of the Uncovenanted Service - - -	IV
(4) Replies to inquiries made by the Government of India in regard to the Covenanted Civil Service and the competitive system - - -	V
(5) Replies to inquiries made by the Government of India in regard to the Statutory Service - - -	VI
(6) Recommendations regarding the Covenanted Civil Service and the formation of an Imperial Service - - -	VII
(7) Recommendations regarding the Executive and Judicial branches of the Uncovenanted Service, the formation of a Provincial Service, and various miscellaneous matters - - -	VIII
(8) Remarks and recommendations relating to the special Departments - - -	IX
(9) Summary of the conclusions and recommendations of the Commission - - -	X

CHAPTER II.

PARTICULARS RELATING TO THE COVENANTED CIVIL SERVICE.

20. Total number of sanctioned charges or offices for Covenanted Civilians (including members of Commissions in the Non-Regulation Provinces).—The following figures show for the whole of British India (excluding Burma, the Hyderabad Assigned Districts, and Coorg), the total number of sanctioned charges or offices which are held by Covenanted Civilians, and in the Non-Regulation Provinces by Covenanted Civilians, Military officers, and Uncovenanted officers promoted to the ranks of the several Commissions:—

1.	2.	3.	4.	5.	6.	7.
	Presidency or Province.	Area in square miles (excluding Feudatory States).	Population (excluding Feudatory States).	Total number of sanctioned Covenanted charges.	Proportion of column 5 to column 3.	Proportion of column 5 to column 4.
1	Madras - - -	141,001	31,170,631	116	One charge to every— 1,215 square miles.	One charge to every— 268,712 of population.
2	Bombay and Sind - - -	124,122	16,454,414	127	977	129,562
3	Bengal - - -	193,108	69,536,861	174	1,110	390,637
4	North - Western Provinces and Oudh - - -	106,111	44,107,869	169	627	260,993
5	Punjab - - -	106,632	18,850,437	104	1,025	181,254
6	Central Provinces - - -	84,445	9,838,791	43	1,963	228,809
7	Assam - - -	46,341	4,811,426	32	1,448	152,544
	TOTAL - - -	801,850	194,840,429	765	1,048 square miles.	254,693 of population.

Note.—The figures in column 5 of this Statement show the number of "charges," or in other words, the actual working body of the Covenanted Service present on duty and filling the regular sanctioned posts in the administration of the country. They do not include ineffective officers (that is, officers of less than two years' service who are held to be in training), or the proportion of officers assumed to be absent on leave, that is, 20 per cent. of the whole service, or 27·39 per cent. of the working body. If officers falling under these categories are included, the total strength becomes 941, to which must be added 66 Military and Uncovenanted officers serving in the ranks of the several Commissions.

21. Origin and early history of the Covenanted Civil Service.*—The duties of the body of public officers known as the Indian Covenanted Civil Service

* It was the practice of the East India Company to require its servants, before leaving England, to enter into a covenant wherein their privileges were recited, and their obligations were defined. This practice is continued up to the present time, each member of the Indian Civil Service being required to enter into a covenant with Her Majesty's Secretary of State. Hence the use of the term "Covenanted" in connexion with the Civil Service.

may be said to embrace the supervision, and to a certain extent the practical administration, of the several Civil Departments of the public service in India. The Covenanted Civil Service represents the junior and senior merchants, factors, and writers who were employed for purposes of trade by the East India Company, and whose mercantile denominations were continued long after the occupation of trading had ceased to represent more than a subordinate feature in the Company's operations. In 1765 the Company acquired the Diwani of Bengal, Behar, and Orissa, including the right to collect the revenues and to administer the principal branches of the department of civil justice, but for some few years afterwards the administration of the revenues and of civil justice was left in Native hands, European supervision being gradually introduced. In 1772 the Company began to assume the direct collection of the revenues and the administration of civil justice. In 1790 and subsequent years the system of civil and criminal justice was entirely remodelled by Lord Cornwallis, and the direct administration of all branches of the public service by European officers was placed on a clear and permanent basis.

22. Statute of 1793: Reservation of appointment for the Civil Service.—By Section 56 of the Statute 33 Geo. III., Cap. 52, it was enacted that all the Civil Servants of the East India Company in India “under the rank or degree of Members of Council shall have and be entitled to precedence in the service of the said Company, at their respective stations, according to their seniority of appointment; and no such Civil Servant or Servants shall be capable of being advanced or promoted to any higher station, rank, or degree therein than he or they shall be respectively entitled to according to the length of his or their service respectively; any law or usage to the contrary notwithstanding.” Section 57 of the same Statute laid down that, subject to certain restrictions as to salary in regard to period of residence in India, “all vacancies happening in any of the offices, places, or employments in the civil line of the Company's service in India) being under the degree of Counsellor) shall be from time to time filled up and supplied from amongst the Civil Servants of the said Company belonging to the Presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and no otherwise.”

23. Limits of age originally fixed for admission to Haileybury and first appointment as writer.—In 1793 it was provided by law (Section 60 of the Statute 33 Geo. III., Cap. 52) that the age of writers on first appointment should not be less than 15 years or more than 22 years; but in 1837 (7 Will. IV. and 1 Vict., Cap. 70, Sections 4 and 5) it was enacted that the maximum age limit for admission to Haileybury should be 21 years and for appointment as a writer 23 years. By a subsequent enactment (16 and 17 Vict., Cap. 95, Sections 39 and 40) the power of determining the age of persons to be admitted to Haileybury or appointed to the Civil Service was given to the Board of Commissioners for the Affairs of India, subject to Parliamentary control.

24. Preliminary training of Civil Servants.—In order to provide a preliminary training for the Civil Servants, Lord Wellesley, who succeeded Lord Cornwallis as Governor General, established the College of Fort William at Calcutta, where the Civilians of all the three Presidencies were required, on arrival in the country, to undergo a course of study in Law and in the Oriental languages. No provision was, however, made for giving junior Civil Servants any education previous to their appointment until 1806, when a college was established at Haileybury in substitution for Lord Wellesley's plan of a college in India. At the same time, the system of requiring junior Civilians on first arrival in the country to study at the Presidency towns and to pass certain examinations in Law and Oriental languages previously to entering on their duties as Assistant Magistrates and Collectors was maintained for many years, until the introduction of the two years' probation in England. Admission to Haileybury was regulated by nominations made by the Court of Directors, and the students were required to undergo a two years' course of study, on the expiry of which their qualifications were tested by means of examinations.

25. The Statute of 1861 in its bearing on the Statute of 1793.—In moving for leave to bring in the Bill* of 1861 “to confirm certain appointments in

* For further particulars regarding this Statute see para. 36 *infra*.

India and to amend the law concerning the Civil Service there," Sir Charles Wood, then Secretary of State for India, remarked* that the object of the Statute of 1793 was "to prevent jobbing in Indian appointments on the part of the Indian authorities." As, however, Sir Charles Wood proceeded to point out, the exigencies of the public service had rendered it impossible to adhere to the provisions of the Statute of 1793 which required all vacancies in the civil branch of the Company's Service under the degree of Counsellor to be filled up from amongst the Covenanted Civil Servants of the Company, and accordingly it had been found necessary to confer many such appointments on other persons, both Europeans and Natives, who consisted for the most part of Military and Uncovenanted officers. It formed one of the chief objects of the Statute of 1861 (24 and 25 Vic., Cap. 54) to validate the appointments thus irregularly made.

26. Competitive principle when first laid down: Statute of 1853.—The principle of regulating admission to the Haileybury College by open competition was laid down by the 36th and 37th Sections of the India Act, 1853 (Statute 16 and 17 Vic., Cap. 95), which provided that "all powers, rights, or privileges of the Court of Directors of the said [India] Company to nominate or appoint persons to be admitted as students" should cease, and that, "subject to such Regulations as may be made by the Board of Commissioners for the Affairs of India, any person, being a natural-born subject of Her Majesty, who may be desirous of being admitted into the said College at Haileybury . . . shall be admitted to be examined as a candidate for such admission." With a view to give effect to these provisions, Sir Charles Wood, then President of the Board of Commissioners for the Affairs of India, sought the advice of a Committee, of which Mr. (afterwards Lord) Macaulay was Chairman, with the result that a system was introduced whereby admission to the Indian Civil Service was regulated by the results of open competitive examinations. A further result of the recommendations made by Lord Macaulay's Committee was the discontinuance of the College at Haileybury, which was not considered to provide arrangements suitable to the age and standing of those likely to be selected as candidates at the open competition. The Bill which relieved the East India Company from the obligation to maintain the Haileybury College was passed in the Session of 1855 (Statute 18 and 19 Vic., Cap. 53).

27. Competitive principle reaffirmed by the Statute of 1858: Duty of making Regulations transferred to the Secretary of State in Council acting with the advice and assistance of Her Majesty's Civil Service Commissioners in England.—In 1858 the Government of India was transferred from the Company to the Crown by the Statute 21 and 22 Vic., Cap. 106, Section 32 of which imposed upon the Secretary of State in Council, acting with the advice and assistance of Her Majesty's Civil Service Commissioners in England, the duty of making Regulations for "admitting all persons, being natural-born subjects of Her Majesty (and of such age and qualification as may be prescribed in this behalf), who may be desirous of becoming candidates for appointment to the Civil Service of India, to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations under the superintendence of the said last-mentioned Commissioners, or of the persons for the time being entrusted with the carrying out of such Regulations as may be from time to time established by Her Majesty for examination, certificate, or other test of fitness in relation to appointments to junior situations in the Civil Service of the Crown." The Section further laid down (1) that the candidates who might be certified by the Civil Service Commissioners to be entitled under such Regulations "shall be recommended for appointment according to the order of their proficiency as shown by such examinations;" (2) that "such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council;" and (3) that all Regulations made under the Statute "shall be laid before Parliament within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting thereof." The provisions above summarized are still in force, and constitute the legal authority under which Regulations are issued annually by the Secretary of State in Council respecting the examination of candidates for admission to the Civil Service of India.

* Hansard, Vol. CLXIII, pages 652-671.

28. Regulations framed under the Statute of 1853: Lord Macaulay's Committee.—The Regulations framed under the Statute of 1853 were based upon the Report,* dated November 1854, of a Committee composed, in the words† of the English Civil Service Commissioners, “of persons unusually well qualified, individually and collectively, to speak with authority upon the questions referred to them”—namely, Mr. (afterwards Lord) Macaulay; Lord Ashburton; Dr. Melvill, Principal of the Haileybury College; the present Master of Balliol College, Oxford, the Reverend B. Jowett; and Mr. (now Sir John) Shaw Lefevre.

29. Report of Lord Macaulay's Committee: Limits of age for admission to the competitive examination.—The Committee recommended 23 years as the maximum and 18 years as the minimum age for admission to the competitive examination, 25 years being fixed as the latest age at which persons should be permitted to go out to India in the Civil Service. These limits were, in excess of those laid down for admission to the College at Haileybury, which were 17 as a minimum and 21 as a maximum. As regards the maximum of 23 years, the Committee observed: “It is undoubtedly desirable that the Civil Servant of the Company should enter on his duties while still young; but it is also desirable that he should have received the best, the most liberal, the most finished education that his native country affords. Such an education has been proved by experience to be the best preparation for every calling which requires the exercise of the higher powers of the mind; nor will it be easy to show that such preparation is less desirable in the case of a Civil Servant of the East India Company than in the case of a professional man who remains in England. Indeed, in the case of the Civil Servant of the Company, a good general education is even more desirable than in the case of the English professional man; for the duties, even of a very young servant of the Company, are more important than those which ordinarily fall to the lot of a professional man in England. In England too a professional man may, while engaged in active business, continue to improve his mind by means of reading and of conversation. But the servant of the Company is often stationed during a large part of his life at a great distance from libraries and from European society, and will therefore find it peculiarly difficult to supply by study in his mature years the deficiencies of his early training.”

“The change which we propose will have one practical effect, to which we attach much importance. We think it desirable that a considerable number of the Civil Servants of the Company should be men who have taken the first degree in Arts at Oxford or Cambridge. At present the line is drawn as if, it had been expressly meant to exclude Bachelors of those Universities. It will, we believe, be found that the great majority of our academic youth graduate too late by a few months, and only by a few months, for admission into Haileybury.”

With regard to the minimum limit of 18 years, the Committee expressed an opinion that, “except in very rare and extraordinary cases, it is not desirable that a lad should be admitted so early as 18;” and they added their belief that, “except in very rare and extraordinary cases, no lad of 18 will have any chance of being admitted.”

30. Report of Lord Macaulay's Committee: Subjects of examination.—Proceeding on the principles that “the examination ought to be confined to those branches of knowledge to which it is desirable that English gentlemen who mean to remain at home should pay some attention;” that “the examination should be of such a nature that no candidate who may fail shall, to whatever calling he may betake himself, have any reason to regret the time and labour which he spent in preparing himself to be examined;” that no service would be rendered to India “by inducing her future rulers to neglect, in their earlier years, European literature and science for studies specially Indian;” and that “the duties of a Civil Servant of the East India Company are of so high a nature that in his case it is peculiarly desirable that an excellent general education, such as may enlarge and strengthen his understanding, should precede the special education which must qualify him to despatch the business of his cutcherry,” the Committee named, as subjects proper for the purpose which they had in view, (1) English Composition, Language, and Literature; (2) the two classical languages of Europe, Greek and Latin; (3) the three most important modern languages, French, German, and Italian; (4) Mathematics, pure and mixed; (5) Natural Science; (6) Moral Sciences; and (7) the two classical languages of India, Sanskrit and Arabic. As regards the inclusion of the languages last named amongst the subjects of examina-

* This document is reproduced for facility of reference as Appendix F. to this Report.

† Twentieth Report of Her Majesty's Civil Service Commissioners, page 479.

tion, the Committee spoke with less confidence than in regard to the other subjects; and they drew a distinction between, on the one hand, Sanskrit and Arabic, and, on the other hand, those vernacular Indian languages "which are of no value except for the purpose of communicating with Natives of India, and which therefore ought not to be subjects of examination." On this point the Committee wrote: "These classical languages are by no means without intrinsic value in the eyes both of philologists and of men of taste. The Sanskrit is the great parent stock from which most of the vernacular languages of India are derived, and stands to them in a relation similar to that in which the Latin stands to the French, the Italian, the Spanish, and the Portuguese. The Arabic has contributed, though not in the same degree with the Sanskrit, to the formation of the vocabularies of India, and it is the source from which all the Mahomedan nations draw their religion, their jurisprudence, and their science. These two languages are already studied by a few young men at the great English seats of learning. They can be learned as well here as in the East; and they are not likely to be studied in the East unless some attention has been paid to them here. It will, we apprehend, very seldom happen that a candidate will offer himself for examination in Sanskrit or in Arabic; but as such instances may occur, we think it expedient to include those languages in the list of subjects."

31. Report of Lord Macaulay's Committee: Maximum of marks to be assigned to each subject.—After pointing out that it was not to be expected that "any man of 22 will have made considerable proficiency in all the subjects of examination;" that nothing could be further from their wish than "to hold out premiums for knowledge of wide surface and of small depth;" and that "a candidate ought to be allowed no credit at all for taking up a subject in which he is a mere smatterer," the Committee proceeded to consider the maximum of marks which should be assigned to each subject, and according to the aggregate total of which gained by each candidate his place should be determined. For this purpose they adopted the principle that the marks should "be distributed among the subjects of examination in such a manner that no part of the kingdom, and no class of schools, shall exclusively furnish servants to India;" and with "an anxious desire to deal fairly by all parts of the United Kingdom, and by all places of liberal education," they framed a scale of marks which, when embodied in Regulations, assumed the following shape:—

	Marks.
English Composition - - - -	500
English Literature and History, including that of the Laws and Constitution - - - -	1,000
Language, Literature, and History of Greece - - - -	750
Ditto Rome - - - -	750
Ditto France - - - -	375
Ditto Germany - - - -	375
Ditto Italy - - - -	375
Mathematics (pure and mixed) - - - -	1,000
Natural Science—that is, Chemistry, Electricity, and Magnetism; Natural History, Geology, and Mineralogy - - - -	500
Moral Sciences—that is, Logic, Moral and Political Philosophy - - - -	500
Sanskrit Language and Literature - - - -	375
Arabic Language and Literature - - - -	375

32. Modifications made in the Scheme recommended by the Committee of 1854: Age limits.—The Regulations for the open competitive examinations held in the years 1855, 1856, 1857, and 1858 were in close accordance with the recommendations of Lord Macaulay's Committee summarized above; but since 1859, in which year the duty of framing Regulations was transferred from the Board of Commissioners to the Secretary of State in Council acting with the advice and assistance of Her Majesty's Civil Service Commissioners, various changes have been made, the more important of which will now be briefly noticed.

In the Regulations for the year 1860 the maximum age for admission to the open competition was lowered from 23 to 22 on the ground that candidates selected at a later age, if kept in England for even one year of special study, would be too old to commence life in India, and in the belief that the reduced limit somewhat exceeded the average age at which the degree of Bachelor of Arts was usually taken. In 1866 the maximum age of admission was further lowered to 21 in consequence of the

introduction, at the instance of the Government of India, of a system whereby the successful candidates were required to pass a probation of two years in England; and the minimum limit, which had up to that time been 18, was also reduced to 17 years, the object of this latter change being, in the words of the Civil Service* Commissioners, to attract "to the competitive examinations from the principal public schools many distinguished youths who have not yet taken the first step towards a University or professional career at home, and whom the existing Regulations exclude." Lastly, in the Regulations for the year 1878 the maximum limit was still further reduced to 19 years, and the payment of allowances during the probationary period spent in England was at the same time made conditional on the candidates passing their probation at some University or College, to be approved beforehand by the Secretary of State, at which moral responsibility for the conduct of students is undertaken and rules of discipline are enforced. The principal objects of this change, which still remains in force,† were described in a letter,‡ dated 26th April 1877, addressed by the Under-Secretary of State to the Vice-Chancellor of the Cambridge University, to be "to bring the selected candidates to their work in India at an earlier age than heretofore, and to secure for them, as far as was possible, the moral supervision of some academical body during their period of probation."

33. Modifications made in the scheme recommended by the Committee of 1854: Standard and subjects of examination.—The branches of knowledge admissible for the competitive examination, none of which however are obligatory on candidates, remained substantially those recommended by Lord Macaulay's Committee until the year 1878, when material changes were introduced§ in order to render the examination more suitable to the reduced age of the candidates. The more important of these changes were—(1) a reduction of the standard of examination in English History and English Literature, a considerable portion of the marks assigned to those subjects being allotted to particular works to be selected by the candidates; (2) in foreign languages, ancient and modern, the restriction of the examination to the language itself excluding the literature and history, except so far as an acquaintance with the latter is necessary for an intelligent study of the language; (3) in Mathematics, the restriction of the range of examination to Arithmetic, Algebra, and Elementary Geometry up to the elements of the differential and integral calculus, including the lower portions of Applied Mathematics; (4) under the head of Natural Science, the exclusion of Zoology, Botany, Geology, and Mineralogy (the first three of which, with Agricultural Chemistry, were made optional subjects at the final examination); and the restriction of the examination to the elements of any two of the following sciences, namely—(a) Chemistry; (b) Electricity and magnetism; (c) Experimental Laws of Heat and Light; and (d) Mechanical Philosophy, with outlines of Astronomy; (5) lastly, for the Moral Sciences, which included Logic, Mental and Moral Philosophy, were substituted Logic and the Elements of Political Economy, on the ground|| that these subjects are capable of being treated with exactness; that they are quite within the reach of boys between the ages of 18 and 19; and that they are now studied not only in the Scotch and Irish colleges but also in the highest classes of some of the English public schools.

34. Modifications made in the scheme recommended by the Committee of 1854: Maxima of marks assigned to the various subjects.—Up to the year 1878 the only material changes which were made in the recommendations of Lord Macaulay's Committee under this head, so far as the open competition is concerned, were—(1) an increase in the maximum number of marks assigned to Mathematics, from 1,000 to 1,250, experience having shown that, "while¶ it is possible for a good scholar to attain a very large proportion of the marks assigned to classics, a mathematician, although he may possess more than average ability and knowledge, cannot expect equal success;" and (2) an increase in the maxima of marks assigned to

* Letters from the Civil Service Commissioners to the Secretary of State, dated 3rd August 1864 (see Tenth Report of Her Majesty's Civil Service Commissioners, page 181).

† The present limits are practically from about 17½ years to 19½ years, as the 1st January of the year in which the examination is held, instead of the 1st June, has been fixed as the date up to which age is to be computed.

‡ Twenty-first Report of Her Majesty's Civil Service Commissioners, page 631.

§ Twenty-first Report of Her Majesty's Civil Service Commissioners, page 618 *et seq.*

|| Twenty-first Report of Her Majesty's Civil Service Commissioners, page 620.

¶ Fourth Report of Her Majesty's Civil Service Commissioners, page 236.

the Sanskrit language and literature and to the Arabic language and literature, from 375 to 500 in each case, on the ground* that acquaintance with special branches of knowledge, wherever admitted to the examination, should be "adequately rewarded." In connection with the marks assigned to the two latter subjects, it may be noted that, although the maximum of 375, recommended by Lord Macaulay's Committee and actually assigned at the examinations held in the years 1855 to 1858 inclusive, was raised to 500 which was applied during the years 1859 to 1864, doubts were evidently entertained regarding its suitability, as the Commissioners in 1865 reverted to the original maximum of 375, believing,† with Lord Macaulay's Committee, that the examination "should be of such a nature that no candidate who may fail shall, to whatever calling he may betake himself, have any reason to regret the time and labour which he spent in preparing himself to be examined," and that "we should render no service to India by inducing her future rulers to neglect in their earlier years European literature and science for studies specially Indian." Accordingly in 1865 the maximum of marks assigned to the Sanskrit language and literature and to the Arabic language and literature was restored in each case to 375, but was again raised to its present figure—500—in 1869, not, however, "with the view of giving greater weight than has hitherto been given to the amount of proficiency which has been hitherto shown in these subjects, but in order to provide an adequate reward for the superior degree of knowledge which may be displayed in them, if, as appears not unlikely to be the case, on the one hand, Natives of India, well trained in these branches of knowledge, should come to England to compete, and, on the other hand, an increased amount of attention should be given to the study of them in schools and colleges at home." At the same time (1869),‡ and for the same reasons, the marks obtainable under the head of Natural Science were raised from 500 to 1,000. In 1878, consequent on the lowering of standard described in the preceding paragraph, the maximum number of marks assigned to English Literature and to English History was in each case reduced from 500 to 300, while the marks allotted to Mathematics were reduced from 1,250 to 1,000. The marks assigned to English Composition were also reduced from 500 to 300. A distinction was further made in the case of the classical languages, to each of which 750 marks had up to that time been awarded, the value of Greek,§ "the study of which is not generally carried so far, at the age of 19, as the study of Latin," being slightly diminished (from 750 to 600 marks), while the maximum of marks for Latin was raised from 750 to 800, and the maxima of marks assigned to the French, German, and Italian languages were raised from 375 to 500 in the case of French and German respectively, and to 400 in the case of Italian. Under the head of Natural Science, instead of a maximum number of 1,000 marks being obtainable for *adequate proficiency* in any two or more of the following branches of science—that is (1) Chemistry, including Heat; (2) Electricity and Magnetism; (3) Geology and Mineralogy; (4) Zoology; and (5) Botany; the *elements* of any two of the following sciences were prescribed, a separate maximum of marks being allotted to each, thus: Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy, with outlines of Astronomy, 300. Next, in the place of Moral Sciences, that is, Logic, Mental and Moral Philosophy, with a maximum of 500 marks, the following were inserted, namely: Logic and the Elements of Political Economy, each with a maximum of 300 marks. Lastly, the maximum number of marks assigned to Sanskrit and Arabic (500 each) was left unaltered, but it was especially laid down that "the standard of marking in Sanskrit and Arabic will be determined with reference to a high degree of proficiency, such as may be expected to be reached by a Native of good education." On this point the Civil Service Commissioners remarked|| that, except for the sake of Indian candidates, and if the United Kingdom only had to be considered, they "would propose to exclude Arabic, and would hesitate to include Sanskrit, notwithstanding the place which it now holds in European culture, and even at a few of our own schools and colleges." The nature of the changes made will be readily seen from the following table, which shows the subjects and marks on the occasion of the open competition held (1) at Easter, 1878, when the old system was still in force; and (2) in July of the same year, when the new system was first introduced:—

* Fourth Report of Her Majesty's Civil Service Commissioners, page 237.

† Ninth Report of Her Majesty's Civil Service Commissioners, pages XV. & XVI.

‡ Thirteenth Report of Her Majesty's Civil Service Commissioners, page 277.

§ Twenty-first Report of Her Majesty's Civil Service Commissioners, page 619.

|| Twenty-first Report of Her Majesty's Civil Service Commissioners, page 618.

EASTER, 1878 (UNDER THE OLD SYSTEM).		JULY, 1878 (UNDER THE NEW SYSTEM).	
Subjects.	Marks.	Subjects.	Marks.
(1.) English Composition -	500	(1.) English Composition* -	300
(2.) History of England, including that of the Laws and the Constitution -	500	(2.) History of England,† including a period selected by the candidate -	300
(3.) English Language and Literature -	500	(3.) English Literature,† including books selected by the Candidate -	300
(4.) Language, Literature, and History of Greece -	750	(4.) Greek -	600
(5.) Language, Literature, and History of Rome -	750	(5.) Latin -	800
(6.) Language, Literature, and History of France -	375	(6.) French -	500
(7.) Language, Literature, and History of Germany -	375	(7.) German -	500
(8.) Language, Literature, and History of Italy -	375	(8.) Italian -	400
(9.) Mathematics (pure and mixed) -	1,250	(9.) Mathematics (pure and mixed)*† -	1,000
(10.) Natural Science—that is, (1) Chemistry, including Heat; (2) Electricity and Magnetism; (3) Geology and Mineralogy; (4) Zoology; (5) Botany -	1,000	(10.) Natural Science—that is, the Elements of any two of the following Sciences, viz., Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy with outlines of Astronomy, 300.	
The total (1,000) marks may be obtained by adequate proficiency in any two or more of the five branches of Science included under this head.			
(11.) Moral Science—that is, Logic, Mental and Moral Philosophy -	500	(11.) Logic -	300
(12.) Sanskrit Language and Literature -	500	(12.) Elements of Political Economy -	300
(13.) Arabic Language and Literature -	500	(13.) Sanskrit‡ -	500
		(14.) Arabic§ -	500

35. Regulations now in force for the open competition.—So far as is known, no material changes in addition to those above mentioned have been made in the Regulations, a copy of which for the year 1888 is reprinted as Appendix G. to this Report.

CHAPTER III.

PARTICULARS RELATING TO THE STATUTORY SERVICE.

36. The Statute of 1861 (24 & 25 Vic., Cap. 54).—In the foregoing Chapter a description has been given of those clauses of the English Statutes of 1853 and 1858 which relate to the introduction of a system of competitive examination for admission to the Indian Civil Service. For the purpose of the present Chapter it is necessary to notice the later Statutes of 1861 and 1870, the former of which (24 & 25 Vic., Cap. 54) legalized certain appointments made in contravention of the terms of the Statute 33 Geo. III., Cap. 52¶; defined more accurately than had

* Marks assigned in English Composition and Mathematics will be subject to no deduction.

† A considerable portion of the marks for English History and Literature will be allotted to the work specially prepared. In awarding marks for this, regard will be had partly to the extent and importance of the periods or books, selected, and partly to the thoroughness with which they have been studied.

‡ The examination will range from Arithmetic, Algebra, and Elementary Geometry up to the elements of the differential and integral calculus, including the lower portions of Applied Mathematics.

§ The standard of marking in Sanskrit and Arabic will be determined with reference to a high degree of proficiency, such as may be expected to be reached by a Native of good education.

¶ Paras. 26 and 27.

¶ Section 57 of this Statute laid down that "all vacancies happening in any of the offices, places, or employments in the civil line of the Company's Service in India (being under the degree of Counsellor) shall be from time to time filled up and supplied from amongst the Civil Servants of the said Company belonging to the Presidency wherein such vacancies shall respectively happen."

previously been done the offices* to be reserved for members of the Covenanted Civil Service; and permitted the authorities in India, under special circumstances, to appoint to such offices persons other than Covenanted Civil Servants, subject to certain restrictions, namely, (1) "that no person shall be so appointed who has not resided for at least seven years in India;" (2) "that every person previously to his being so appointed to any of the offices in the Revenue and Judicial Departments.....shall pass an examination in the vernacular language of the district in which he is to be employed where such examination is now required; and shall be subject to all the departmental tests and other qualifications and restrictions which are or may be imposed in the like case on Covenanted Civil Servants;" (3) that "every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same;" and (4) that, "unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of members present at a meeting, and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled."

37. Appointments made under the Statute of 1861.—From replies received from Local Governments it would appear that substantive appointments under the Statute 24 and 25 Vic., Cap. 54, Sections 3 & 4, have only been made in two cases. In both of these cases the power was exercised in favour of Native gentlemen, one of whom (in the Bombay Presidency) was appointed, in 1862, an Acting Assistant Judge and Sessions Judge, and the other (in the Lower Provinces of Bengal) was appointed, in 1880, an Additional Judge. It is believed, however, that recourse has been had to the Statute on more than one occasion in connection with the appointment of military officers to reserved posts in the Government of India Secretariat (Foreign Department), and in one case in connection with an appointment made in the Financial Department, also that temporary appointments of Native officers to various judicial posts have been authorized under its provisions when Covenanted agency was not available.

38. Scholarships established by Lord Lawrence's Government.—In 1868 Lord Lawrence's Government established nine scholarships, of the value of 200*l.* a year each, tenable in Great Britain for a period of three years, with a view to encourage Natives of India "to resort more freely to England for the purpose of perfecting their education, and of studying for the various learned professions or for the Civil and other Services" in India. These Scholarships were to be awarded partly on the result of competition and partly by means of the nomination of duly qualified persons. The Secretary of State (the Duke of Argyll), however, did not approve of the arrangement, and it was accordingly discontinued.

39. The Statute of 1870 (33 Vic., Cap. 3).—The object of Section 6 of the Statute of 1870 was to provide "additional facilities.....for the employment

* These offices were declared to be those specified in the Schedule annexed to the Statute, and all such offices which might be created thereafter. The Schedule was as follows:—

Secretaries, Junior Secretaries, and Under-Secretaries to the several Governments in India, except the Secretaries, Junior Secretaries, and Under-Secretaries in the Military, Marine, and Public Works Departments.

Accountant General.

Civil Auditor.

Sub-Treasurer.

Judicial.

1. Civil and Session Judges, or chief Judicial Officers of districts in the Provinces now known as Regulation Provinces.
2. Additional and Assistant Judges in the said Provinces.
3. Magistrates or chief Magisterial Officers of districts in the said Provinces.
4. Joint Magistrates in the said Provinces.
5. Assistant Magistrates or Assistants to Magistrates in the said Provinces.

Revenue.

1. Members of the Board of Revenue in the Presidencies of Bengal and Madras.
2. Secretaries to the said Boards of Revenue.
3. Commissioners of Revenue or chief Revenue Officers of divisions in the Provinces now known as Regulation Provinces.
4. Collectors of Revenue or chief Revenue Officers of districts in the said Provinces.
5. Deputy or Subordinate Collectors where combined with the office of Joint-Magistrate in the said Provinces.
6. Assistant Collectors or Assistants to Collectors in the said Provinces.
7. Salt Agents.
8. Controller of Salt Chowkies.
9. Commissioners of Customs, Salt, and Opium.
10. Opium Agents.

of Natives of India of proved merit and ability in the Civil Service of Her Majesty in India." It enacted that nothing in any "Act of Parliament or other law now in force in India shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any Native of India to any such office, place, or employment, although such Native shall not have been admitted to the said Civil Service of India in manner in Section 32 of the" Act for the Government of India, 21 & 22 Vic., Cap. 106, "provided, but subject to such rules as may be from time to time prescribed by the Governor General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present." It was further laid down that "for the purpose of this Act, the words 'Natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India, and not established there for temporary purposes only, and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualification of Natives of India thus expressed: provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament."

40. The Statute of 1870: Rules framed in 1873.—The first set of Rules* under the Act of 1870 were drawn up in 1873 and submitted to the Secretary of State in 1874. They proceeded on the principle that the preliminary condition of proved merit and ability implies in the person fulfilling it a good education, special training in some office or profession, a high character, and some degree of distinctive success, and that no better course of probation for superior appointments could be devised than is given by passing with credit through the regular gradation in the subordinate branches of the service which lead up to them. Accordingly, the draft Rules prescribed that the main qualification requisite for appointments under the Act should be a certain precedent term of service in the higher ranks of subordinate Government employ. The nomination to an appointment was to be made by the authority which ordinarily nominates or appoints to the particular office; but the previous sanction of the Government of India was required, and the appointment was to be probationary. The Law Officers of the Crown, however, to whom a case on the Rules was stated, were of opinion† that the Government of India had placed too narrow a construction on the Statute. The rules were accordingly disallowed, and the Government of India was instructed to submit a fresh draft on certain general lines indicated by the Secretary of State.

41. The Statute of 1870: Rules of 1875.—Revised Rules‡ were accordingly drawn up by Lord Northbrook's Government, which were with certain modifications sanctioned by the Secretary of State (the Marquis of Salisbury) "as a tentative measure." These Rules do not call for any detailed remark. They were drawn in the widest possible terms, and they permitted Statutory appointments to be given provisionally to any Native of India; "if of proved merit and ability," whom the Local Governments or the Government of India should nominate, under proper sanction, to the offices within their respective jurisdictions, the nominee being required to undergo a term of probation after provisional appointment. The Rules, however, remained practically inoperative, only one, or at the most two, appointments having been made thereunder to the judicial branch of the service.

42. The Statute of 1870: Rules of 1879.—In 1878 the entire question was reopened by Lord Lytton's Government, with the result that revised Rules‡ which

* See Appendix H. to this Report, where the proposed Rules are given *in extenso*.

† *Extract from the opinion of the Law Officers on a case submitted by the Secretary of State:—*

"That Section (that is, Section 6 of the Statute 33 Vic., Cap. 3) was expressly intended to afford increased facilities for the employment of Natives of India of "proved merit and ability" in the Indian Civil Service (notwithstanding the impediments and limitations contained in the recited Acts), *subject to rules* prescribed and sanctioned as therein stated. The "merit and ability" need only be proved or established to the satisfaction of the authorities making the appointments, and no particular method of establishing proof of merit or ability is enjoined."

"There seems, therefore, to us to be no valid reason why the Governor General in Council should limit the exercise of the discretion of the authorities entrusted with making these appointments by prescribing any rules (such as those in the draft sent from India) requiring the Native candidates for employment in the Civil Service (properly so called) to have previously served for any definite period or upon any definite terms in some other employment under the British Government. Such a restriction seems to us to be clearly opposed to the spirit and intention of the Act of 1870."

‡ See Appendix H. to this Report, where the Rules as sanctioned by the Secretary of State are given *in extenso*.

provided (1) that a proportion not exceeding one-fifth of the total number of Civilians appointed by the Secretary of State to the Civil Service in any one year should be Natives selected in India by the Local Governments; (2) that each selection should be subject to the approval of the Governor General in Council; and (3) that the selected candidates should, save under exceptional circumstances, be on probation for two years, were sanctioned by the Secretary of State (Viscount Cranbrook) and were promulgated under Home Department Notification No. 1534, dated 22nd August 1879.

43. Subsequent history of the question.—In a Resolution, dated the 24th of December 1879, the Government of India expressed an opinion (1) that appointments under the Rules should, generally speaking, be confined to “young men of good family and social position, possessed of fair abilities and education, to whom the offices open to them in the inferior ranks, or Uncovenanted Service, have not proved a sufficient inducement to come forward for employment;” and (2) that the appointment of persons who have already proved their merit and ability either in the Government service or in the practice of a profession should be exceptional, and should be “confined to persons who have obtained great distinction in the offices they have held or the professions they have followed—persons, in short, whom the Government would spontaneously desire to appoint to superior offices.” In 1884, however, it was decided once more to reopen the question, evidence having been adduced which satisfied the Government of India that the plan of nomination was held by many authorities to fail in securing sufficient guarantees of ability and education in persons appointed under the Rules. Although it was considered that in most instances the nominations actually made had been fairly satisfactory, it was generally felt that no antecedent guarantee existed of the fitness of the persons selected. Under these circumstances, various alternative courses were submitted for the consideration of the Local Governments, whose opinions were at the same time invited generally upon the best mode of improving the working of the Rules. The result of the reopening of the question has been the appointment of the present Commission under the orders of His Excellency Lord Dufferin.

44. Provisional arrangements at present in force.—In the meantime the Local Governments have been allowed a wide discretion in the system of nomination adopted. Each Local Government has, in fact,* been permitted to choose its candidates in any manner that may appear to it desirable, with the sole proviso that, in the case of candidates whose merits and abilities have not been already proved by employment in the public service, special regard should be paid to educational attainments and proficiency. The orders contained in the Resolution† of the 24th of December 1879 have at the same time been declared to be in abeyance; and it has been left to Local Governments to select suitable candidates from the Uncovenanted Service or the learned professions, to institute a test of limited competition among nominated candidates, or to follow any other mode of selection that may be thought suitable.

45. Scale of recruitment fixed for the several Provinces: Appointments made under the Rules of 1879: Modes of selection adopted.—The number of appointments to be made each year under the Statutory Rules must not exceed one-fifth of the total number of Civilians appointed by Her Majesty’s Secretary of State to the Covenanted Civil Service in that year. The practical effect of this limit, when calculated upon the regular annual recruitment of Covenanted Civilians fixed as appropriate for each Province, is to give 7·56 as the total yearly number of Statutory appointments for the whole of British India, distributed over the several Provinces thus :—

Madras	-	-	-	-	-	-	-	-	-	1·17
Bombay	-	-	-	-	-	-	-	-	-	1·05
Sind	-	-	-	-	-	-	-	-	-	·16
Bengal	-	-	-	-	-	-	-	-	-	1·72
North-Western Provinces and Oudh	-	-	-	-	-	-	-	-	-	1·67
Punjab	-	-	-	-	-	-	-	-	-	·78
Central Provinces	-	-	-	-	-	-	-	-	-	·43
British Burma	-	-	-	-	-	-	-	-	-	·34
Assam	-	-	-	-	-	-	-	-	-	·24
									TOTAL	7·56

* Circulars dated 5th September 1884 and 29th October 1885.

† See foregoing paragraph.

The number of appointments, up to and including the year 1886, made under the Rules, full details of which are given in Appendix I. to this Report, has been 48, or an average of six a year, distributed thus :—

	Hindus.	Mahomedans.	Parsis.	Sikhs.	Burmans.	Total.
Madras	6	2	—	—	—	8
Bombay	5	2	2	—	—	9
Bengal	9	2	—	—	—	11
North-Western Provinces and Oudh	6	5	—	—	—	11
Punjab	—	3	—	2	—	5
Central Provinces	1	1	—	—	—	2
British Burma	—	—	—	—	2	2

The total number of Hindus appointed under the Statutory Rules of 1879 has therefore been 27, of Mahomedans 15, of Parsis 2, and of Sikhs 2, to whom must be added 2 Burmans.

In connection with the above appointments, various systems of nomination have been adopted in the several Provinces; but Local Governments have in all cases been required to submit for each appointment available the names of three suitable nominees for selection by the Government of India.

In the Madras Presidency the Local Government reports that the general rule was to nominate persons of good family, social position, and general influence, regard being at the same time had to educational qualifications; but the plan more recently advocated and acted upon has been to adopt a system of nomination on the ground of merit and ability proved in the Uncovenanted Service or in the practice of one of the learned professions, alternating (once in every three years) with a system of nomination based on the results of examination amongst a limited number of candidates, being Natives of the Madras Presidency, graduates in Arts of a recognized Indian University, and between 22 and 25 years of age. The examination held under this latter system consisted of two branches, the first of a qualifying nature for the purpose of eliminating unfit candidates, and the second of a more searching description. In making the final nominations the Local Government has not been guided by the marks gained by, or the position assigned to, the successful candidates, but has also examined the claims of the successful candidates with reference to such considerations as birth, character, family services, and the like.

In the Bombay Presidency the system adopted has been that of nominating young men of good family and social position, subject to the possession of sufficient educational attainments. In this Presidency one Statutory Civilian only has been appointed on the ground of merit and ability proved in the service of Government, and one has been recommended for appointment on the ground of merit and ability proved in the practice of a profession.

In the Lower Provinces of Bengal the system adopted in 1879 and in the four succeeding years was one of nomination pure and simple, the factors taken into account being family respectability, good education, past Government service, and physical powers. Since 1884 a system of limited competition among a limited number of candidates has been instituted, according to the results of which nominations have been submitted by the Local Government. The candidates for this examination have been chosen from (a.) officers in the service of Government who had specially distinguished themselves; (b.) persons who had taken the degree of Bachelor of Arts at the Calcutta University, provided that such persons were able to produce certificates of their having a thoroughly practical knowledge of the English language, of their physical fitness for the service of Government, of good moral character, and of their being of active habits and able to ride; (c.) persons of proved merit and ability in the practice of a profession. Persons of more than 25 years of age have not been allowed to appear at the examinations unless they were already in the service of the Government or had been engaged during at least five years in a learned profession.

Four Statutory Civilians have been appointed in Bengal on the ground of high birth, social position, and general influence, and a similar number on the ground of merit and ability proved in the service of Government; but none have been appointed on the ground of merit and ability proved in the practice of a profession. Of the four Statutory Civilians appointed on the ground of high birth, two are no longer in the service of Government, one having resigned after having been on leave for a very

considerable period, and the services of the other having been dispensed with owing to his failure to pass the prescribed departmental examination.

In the North-Western Provinces and Oudh the system adopted has been that of nominating such persons as appeared to the Local Government to possess in the highest degree the qualifications necessary for the discharge of the duties of Statutory Civilians. No preliminary examination has been held and no minimum standard of educational attainments has been required (except a competent knowledge of English). No nomination has been made solely on the ground of high birth, social position, or general influence; but some consideration has been paid to social position, subject to educational, moral, and physical qualifications which have been taken into account and assigned their due weight.

In the Punjab the essential qualifications for nomination are good family and social position, combined with educational, moral, and physical fitness. No Statutory Civilians have been appointed on the ground of merit and ability proved in the service of Government or in the exercise of a profession.

In no case (except in Bengal) has a person been appointed a Statutory Civilian on the ground of intellectual qualifications alone, and up to the present time no domiciled European or Eurasian has received either a nomination or an appointment under the Statutory Rules. In Bengal some Eurasian gentlemen were allowed to appear at the competitive examinations held in the years 1884 and 1886 for admission to the Statutory Service, but they failed to obtain a place amongst the successful candidates.

CHAPTER IV.

PARTICULARS RELATING TO THE EXECUTIVE AND JUDICIAL BRANCHES OF THE UNCOVENANTED SERVICE.

46. General Scope of enquiry: Meaning of the terms "Uncovenanted Service," "Executive Service," and "Judicial Service."—

Under the instructions given to the Commission the inquiry under the head of the Uncovenanted Services embraces* (1) appointments included in the Executive and Judicial Services of the several Provinces down to and including the office of Tahsildár or Munsif or other office corresponding to that of Tahsildár or Munsif, which are not reserved for or ordinarily held by members of the Covenanted Civil Service; and (2) certain miscellaneous appointments, such as Judgeships of Small Cause Courts, which although strictly speaking not included in the above services, and although not specially reserved for members of the Uncovenanted Service, are nevertheless usually held by officers of that class. The terms "Executive Service" and "Judicial Service" are used throughout this Report as indicating respectively the Executive and Judicial offices and appointments above-mentioned. It may be well to explain that the use of the word "Uncovenanted" is purely technical, and that for the present purpose it includes the very large number of public servants who fill appointments not reserved by Statute for members of the Covenanted Civil Service, and who are recruited from the talent, for the most part native, which is procurable in India. Thus the term "Executive Service" includes, on the one hand, officers styled Deputy Collectors in the Regulation Provinces and Extra Assistant Commissioners in the Non-Regulation Provinces; and, on the other hand, the officers known as Tahsildárs, Mamlatdárs, Mukhtyárkárs (in Sind), and Sub-Deputy Collectors. The Deputy Collector and Deputy Magistrate is usually in subordinate charge of a sub-division of a district, or, it may be, of the treasury, or in some Provinces of certain branches of the revenue and criminal work. In the former case he may have the immediate control of one or more Tahsildárs, Sub-Deputies, or the like. The Tahsildár is the head in some cases of the territorial sub-division, or in others of the territorial unit next below the sub-division, and usually conducts, within prescribed limits, all executive functions required in respect of it, including the exercise of magisterial functions. But in Bengal and part of Northern India a practice prevails of employing Deputy Collectors at head-quarters or otherwise upon duties assigned to them by the Collector, instead of giving them a territorial charge. For instance they may try criminal cases allotted

* See para. 3 *supra*.

to them from day to day, or may be deputed to do revenue work or partition of estates in a particular village or tract, or be placed in charge of excise or some other department of district work under the orders of the District Officer. Again, Sub-Deputies (a class of officers peculiar to Bengal and Assam) have for the most part no specified charge and do the work which they are from time to time set to do. Their immediate superior is ordinarily the Assistant or Deputy Collector in charge of a subdivision or the District Magistrate at head-quarters. It should be understood that this description is of the broadest kind and leaves out numerous phases of the employment in the several Provinces of the officers named. The term "Judicial Service" includes officers known as Subordinate Judges (or Extra Assistant Commissioners in the Non-Regulation Provinces) and Munsifs, the former of whom exercise an original jurisdiction unlimited in extent though they are subject to the control of the District Judge, while the jurisdiction of Munsifs is limited to cases where the value of the matter in dispute does not exceed R1,000* (in Bengal) or R2,500 (in Madras). Subordinate Judges also, if specially empowered on that behalf, hear appeals from the Courts of Munsifs. In Bombay there are no Munsifs, their place being taken by Subordinate Judges of the 2nd class with a jurisdiction up to R5,000. In the Non-Regulation Provinces the class of officers known as Extra Assistant Commissioners perform both executive and judicial functions.

47. Importance of enquiry into the Executive and Judicial Services.—The brief description given in the foregoing paragraph of the general nature of the duties which devolve upon members of the Executive and Judicial Services is sufficient to show the direct and intimate bearing of the efficiency of these services on the well-being of the people. The importance of the inquiry into these branches of the public service becomes even more apparent when it is remembered that the persons employed merely in the superior ranks of these services aggregate nearly 2,600 (excluding all special Departments), while the strength of the Covenanted Civil Service in the several Provinces (including Statutory officers, junior Civil servants in training and officers absent on leave) is about 940 officers.† It must also be remembered that it is with the officers of this class that the great mass of the people are most ordinarily brought into contact, and that upon them it devolves to decide a large proportion of the disputes, whether connected with revenue, magisterial, or civil matters, which arise between man and man in ordinary life and do not, as a general rule, come before officers belonging to the Covenanted grades. Under these circumstances the Commission has in the course of the present enquiry used particular endeavours to ascertain whether the existing systems of recruitment applied to the Executive and Judicial Services are susceptible of improvement in the interests of the well-being of the people and of the efficiency of the administration. The importance of the enquiry under this head constitutes the apology which the Commission would offer for dealing with it in what might otherwise be regarded as unnecessary detail.

48. Existing rule regarding the non-appointment of persons not being Statutory Natives of India to posts in the Executive and Judicial Services carrying a salary of R200 a month or upwards.—In 1879 instructions were issued by the Government of India and the Secretary of State with the view of giving more complete effect to the orders of Her Majesty's Government that Natives of India should be appointed to an increasing majority of higher offices in the Uncovenanted Service. The practical effect of these orders, which are contained in a Circular issued by the Government of India, dated the 18th of April 1879, and in Despatches‡ addressed by the Secretary of State to the Governments of Madras and Bombay, dated the 10th of July 1879, upon the Executive and Judicial Services, was to reserve all appointments in those services carrying a salary of R200 a month and upwards for persons being Natives of India within the meaning of the Statute 33 Vic., Cap. 3, Section 6 (including persons born and domiciled within the territories of Indian Princes tributary to, or in alliance with, Her Majesty), and to prohibit the appointment of other persons to such posts unless (in the case of the Bengal Presidency) the sanction of the Governor General in Council, or (in the case of the Madras and Bombay Presidencies) that of the Secretary of State in Council, had been previously obtained.

* This is the ordinary limit, but by Act XII. of 1887 the Governments of Bengal and the North-Western Provinces and the Chief Commissioner of Assam are empowered, on the recommendation of the High Court, to invest Munsifs with jurisdiction up to R2,000.

† The figures for Burma are excluded in both cases.

‡ Reproduced as Appendix J. to this Report.

49. Executive Service: General Outlines of systems of recruitment adopted in the several Provinces.—Appendix K. to this Report shows the constitution of and the rates of pay attached to the various classes of appointments in the Executive and Judicial Services, and summarizes the rules of recruitment for those services which prevail in the several Provinces. For the present purpose it may suffice to describe very generally the more salient features of the rules at present in force.

In the Madras Presidency the general system of appointment in the case of the Executive Service (Deputy Collectors and Tahsildárs) is nomination from amongst candidates who have passed certain special tests varying with each class of appointment. Deputy Collectors are appointed by the Local Government and are generally selected from persons who have acquired experience as Tahsildárs. Tahsildárs are nominated by Collectors (subject to the sanction of the Board of Revenue and the Local Government) from persons who have passed the special tests, but nominations must be preceded by approved service in certain specified subordinate posts. In the case both of Deputy Collectors and Tahsildárs probation is provided for by a period of active service which, in practice, invariably precedes final confirmation.

In the Bombay Presidency and Sind the office of Deputy Collector is ordinarily filled by the promotion of Mamlatdárs or Mukhtyárkárs respectively, while officers of the latter classes are generally appointed from graduates who have served for a prescribed period in the Land Revenue Department and have passed the departmental examinations. In both cases provision is made for the promotion of deserving officers of the lower grades who are not graduates of a University. Appointments as Deputy Collectors and Mamlatdárs or Mukhtyárkárs are made respectively by the Local Government and by Divisional Commissioners in the Presidency proper, and in Sind by the Commissioner. As a general rule Mamlatdárs are appointed on probation, and final confirmation is contingent on the efficiency of the probationers in the discharge of their duty.

In the Lower Provinces of Bengal the Executive Service consists of two classes of Officers, namely, (1) Deputy Magistrates and Deputy Collectors and (2) Sub-Deputy Magistrates and Sub-Deputy Collectors. Appointments to the first of these classes are usually made according to the results of a competitive examination among accepted candidates who must, amongst other necessary qualifications, be Natives of India within the meaning* of the Statute of 1870, and must, unless they have passed the Entrance examination of the Calcutta University, have received an education up to the standard at least of that examination. The successful candidates are at once attached as probationers to different duties in districts, and their eventual appointment to a substantive post depends upon the manner in which they discharge their duties and upon their having passed the departmental examinations by both standards. Sub-Deputy Magistrates and Sub-Deputy Collectors are appointed by nomination and have no claim by right to promotion to the superior grade. Appointments of both classes of officers are made by the Local Government.

In the North-Western Provinces Deputy Collectors are appointed by the Local Government on the nomination of the Board of Revenue; and in Oudh recommendations for appointment are made to the Local Government by the Divisional Commissioners. A large proportion of the officers appointed are men who have had experience as Tahsildárs or as Head Clerks in Collectors' offices or have proved their ability in the Police, Education or other Departments. The experiment has also been recently made of appointing young men of promise as Honorary Deputy Collectors in the first instance. Tahsildárs are selected by a Central Committee from nominations made by District Officers, Commissioners, and the Board of Revenue. These nominations are ordinarily made from Naib Tahsildárs or other competent officials who are deemed likely to become efficient Tahsildárs, or, failing these, from other competent persons who must have passed an examination not inferior to the middle class Anglo-vernacular departmental examination. Before confirmation in their appointments selected nominees are required to render approved service for one year and must have passed the departmental examination prescribed for Tahsildárs. Tahsildárs are appointed in Oudh by the Local Government and in the North-Western Provinces by the Board of Revenue.

In the Punjab the Executive Service consists of (1) Extra Assistant Commissioners, (2) Tahsildárs, and (3) Superintendents of Settlements. Extra Assistant Commissioners are appointed partly by nomination amongst officials who, by approved service,

* See para. 39 *supra*.

are considered to have earned a claim to the appointment of Extra Assistant Commissioner, and partly by competition amongst approved candidates who must possess a minimum educational qualification equivalent to the Entrance standard of the Punjab University. Probation is provided for by requiring successful candidates, who have not served in a Settlement or as Tahsildár, to serve for twelve months in a Settlement, and all successful candidates are required to pass within a certain period the higher standard departmental examination prescribed for Assistant Commissioners and Extra Assistant Commissioners. In exceptional cases direct appointments are, for political or other sufficient reasons, and generally in frontier districts, made without examination. Tahsildárs are appointed by the Financial Commissioner on the nomination of Deputy Commissioners, but the nominee must be either a Naib Tahsildár who has held office for two years and has passed the Tahsildárs' departmental examination, or an approved candidate for the office of Tahsildár. No candidate is ordinarily eligible for appointment as Tahsildár until he has passed the departmental examination. Superintendents of Settlements are appointed by the Financial Commissioners from Tahsildárs and other suitable persons.

In the Central Provinces Extra Assistant Commissioners and Tahsildárs are appointed by nomination from distinguished students of any of the Universities who belong to the Central Provinces, from members of the local Bar, or from among Clerks of Court or other Government servants who are considered to have received a fair education, and who have passed some of the prescribed departmental examinations. Provision is practically made for probation by means of officiating appointments, and the departmental examination must in all cases be passed by both standards within a specified period under penalty of stoppage of promotion.

In the Hyderabad Assigned Districts no rules exist for the appointment of Extra Assistant Commissioners and Tahsildárs, but all such officers are required, within two years from the date of appointment, to pass a departmental examination.

In Assam Extra Assistant Commissioners are ordinarily appointed from men of approved merit and ability among the Sub-Deputy Collector and Tahsildár classes. Tahsildárs and Sub-Deputy Collectors are under the existing rules appointed according to the results of a competitive examination, but in making the final selections consideration is given to birth and claims based on being a native of the Province or on descent and social position. It is understood, however, that the rules regarding the appointment of Tahsildárs in Assam are not now enforced in their entirety.

In Coorg members of the Executive Service are selected according to their qualifications, the Middle School examination of the Madras Presidency representing the minimum standard of educational qualification.

50. Judicial Service: General outlines of systems of recruitment adopted in the several Provinces.—In the Madras Presidency candidates for the appointments of Subordinate Judge or District Munsif are required to pass certain "special test" examinations, and it is necessary that they should with certain exceptions be either (1) advocates, vakils, or attorneys of the High Court or persons duly qualified for admission in those capacities, or (2) persons who have obtained the degree of Bachelor of Law at an Indian University, or (3) persons who have passed the first grade pleaders' examination. Subordinate Judges are appointed by the Local Government on the recommendation of the High Court, and District Munsifs are appointed by the High Court.

In the Bombay Presidency and Sind the Judicial Service is composed only of Subordinate Judges. In the Presidency proper, candidates for appointments must have graduated in Law at the University of Bombay or have passed the High Court's Examination for the offices of Subordinate Judge and pleader of the High Court, and must also either have practised for three years in a Civil Court or have served in a Civil Court for a similar period in certain specified capacities. In Sind the tests are identical with those prescribed for admission as Sadar Court pleaders, and the minimum educational qualification required is the passing of the Matriculation examination of the Bombay University or a public examination of an equally high character. In the Presidency proper Subordinate Judges are appointed by the Governor of Bombay in Council and in Sind by the Commissioner.

In the Lower Provinces of Bengal Subordinate Judges are as a rule appointed by the selection of Munsifs of approved merit. Candidates for the appointment of Munsif must hold the degree of Bachelor of Law, have passed the senior grade pleaders' examination, and have practised as pleaders for three years. Appointments of Subordinate Judges are made by the Local Government. Munsifs are nominated by the High Court and appointed by the Local Government.

In the North-Western Provinces and Oudh Subordinate Judges are appointed from the ranks of Munsifs on the recommendation, in the case of the North-Western Provinces, of the High Court, and in the case of Oudh, of the Judicial Commissioner. Candidates for the office of Munsif must be either (1) vakils of the High Court, North-Western Provinces, or persons who have qualified for admission as such vakils, or (2) Bachelors of Law of the Calcutta University who have practised for three years or have held certain specified offices for a similar period, or (3) pleaders of the upper subordinate grade who have served in certain capacities for not less than three years. Similar rules, *mutatis mutandis*, prevail in Oudh.

In the Punjab Extra Judicial Assistant Commissioners are appointed by the Local Government, on the recommendation of the Chief Court, from Extra Assistant Commissioners who display special aptitude for judicial work. Munsifs are appointed partly by selection and partly according to the results of competitive examinations, permanent vacancies being filled up by each system alternately.

In the Central Provinces, the Hyderabad Assigned Districts, and Coorg there is no separate Judicial Service, and the rules of appointment have been already described under the head of the Executive Service. A similar remark applies to Assam, with the exception of the District of Sylhet, where appointments to the posts of Subordinate Judge and Munsif are filled on the nomination of the Calcutta High Court from the Judicial Service of Bengal.

51. Executive and Judicial Services: Practical results of the systems of recruitment.—It may be convenient to show here in a tabular form the practical results of the different systems of appointment adopted in the several Provinces, so far as these can be judged—

- (1) from the educational attainments of the present incumbents as shown by the results of the examinations of the Indian Universities;
- (2) from the nationalities of the present incumbents;
- (3) from the castes to which those of the incumbents who are Hindūs belong; and
- (4) from the extent to which the several incumbents belong to Provinces other than those in which they are employed.

52. Executive and Judicial Services: Educational attainments of existing incumbents.—The following figures* show the educational attainments of the present incumbents of each class of offices included in the Executive and Judicial Services of the several Provinces with reference to the ordinary examinations of the Indian Universities:—

Province.	Class of appointment.	Total number of persons actually employed, including officiating officers.	NUMBER WHO HAVE				TOTAL.
			Passed Entrance Examination.	Passed First Arts Examination.	Taken degree of Bachelor of Arts.	Taken degree of Master of Arts.	
Madras	Deputy Collectors - - -	67	13	6	9	1	29
	Tabsildárs - - -	155	41	17	4	—	62
	Subordinate Judges - - -	17†	1	—	4‡	—	5
	Munsifs - - -	106	31	14	26§	1	62
Bombay and Sind	Deputy Collectors - - -	59	4	2	2	3	11
	Mamlatdárs - - -	157	39	10	13	—	62
	Mukhtyárkárs - - -	61	2	1	—	—	3
	Subordinate Judges - - -	117	43	8	35	4	90

† Includes also Small Cause Court Judges.

‡ Two of these officers are also Bachelors of Law. There is also one officer who is a Bachelor of Law, though not a Bachelor of Arts.

§ Sixteen of these officers are also Bachelors of Law. There are also two officers who are Bachelors of Law, though not Bachelors of Arts.

* Coorg is omitted from this table and from those which follow as the numerical strength of the establishments in that Province is so small.

Province.	Class of appointment.	Total number of persons actually employed, including officiating officers.	NUMBER WHO HAVE -				TOTAL.
			Passed Entrance Examination.	Passed First Arts Examination.	Taken degree of Bachelor of Arts.	Taken degree of Master of Arts.	
Bengal	Deputy Magistrates and Deputy Collectors.	237	72	44	58	28	202
	Sub-Deputy Magistrates and Sub-Deputy Collectors	102	77	12	2	—	91
	Tahsildárs	48*	5	4	27	1	37
	Subordinate Judges	236	19	34	128	31	212
	Munsifs						
North-Western Provinces and Oudh.	Deputy Collectors	161	18	6	6	3	33
	Tahsildárs	225	7	3	1	—	11
	Subordinate Judges	36	2	—	2	—	4
	Munsifs	99	16	8	18	4	46
Punjab	Extra Assistant Commissioners	77	7	—	—	7	14
	Tahsildárs	123	5	—	5	—	10
	Superintendents of Settlements	22	—	1	—	—	1
	Extra Judicial Assistant Commissioners.	17	2	—	1	—	3
	Munsifs	84	4	3	5	2†	14
Central Provinces.	Extra Assistant Commissioners	44	9	3	2	2	16
	Tahsildárs	60	4	1	—	—	5
	Additional Tahsildárs (Munsifs)	17	2	3	2	—	7
Hyderabad Assigned Districts	Extra Assistant Commissioners	17	7	1	1	—	9
	Tahsildárs	25	1	—	—	—	1
Assam	Extra Assistant Commissioners	29	5	1	10	—	16
	Sub-Deputy Collectors	14	9	3	1	—	13
	Tahsildárs	12	3	—	—	—	3
	Subordinate Judge	1	—	—	—	—	—
	Munsifs	10	1	—	—	8	9

* Includes also Small Cause Court Judges.

† Also one Master of Oriental Learning.

The above statistics show that the educational attainments of officers included in the Executive and Judicial Services of the larger Provinces are most marked in Bengal and to a less extent in Madras and Bombay, while in the North-Western Provinces and Oudh and in the Punjab they are comparatively small, especially in the case of Tahsildárs. These results are doubtless due to the fact that in the Provinces of Upper India English education is in a comparatively backward condition, and that therefore it has not been possible to require proof of high educational attainments as a preliminary qualification for the several classes of appointments to the same extent as in the Lower Provinces of Bengal and in Southern and Western India, where general education is more advanced. In the Punjab, however, a commencement has recently been made in the direction of according a fuller degree of recognition to educational qualifications in the case of the appointments of Extra Assistant Commissioners and Munsifs, and the measures which have been taken with this object will doubtless in due course lead to a considerable change in the results.

53. Executive and Judicial Services: Present incumbents according to nationality.—The annexed table shows in regard to the existing incumbents of offices in the Executive and Judicial Services of the several Provinces their nationality according as they are—(1) Europeans or Eurasians not domiciled in

India at the time of appointment; (2) Europeans or Eurasians domiciled in India; (3) Hindus; (4) Mahomedans; (5) Sikhs; (6) Parsis; and (7) others:—

Province.	Class of appointment.	Number of persons actually employed, including officiating officers.*	BY WHOM HELD.						
			Europeans or Eurasians not domiciled in India at time of appointment.	Europeans or Eurasians domiciled in India.	Hindus.	Mahomedans.	Sikhs.	Parsis.	Others.
Madras	(a) Executive Service—								
	Deputy Collectors -	67	—	12†	46	4	—	—	5
	Tahsildárs -	155	—	2†	138	8	—	—	7
	Total Executive Service -	222	—	14	184	12	—	—	12†
	(b) Judicial Service—								
	Subordinate Judges -	17	—	2	15	—	—	—	—
Munsifs -	106	—	6	98	2	—	—	—	
Total Judicial Service -	123	—	8	113†	2	—	—	—	
Total of both Executive Service and Judicial Service -	345	—	22	297	14	—	—	12	
Bombay and Sind	(a) Executive Service—								
	I.—Presidency Proper—								
	Deputy Collectors -	46	1	6	28	3	—	8	—
	Mamlatdárs -	157	—	1	149	1	—	6	—
	II.—Sind—								
	Deputy Collectors -	13	—	2	9	2	—	—	—
Mukhtyárkárs -	51	—	—	35	14	1	1	—	
Total Executive Service -	267	1	9	221	20	1	15	—	
(b) Judicial Service—									
Bombay and Sind—									
Subordinate Judges -	117	—	3	107	1	—	6	—	
Total of both Executive Service and Judicial Service -	384	1	12	328	21	1	21	—	
Bengal	(a) Executive Service—								
	Deputy Magistrates and	237	23	15	171	26	—	—	2
	Deputy Collectors -								
	Sub-Deputy Collectors and	102	—	5	78	18	—	—	1
	Tahsildárs -								
	Total Executive Service -	339	23	20	249	44	—	—	3
(b) Judicial Service—									
Subordinate Judges -	48	—	1	46	1	—	—	—	
Munsifs -	236	—	—	227	8	—	—	1	
Total Judicial Service -	284	—	1	273	9	—	—	1	
Total of both Executive Service and Judicial Service -	623	23	21	522	53	—	—	4	

* The figures given in this column are in all cases those furnished by Local Governments in reply to an inquiry regarding the nationalities of existing incumbents.

† From information received too late for incorporation in the body of the Report it is understood that three of the Deputy Collectors in the Madras Presidency entered under the head of "Europeans or Eurasians domiciled in India" and one of the Tahsildárs so entered are not domiciled in India, and that of the totals entered under the column "Others" in the Executive Service and under the column "Hindus" in the Judicial Service, the whole in the case of the former and six in the case of the latter are Native Christians.

Province.	Class of Appointment.	Number of persons actually employed, including officiating officers.	BY WHOM HELD.						
			Europeans or Eurasians domiciled in India at time of appointment.	Europeans or Eurasians domiciled in India.	Hindus.	Mahomedans.	Sikhs.	Parsees.	Others.
North - Western Provinces and Oudh.	(a) <i>Executive Service</i> — Deputy Collectors - Tahsildars	161 225	2 —	17 1	90 101	51 122	1 1	— —	— —
	Total Executive Service	386	2	18	191	173	2	—	—
	(b) <i>Judicial Service</i> — Subordinate Judges Munsifs	36 99	— —	1 —	20 51	15 47	— —	— —	— 1
	Total Judicial Service	135	—	1	71	62	—	—	1
	Total of both Executive Service and Judicial Service	521	2	19	262	235	2	—	1
Punjab	(a) <i>Executive Service</i> — Extra Assistant Commissioners Tahsildars Superintendents of Settlements	77 123 22	1 — —	8 — —	32 60 15	32 55 6	4 7 1	— — —	— 1 —
	Total Executive Service	222	1	8	107	93	12	—	1
	(b) <i>Judicial Service</i> — Extra Judicial Assistant Commissioners Munsifs	17 84	4 —	5 —	5 49	3 31	— 3	— —	— 1
	Total Judicial Service	101	4	5	54	34	3	—	1
	Total of both Executive Service and Judicial Service	323	5	13	161	127	15	—	2
Central Provinces	<i>Executive Service and Judicial Service</i> — Extra Assistant Commissioners Tahsildars Munsifs	44 60 17	1 — —	5 — —	34 42 15	2 18 2	— — —	— — —	2 — —
	Total of both Executive Service and Judicial Service	121	1	5	91	22	—	—	2
Hyderabad Assigned Districts	<i>Executive Service and Judicial Service</i> — Extra Assistant Commissioners Tahsildars	17 25	— —	3 —	11 18	1 6	— —	— —	2 1
	Total of both Executive Service and Judicial Service	42	—	3	29	7	—	—	3

Province.	Class of appointment.	Number of persons actually employed, including officiating officers.	By whom held.						
			Europeans or Eurasians not domiciled in India at time of appointment.	Europeans or Eurasians domiciled in India.	Hindus.	Mahomedans.	Sikhs.	Parsees.	Others.
Assam	(a) <i>Executive Service</i> —								
	Extra Assistant Commissioners	29	2	1	22	3	—	—	1
	Sub-Deputy Collectors - Tahsildars	14 12	— —	— —	12 12	2 —	— —	— —	— —
	Total Executive Service	55	2	1	46	5	—	—	1
	(b) <i>Judicial Service</i> —								
	Subordinate Judge	1	—	—	1	—	—	—	—
	Munsifs	10	—	—	9	1	—	—	—
	Total Judicial Service	11	—	—	10	1	—	—	—
	Total of both Executive Service and Judicial Service	66	2	1	56	6	—	—	1
	General total of Executive Service	1,654	30	78	1,118	376	15	15	22
General total of Judicial Service	934	5	26	748	138	3	6	8	
Grand total of both Executive and Judicial Services	2,588	35	104	1,866	514	18	21	30	

The most noteworthy point in the above table appears to be the very small number of posts in the Executive and Judicial Services of the several Provinces held by Europeans and Eurasians who were not domiciled in India at the time of their appointment. The number of such persons employed in the Executive and Judicial Services throughout British India, all of whom, with the exception of two officers, were appointed previous to the issue of the orders of 1879, aggregates 35 only (or 1·3 per cent. of the total incumbents), while of these as many as 23 are employed as Deputy Magistrates and Deputy Collectors in the Lower Provinces of Bengal. In no other Province does the total of this class of persons so employed exceed two, except in the Punjab, where there are five officers who have been in the service of Government for many years. On the other hand, the total number of Europeans or Eurasians domiciled in India who are thus employed is 104, or about 4 per cent. of the total incumbents, of whom 78 hold appointments in the Executive Service and 26 in the Judicial Service. Of these, 22 are employed in the Madras Presidency, 21 in the Lower Provinces of Bengal, 19 in the North-Western Provinces and Oudh, 13 in the Punjab, and 12 in the Bombay Presidency. In regard to the distribution of appointments between Hindus and Mahomedans, the general results show that of a total of 2,588 persons employed in both the Executive and Judicial branches, 1,866 or 72·1 per cent. are Hindus, and 514 or 19·8 per cent. are Mahomedans. These proportions correspond more or less closely with the general proportions to the total population of Hindus and Mahomedans, which are approximately 75 per cent. and 20 per cent. respectively.

The following figures show the proportion of appointments held by Hindus and Mahomedans respectively as compared with the proportion of those classes to the total population of each Province :—

Province.	HINDUS.		MAHOMEDANS.	
	Percentage on total population.	Percentage on total number of persons employed in the Executive Service and in the Judicial Service of the several Provinces.	Percentage on total population.	Percentage on total number of persons employed in the Executive Service and in the Judicial Service of the several Provinces.
Madras	91·4	{ Executive Service - 82·8 } { Judicial Service - 91·8 } 86	6·2	{ Executive Service - 5·4 } { Judicial Service - 1·6 } 4
Bombay and Sind	79·6	{ Executive Service - 82·7 } { Judicial Service - 91·4 } 85·4	18·8	{ Executive Service - 7·4 } { Judicial Service - 1·8 } 5·4
Bengal	65·8	{ Executive Service - 73·4 } { Judicial Service - 96·1 } 83·7	31·2	{ Executive Service - 12·9 } { Judicial Service - 3·1 } 8·5
North-Western Provinces and Oudh	86·2	{ Executive Service - 49·4 } { Judicial Service - 52·5 } 50·2	13·4	{ Executive Service - 44·8 } { Judicial Service - 45·9 } 45·1
Punjab	40·7	{ Executive Service - 48·1 } { Judicial Service - 53·4 } 49·8	51·3	{ Executive Service - 41·8 } { Judicial Service - 33·6 } 39·3
Central Provinces	75·3	{ Executive Service and } { Judicial Service - - } 75·2	2·4	{ Executive Service and } { Judicial Service - - } 18·1
Hyderabad Assigned Districts	90·7	{ Executive Service and } { Judicial Service - - } 69	7	{ Executive Service and } { Judicial Service - - } 16·6
Assam	62·7	{ Executive Service - 83·6 } { Judicial Service - 90·9 } 84·8	26·9	{ Executive Service - 9 } { Judicial Service - 9 } 9

From these figures it appears that the percentage of Hindus employed in the Executive and Judicial Services is greatly in excess of the population proportion in Bengal and Assam, and falls greatly short of it in the North-Western Provinces and Oudh and in the Hyderabad Assigned Districts, while the proportion of Mahomedans so employed is largely in excess of the population proportion in the North-Western Provinces and Oudh, the Central Provinces, and the Hyderabad Assigned Districts, and falls greatly short of it in Bengal, Assam, Bombay, and the Punjab. In this respect again the variation between the two proportions is most marked in the Lower Provinces of Bengal and in Assam.

54. Executive and Judicial Services: Present incumbents (Hindus) according to caste.—General details under this head are given in the following table :—

Province.	Class of Appointment.	BY WHAT CASTE OF HINDUS HELD.						Total.
		Brahmins, including Shastras.	Kshatriyas.	Kayasthas (Rachnas).	Baniyas and Vyasas.	Shudras.	Others.	
Madras	(a) Executive Service—							
	Deputy Collectors	31	—	—	4	11	—	46
	Tahsildars	94	2	—	4	38	—	138
	Total Executive Service	125	2	—	8	49	—	184
	(b) Judicial Service—							
	Subordinate Judges	8	—	—	—	6	1	15
Munsifs	69	—	—	5	19	5	98	
Total Judicial Service	77	—	—	5	25	6	113	
Total of both Executive Service and Judicial Service		202	2	—	13	74	6	297

Province.	Class of Appointment.	BY WHAT CASTE OF HINDUS HELD.						Total.
		Brahmans, including Shetris.	Kshatriyas.	Kayasths (Pachans).	Banyas and Vyasa.	Shudras.	Others.	
Bombay and Sind	(a) Executive Service— I.—Presidency Proper— Deputy Collectors - - -	19	5	2	—	—	2	28
	Mamltdárs - - -	118	3	16	10	—	2	149
	II.—Sind— Deputy Collectors - - -	2	2	2	2	—	1	9
	Mukhtyárkars - - -	—	5	8	13	—	9	35
	Total Executive Service - - -	139	15	28	25	—	14	221
	(b) Judicial Service— Bombay and Sind— Subordinate Judges - - -	72	11	9	13	1	1	107
Total of both Executive Service and Judicial Service - - -	211	26	37	38	1	15	328	
Bengal	(a) Executive Service— Deputy Magistrates and Deputy Collectors - - -	58	—	70	4	10	29	171
	Sub-deputy Collectors and Tahsildárs - - -	26	—	36	1	8	7	78
	Total Executive Service - - -	84	—	106	5	18	36	249
	(b) Judicial Service— Subordinate Judges - - -	22	—	15	2	3	4	46
	Munsifs - - -	72	—	98	5	33	19	227
	Total Judicial Service - - -	94	—	113	7	36	23	273
Total of both Executive Service and Judicial Service - - -	178	—	219	12	54	59	522	
North - Western Provinces and Oudh.	(a) Executive Service— Deputy Collectors - - -	32	19	27	10	1	1	90
	Tahsildárs - - -	24	15	56	4	—	2	101
	Total Executive Service - - -	56	34	83	14	1	3	191
	(b) Judicial Service— Subordinate Judges - - -	12	—	5	3	—	—	20
	Munsifs - - -	21	3	19	8	—	—	51
	Total Judicial Service - - -	33	3	24	11	—	—	71
Total of both Executive Service and Judicial Service - - -	89	37	107	25	1	3	262	
Punjab	(a) Executive Service— Extra Assistant Com- missioners - - -	9	14	1	5	—	3	32
	Tahsildárs - - -	15	26	9	4	2	4	60
	Superintendents of Settlements	5	5	2	1	1	1	15
	Total Executive Service - - -	29	45	12	10	3	8	107
	(b) Judicial Service— Extra Judicial Assistant Com- missioners - - -	—	2	1	1	—	1	5
	Munsifs - - -	12	25	5	4	3	—	49
Total Judicial Service - - -	12	27	6	5	3	1	54	
Total of both Executive Service and Judicial Service - - -	41	72	18	15	6	9	161	

Province.	Class of Appointment.	BY WHAT CASTE OF HINDUS HELD.						Total.
		Brahmins, including Shastris.	Kshatriyas.	Kayasths (Fuchus).	Banyas and Vyasas.	Shudras.	Others.	
Central Provinces.	<i>Executive Service and Judicial Service—</i>							
	Extra Assistant Commissioners	25	2	5	—	2	—	34
	Tahsildárs	23	3	14	—	2	—	42
	Munsifs	14	—	1	—	—	—	15
	Total of both Executive Service and Judicial Service	62	5	20	—	4	—	91
Hyderabad Assigned Districts.	<i>Executive Service and Judicial Service—</i>							
	Extra Assistant Commissioners	8	—	2	1	—	—	11
	Tahsildárs	11	—	3	3	1	—	18
	Total of both Executive Service and Judicial Service	19	—	5	4	1	—	29
Assam	<i>(a) Executive Service—</i>							
	Extra Assistant Commissioners	12	—	6	1	—	3	22
	Sub-deputy Collectors	2	—	6	—	—	4	12
	Tahsildárs	3	—	6	—	—	3	12
	Total Executive Service	17	—	18	1	—	10	46
	<i>(b) Judicial Service—</i>							
	Subordinate Judge	—	—	1	—	—	—	1
	Munsifs	4	—	4	1	—	—	9
	Total Judicial Service	4	—	5	1	—	—	10
	Total of both Executive Service and Judicial Service	21	—	23	2	—	10	56
	General Total of Executive Service	531	101	272	67	76	71	1,118
	General Total of Judicial Service	373	46	182	46	70	31	748
	Grand Total of both Executive Service and Judicial Service	904	147	454	113	146	102	1,866

The foregoing table is of interest as showing generally the castes of the Hindu community which succeed in gaining employment in the subordinate departments of the Civil Administration, but particularly as displaying the very considerable extent to which appointments in the Executive and Judicial Services are held by Hindus belonging to the Brahman or Shenvi caste. It will be noticed that the number of persons thus employed belonging to the Brahman caste is sixfold that of any other Hindu caste, except the Kayasths (who, however, outnumber the Brahmins in the North-Western Provinces and Oudh, Bengal, and Assam), while it is nearly double the latter, and represents a proportion of about 35 per cent. on the total number of persons employed in these branches of the public service. This result is especially noteworthy when it is remembered that the number of males of the Brahman caste bears a proportion of only between 7 and 8 per cent. to the total male Hindu

population of British India. Under this head the figures for the several Provinces, excluding Coorg, are:—

	Percentage of Brahmans (male) to total male Hindu population of each Province.	Percentage of Brahmans employed in the Executive and Judicial Services to the total number of Hindus so employed in each Province.
Madras	3·8	68
Bombay and Sind	5·5	64·3
Bengal	6·1	34
North-Western Provinces and Oudh	12·2	33·9
Punjab	11·3	25·4
Central Provinces	4·3	68·1
Assam	3·9	37·5
Hyderabad Assigned Districts	3·1	65·5

It will be observed that the difference between the percentages is least marked in the Punjab and in the North-Western Provinces and Oudh, while it gradually increases in Bengal and Assam, and reaches its maximum in Bombay, the Central Provinces, Madras, and the Hyderabad Assigned Districts.

55. Executive and Judicial Services: Extent to which present incumbents belong to Provinces other than those in which they are employed.—The following table gives the necessary details under this head:—

Province.	2	3	4										5									
			NUMBER OF PERSONS INCLUDED IN COLUMN 2 WHO DO NOT BELONG TO THE PROVINCE CONCERNED, WITH THE PROVINCE TO WHICH THEY BELONG.										NUMBER OF PERSONS INCLUDED IN COLUMN 3 WHO DO NOT BELONG TO THE PROVINCE CONCERNED, WITH THE PROVINCE TO WHICH THEY BELONG.									
	Total number of persons employed in the Executive Service.	Total number of persons employed in the Judicial Service.	Madras Presidency.	Bombay Presidency.	Bengal.	North-Western Provinces and Oudh.	Punjab.	Central Provinces.	Hyderabad Assigned Districts.	Native States.	TOTAL.	Madras Presidency.	Bombay Presidency.	Bengal.	North-Western Provinces and Oudh.	Punjab.	Central Provinces.	Hyderabad Assigned Districts.	Native States.	TOTAL.		
Madras*	222	128	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Bombay and Sind	267	117	2	-	-	-	-	-	-	1	3	1	-	-	-	-	-	-	-	-	1	
Bengal	339	284	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
North-Western Provinces and Oudh	886	185	-	-	7	-	11	1	-	12†	31	-	-	14	-	7	-	-	-	-	31	
Punjab	222	101	-	-	-	7	-	-	-	7	-	-	-	6	-	-	-	-	-	-	6	
Central Provinces	-	121	3	16	7	28	2	-	2	1	59	-	-	-	-	-	-	-	-	-	-	
Hyderabad Assigned Districts	-	42	-	17	-	2	-	1	-	8	28	-	-	-	-	-	-	-	-	-	-	
Assam	55	11	-	-	27	-	-	-	-	-	27	-	-	10	-	-	-	-	-	-	10	

* It has been brought to notice that in the Madras Presidency some Natives of Ceylon are employed in the Executive and Judicial Services.

† Including six Natives of Kashmir, one Native of Kabul, and two persons classed as Mahrattas.

‡ Including seven Natives of Kashmir.

It may be doubtful whether the above figures are absolutely accurate (especially under the head of 'Native States'), but on the probable assumption that they are fairly correct, it will be seen that, except in the case of the North-Western Provinces and Oudh and of the smaller Administrations where a greater necessity exists than elsewhere for drawing upon the resources of the larger Provinces, the Executive and Judicial Services in the several Provinces are recruited almost exclusively from Natives of the Provinces concerned. This result corresponds with the replies received from Local Governments which are to the effect that, although no express rule exists on the subject, appointments in the Executive and Judicial Services may for practical purposes be said to be restricted to persons *bonâ fide* resident in the several Provinces.

56. Miscellaneous appointments.—The only other appointments to which it is necessary to refer in this Chapter are certain miscellaneous appointments which are not reserved for Covenanted Civilians and are ordinarily held by members of the Uncovenanted Service. These appointments consist of (1) appointments of Presidency Magistrates; (2) appointments of Judges of Presidency Small Cause Courts; and (3) appointments of Judges of Small Cause Courts situated beyond the local limits of the ordinary civil jurisdiction of a High Court established in a Presidency town. The number and pay of these appointments, with the nationality of the present incumbents, substantive and officiating, are shown in the following table:—

Province.	APPOINTMENTS OF PRESIDENCY MAGISTRATES.				APPOINTMENTS OF SMALL CAUSE COURT JUDGES.							
	Number.	Pay.	BY WHOM HELD.		Number.	Pay.	BY WHOM HELD.		Number.	Pay.	BY WHOM HELD.	
			Substantive.	Officiating.			Substantive.	Officiating.			Substantive.	Officiating.
Madras	1	R. 1,200	European (Staff Corps Officer).	Native*	1	R. 2,000	European	—	—	R.	—	—
	1	800	Native	Native	1	1,000	Native	—	—	—	—	—
	1	350	Native	—	1	1,000	Native	—	—	—	—	—
	1	850	Native	—	—	—	—	—	—	—	—	—
Bombay and Sind.	1	12,000	European	European	1	2,000—2,500	European	Native	1	11,500	Native	Native.
	1	11,200	Native	—	1	1,500	Native	European	1	11,000	Native	Native.
	1	11,000	Native	—	1	1,000—1,350	European	Native	1	800	European.	—
Bengal	—	—	—	—	1	1,000	Native	Native	1	800	Native.	—
	1	1,500	European	European	1	2,000—2,500	European	—	1	1,500	Native.	—
	1	1,250	Native	Native	1	1,400	European	European	—	—	—	—
	—	—	—	—	1	1,300	European	Native	—	—	—	—
North-Western Provinces and Oudh.	—	—	—	—	—	—	—	—	1	1,200	European (Covenanted Civilian).	Native.
	—	—	—	—	—	—	—	—	1	800—1,000	Native.	—
	—	—	—	—	—	—	—	—	1	800	Native	Native.
	—	—	—	—	—	—	—	—	1	800	Native.	—
Central Provinces.	—	—	—	—	—	—	—	—	1	1,000	European (Staff Corps Officer).	Native.
	—	—	—	—	—	—	—	—	1	800	European (Covenanted Civilian).	European.

* The term "Native" as used in this table includes Statutory Natives.
 † To be reduced to Rs. 300 on the occurrence of a substantive vacancy.
 ‡ To be reduced to Rs. 600 on the occurrence of a substantive vacancy.
 § To be reduced to Rs. 500 on the occurrence of a substantive vacancy.
 ¶ To be reduced to Rs. 600 on the occurrence of a substantive vacancy.
 †† To be reduced to Rs. 500 on the occurrence of a substantive vacancy.

The general results shown above may be summarized thus. Of nine appointments of Presidency Magistrates three are held substantively by Europeans and six by Natives (of whom four are pure Natives and two are Statutory Natives). Of twelve appointments of Presidency Small Cause Court Judges eight are held permanently by Europeans and four by Natives (of whom one is a Statutory Native); while of eleven other Small Cause Court Judgeships four are held permanently by Europeans and seven by Natives. All the above appointments are made by Local Governments, and no legal bar exists to the appointment of Natives of India in any case.

It should be explained in regard to Small Cause Court Judgeships other than those in the Presidency Towns that the appointments shown are confined to those the holders of which perform Small Cause Court duties only, and that many other subordinate judicial officers on the regular staff are invested with Small Cause Court powers which they exercise in addition to their ordinary duties. This system of investing selected members of the Subordinate Judicial Staff with Small Cause Court powers represents, indeed, the ordinary practice, separate appointments of Judges of Small Cause Courts being only created where they are necessary owing to local requirements and where the work is sufficient to occupy the whole time of an officer. In the Punjab, Small Cause Court Judgeships no longer exist as separate appointments, but three such appointments in that Province are included in the charges held by Extra Judicial

It is understood that all the above appointments, whether those of Presidency Magistrates or Judges of Small Cause Courts at the Presidency towns or elsewhere, are subject to the rule laid down in 1879 whereby the sanction of the Government of India or of the Secretary of State is necessary to the appointment, whether permanent or temporary, of persons not being Natives of India, unless the person appointed belongs to the Covenanted Civil Service or to the Staff Corps. The papers placed at the disposal of the Commission do not enable it to say with certainty whether those orders have been carried out in all cases; but it may be observed that in some instances appointments, notably of Judges of Presidency Small Cause Courts, seem to have been conferred upon Europeans although there is nothing to show that qualified Natives were not available.

CHAPTER V.

REPLIES TO ENQUIRIES MADE BY THE GOVERNMENT OF INDIA IN REGARD TO THE COVENANTED CIVIL SERVICE AND THE COMPETITIVE SYSTEM.

57. Preliminary.—Before proceeding to discuss the particular questions relating to the Covenanted Civil Service, to which the attention of the Commission is more specially drawn in the Resolution of the Government of India, dated the 4th of October 1886, the Commission desires briefly to refer to some of the principal considerations by which it has been influenced. The terms of the general* instructions conveyed to the Commission do not imply that the time has as yet arrived when it would be possible to devise any scheme finally decisive of the extent to which the administration of British India should be committed to indigenous agency, nor do they indicate any departure from principles accepted as controlling the claims of all subjects of the Crown to employment in the public service. On the contrary, they permit the suggestion of a scheme in a form suitable to the varying circumstances of the several Provinces of the Empire, and require only that it should be susceptible of modification, as the circumstances of each Province justify a further approach to the end proposed. Emphasizing the desire that full justice should be done to the claims of Natives to higher and more extensive employment in the public service, they impose on the Commission the duty of examining the grounds on which such claims are based, but do not allow it to disregard considerations to which such claims must be subject; and while they recognize the claims of one class, they do not ignore the claims of other classes to equal facilities of official advancement.

58. Maintenance of Section 87 of the Statute 3 and 4 Will. IV., Cap. 85, and of the Proclamation of 1858.—Consequently at an early stage in its deliberations, the Commission came unanimously to the conclusion that it could not support any proposal submitted to it as sound in itself or likely to be a final solution of the problems embraced in its enquiry, which involves a departure from the principle enacted in Section 87 of the Statute 3 and 4 Will. IV., Cap. 85, or from the policy set forth in Her Majesty's Proclamation of 1858.

Section 87 of the Statute 3 and 4 Will. IV., Cap. 85, enacted that "no Native of the said territories (India), nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said (East India) Company." In a Despatch No. 44, dated the 10th of December 1834, the Court of Directors informed the Government of India that they understood the meaning of this enactment to be that, whatever other tests of qualification might be adopted, distinctions of race or religion should not be of the number; and that no subject of the Crown, whether of Indian or British or mixed descent, should be excluded either from the posts usually conferred on Covenanted Servants in India, or from the Covenanted Service itself, provided he be otherwise eligible consistently with the rules and agreeably to the conditions observed and exacted in the one case and in the other. Observing that the object of the enactment was not to ascertain

* "In regard to its object, the Commission would, broadly speaking, be required to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher and more extensive employment in the public service."

qualification, but to remove disqualification, and that the Indian Government was aware of, and had in an important degree carried into effect, their desire that Natives should be admitted to places of trust as freely and extensively as a regard for the due discharge of the functions attached to such places would permit, but that a line of demarcation, to some extent in favour of Natives, to some extent in exclusion of them, had been maintained, the Directors declared that the enactment obliterated this line of demarcation, or rather substituted for it another wholly irrespective of the distinction of race, and that thenceforth fitness was to be the criterion of eligibility. And they instructed the Government of India that to this altered rule it would be necessary that it should both in its acts and its language conform.

The directors at the same time proceeded to point out that while the range of appointments accessible to Native and mixed races would be enlarged, settlers from Europe would find their way to the country and probably furnish candidates for the posts to which the Native and mixed races would have admittance; and that men of European enterprise and education would also appear in the field. Influenced by these prospects, they urged the Government of India to increased exertion to provide such opportunities of education, instruction in science, and moral culture, that members of the indigenous races aspiring to office might be qualified to meet their European competitors. While they, however, expressed their anxious desire that these results should be attained, the Directors reminded the Government of India that free access to office was chiefly valuable when it is a part of general freedom; that it could little affect the bulk of the people under any Government; and that by repressing crime, by securing and guarding property, by creating confidence, by ensuring to industry the fruit of its labour, and by protecting men in the undisturbed enjoyment of their rights and in the unfettered exercise of their faculties, Governments best minister to the public wealth and happiness.

The instructions of the Court of Directors, it will be seen, went beyond the terms of the enactment, for while the latter simply declared that neither religion, place of birth, nor race should disqualify any subject of the Crown resident in India from employment in the public service, the instructions required the Government of India to admit Natives to places of trust as freely and extensively as their individual aptitudes justified, and contemplated the concurrence of persons of mixed race and men of European enterprise and education in the competition for employment in the service of the State. It was at the same time intimated that fitness was the essential condition for admission to office, and that the securing to all classes the benefits of a wise, impartial, and efficient administration was to be the object primarily regarded. The remarks of the Court of Directors have so important a bearing on the questions before the Commission, that an extract from the Despatch is printed at length as Appendix L. to this Report.

In pursuance of the policy indicated in the Despatch of 1834, measures were taken for the diffusion of learning in India; and it is noticeable that the original proposals contemplated an education of a type so distinctly European that facilities for the study of Oriental literature were designedly omitted. Although these were in time supplied, the Government of India has persistently endeavoured, by the establishment of colleges and the incorporation of Universities, to secure for the youth of this country a liberal education of a character and aiming at standards commensurate with the requirements of modern civilization. To what extent these institutions have prepared their students for the duties and responsibilities of the higher offices in the public service, will be noticed hereafter.

The Proclamation issued by Her Majesty on November 1st, 1858, on assuming the direct government of British India, closely followed the terms of the Despatch of 1834:—"It is Our further will that, so far as may be, Our subjects, of whatever race or creed, be freely and impartially admitted to offices in Our service, the duties of which they may be qualified by their education, ability, and integrity, duly to discharge." Whatever may be the legal effect of the provisions of the Statute 3 and 4 Will. IV., Cap. 85, Section 87, and of Her Majesty's Proclamation, the Commission has interpreted its instructions as prohibiting it inferentially from receding from principles adopted in the government of India for more than half a century. The duty devolving on the Commission of examining the claims of Natives, and the direction given to the Sub-Committee to ascertain the relative qualifications of all classes who sought employment in the Departments to which these enquiries extended, have, it must be admitted, necessitated the production of evidence as to the respective qualifications of the several races of Her Majesty's subjects for the higher offices of the administration. But neither the evidence tendered to the Commission

nor that tendered to the Sub-Committee would justify any recommendation involving a departure from the principles to which advertence has been made. So far as the evidence denotes the existence of race characteristics, it affirms conclusions which might have been inferred from the history and circumstances of the races who compete for employment in British India; but it also establishes that among the cultivated classes of the most important races in India, there are to be found men who possess in a high degree qualities which are not generally attributed to the race of which they are members; and inasmuch as race characteristics are greatly modified by education, and are generally most conspicuous among the less instructed classes, it cannot be doubted that the characters of the Native and mixed races are being, and will be, modified by the movements, educational, political, and commercial, of the century, and that to some extent the character of the domiciled Europeans must be affected, though in a much more limited degree, by the circumstances of the country in which they have made their home. With regard to such race characteristics as are persistent it may reasonably be presumed that when access to the public service in every Department is freely thrown open to all races, individuals will select the field of employment most congenial to their tastes and offering the highest rewards for the qualities in which they excel; and indeed in the evidence taken in regard to some of the Departments, support is afforded to this presumption. In view of these considerations the Commission is led to conclude that any rule or practice founded on an alleged race disqualification would not only be a departure from the policy adopted by the British Parliament for upwards of half a century, but would also be invidious and inexpedient, and that the only just criterion is that of fitness ascertained, where it is possible, by adequate tests, and where this is impossible, by impartial selection.

As the progress of education excites in constantly increasing numbers of the Natives of India an interest in their political condition, the knowledge that men of their own race and creed are freely associated with Englishmen in the government of the country will minimize any sense of subjection, and enhance the sentiment of a common citizenship—a sentiment which it is at once the interest of the Empire and the desire of her most eminent politicians to inspire and confirm. The extent to which this sentiment is already entertained by the educated classes among Hindus and Mahomedans appears to a very marked degree in the evidence recorded by the Commission.

Lastly, the Commission is alive to the magnitude of the interests which may be affected by any ill-considered interference with the existing administrative system. Under that system, modified from time to time as education has enlarged Native qualifications, and organized Government has afforded a more favourable field for Native ability, India has entered and made a rapid advance on the path of modern civilization. The Commission believes it has avoided any suggestion which, if carried into effect, would result in retarding further progress, or deter foreign capital from lending its aid in the encouragement of the industry and the development of the resources of the country.

59. Question of maintaining the competitive system.—The fact must be prominently noticed that the Covenanted Service consists of a comparatively small number of officers, being only 941 for the whole of British India (excluding Burma), and that by far the greater part of the work of administration is discharged by the Executive and Judicial branches of the Uncovenanted Service, of which 97½ per cent. are persons permanently domiciled in India and all but 5½ per cent. are

* 2,449 officers out of 2,588.

Natives* of India. The number of Covenanted "charges," or, in other words, the actual working body of the Covenanted Civil Service present on duty and filling the posts in the direct executive and judicial administration of British India reserved for them, represents a proportion of only one charge to every 1,048 square miles of area, and to every 254,693 of population. It is clear, therefore, that the duties which officers of the Covenanted Civil Service are called upon to discharge must involve wide and serious responsibilities, and require very high qualifications and special training in the agency employed. Furthermore, as the Covenanted Civil Service may be said to represent the only permanent English official element in India, the importance of recruiting that service with reference to the maintenance of English principles and methods of government cannot, in the opinion of the Commission, be overrated. Any uncertain note of policy in this respect might produce undesirable results. The Commission has kept these important considerations prominently before it throughout its deliberations, and has consequently been unable to view with favour any proposals or suggestions which seemed calculated either to

impair the efficiency of the Covenanted Civil Service or to shake confidence in the permanency of the general principles on which the administration of India has in the past time been so successfully conducted.

In connection with the Covenanted Civil Service, the first question which was considered by the Commission related to the mode of admission, and on this point the Commission was unanimously of opinion that admission to the branch of the Civil Service, known as the Covenanted Civil Service, should continue on the system established by Section 32 of the Statute 21 and 22 Vict., Cap. 106, *i.e.*, by competitive examination open to all natural-born subjects of Her Majesty and held in accordance with Regulations made from time to time under the Statute. In dealing with this matter the Commission believes that it is only necessary to refer to the experience of upwards of thirty years, the results of which have justified the arguments of those who advocated the introduction of the competitive principle in 1853. On more than one occasion enquiries have been made by Government into the working of the competitive system, with the result that it has been generally acknowledged to have procured for the ranks of the Indian Civil Service officers who, as a body, are eminently qualified for the performance of the duties which devolve upon them, and many of whom have earned a reputation for administrative capacity of a high order. The Commission, therefore, believes itself to be justified in the conclusion that, apart from questions of detail as to the age of candidates and the subjects, standards, and conditions of examination, the general results of competition, as applied to the Indian Civil Service, have been satisfactory, and that the system should accordingly be maintained. In regard to the admission to the open competitive examination of persons being subjects of Native States in India, it appears to the Commission that the question is one which is likely to arise, but that, as it is more or less of a political nature, it is a matter for the consideration of the Government how to dispose of it.

60. Points of enquiry: View likely to be taken by the Native community regarding competition in India: Advantages and disadvantages of such a system.—Of all the matters which have been referred for the consideration of the Commission, there is perhaps none which is more important in itself, and to which greater importance is attached by the educated classes, than the introduction of a competitive examination in India for the Civil Service, to be held simultaneously with the competition in England, the examinations being identical in all respects. The evidence tendered before the Commission on this point may, broadly speaking, be divided under two heads, namely... (1) that given by witnesses belonging to those classes which have made the greatest progress in education; and (2) that given by others who feel that, in the present circumstances of the country, important classes of the community are practically debarred from success in examinations designed mainly as tests of educational qualification. Under the first may be included the majority of the witnesses who belong in Northern, Central, and Southern India to the Hindu community, and in Western India partly to that community and partly to the Parsis. Under the second may be included the majority of the witnesses belonging to the Mahomedan community and to classes whose educational progress has, for various reasons, been retarded. Such being the nature of the evidence tendered before the Commission, it is obviously impossible to say that any common view in regard to competitive selection in India is held by the Native community.

Briefly stated, the arguments usually advanced by those who favour the plan of a competitive examination in India are that the introduction of some such system is necessary to remove obstacles which at present preclude Natives of India from competing on terms of equality with British-born subjects of Her Majesty, and that the interposition of such obstacles is inconsistent with the Statute of 1833 and the Queen's Proclamation of 1858. In the first place, there are religious and caste objections, to which the Commission will hereafter refer, which debar members of certain classes from crossing the sea. But even when these objections do not exist, it is argued with much force that Indian parents are naturally reluctant to send their children at a comparatively early age to a distant country, where they are exposed to many temptations, and where sufficient supervision may not be exercised over them; and it is still more strongly insisted that considerations of expense deter many Native youths from appearing as candidates at the examination in England, especially in view of the risk of failure, which, under the conditions of the English examination, must always be great in the case of Indian candidates. These difficulties, it is said, deter many of the best Natives of India from seeking entrance to the Covenanted Civil Service, and practically have the effect of a race disqualification.

On the other hand, it is argued that, in the present circumstances of social life in India, open competition in that country would not justify, to the same extent as similar competition in England, the presumption that the successful candidates would possess in a sufficient degree the qualities essential for high administrative office; that Indian schools and colleges do not at the present time supply an education and training of the high and liberal kind considered to be a necessary qualification for admission to the Indian Civil Service, and that an open competition in India for the Covenanted Civil Service would operate with inequality, excluding altogether some important classes of the community, while giving undue advantage to others. It is further argued that it could scarcely fail,—in view, on the one hand, of the large number of candidates who would offer themselves for examination, and, on the other hand, of the small number who could, under any circumstances, be successful,—to create a large disappointed, and thereby probably discontented, class which would cause considerable embarrassment to the Government. Doubts have been also expressed whether pressure would not sooner or later be brought to bear on the Government with a view to make the examination of a less English and a more Oriental character and to adjust it on terms more favourable to Native candidates. Again some witnesses have referred to the injurious effect which, in their opinion, would be exercised upon the development of education in this country by an open competition for the Civil Service. It is urged that in view of the value of the prizes offered, such an examination would be followed by the creation of private establishments for the main, if not the sole, purpose of offering special preparation to intending candidates, while the regular educational institutions would scarcely be able to resist the temptation of so shaping the course of their study as to secure success at the Indian examination rather than to impart a general liberal education to the mass of their scholars. Some witnesses, indeed, have expressed the opinion that the effect of unqualified competition in India on general education would be so disastrous as to constitute a national evil of great ultimate importance. There are two other objections taken to the establishment in India of competitive examinations for the Civil Service to which it is necessary to refer, namely, the difficulty which would be experienced in maintaining the secrecy of the examination papers, and in making satisfactory arrangements for that portion of the examination which is conducted *visà voce*. It is said that experience in connection with examinations in India has shown very real difficulties to exist under the former of these heads, which, if not actually insurmountable, are at all events sufficient to suggest the necessity for the greatest caution. As regards the *visà voce* examination, it is contended that it would be impossible to secure either uniformity of test or the high standard exacted in England if the work were undertaken by the professional staff available in India.

On a full consideration of the evidence before it, the Commission has come to the conclusion that it is inexpedient to hold an examination in India for the Covenanted Civil Service simultaneously with the examination in London. With regard to the bearing of the Statute of 1833 and the Proclamation of 1858 on the question, the Commission is of opinion that the provisions of the Statute and the declarations embodied in the Proclamation are not affected by the place of examination. The question is simply one as to the qualifications required and the arrangements under which officers possessing such qualifications can best be secured. The object of the Government of India in recruiting in England a limited staff of officers, who after a training in India might be entrusted with the more important executive and judicial charges, was (*inter alia*) to secure an administration conducted so far as possible on principles and by methods in harmony with modern civilization. The circumstances of India rendered it necessary that, save in exceptional instances, officers with an education which promised the possession of the qualities necessary to achieve this result, should be obtained in England; and from the time the competitive system was introduced, it has been understood that the examination was to bear a distinctively English character, and to constitute a test of English qualifications. The most natural arrangement, therefore, was that the examination should be held in England, as being the centre of the educational system on which it was based. This conclusion appears to the Commission to be right. In order to attract to its service youths whose talents entitled them to aspire to the substantial rewards of political or professional life in England, it was necessary for the Government to offer compensation for the prospects surrendered in the form of liberal salaries. It has been justly objected that the emoluments of these officers entail a serious charge on the Indian revenues, and that the financial interests of the State require that the recruitment in England should be curtailed and an indigenous agency substituted, where and in so far as the social and

political progress of India renders it possible. Of those who advocate a contemporaneous examination in India, the majority are willing to allow that, in order to secure progress, it is for the present necessary that the administration should be conducted by the same methods and on the same principles as in the past, and that the higher offices of the administration must in the main be held by officers of English education. By limiting the recruitment in England to such a strength only as is required to fill the highest and leaven the upper ranks of the service, an opportunity of advancement to places of trust and responsibility is afforded to those whose scruples debar them from the competition in England, while the expenditure incurred in recruiting Indian talent at the rates necessary to attract qualified English agency is avoided. In regard to the character of the education supplied by schools and colleges in India, the Commission concurs with those witnesses who consider that these institutions, which are of comparatively recent growth, cannot at present be relied upon to supply a general education of the high and liberal kind contemplated as a necessary qualification for admission to the Indian Civil Service. Whether within any reasonable time the educational conditions prevalent in India may attain a degree of development which would justify simultaneous examinations in India for the Covenanted Civil Service, the Commission is unable, from any evidence before it, to form an opinion. But it considers that such an arrangement could not be made at present without injury to the public interests and the substitution of qualifications of a different kind from those now required. The Commission is further of opinion that for the present and for some time to come inequality of a more marked kind than any that can at present be reasonably complained of would result from an open competition for the Covenanted Civil Service if held in India. The general correctness of this conclusion appears to be borne out by the statistics given in the tables attached to this Report as Appendix M. These statistics show the principal classes of the community to which the students belong who have, during recent years, passed certain University examinations in India; the particular castes to which the successful Hindu candidates belong in the case of the Madras University (from which University alone the necessary information under this head could be procured); and the number of successful and unsuccessful candidates at certain Arts examinations held at the Indian Universities since those institutions were established in 1864.

In regard to the injurious effects which, in the opinion of some witnesses, would be exercised upon the development of education in this country by a competitive examination for the Civil Service if held in India, the Commission would refer to the fact that the tendency indicated has been felt as an evil even in England, where the institutions for higher education are numerous enough to admit of the easy application of counterbalancing checks. In India, on the other hand, one of the chief difficulties experienced is that of making the student appreciate the value of education for itself, and some authorities complain that the system of "cramming" already prevails to a pernicious extent.

Lastly, the Commission attaches much importance to that part of the examination which is conducted *vis à voce*. When the conduct of the competitive examination in England was made over to the Civil Service Commissioners in 1858, the Commissioners applied the *vis à voce* test, not only to English, Greek, and Latin, with reference to which subjects alone it had been used in the preceding years, but also to all other subjects; and they wrote:* "we have every reason to believe that the alteration has been a beneficial one." In a later Report† the Commissioners observed: "In each subject there is a *vis à voce* examination, to which we attach great importance, introduced for the express purpose of fully testing the genuine character of a candidate's knowledge, in addition to calling into play those qualities which are little, if at all, elicited in an examination by written papers, *viz.*, his readiness, self-reliance, and moral courage." These views meet with the general concurrence of the Commission. The *vis à voce* examination enables the skilful and experienced examiner to ascertain whether the written answers of a candidate represent the results rather of a highly cultivated memory than of a thorough comprehension of the subjects he has studied. At the same time it tests the possession by candidates of other qualities of considerable importance to persons who aspire to enter the Indian Civil Service. Moreover, in certain subjects—for instance, the National Science group—a *vis à voce* examination could not be abandoned without seriously diminishing the value of the tests applied.

* Fourth Report of Her Majesty's Civil Service Commissioners, page 26.

† Tenth Report of Her Majesty's Civil Service Commissioners, page 6.

On this subject generally the Commission concurs in the* remarks made in 1858 to the Secretary of State by the Civil Service Commissioners when discussing the Regulations to be framed under the provisions of Section 32 of the Statute 21 and 22 Vic., Cap. 106:—"Regard being had to the peculiar position of Indian Civil Servants and the magnitude of the interests committed to their charge, it may be said, without exaggeration, that errors of principle in the selection of those officers, whether arising from imperfect knowledge or partial views, might lead to results the full evil of which would not be discovered until much irremediable mischief had been occasioned."

In deciding against the adoption of competition in India for the Covenanted Civil Service, the Commission is far from advocating the interposition of any unnecessary obstacles to the competition of any class of Her Majesty's subjects at the examination for the Indian Civil Service held in England. The object of the Commission is to make such recommendations as it considers calculated to secure the most efficient class of public servants and, consistently with this paramount condition to do full justice to the claims of Natives of India to higher and more extensive employment in the public service. It believes that Natives of India who undergo English training and show the degree of enterprise, strength of character, and other qualities without which success can scarcely be expected in the English examination, are to be welcomed as suitable recruits for the Covenanted Civil Service. But it cannot recommend any alteration of the conditions attached to the English examination merely to facilitate the entry of any one qualified class of Her Majesty's subjects more than another to the Indian Civil Service. Holding, as it does, an opinion adverse to the introduction of a competitive examination in India for the Covenanted Civil Service, the Commission is unable to answer the enquiries put to it as to the incidents which should attach to such an examination.

The members of the Commission named in the margin do not share in the apprehensions expressed above as to the probable result of the introduction of an examination in India for the Covenanted Civil Service simultaneous with the examination in England; and they wish it to be noted that they have not deemed it necessary either to state at length the arguments in support of the view they have taken, or to meet the objections raised against it, as the scheme which is now unanimously recommended by the Commission is, in their opinion, well calculated to secure the end they have in view, and at the same time is not open to the objections urged against simultaneous examinations.

61. Points of enquiry: Character and capacity as public servants of Natives of India obtained through the open competition in England for the public service in India: View taken by large and important classes in India regarding the competition of Natives at the examination in England.—It may be convenient here to notice two points relative to the present competitive system in its bearing upon Natives of India to which attention is drawn in the instructions to the Commission. The first is "whether there is reason to believe that the young Natives obtained under the existing system of the open competition in England for the public service in India are the best as regards character and capacity who could be got for it under any system." The second is "whether such a system is favourably looked upon by large and important classes in India."

It is difficult, without actual experience of other systems which have not been tried, to give a precise answer to the first of these questions in the exact terms in which it is framed, but the evidence tendered before the Commission is to the effect that the Native gentlemen who have up to the present time succeeded in gaining appointments in the Indian Civil Service through the channel of the English competition have performed their duties to the satisfaction of their superiors, and have proved themselves to be generally efficient servants of the State. From this view the Commission sees no reason to dissent, and it further believes that the Native Covenanted Civilian appointed in England are, as a class, superior both in education and ability to those persons who have been selected in India under the provisions of the Statute of 1870.

* Fourth Report of Her Majesty's Civil Service Commissioners, page 227.

† See Chapters VII. and VIII. of this Report.

The table given below shows the appointment which each of the gentlemen concerned held on the 1st of October 1887, with the total emoluments which each was drawing on that date. The results generally, when considered in connection with the positions attained by European officers of similar standing in the service, appear to support the view that although, on the one hand, there may not have been any instances of exceptional success in the official careers of the Native gentlemen who have entered the service through the English competition, on the other hand they have not fallen short of the positions which Civil Servants with the same length of service ordinarily attain. The Commission is able to add its own testimony, that the majority of these Native Covenanted Civilians, who were examined as witnesses, displayed intelligence and ability in the manner in which they gave their evidence.

No.	Name.	Year of commencement of service.	Province to which attached.	Appointment.	Total emoluments.
1	Satyendra Nath Tagore	1864 - -	Bombay - -	1st Grade Judge and Sessions Judge.	R. a. p. 2,325 0 0
2	Romesh Chunder Dutt, Barrister-at-Law.	1871 - -	Bengal - -	Acting Magistrate and Collector.	1,500 0 0
3	Behuri Lal Gupta, Barrister-at-Law.	1871 - -	Bengal - -	Presidency Magistrate - Acting District and Sessions Judge.	1,750 0 0
4	Sripad Babaji Thakur, B.A., Barrister-at-Law.	1872 - -	Bombay - -	Acting Judge and Sessions Judge.	1,566 10 8
5	Anuudoram Borooh, Barrister-at-Law.	1872 - -	Bengal - -	Acting Magistrate and Collector.	1,500 0 0
6	Krishna Govinda Gupta, Barrister-at-Law.	1873 - -	Bengal - -	Acting Junior Secretary to the Board of Revenue.	1,500 0 0
7	Brajendra Nath De, Barrister-at-Law.	1875 - -	Bengal - -	Acting Magistrate and Collector.	1,233 5 4
8	Cursetjee Rustomjee, Barrister-at-Law.	1876 - -	North - Western Provinces and Oudh.	Officiating Joint Magistrate and Deputy Collector, 1st Grade in charge of a subdivision.	1,150 0 0
9	Kavasjee Jamasjee Badshah.	1879 - -	Bengal - -	Postmaster General, North-Western Provinces and Oudh.	1,100 0 0
10	Mancherji Pestonji Khareghat.	1884 - -	Bombay - -	Assistant Magistrate and Collector.	*875 0 0
11	Arthur Goodeve Chuckerbutty.	1886 - -	Bengal - -	Assistant Magistrate and Collector.	400 0 0
12	Lokendra Nath Palit	1886 - -	Bengal - -	Assistant Magistrate and Collector.	400 0 0

* This includes travelling and tentage allowances.

With regard to the second question above referred to, the evidence tendered before the Commission supports the conclusion that the competition of Natives at the open examination held in England is very favourably looked upon by large and important classes in India. No doubt there is a class who desire to see modifications made in the system of examination in England, and a still larger class who desire the establishment of a simultaneous examination in India. But neither of these classes desire to prevent Natives from competing in England. Their objections to existing arrangements have for their object the removal of certain obstacles which are considered by them to preclude the competition of Indian youths on terms of equality with Her Majesty's British-born subjects. These objections will be more fully noticed and discussed in their appropriate place.

62. Points of enquiry: Limits of Age for Native Candidates.—On the assumption that the present system, which permits Natives to compete in England, is to be substantially maintained, the Commission is asked to state what limits of age it would recommend for Native candidates.

The Commission feels no hesitation in recommending that the existing limits of age should be raised in the case of Native candidates for the competitive examination in England. On this point the evidence tendered before the Commission is practically unanimous. It is urged—and it seems to the Commission with unanswerable force—

that the present limit is too low to admit of Natives completing an education in India so as to compete with reasonable prospect of success at the English examination. The difficulties under which the Native candidates labour in having to compete with English candidates in an examination conducted in a language which is not their mother-tongue must, under any circumstances, be great. But they are much aggravated by Native candidates being required to present themselves at an age when their English studies and their general education must be necessarily very incomplete. Moreover, Indian parents naturally hesitate to part with their children and send them to a distant and strange country at the comparatively tender age which is necessary under the limits at present prescribed. In paragraphs 29 and 32 of this Report, the recommendations of Lord Macaulay's Committee on the subject of the age-limits suitable for the English examination have been set forth in some detail, with the reasons on which they were based, and the history of the changes subsequently made has been described with some minuteness, the object being to show (1) the great importance which was attached by the Committee of 1854 to a thoroughly finished education of a general character before the appearance of candidates at the competitive examination, and before entry on the course of special study designed to fit successful candidates for the performance of their duties in India; and (2) the fact that the circumstances and requirements of Native candidates do not appear to have been fully considered in connection with the changes which were from time to time made in the age-limits for the English examination. The framers of the Report of 1854 doubtless had in view rather the conditions suitable for English candidates—a question which the Commission is precluded by its instructions from discussing—than the conditions suitable for Native candidates competing in England. But so far as such Native candidates are concerned, the Commission has no hesitation in expressing its concurrence in the views set forth in the Report of Lord Macaulay's Committee as regards both the character and standard of the education required and the best limit of age. The Commission, therefore, unanimously and strongly recommends that the maximum age-limit for Native candidates should be raised to that originally fixed, viz., 23 years. If it is true in regard to English candidates, it is still more so in regard to Native candidates, that the longer and more complete their English training is, the greater will be their grasp of the economical and political principles of administration. The Commission would accordingly adhere to the principle that probationers should be selected and enter on their special training at the age at which their general education is usually completed. Taking a University degree as the ordinary index of a complete general education, a maximum limit of 23 years would appear the most suitable with reference to the course of study at the Indian Universities. The following figures show the average age at which Natives at the Indian Universities pass the examinations for First Arts, Bachelor of Arts, and Master of Arts respectively:—

	F.A. Examination.	B.A. Examination.	M.A. Examination.
Calcutta University	19 years.	22 years.	23 years.
Bombay "	19 "	21 "	23 "
Madras "	19 years, 6 months.	22 "	(Information not available.)
Punjab "	19 years, 6 months.	21 years, 6 months.	22 years, 6 months.

These figures, considered in connexion with the low limit of age at present fixed for the English examination, possess additional significance when it is remembered that high education in India cannot, as a general rule, be said to commence until students enter on their college course, and that a system of domestic education, similar to that which prevails in England, is scarcely known in India. The Senate of the Calcutta University has, in a separate* communication addressed to the Commission, pointed out the disqualifying effect of the present limit of age on students who have completed a course of liberal education at Indian or other Universities. The Commission is, moreover, of opinion that, so far at all events as Natives of India are concerned, the intellectual powers and other qualifications of candidates can be better tested at a later age. Again, in view of the different circumstances which prevail in England and India, what may be called the accidents of education must always tend to place Native candidates at a disadvantage, and even as between Native candidates themselves, similar causes operate to the prejudice of certain classes of candidates.

* See Vol. VI., Section III., Sub-section A, page 11.

Considerations of this nature appear to have a material bearing on the question of the age-limits which should be prescribed in connexion with the Civil Service examination held in England, and support the conclusion that a higher maximum age-limit is desirable with a view to secure greater equality in the conditions of competition between the several classes of candidates. It has been represented to the Commission that, having regard to the earlier development of Natives of India, the extension of the limit of age might give Native candidates undue advantages as compared with European candidates. The instructions to the Commission preclude it from entering on a discussion of this objection. It can only explain that, in making its present recommendation, it does not contemplate any differential treatment in this respect of the two classes of candidates. It is believed that any such differential treatment would be indefensible in principle, and would not be acceptable to those classes of the Indian community more immediately concerned.

In regard to the minimum age-limit, the Commission would prefer 19 years in the place of 17 years, the limit at present in force, or 18 years as originally fixed, on the ground that it is preferable that the successful candidates who may be Natives should not enter upon their duties before attaining the age of 21 years, and that the raising of the minimum limit would have the effect of encouraging Native candidates to proceed to England. The Commission has not overlooked the fact that the raising of the age-limits which it advocates may render it necessary to reconsider the character of the examination in regard to English candidates, and that its recommendation incidentally raises the question of age for the latter, the conditions applicable to whom it is precluded from considering. At the same time the Commission entertains no doubt that the maximum age-limit for Native candidates should be substantially raised; and it is further of opinion that the nearer the maximum limit can be brought into accordance with the recommendations of Lord Macaulay's Committee, the more satisfactory is the result likely to be, as tending to widen the area of choice and to secure the best qualified candidates. In regard to the age-limits generally, the Commission would have preferred to leave its recommendations indefinite, if it were not for the fact that the question embodied in its instructions calls for a definite answer. Accordingly, the recommendation of the Commission on this point is that the minimum and maximum limit of age for Native candidates at the open competitive examination held in England should be 19 and 23 years respectively.

63. Points of enquiry: Subjects, standard and general conditions of examination in the case of Native Candidates.—The next question referred by the Government of India for the consideration of the Commission is what changes (if any) should be made in the character of the English examination in the case of Native candidates on the assumption that the existing system will be substantially maintained.

On this point the evidence tendered before the Commission shows that the two chief requests put forward on behalf of Native candidates are—

- (1) that the marks assigned to Sanskrit and Arabic (500) should be placed on a par with those assigned to Latin and Greek (800 and 600 respectively); and
- (2) that the chief vernacular languages of India, including Persian, should be added to the subjects of the open competitive examination; the marks assigned thereto being similar to those allotted to the modern European languages (French and German 500, Italian 400).

As regards the latter of these requests, the Commission is of opinion that, so far as all events as the vernacular languages are concerned, it should not be granted. In paragraph 30 of this Report, it has been shown that Lord Macaulay's Committee declined to recommend the inclusion of the vernacular languages amongst the subjects of examination and relegated them to the category of special studies to be entered upon by the successful candidates preparatory to duty in India. The Commission is of opinion that this was the correct course to pursue. The competitive examination was intended (with exceptions for which reasons were assigned) to embrace only the ordinary subjects of a liberal English education; and the soundness of this principle has on several occasions been re-affirmed both by Her Majesty's Civil Service Commissioners and by the Secretary of State. The official papers and reports placed at the disposal of the Commission show that from the outset of the system of competitive examinations for the Indian Civil Service, it was intended that the education to be tested in the preliminary competition should be an education of the highest possible English, and not of an Oriental, type. In the opinion of the Commission it is necessary to maintain this principle. It would view with approval

even a higher standard of liberal English education than that now required. Any lowering of the standard or of the distinctive English character of the examination for the Indian Covenanted Civil Service could not, the Commission believes, fail to be attended by consequences injurious to the public interests. Under these circumstances the Commission cannot recommend compliance with the request that the chief vernacular languages of India should be included amongst the subjects for the competitive examination, and the arguments on which this view is based appear to the Commission to apply with scarcely less force to the Persian language. The case of Sanskrit and Arabic is somewhat different. These classical languages possess a philological and an educational value of their own, while, at the same time, exceptional importance attaches to them in connection with the vernacular languages of India. It must, further, be remembered that the study of Sanskrit and Arabic has considerably developed in recent years. On the other hand it has been urged before the Commission by learned experts and other competent witnesses that the marks at present assigned to the Eastern classical languages do not adequately represent their educational value as compared with the Western classical languages. The Commission would certainly not recommend the alteration of the marks in any subject of examination in order to equalise the chances of success of particular classes of candidates; but under the circumstances above described, and as the matter is one to which considerable importance is attached by the Native community who complain that the number of marks at present allotted to the Eastern classics does not adequately represent their value as educational tests, the Commission would see no objection to the number of marks assigned to Sanskrit and Arabic being increased, provided that the difficulty and searching character of the examination in those languages is at the same time materially enhanced. On this latter point the evidence before the Commission clearly shows that the examination in both Sanskrit and Arabic is of too easy a character, and cases are believed to have occurred in practice in which imperfectly qualified candidates have succeeded in obtaining a larger proportion of marks than that to which the extent of their study or knowledge would have entitled them in an examination in these languages at the Indian Universities. At the same time the Commission considers that the question of the comparative value of Sanskrit and Arabic is one which can be best settled by the Civil Service Commission. The Commission would accordingly recommend that Her Majesty's Civil Service Commissioners should be invited to take into their consideration the question of the adequacy of the marks at present assigned at the open competitive examination to the Sanskrit and Arabic languages, and the suitability of the standard exacted. In this matter, as in others, the Commission does not, however, contemplate any differential treatment of the several classes of candidates, and would strongly recommend adherence to the principle of the present Regulations giving the same choice of subjects, and fixing the same standard and the same general conditions of examination for all natural-born subjects of Her Majesty. In connection with the general question of the subjects of examination and the marks which should be assigned thereto, the Commission has abstained from noticing numerous suggestions contained in the evidence before it that certain subjects should be added, or that the system of marking should be radically altered, because, as regards the addition of subjects, the suggestions offered generally contravened the principle that the competitive examination is intended to embrace only the subjects of an English liberal education, the study of special subjects being deferred until the probationary period, and because, in regard to the system of marking, the Commission sees no reason to differ, except in so far as has been explained above, from the conclusions of Lord Macaulay's Committee which appear sufficiently to meet all requirements.

64. Points of enquiry: Question of a separate examination in England for Natives of India.—As directed by the Governor General in Council, the Commission has, in this connection, to give special attention to a suggestion made by the Bengal Government that the number of Native probationers to be selected by competitive examination in London should be first fixed, and that the Native candidates should be selected by an examination separate from that of European candidates, and especially adapted, as regards limits of age and otherwise, to the conditions of Natives of India.

This suggestion does not commend itself to the Commission. In the first place, it involves a differential mode of treatment which would certainly be distasteful to the Native community, whose desire is to be permitted to compete on equal terms with the educated youth of England. In the next place, the adoption of any

suggestion which involves separate standards of examination for Europeans and Natives is open to many of the objections which have been taken in the evidence before the Commission to the Statutory Service, and to which reference will be made in the following Chapter of this Report. Not the least prominent of these is the fact that persons appointed otherwise than by a common test and under a common standard are liable to be regarded as not possessing the same qualifications. Moreover, the system of allotting a certain number of appointments to be competed for by Natives and Europeans respectively is a departure from the principles of the Statute of 1833 and the Queen's Proclamation, inasmuch as it involves an artificial exclusion of candidates on grounds of race from appointments for which they may be in other respects the best qualified persons. It has indeed been suggested that if increased facilities are given to Natives in connection with the open competition in England, it is desirable to fix such a limit in order to guard against Natives gaining admission to the service by the competitive examination to an extent which may prove a source of difficulty or embarrassment. But when the disadvantages are considered under which Natives labour in competing in a foreign language, in a foreign country, in subjects of study peculiarly English, and against the flower of English schools and colleges, the hypothesis involves so violent an improbability that it may be dismissed without serious discussion.

In short, the Commission is of opinion that the competition in England should remain open as heretofore, without restriction or distinction, as by the present law provided, to all natural-born subjects of Her Majesty, of whatever race or colour or creed or place of birth, who can satisfy the preliminary conditions prescribed in the rules framed by the Civil Service Commissioners, and that selection should be made impartially and indifferently from among the candidates according to their order of merit as ascertained in one and the same examination.

65. Points of enquiry: Willingness or otherwise of Indian youths to cross the sea for purposes of education or for other purposes.—In paragraph 9 of the Resolution of the 4th of October 1886, it is observed that the Commission will doubtless be able to obtain much valuable evidence on the subject of recent representations which affirm the general willingness of Indian youths to cross the sea for education, and to others which as strongly deny it.

In the course of the examination of witnesses special prominence was given to this subject, and to the question whether objections are entertained on the score of caste or religion by any class or classes of Natives to proceeding to England for educational or other purposes. A large amount of evidence has been collected on these points, which, the Commission believes, may be correctly summed up by saying—(1) that such objections as exist on the score of caste or religion to going to England for educational or other purposes are entertained chiefly by certain of the more orthodox and conservative classes among the Hindus; (2) that the strength of the objections varies in different parts of the country, being strongest perhaps in Southern India and generally in families who reside at a distance from the larger centres of the population (except such centres as from their religious associations possess special attractions for the more orthodox classes of the Hindu community), and are consequently removed from the progressive influences which are undoubtedly asserting themselves with ever-increasing force; (3) that they have to a very great extent lost their hold upon the younger generation and are gradually and surely dying out; (4) that the Natives who go to England for purposes of education belong generally to the middle classes, and are not limited to the wealthier classes, or to any particular section of the community, or to any particular creed, although, *ceteris paribus*, the obstacles are greater in proportion to the strength of the caste-feeling; and (5) that a voyage to, or residence in, England has not been found in practice to involve the loss of social position or other unfavourable consequences to persons who have undertaken it, and has not generally had the result of placing such persons out of touch or sympathy with their fellow countrymen on their return to India. To any broad statements of this nature there must of necessity be exceptions; but the number of such exceptions brought under the notice of the Commission has been extremely small, and the witnesses have generally admitted that any inconvenience to which persons who have undertaken a journey to England were subjected on their return to India was due less to incidents necessarily inherent in the voyage or in residence in England, than to other extraneous circumstances,—such, for instance, as a refusal on their part to subject themselves to the expiatory ceremonies or observances demanded by their fellow countrymen as a condition to their rehabilitation to caste privileges, or to their

having by their own voluntary proceedings permanently placed themselves beyond the pale of caste recognition. In some instances, indeed, the persons referred to had already come under influences in this country which would have separated them from caste sympathies even if they had not gone to England. There are many agencies at work in India which are gradually loosening the more stringent fetters of caste, and it would, in the opinion of the Commission, be a matter for regret if objections of the nature of those under discussion were revived or stereotyped by any action taken under the mistaken belief that they possess general influence or permanent vitality. It is due to other causes than caste and religious objections that the number of Native candidates who have as yet presented themselves at the English examination is so small, when the vastness of the Indian population subject to British rule is considered. In the first place, the prizes are few and difficult to obtain. A journey to England and study there are necessarily very costly, and there is on the part of parents a natural reluctance to part with their children at a comparatively tender age, coupled with a feeling that sufficient control or supervision may not be exercised over the lives of Native youths while in England, and that a prolonged absence from their native country may be followed by more or less estrangement from family ties and sympathies. But although these and other causes contribute to limit the number of Native candidates in England, the Commission is of opinion that they are not strong enough now-a-days materially to interfere with the supply of such young Natives as it may be desired to attract to the English competition. The number of natives who proceed to England for other purposes, such as education and professional training (for instance, in Law and Medicine), and with no view to entering the service of Government, shows a steady and decided tendency towards increase, and this tendency does not appear to be checked by the risk of ultimate professional failure. It may be expected that the increase which is thus taking place will become more marked with the greater development* of means for providing effective supervision over Native youths during their residence in England. The fact that a compulsory period of residence and training in England has been warmly advocated by many witnesses in all parts of India as a condition precedent to the final appointment to the Civil Service of candidates successful at any competitive examination held in India points to the same conclusion. So far as risk of failure and consequently infructuous educational expenditure may act as a deterrent, these drawbacks affect all classes of Her Majesty's subjects residing out of England and in some respects are common to all professional preparation. It was partly with the object of meeting objections of this nature that Lord Macaulay's Committee insisted that the test for the Indian Civil Service should be a test of general education, that is, of an education which would materially assist the unsuccessful candidates to whatever calling in life they might thereafter devote themselves.

66. Points of enquiry: Question of retaining the rule which allows selected candidates to remain in England for the purpose of taking a University degree.—Under the Regulations† framed by Her Majesty's Secretary of State in Council it is open to selected candidates, with the permission of the Secretary of State, to remain in England an additional year after the completion of their two years' probation for the purpose of taking a degree at certain Universities. The Regulations further lay down that a bonus of 150*l.* will, as a temporary and experimental measure, be paid to any candidate who, after having obtained the necessary permission, passes an examination qualifying for a degree in Honours at Oxford or Cambridge, or who, being a student of University College, London, passes with credit an Honour Examination of the University of London. An expression of the views of the Commission has been called for‡ by the Government of India on this rule, which, it is said, has been found to cause some inconvenience. The Commission can readily understand the inconvenience of a rule of this nature which disturbs the annual rate of recruitment fixed for the several Provinces. But, on the other hand, the Commission fully appreciates the expediency of members of the Covenanted Civil Service undergoing a complete University training, and would deprecate any arrangement calculated to interfere with so desirable a result. At the same time the Commission is very decidedly of opinion§ that the general education

* The efforts of the National Indian Association, the Northbrook Club, and other Associations in this direction are noteworthy and can scarcely fail to be productive of good results.

† See Appendix G. to this Report.

‡ Letter from the Government of India (Home Department), No. 2454, dated 25th October 1887.

§ See paragraph 62 *supra*.

of students should be completed before and not after they enter upon the special studies designed to fit them for duty in India. The rule under discussion involves a departure from this principle, and the necessity for it appears to the Commission to be due entirely to the lowering of the maximum limit of age for admission to the competitive examination in England. The Commission does not consider it a defensible arrangement to spend the revenues of India in helping candidates who, having passed their period of probationary training successfully, are pronounced qualified for service in India, to complete their general education.

Sir Charles Turner is of opinion that the propriety of the grant of a bonus can hardly be considered fully without entering on the question as to the limit of age for the admission of English candidates to the competitive examination which the Commission is precluded from discussing. While acknowledging the force of the argument that assistance should not be afforded to candidates to complete their general education, he conceives that the grant of a bonus might be defended on the ground that it secures a completeness of training which is best acquired after the competitive examination. He therefore desires to refrain from committing himself to an opinion on the point.

CHAPTER VI.

REPLIES TO ENQUIRIES MADE BY THE GOVERNMENT OF INDIA IN REGARD TO THE STATUTORY SERVICE.

67. Points of enquiry: Prevalent feeling amongst the Native community and the grounds on which it is based.—In paragraphs 5 to 7 of the Resolution of the 4th of October 1886, the Government of India asks for the opinion of the Commission on various points relating to the Statutory Service. The first of these is what is the feeling prevalent amongst the Native community in regard to the existing Statutory Service; and if that feeling is one of dissatisfaction, (a) what is the extent of such dissatisfaction; (b) whether it is directed against the Statute of 1870, or against the Rules framed thereunder; and (c) in either case what are the particular grounds on which it is based.

In regard to these questions the Commission would observe that the degree of interest which has up to the present time been awakened in the Statutory system among the mass of the population is probably inappreciable. This is scarcely to be wondered at, seeing that the system is still in its infancy and has not been sufficiently long in operation to enable its effects to be felt by the people at large. On the other hand, there can be no doubt that the educated classes take a decided interest in the matter. While among these the desire is general to procure additional facilities for the employment of Natives of India, of proved merit and ability, in the Civil Service, the evidence before the Commission shows that the present arrangements under the Statutory system for effecting this end are viewed with dissatisfaction. As regards the extent of this dissatisfaction it is, of course, difficult to apply any precise measure; but, broadly speaking, the Commission believes the feeling to extend to all the educated classes of the community whose interests are more immediately affected or who have given any attention to the question. The objections to the Statutory system which have been laid before the Commission have generally been directed rather against the Rules than against the Statute. But the Statute itself is also objected to on the grounds that it provides for appointment to specific posts only and not for enrolment in an organized service, and that it fails to specify the number of appointments which should be made and to render it obligatory on the Government to make them to the full limit. Some witnesses examined before the Commission have also expressed disapproval of the Statute of 1870 because it is inconsistent with the Statute of 1833, in so far as it adopts place of birth and domicile as qualifications and disqualifications for certain offices. By some persons, again, the Statute is regarded as a measure designed to stifle the demand for the removal of disadvantages under which Natives are held to labour in connexion with the competitive examinations in England. From this point of view, it is contended that the creation of a channel for admission to the Civil Service distinct from, and independent of, the channel of the English

competition implies that the Natives are unable to win for themselves their due place in the administration, while all that is really needed is the removal of certain obstacles which are considered to prevent the competition of Indian candidates on terms of fair and reasonable equality with their European fellow-subjects. Again, it is objected that the provisions of the Statute are imperfect in that they contain no complete definition of the term "Natives of India," and that, in so far as they declare its meaning, they stop short of including classes who might, with equal propriety, be declared to fall within the term. These, generally speaking, are the broad objections to the principle of the Statute which have been brought out in the evidence tendered before the Commission. As regards the Statutory Rules, the objections felt by the educated classes of the community have been clearly formulated, and may be said to be based generally on the fact that appointments thereunder depend to a greater or less degree upon patronage; and that the system provides no sufficient guarantee that the persons appointed fulfil the requirements of the Statute, *i.e.*, that they are persons "of proved merit and ability." As a necessary consequence of these defects and of the manner in which the power of appointment is actually exercised, it is held that the persons who receive appointments under the Statute are not as highly qualified, from an educational point of view, as others who might be secured under a different system of selection; that, owing to this inferiority and to the treatment accorded to them in respect to pay and promotion, they are not regarded by the public with that degree of respect or consideration which is accorded to the members of the Covenanted Civil Service recruited in England; and that their position generally is that, while nominally on an equality with the members of the Covenanted Civil Service appointed in England, they are practically treated as belonging to a distinct and inferior branch of the service. It is further urged that the claims of deserving Uncovenanted Officers have been overlooked in the appointments actually made under the Statute; and that the entire principle which underlies the present Rules, as applied in practice to the appointment of untried persons, is unsound and inconsistent with the Statute. Lastly, it is objected that distinctive rates of pay are assigned to officers who are supposed to belong to one and the same service; that the pay assigned on first appointment is insufficient to enable a Statutory officer to maintain the social position to which office in a superior grade of the public service entitles him; and that the scale of pay assigned may, if the power of appointment is exercised in favour of an experienced public servant or a successful member of a profession, entail such a loss of emoluments as would deter persons of these classes from accepting an appointment under the Rules.

68. Points of enquiry: Results of selections made under the Statute.—The next point regarding which the Commission is directed to enquire is as to the results of the selections made under the Statute of 1870.

In paragraph 45 *supra*, reference has been made to the appointments made under the Statute, and to the various modes of selection adopted by Local Governments in connection therewith. As regards the results of these selections, it is difficult to formulate any judgment which would be equally applicable to all cases; but, speaking generally (although there are certainly exceptions), and dealing with Statutory Civilians as a class, the Commission believes it to be certain that many of the persons, being untried men, who have hitherto been appointed under the Statute of 1870, do not bear favourable comparison in regard to their work as public servants with Native Civilians who have entered the Civil Service through the channel of the English competition. In the majority of cases such persons cannot be said to be superior, while they are in some cases inferior, in education and ability, to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service, and it is doubtful whether any except a few of them enjoy higher social consideration or belong to more influential families. In some cases, doubtless, the persons appointed under the Statutory Rules have fully justified their appointment both by their general character and by the efficiency with which they have discharged their duties; but the Commission is unable to come to any other conclusion from the evidence before it than that the Statutory system has failed to secure properly qualified men.

69. Points of enquiry: Effect of the Statute as admitting persons to specific appointments only, and not to membership in an organised service.—The third point to which reference is made in the instructions to the Commission is a suggestion that the Act of 1870 is open to objection, because it admits persons to specific appointments only and not to membership in an organised

service, and the Commission is directed fully to weigh the reasons for this desire to be enrolled in a service.

In the evidence given before the Commission weight has been attached by several witnesses, especially those who are themselves members of the Statutory Service, to the objection that the Statute admits persons to specific appointments only and not to membership in an organised service. The reasons for this desire to be enrolled in a service, more particularly where, as in the Covenanted Civil Service, promotion up to a certain point is mainly regulated by seniority, are obvious. Membership in an organised service ensures a more permanent status and involves more certain prospects than if appointment is made to a particular post only and every step of further promotion requires a fresh exercise of the power of appointment under the Statute. In the former case, the merit and ability required as a condition of first appointment are, in the absence of positive evidence to the contrary, presumed for purposes of subsequent promotions; in the latter case, they have to be proved afresh at each step. In this matter, as in others, the objections felt appear to be directed mainly against the differential treatment of Statutory and of Covenanted Civilians which the present system involves and which tends to foster the impression that the two classes are not meant to occupy a position of equal status and dignity, or to enjoy the same prospects of future advancement. This impression has been strengthened by the change* of practice according to which the names of Native gentlemen appointed under the Statutory Rules are not, as was originally the case, shown in the list of Covenanted Civil Servants but are included in a separate list.

70. Points of enquiry: Question regarding pay, promotion, retiring annuity, and general conditions of office suitable for Natives of India appointed under the Statutory Rules.—The Commission is next directed to consider how far the privileges of pay, promotion, and retiring annuity which Indian public servants enjoy through belonging to the Covenanted Civil Service, and the conditions generally under which they hold their offices are suitable to Natives of India obtaining office under the Statutory Rules. Reference is further made to a suggestion that the Statute of 1870 is unpopular, because a person appointed under it draws, according to the rules laid down, pay at a lower rate than if he were a member of the Indian Civil Service appointed after competition in London.

To the first of these questions the Commission would reply that the general conditions of service accorded to officers of the Covenanted Civil Service, who are recruited in England, do not appear in any way suitable to Natives of India obtaining office under the Statutory Rules or otherwise appointed in India. These conditions were framed to meet the circumstances and requirements of an agency which it is considered necessary to import from England and seem to the Commission to be wholly inapplicable to such agency as may be recruited in India. To apply to the latter agency the exceptional conditions found to be necessary for special reasons in the case of the former would appear to involve a charge upon the public funds which is unnecessary and could not be justified.

As regards the second point, the evidence before the Commission clearly shows that dissatisfaction has been caused by the differential rates of pay granted to Statutory Officers. Some of these have, in accordance with a rule issued in 1880,† been actually graded in the Civil Lists, and although this rule has been cancelled and Statutory Civilians are now appointed to specific posts only and are entered in a separate list, they have, practically, been considered as belonging to the same service as officers of the Covenanted Civil Service appointed in England. Under such circumstances it is only natural that general dissatisfaction should be felt.

71. Points of enquiry: View taken by the Native communities of the several Provinces in regard to selection by means of nomination, with or without probation, and by means of competition respectively.—Lastly, the Commission is directed to ascertain whether the communities of the various Provinces, and especially the classes from which Native public servants are commonly drawn, disapprove of selection in any form, with or without probation; whether competition of some sort is the only mode of selection which commends itself to them; and whether they think that a combination of both systems possesses advantages, more especially with regard to the promotion to higher office of deserving members of the Executive and Judicial Services.

* Home Department Circular, dated 16th June 1895.

† Resolution of the Government of India (Home Dept.), No. 36—1322 to 1327, dated 15th August 1890.

In regard to these points the evidence before the Commission appears to show that selection for the Statutory Service by means of nomination in any form, with or without probation, is not regarded favourably by the more educated sections of the Hindu and Parsi communities. They maintain that without an open competitive examination it is difficult for the appointing authority to ascertain which candidates are best qualified in respect of educational attainments, and they assert that the Government does not always accurately gauge the social consideration enjoyed by the candidates whom it selects, while a system of selection is open to the abuses incidental to patronage. They further maintain that a system of nomination may lead to the exclusion of well qualified persons whose relatives are hindered by feelings of delicacy from bringing their names to the notice of Government, and they contend that, other qualifications being apparently equal, it is only consistent with justice that superiority in educational qualifications should be determined by a competitive examination. Lastly, they urge that the nomination of candidates who subsequently prove unequal to the duties of the superior posts in the public service discredits the employment of Natives in those posts. To this may be added the fact that under a system of nomination the educated classes fear that they might not enjoy the same advantages as under a system of appointment based on educational tests. The objections to nomination, however, are not generally shared by the Mahomedan witnesses. These, for the most part, favour a system of nomination combined with sufficient guarantees of fitness. It may be broadly said that for the selection of untried candidates open competition generally commends itself to the sections of the Hindu and Parsi communities above-mentioned, and that a system of limited competition among candidates previously nominated is not generally preferred by them. On the other hand, there is evidence to show that large and important sections of the community, more particularly among the Mahomedans, among Hindus of the older school, among the conservative classes generally, and even among some of the advanced school, entertain doubts as to the suitability of open competition as a sufficient test of the possession by Indian candidates of the qualifications necessary for high administrative office, and prefer either pure nomination or limited competition among nominated candidates possessed of certain antecedent qualifications. Speaking generally, however, it may be said that the feeling of the Native communities of the several Provinces, including the classes from which Native public servants are commonly drawn, is, so far as it has been represented in the evidence taken by the Commission, favourable to a system of competition, open or limited, in preference to a system of nomination with or without probation. At the same time, it is admitted that a competitive system would not be suitable as a means of giving promotion from the Uncovenanted to the Covenanted grades or for the appointment of legal practitioners to the Judicial service. As regards the views expressed by certain Mahomedan witnesses in favour of a system of nomination, it must of course be remembered that their opinions on such a point can scarcely fail to be influenced by a consciousness of the inability of their co-religionists, as a rule, to compete successfully in purely educational tests with those sections of their fellow-countrymen whose progress in education is considerably more advanced than their own.

72. Summary of views of the Commission in regard to the Statutory system.—On the whole, then, the Commission is of opinion that the existing Statutory system has failed to fulfil the expectations anticipated from it, and that it is for sufficiently good reasons condemned, not only by particular sections of the Native community, but also by the very large majority of officials, both European and Native, who have had practical experience of its working. The reasons why the system has failed to give satisfaction to the Native community are set forth in the foregoing paragraphs of this Chapter and appear to the Commission to possess great weight, especially when supported, as they are, by the decided opinion of officers belonging to all ranks of the administration. In the Resolution of the Government of India, dated the 24th of December 1879, which followed on the promulgation of the existing Rules, it was explained that the "main object of the rules was not to transfer to the superior ranks of the civil administration officers of a class whose services have already been secured by Government in the inferior ranks, but to attract to the service of Government young men of good family and social position, possessed of fair abilities and education, to whom the offices open to them in the inferior ranks or Uncovenanted Service have not proved a sufficient inducement to come forward for employment." There can be no doubt that the attempt to confine the selections to young men of rank and to attract to the service men combining high social position

with the requisite intellectual and educational qualifications has failed. The Commission cannot but think that a similar result would almost necessarily follow upon any attempt to engraft on a superior and imported service, recruited in such a manner as to secure the highest possible English qualifications available, a system based upon other principles and designed to meet a wholly different object. Whether, therefore, considered in the light of its practical results, that is, as a means of strengthening the position of Government by attracting to its service persons of a class who would not otherwise have come forward for this purpose, or as a remedy provided by Parliament for inequalities inevitably associated with a system whereby the conditions of the examination for the Covenanted Civil Service are primarily designed to meet the circumstances and requirements of English education, the experiment must, in the opinion of the Commission, be pronounced a failure. For, on the one hand, there is no sufficient reason to believe that many of the persons who have thus been appointed to posts reserved for the Covenanted Service would not have accepted employment in the lower ranks of the administration; while, on the other hand, the system has wholly failed to meet the wishes or satisfy the aspirations of the more educated sections of the Native community, who urge that it has not secured the services of the most highly qualified persons available; that it has practically resulted in the formation of a secondary and lower service owing to the curtailment of the privileges accorded to persons appointed thereunder as compared with those enjoyed by members of the Covenanted Civil Service appointed in England; and that in its general working it has given rise to dissatisfaction. These objections appear to be in the main justified by the facts, and the Commission, after careful deliberation, finds itself unable to suggest any amendment either of the Statute or of the Rules such as would adequately meet the issues which it has had to consider.

The difficulty of framing a correct legal definition of the expression "Natives of India," is indeed a real one. As the definition now stands, it is possible for one member of a family to be a Native of India and another member of the same family not to be a Native of India from the mere accident of his place of birth, and the Commission doubts whether it is possible to frame any definition that would not be arbitrary and unequal in its effects. Neither blood, nor place of birth, nor domicile, nor all three together can be taken as the criterion. Subject as the country has been to the immigration of foreigners who come and go, there is scarcely a race on the face of the world which is not represented among the populations of India. Some have made it their home; of others it is impossible to say whether they have done so or not. In any case, the perplexities are many, and the Commission doubts whether any definition it could frame would not raise as many difficulties as it solves. Any attempt to distinguish between Natives of the country and foreigners or between persons domiciled and non-domiciled is certain to operate with inequality and end in race disqualifications. On these grounds, as well as on grounds of principle already explained, the Commission prefers to rest its recommendations on the broader basis of the equal treatment of all classes of Her Majesty's natural-born subjects in the matter of recruitment for the public service.

Various alternative schemes have been recommended by witnesses in the event of the Statutory system being retained, but the Commission deems it of little practical use to discuss these in detail, seeing that the system is almost universally condemned. Accordingly, the Commission recommends that the Statutory system should be abolished, and that Section 6 of the Statute 33 Vict. cap. 3, should be repealed. The arrangements which should, in the opinion of the Commission, be substituted for those now in force, will be described in the following Chapters* of this Report.

CHAPTER VII.

RECOMMENDATIONS REGARDING THE COVENANTED CIVIL SERVICE AND THE FORMATION OF AN IMPERIAL SERVICE.

73. Proposals of the Commission: Constitution of two distinct Services.—On a review of all the evidence before it, the Commission has come to the conclusion that, in the present circumstances of the country, the claims of Natives

* Chapters VII. and VIII.

of India to higher and more extensive employment in the public service and the admission of competent Natives of each Province of India to a due proportion of the posts heretofore reserved for the Covenanted Civil Service, can be best provided for by reducing the strength of the Covenanted Civil Service and transferring a corresponding number of appointments to a local service to be separately recruited in each Province of India. Under this arrangement the Covenanted Civil Service, reduced to "a *corps d'élite*,"* and its numbers limited to what is necessary to fill the chief administrative appointments of the Government and such a number of the smaller appointments as will ensure a complete course of training for junior Civilians," will continue, as hitherto, to be recruited by open competition in England only, under suitable standards and conditions of its own, while the Provincial Service, recruited under different methods adapted to local circumstances, will secure a fair representation of the various races of India in the administration of the country. It is an essential feature of this scheme that the competition in England be open unreservedly to Natives as well as to Europeans, that Europeans resident in India who satisfy the prescribed preliminary conditions be eligible equally with Natives for the Provincial Service, and that the conditions of each service respectively be the same for all who enter it to whatever nationality they may belong.

74. Advantages of the above scheme.—The advantages of a system based on the above lines are that, while it avoids many of the objections inherent in other schemes which have been suggested to the Commission, it maintains the very high standard of qualification necessary for the Covenanted Civil Service; it meets the general desire that all Her Majesty's subjects should receive equal treatment; it creates no difficulties on the score of social custom or religious belief; it adapts itself not only to the present circumstances of the country generally but to the local conditions of the several Provinces and to the requirements of the different classes and races of the population; it creates the least possible dislocation of existing arrangements; it enables the Government to expand its administrative agency with due regard to economy, and to adjust the conditions of appointment in regard to pay, leave, and pension to the separate circumstances of each service; and it removes all invidious distinctions of class or race. Such distinctions as it does and must maintain are distinctions of service, qualification, and recruitment, it being left open to candidates to elect at the commencement of their career the service for which they can best qualify themselves.

75. Designation of the two Services: Sphere of recruitment and service.—The designation of the two services is not a matter of much importance, but the question arises in connexion with the proposed discontinuance of the term "Uncovenanted," to which attention has been called by Her Majesty's Secretary of State and which the Commission has been especially† requested to notice in its Report. With regard to the term "Covenanted" it appears to the Commission that the application of that term exclusively to officers recruited in England for the higher branches of the executive and judicial administration is not in accordance with existing facts, inasmuch as several so-called Uncovenanted Officers are serving under covenants or contracts entered into with Her Majesty's Secretary of State. The use of the term "Uncovenanted," as applicable to officers serving the Crown in a civil capacity in India who do not belong to what is generally known as the Covenanted Civil Service, was probably originally meant as an easy and convenient means of distinguishing broadly the two classes whose conditions of service are entirely distinct. But the term "Covenanted" is no doubt under present circumstances inaccurate and misleading. The Commission would accordingly recommend that the use of the term "Covenanted Civil Service of India" should be discontinued, and that that term should be replaced by the expression "Imperial Civil Service of India." The Commission is aware that the term "Covenanted," as applicable to the higher administrative ranks of the Civil Service in India, is recognised by Acts of Parliament and that the proposed change may therefore involve Parliamentary legislation; but if it is decided to have recourse to such legislation for other purposes, any objection on this ground loses its force. The designation "Imperial Civil Service of India" appears to the Commission appropriate as indicating that the members of the service are expected to serve in whatever part of the Indian Empire the Government of India chooses to employ them. In paragraph 5 of the Home Department Resolution, dated

* Government of India (Home Department) Resolution, No. ⁶⁸ 2024-85, dated 15th December 1881.

† Letter from the Government of India, Home Department, No. 2173, dated 10th December 1886.

15th December 1881,* the principle is said to have been laid down by authority that every Civil Servant is bound to serve wherever the Government at any period of his career requires him to go. And the Commission believes that effect is given to this principle in the covenants which Civil Servants are required to enter into with Her Majesty's Secretary of State before proceeding to India. At the same time it should be pointed out that Section 57 of the Statute 33 George III., cap. 52, which although modified in some particulars by later enactments has not been repealed, lays down that "all vacancies happening in any of the offices, places, or employments in the civil line of the Company's service in India (being under the degree of Counsellor) shall be from time to time filled up and supplied from amongst the Civil Servants of the said Company belonging to the Presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and no otherwise." Without discussing the precise legal effect of this provision on the question now under consideration, the Commission contents itself with expressing an opinion that if it is held to disable the Government from insisting upon the transfer of Covenanted Civilians from one Presidency or Province to another in order to meet administrative requirements, it might be productive of inconvenience. The Commission conceives that it should be fully within the power of the Government to direct such transfers on public grounds and to decide in what particular capacities and places its officers may be most usefully employed. Accordingly, the recommendation which the Commission would make on this point is that the members of the Imperial Civil Service of India should be bound to serve wheresoever and in whatsoever capacity the Government may see fit and should be eligible for any appointment for which the Government considers them qualified.

The Commission would suggest that the service to be locally recruited should be called the "Provincial Civil Service." This term possesses the advantage of avoiding the invidious distinction complained of in the use of the term "Uncovenanted," while at the same time it marks the distinction which exists in regard to the field of recruitment of the two services respectively, the "Imperial Service" being recruited in England, and the "Provincial Service" being recruited in India. The Commission further recommends that as far as possible, the members of the Imperial and Provincial Services should be put on a footing of social equality, and that, when they occupy similar offices, they should be graded together in the official precedence list.

There would of course be a third service comprising the lower administrative appointments above the ministerial grades, and this might appropriately be called the "Subordinate Civil Service."

76. Recommendations regarding the Schedule attached to the Statute 24 and 25 Vic., Cap. 54: Its formal extension to the Non-Regulation Provinces.—The appointments reserved by law for the Covenanted Civil Service are those specified in the Schedule attached to the Statute 24 & 25 Vic., Cap. 54. The Commission is unanimous in recommending that no change in principle be made in this Statute, which directs that all vacancies in certain offices shall, save under special circumstances, be filled up from amongst the Covenanted Civil Servants of the Crown in India. Appointments in the Covenanted Civil Service have always been held under Parliamentary guarantee, and this principle appears to the Commission to be sound and one which should be maintained, not only in order to attract the best qualified candidates by providing security of tenure, but also to guard against the possibility of abuses and to protect the Government from the pressure of influences which, as experience has shown, are not always easily resisted.

In the present form of the Schedule, the judicial and revenue appointments included therein are appointments in the Provinces known in 1861 as the Regulation Provinces. These may be generally described as the Presidencies of Madras and Bombay, the Lower Provinces of Bengal, and the North-Western Provinces. The Non-Regulation Provinces were the Punjab, Sind, Assam, Oudh, the Central Provinces, and certain districts attached to the Regulation Provinces. These Non-Regulation Provinces represented generally the later territorial acquisitions of the British Government, in which a simpler form of administration was necessarily at first adopted than that which prevailed in the older Provinces. With the firm establishment of law and order, however, the machinery of the administration in the Non-Regulation Provinces naturally became more complex and has been gradually assimilated to that of other parts of British India. The distinction between Regulation and Non-Regulation Provinces may now be said to be mainly a historical distinction. Consequently the Secretary of State has applied to the Provinces known in 1861 as

Non-Regulation Provinces the same system of recruitment for the Civil Service as that established elsewhere, and has reserved for the service so recruited appointments analogous to those reserved in the Regulation Provinces by the Statute of 1861, except that in the Frontier Commissions of the Punjab and Assam one-fourth of the staff may be Military officers. Under these circumstances, the Commission would recommend that, subject to the arrangements in force for recruiting from the Army Staff Corps in the Punjab and Assam, the Schedule should be so extended as to include analogous appointments in those and all other Non-Regulation Provinces.

77. Recommendations regarding the Schedule attached to the Statute 24 and 25 Vic., Cap. 54: Changes now advocated: Desirability of providing for alterations hereafter.—In order, however, to provide for the more extensive employment of Natives of India in offices hitherto reserved for the Covenanted Civil Service, the Commission recommends that the number of appointments reserved in the Schedule be reduced. With this view, the Commission has given very careful consideration to the Schedule with reference both to the general evidence adduced before it in the course of its investigations, and more particularly to the opinions of the Local Governments from whom special enquiries were made on this point, and recommends that (assuming the Schedule to be extended to Non-Regulation Provinces as proposed) the following should be excluded from the list of reserved appointments, the fractions being taken as nearly as may be, more or less:—

- (1) Under-Secretaries to the several Governments in India.
- (2) One-third of District and Civil and Sessions Judges* or Chief Judicial Officers of Districts; and in the Punjab one-third of the officers aforesaid after deducting the proportion (one-fourth) reserved for Military Officers.
- (3) One third of the Joint and Assistant Judges in the Bombay Presidency.
- (4) One-tenth of Magistrates or Chief Magisterial Officers of Districts (including Deputy Commissioners); and in the Punjab and Assam one-tenth of the officers aforesaid after deducting the proportion (one-fourth) reserved for Military Officers.
- (5) One-sixth of Joint Magistrates in all Provinces.
- (6) One Member of the Board of Revenue in the Madras Presidency; in the Lower Provinces of Bengal; and in the North-Western Provinces; and one of the Financial Commissioners in the Punjab.†
- (7) One (where there are more than one) of the Secretaries to the Board of Revenue (or Commissioners who constitute the Board of Revenue) in the Madras Presidency; in the Lower Provinces of Bengal; and in the North-Western Provinces; and one Secretary to the Financial Commissioner of the Punjab.†
- (8) One of the Chief Revenue Officers of Divisions in all Provinces except Bombay and Assam.
- (9) One-tenth of Collectors of Revenue or Chief Revenue Officers of Districts; and in the Punjab and Assam one-tenth of the officers aforesaid after deducting the proportion (one-fourth) reserved for Military Officers.
- (10) One-sixth of Deputy or Subordinate Collectors where combined with the office of Joint Magistrate in all Provinces.
- (11) One-sixth of Assistant Collectors or Assistant Commissioners; and in the Punjab and Assam one-sixth of the officers aforesaid after deducting the proportion (one-fourth) reserved for Military Officers.

The effect of these proposals is to remove about 108 appointments from the list of appointments at present reserved in the Schedule and by the orders of the Secretary of State, a number in excess of the proportion of one-sixth of the same appointments thrown open under the Statutory Rules. There are certain special appointments in the Schedule which will be considered hereafter in connexion with the miscellaneous Departments of the administration. The entire Schedule as revised by the Commission and recommended for adoption will be found in Appendix N.

The Commission does not mean it to be understood that members of the Imperial Civil Service are to be appointed to the reserved posts only and to no others. Under present circumstances such an arrangement would neither be desirable nor practicable.

* In the Central Provinces and Assam (except in the District of Sylhet) District and Civil and Sessions Judgeships are not held as separate appointments, but are combined with Executive appointments.

† In the Schedule given as Appendix N. to this Report, the appointments of Financial Commissioner and Secretary to the Financial Commissioner are not entered as reserved for the Covenanted Civil Service, in view of the fact that they may be held by Military Officers in the Commission.

But in order that in due time, and as competent agency becomes available, a proper share in the higher administration may be secured to the Provincial Service, the Commission recommends that if the *cadre* of the Covenanted Civil Service is larger than would be required under the proposals now made, the Government should, in the future recruitment for the Covenanted Service, have regard to the reduced Schedule in order to give due effect to those proposals.

The reduced Schedule throws open as large a number of appointments as there is reasonable hope of the Government being able gradually to fill by qualified persons recruited in India for some time to come. In this sense the proposals of the Commission "may reasonably be hoped to possess the necessary elements of finality" as required by its instructions. At the same time it must be borne in mind that the circumstances of the country and the social condition of the population change with extraordinary rapidity and that absolute finality, in any arrangements of the kind is not to be hoped for. All that the Commission can do in this respect is to recommend measures which, if adopted, will in its opinion settle matters for a considerable length of time and afford the means of making such changes as the progress of events may necessitate with the least possible dislocation of machinery. Accordingly, the Commission considers it advisable that the Statute of 1861 should be so amended as to give power to the Secretary of State, subject to the control of Parliament, to make such alterations in the Schedule from time to time as circumstances may require. With this view the Commission recommends that a provision be inserted in the Statute 24 and 25 Vic., Cap. 54, enabling the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, to remove appointments or classes of appointments from the Schedule, or to include them in the Schedule, as may seem desirable from time to time, provided that no such order shall take effect until it has, together with the reasons for making it, been laid for ninety days before both Houses of Parliament. The period of ninety days is suggested in order to allow sufficient time for publicity in India and for the consideration of objections.

In regard to the revision of the Schedule now recommended, it may be observed that many witnesses examined before the Commission have urged that judicial offices should be made over more freely to Natives of India, and some witnesses have gone so far as to recommend that the greater part if not the whole of the civil judicial work of the country might be usefully entrusted to Native agency. In the expediency of employing duly qualified Natives to a large extent in the judicial branch of the public service the Commission fully concurs. The highest judicial offices in the country have already been filled by Natives with marked ability, while the subordinate judiciary, which is composed almost exclusively of Natives of India, has displayed very great aptitude for judicial office. But, on the other hand, the Commission is unable to support a proposal which contemplates the exclusive reservation of the judicial branch of the service for a particular class of Her Majesty's subjects, and is of opinion that any such reservation would lead to administrative difficulties. It will be observed that Local Governments generally adopt the view that while Natives of India may with advantage be extensively employed in judicial duties, the judiciary, more especially in the higher grades, ought not to consist exclusively of Natives.

Stronger objections have been raised in the course of the enquiries of the Commission to the employment of Natives in district charges than in high judicial offices, and many witnesses have advised that they should be altogether excluded from offices of the former description. In view of the fact that the District Officer is the direct representative of the Executive Government in all Departments of the administration, that he is primarily responsible for the peace of the district, that he is occasionally called on to deal with religious riots and disturbances of a dangerous kind, that he is head of the police, that his work necessarily brings him into frequent contact with officers of other Departments on whose co-operation its success must largely depend, that the District Officer is invested with the control and training of the junior officers of the Imperial Service, and that in times of war the Government has to rely upon the District Officer for the supply of military transport, for keeping open communications, and for other arrangements in connection with the army in the field, it is argued that he should be an officer of the Covenanted Civil Service. More especially is this said to be the case in regard to districts in which there is a more or less considerable European non-official community or where troops are quartered or important military establishments located.

On the other hand it is argued that it is unfair to allege that Natives of India are not qualified to hold offices, their fitness for which has not hitherto been tested and no adequate training ground for which has up to the present time been supplied; that

in dealing with riots and disturbances, with the supply of transport, stores and recruits in time of war, and other matters of general administration, the District Officer has to rely almost entirely upon Native agency; that European gentlemen readily enough accept employment under Native control in Native States, Native Armies, as tutors in Native families and managers of Native estates; that there are many districts in which there are no troops and few Europeans, and where no difficulties of collision are likely to arise; and that when Natives have been largely employed in offices of control in other Departments, they have not only not been found wanting but have discharged their duties with marked efficiency.

After a careful consideration of the arguments which have been brought forward on the subject, the Commission is unable to proceed on the general assumption that Natives are unfit for district or other executive charges. They have as yet had no sufficient opportunity of showing their capacity in this respect in the higher executive administration, and the generality of this assumption is not warranted by experience in Departments in which Natives have already been tried. Moreover, it is stated that Natives of India, when placed in charge of districts in Native States, which have been temporarily under British management, have in some cases performed their duties to the entire satisfaction of their superiors and have proved themselves most efficient officers. The same may be said of many Native Officers who have held Sub-Divisional charges in British India. Under these circumstances the Commission considers that due opportunity should be afforded to Natives to prove their fitness for holding the executive charge of districts, and the proposals of the Commission to remove certain district charges from the Schedule of the Statute have been made with this view. As regards the Subordinate Secretariat appointments which it is proposed to exclude from the Schedule, it is only necessary to observe that, as these appointments are invariably made by selection, the effect of their exclusion is merely to widen the area from which the most highly qualified agency can be chosen.

In regard to the exclusion of a portion of the still higher executive offices, namely, Memberships of the Boards of Revenue and Commissionerships of Divisions, from the list of reserved appointments, there was considerable difference of opinion. The Commission considers that, although the appointment to these high offices of persons who are not members of the Imperial Service may not be practicable for some time to come, yet, in view of the higher standard of educational and other qualifications which is being attained in different parts of the country, and of the success with which the duties of Commissioners have been in some cases discharged by Uncovenanted Officers in the Non-Regulation Provinces, there is no good reason for raising a bar against the admission in the ordinary course of members of the Provincial Service who may show that they possess the qualifications necessary for the discharge of high executive functions; that to take power to provide for such cases in ordinary course is better than to resort to exceptional powers under the Statute, the exercise of which is always looked upon with more or less jealousy; that under the Statute of 1870, it is now open to the Government to make such appointments, and that the proposal is only a development of the principle at present in force of selecting officers for Commissionerships and Memberships of Boards of Revenue on the grounds of fitness and efficiency, irrespective of seniority. Further, from the papers officially furnished to the Commission, it appears that, as long ago as 1876, the Government of Madras* and apparently the Government of India† itself were in favour of the appointment of a Native of India to the Board of Revenue; and that the Board of Revenue was included among the offices to which Natives were to be admitted in the scheme‡ submitted by the Government of India to the Secretary of State in 1878. Under such circumstances it appeared to the Commission proper to exclude one of the appointments in each Province from the reserved list.

The reasons which prevent the dissentient members, whose names appear in the margin, from acquiescing in the proposal to remove any appointments to the Boards of Revenue from the list of reserved appointments are, briefly stated, that it is not at present supported by the recommendation of any Local Government or by the evidence of any witnesses except an inconsiderable minority who have claimed that all appointments should be removed from the Schedule, and that it is premature and inexpedient. The dissen-

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Mr. F. B. Peacock.

Raja Udhai Pertab Singh, of Bhirgha, Oudh.

Mr. T. H. Stewart.

The Hon'ble Kazi, Shahbudin,

Khan Bahadur, C.I.E.

Mr. W. H. Ryland.

* From Government of Madras to Government of India, No. 1395, dated 13th December 1876.

† From Government of India to Government of Madras, No. 14, dated 20th April 1876.

‡ From Government of India to Secretary of State, No. 35, dated 2nd May 1878, para. 24.

tients are bound to say that in the course of this enquiry the probability that such a proposal would be made was not present to their minds. Careful enquiry was made as to the extent to which the charge of districts might, with due regard to efficiency, be committed to officers locally recruited. The balance of liberal but moderate opinion appeared to support the conclusion that such charges might be entrusted tentatively to carefully selected officers of this class. The Commission has accepted and endorsed this view by limiting its recommendation respecting the removal of Collectorships from the Schedule to the extent of only one-tenth of the appointments. It appears to the dissentients to be inexpedient, before the result of this experiment is known, to extend the recommendation to appointments which entail the duty of supervising and controlling the heads of districts. Again, the Commission, in accordance with the policy which has commended itself to Her Majesty's Government and to the Government of India, has pronounced it necessary at present to retain in the hands of officers recruited in England offices which control and supervise Departments less directly concerned with the general administration. It is admitted that the appointment of persons who are not members of the Imperial Service may not be practicable for some time to come. The dissentients, therefore, prefer to retain all appointments to the Board of Revenue in the Schedule and to trust to other arrangements to secure that the country shall not be deprived of the benefit of exceptional qualifications in any officer locally recruited rather than to excite hopes which cannot, with any certainty, be gratified within a measurable distance of time. If an officer locally recruited is deemed qualified by exceptional merit for appointment to the Board of Revenue, use can be made of the power which it is proposed to confer on the Government by the suggested amendment of the provisions of the Statute of 1861. If the number of such officers so qualified becomes substantial, it will be competent to the Secretary of State, in the exercise of the power it is suggested that he should possess, to remove this class of appointments in part or wholly from the Schedule. On the other hand, the retention of all appointments to the Boards of Revenue in the Schedule enables Local Governments to resist untoward pressure. The dissentients would not oppose, though they would not strongly recommend, the proposal if the Boards of Revenue were composed of three members who acted in all matters in consultation; but in Madras, where alone there are more than two members, it is understood that the functions of the members are under recent arrangements assimilated to those of Commissioners; and that since 1876, the date of the proposals to which allusion is made, the constitution of the Board and its method of conducting business have undergone material alteration. Everywhere, it is believed, the consultative character of the proceedings of the Boards of Revenue has been greatly modified so as to allow of independent action, and further modifications of the same nature are not improbable.

Reasons similar to those which have constrained the dissentients to oppose the proposal respecting the Boards of Revenue influence them to acquiesce only with much hesitation in the recommendation respecting the Chief Revenue Officers of Divisions, especially as regards this class of appointments in the Lower Provinces of Bengal, the North-Western Provinces, and the Punjab.

78. Amendments recommended in Section 3 of the Statute 24 and 25 Vic., Cap. 54.—Although the Commission is not in favour of the Statutory system, and has recommended* that Section 6 of the Statute 33 Vic., Cap. 3, should be repealed, it nevertheless considers that a power of appointment, similar to that conferred by the Statute of 1870, might with advantage be retained for certain limited purposes only. In the first place, the Commission recognizes the expediency of occasionally advancing deserving members of the Provincial Service to employment in posts of higher emolument and greater responsibility than will ordinarily be attainable by them even under the improved prospects opened up by the proposals which the Commission has made; and although it cannot admit that members of the Provincial Service have any claim, as of right, to admission to Scheduled appointments reserved for the Imperial Service and recruited under conditions wholly different from those of their own service, it considers that in the public interests power should be retained to deal specially with cases of very exceptional merit. There may be cases also in which it may be advisable in the interests of the administration to employ persons who do not belong to the Provincial Service. For these contingencies it is desirable to provide. But the power should, for obvious reasons, be exercised very sparingly, and subject to the well defined

* See para. 72 *supra*.

limitations and conditions provided in the Statute of 1861. Accordingly, the Commission recommends that Section 3 of the Statute 24 and 25 Vic., Cap. 54, should be so amended as to provide for special appointments being made to offices specified in the Schedule on account of exceptional merit and ability proved in the public service, and to judicial offices specified in the Schedule on account of exceptional merit and ability proved in active practice as a barrister, advocate, or pleader of a High Court, as well as "under the special circumstances of the case."

79. Amendments recommended in Section 4 of the Statute 24 and 25 Vic., Cap. 54.—Section 4 of the Statute of 1861 lays down that every appointment made by the authorities in India of a person, not being a member of the Covenanted Civil Service, to any of the offices specified in the Schedule, "shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same;" and that "unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of members present at a meeting, and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled." The Commission is not aware of the reasons for which a period of twelve months was fixed as that within which the approval of the Secretary of State in Council should be notified, but on general grounds it would appear that the period is unnecessarily long. When it is remembered that such appointments can only be made under special circumstances, that they will presumably be only of rare occurrence, and that, when made, they may be to important executive or judicial posts, it seems highly desirable that doubt as to their confirmation should continue for the shortest possible period. The Commission is further of opinion that the system at present laid down by the Statute, which requires the cancelment of such appointments unless the approval of the Secretary of State in Council is notified within a specified period, should be modified, approval being presumed unless the pleasure of the Secretary of State is expressed within the period stated. Lastly, it seems expedient that the Statute should contain an express provision validating official acts performed by the officer concerned during the period which elapses between appointment and receipt of the final orders of the Secretary of State in Council, if those orders should disallow the appointment. Under this head the Commission would accordingly recommend that Section 4 of the Statute should be amended and supplemented as follows:—

- (a) the period within which the pleasure of the Secretary of State in Council should be expressed should be six months;
- (b) in the event of the pleasure of the Secretary of State in Council not being expressed within six months, it should be declared that approval is to be presumed; and
- (c) in the event of the appointment being disapproved, the law should declare that no official acts performed by the officer, until he receives notice of such disapproval, shall on that ground be held invalid.

80. Saving of rights of Covenanted Civil Servants and other Officers appointed before the year 1870.—In the documentary evidence relating to the Punjab will be found* a Note put in on behalf of junior officers of the Covenanted Civil Service employed in that Province, with the object of showing that certain cases in which Natives have been appointed direct to superior offices have produced a considerable degree of uncertainty and uneasiness in the minds of Covenanted Civil Servants as to their promotion and prospects. It is urged that these appointments have had the effect of retarding promotion, already slow in the Punjab Commission; that the Statute 33 Vic., Cap. 3, "as it stood without the rules, was a dead letter, so far as appointments to be made under it were concerned;" and that "to supersede men who have been in the service for periods ranging from seven years to sixteen years under powers allowed to be entirely dormant for nine years, and not brought into actual operation even after that period, is distinctly inequitable and opposed to public policy and morality." On this point the Commission would observe that, although certain appointments of Natives of India to superior posts in the Punjab may have exercised a disturbing influence on the minds of Covenanted Civil Servants employed in that Province, such appointments have been extremely few in number, while the power to make them under special circumstances was reserved to the Government as long ago as 1861 (Statute 24 and 25 Vic., Cap. 54, Section 3). As

* See Volume I, Section III, Sub-Section C, page 106.

regards appointments generally under the Statutory Rules, the Commission cannot see that any valid complaint can be made on the ground that the Statute of 1870 was practically allowed to remain inoperative for some years. That Statute formed the subject of prolonged public discussion in Parliament. On the other hand, the number of appointments thrown open to public competition in England has for some time past been adjusted in reference to the fact that a fixed proportion is reserved for Natives appointed in India, and Her Majesty's Secretary of State some years ago* decided, on memorials presented by certain members of the Bengal Civil Service, that effect must be given to the intentions of Parliament as embodied in the Statute, which was as little hostile to the interests of the Covenanted Civil Service "as a due appreciation of conflicting claims could permit." The Commission does not consider that any appreciable injury has been done to the Covenanted Civil Service, either by the very limited extent to which recourse has been had to the power of appointment conferred by the Statute of 1861, or by the operation of the Rules framed under the Statute of 1870; nor has the Commission received any evidence sufficient to satisfy it that the action which has been taken in this respect has exercised a prejudicial effect either on recruitment for the Covenanted Civil Service in England, or on the efficiency of Covenanted Civilians after their appointment to the service of Government. The matter, however, assumes a somewhat different aspect now that it is proposed to exclude certain appointments from the Schedule of 1861, and to throw open to a service locally recruited certain other appointments which, though not expressly reserved by law for the Covenanted Service, have hitherto been ordinarily held by members of that service. It is, moreover, very desirable that, in giving effect to changes which may be introduced, care should be taken not to disappoint reasonable expectations regarding promotion formed by any class of public servants on the procedure ordinarily adopted by the Government. The Commission would accordingly recommend that in filling up the higher appointments, which it is now proposed to exclude from the Schedule of 1861, regard should be had to the claims of members of the Covenanted Civil Service who competed in or before the year 1870, and also to the claims of officers belonging to the Army Staff Corps or Uncovenanted Service who were appointed to the ranks of the several Commissions in India prior to that year. If this were done, and if the intentions of the Government were at the same time publicly declared, all reasonable ground of dissatisfaction ought to be removed.

CHAPTER VIII.

RECOMMENDATIONS REGARDING THE EXECUTIVE AND JUDICIAL BRANCHES OF THE UNCOVENANTED SERVICE, THE FORMATION OF A PROVINCIAL SERVICE, AND VARIOUS MISCELLANEOUS MATTERS.

81. Amalgamation of certain appointments now reserved for the Covenanted Civil Service with certain appointments in the Uncovenanted Service:—Subordinate Service.—The Commission has already recommended that, if the Covenanted Civil Service *cadre* is larger than would be required under its proposals for the reduction of the Schedule annexed to the Statute 24 and 25 Vic., Cap. 54, regard should be had to this fact in all future recruitments. Regard should further be had to the fact that there are some appointments outside the Schedule which it will probably be the policy of the Government usually, though not exclusively, to fill from the Imperial Service and others to which members of the Imperial Service will only occasionally be appointed. It is only by a careful and uniform system of recruitment with reference to these and other relevant facts, as it appears to the Commission, that a due proportion of high appointments can come in time to be filled by Native agency, without sudden dislocation of the existing administration or injury to

* Despatch to the Government of India, No. 68 (Public), dated 27th May 1875.

the just expectations of officers now in the Covenanted Service. But this object must be kept steadily and perseveringly in view. As one means of tending to secure it, the proportion of judicial and revenue appointments excluded from the Schedule should be gradually amalgamated with the higher appointments in the Executive and Judicial Departments of the present Uncovenanted Service and recruited locally as part of that service, which the Commission has already recommended should be called the "Provincial Civil Service."

The lower point at which the line of division should be drawn between the Provincial and Subordinate Services is one of some importance, and with reference to it two considerations have to be borne in mind. The first is that the qualifications required for admission to the Provincial Service must be such as to give fair promise that the candidates admitted to it will in time be fit to discharge the duties of the high appointments formerly belonging to the Covenanted Service but now to be amalgamated with the Provincial Service, to which members of the Provincial Service will ordinarily in due course be promoted. The second is that the rate of pay of the appointments at the commencement of service, and the character of the duties and conditions of service generally, should be such as to attract men possessing qualifications of the kind above referred to. In the Executive Service of the several Provinces, a more or less distinct line of division can be found between, on the one hand, the appointments of Deputy Collectors or Extra Assistant Commissioners, and on the other hand, the appointments of Tahsildárs, Mámlatdárs or Mukhtýárkárs. A cardinal difference exists between the ordinary duties which appertain to officers belonging to these two classes. Moreover, the evidence before the Commission shows that it is undesirable to recruit directly for the appointment of Tahsildár; and any lower point fixed for the recruitment of the Provincial Service would be too low for the general standard which it is desired to introduce for that service. For these reasons the Commission would indicate the line between those classes of appointments as that which it would be disposed to recommend as the line of separation between the Provincial and Subordinate Executive Services.

But in the Judicial Service there is greater difficulty, as the duties of the several classes of appointments are to a great extent identical in character. In order to settle a line of division, the practical alternatives appear to be either—

- (1) to include only certain classes of appointments in the Provincial Service, or
- (2) to draw the line at a certain grade of appointment, or
- (3) to determine the lines of division according as appointments carry a certain minimum rate of pay.

It appears to the Commission that the Local Government of each Province is in the best position to determine where the line should be drawn for the Province concerned. At the same time it is desirable that the line of division should be drawn on generally similar principles in all Provinces. Under these circumstances, the proper course to adopt appears to the Commission to be to allow the line between the Provincial and Subordinate Services to be determined, separately, by each Local Government for each Province, subject to the sanction of the Government of India, who would doubtless provide for general uniformity of treatment and would guard against different arrangements being adopted in the several Provinces to a greater extent than local circumstances require.

82. Mode of recruitment.—The question of recruitment for the Provincial Service is one of the most important which the Commission has had to consider. The members of this service, especially in the lower grades, will be necessarily brought into touch with the people in all the ordinary affairs of their daily life. It is, as in all services, only the man of exceptional merit who will ordinarily work his way up to highest office, and it is imperatively necessary to take special care to secure proper qualifications in what may be called the rank and file of the service. On the one hand, the Commission thinks it necessary to provide a career above the Subordinate Service, to which the best men of that service can hope to rise. On the other hand, it is impossible to expect that men of the Subordinate Service will ordinarily possess the qualifications necessary for employment in the Provincial Service. The Commission accordingly recommends that the Provincial Service be filled up partly by promotion from the Subordinate Service, and partly by recruitment.

Promotion from the Subordinate Service would of course be made on the principle of selection as a reward for conspicuous merit, and would ordinarily take place from the highest grade of the Subordinate Service to the lowest grade of the Provincial

Service. In view of the probability of such promotion, the Commission would recommend that the rules for the recruitment of the Subordinate Service in each Province should be carefully revised in such a way as to adapt them to the altered circumstances which will be introduced if the general recommendations of the Commission are accepted.

It may not be out of place to refer here to the opinion expressed by some witnesses that sufficient care is not always exercised in the selection of persons for the post of Tahsildár. On this point the present Commission unreservedly endorses the view expressed* by the Indian Famine Commission, that inasmuch as "upon the integrity, zeal, and ability of the Tahsildár, very greatly depend the satisfactory administration of the tahsil, the proper carrying out of the details of Government, the protection of the people from hardship and oppression, the detection of abuses, and the general well-being of the community," it is impossible that such an officer can be "too carefully selected." It has been asserted that the standard of official morality amongst Tahsildárs is not in all cases as high as could be desired, and the reasons assigned for this alleged defect are, (1) the fact that appointments to the post of Tahsildár are not unfrequently made by the promotion of persons who have worked their way up from the lowest ministerial grades of the establishment, and (2) that the system of recruitment for Tahsildárs is not everywhere such as to ensure that candidates possess sufficiently high educational qualifications. As the question was not directly in issue, the Commission considers it sufficient to draw the attention of the Government to the subject, and to suggest that the greatest care should be exercised in the selection of this class of officers. The weight of the evidence tendered before the Commission is, moreover, clearly to the effect that persons of the "amlaah" or lower ministerial class do not, as a rule, possess the qualities required on the part of officers holding such a responsible position as that of Tahsildár, especially when it is remembered that the intricacies and difficulties of the administration have an inevitable tendency to increase, and that they demand increasingly high qualifications on the part of those whose duty it is to cope with them. The Commission also considers that Tahsildárs should not be appointed without careful preliminary training in a post which will fit them for the duties of the higher office.

For the purposes of recruitment of the Provincial Service the Commission believes that, in view of the varying circumstances and requirements of the several Provinces, no uniform system applicable to all Provinces can at present be recommended. But the evidence before the Commission shows that in parts of the country, where the general educational conditions are more advanced than elsewhere, especially in the Presidencies of Madras and Bombay and the Lower Provinces of Bengal, a system of open competition would give satisfaction to some important classes of the community, and would meet objections that are justly felt to a system of nomination. Assuming that candidates for office have given evidence that they possess certain general qualifications without which no person should be appointed to the Provincial Service at all, it is believed that amongst untried men no better guarantee will ordinarily be found for the proper performance of their duty than is supplied by the possession of educational attainments duly tested. The Commission accordingly recommends that a system of open competition should be adopted wherever the Government of India thinks it not inexpedient. Where open competition is considered unsuitable, the Commission is of opinion that a system of competition among candidates previously selected is preferable to a system of nomination, provided that the number of candidates selected for each vacancy is sufficient to make the competition a real one. In regard, however, to first appointments to the Judicial branch from the ranks of barristers, advocates, or pleaders competition would, in the opinion of the Commission, be out of place. But no barrister, advocate, or pleader should be so appointed who has not been in the active practice of his profession for at least three years, and is not qualified by such a knowledge of the vernacular language as is required on the part of other persons before first appointment to the Provincial Service. Whatever system of recruitment be adopted, whether nomination, limited competition or open competition, the rules should be so framed as on the one hand to secure for the service the best Natives obtainable in the Province, and on the other hand to admit of all claims to admission to the service being fully considered. As the conditions of admission to the Imperial Service aim at high English qualification, so the conditions of admission to the Provincial Service should be framed with a view to secure the best qualifications obtainable in India. On this subject the Commission

* Report of the Indian Famine Commission, Part II., Chapter II., Section I., para 179

would recommend that no person should be considered eligible for recruitment in the Provincial Service unless he furnishes satisfactory evidence—

- (1) that he is not over 25 years of age (except in the case of barristers, advocates, or pleaders appointed to the Judicial branch otherwise than by competitive examination);
- (2) that he has attained a prescribed preliminary standard of education and especially of qualification in one of the vernacular languages of the Province in which he is to be employed. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility; and the evidence required should ordinarily be either a certificate of having passed in the vernacular language and literature by the highest standard of the vernacular school examination, or passing that standard before a Board of Examiners appointed for the purpose of the examination;
- (3) that he is of sound health, good physique, and active habits; and
- (4) that he is of good character.

All persons appointed to the Provincial Service by recruitment should, in the opinion of the Commission, be subject to a period of probation or training during which time their appointment should be probationary or provisional only, unless in special cases Government considers such probation or training unnecessary.

The Commission further recommends that, as in the Imperial Service, so in the Provincial Service, the Government should retain power in very special cases and under prescribed conditions to make direct appointments to offices in the higher grades. For example, it may be desired, under special circumstances and on account of exceptional merit and ability proved in active professional practice, to appoint barristers, advocates, or pleaders, not being in the service of Government, to the higher grades of the Judicial branch. The Commission would reserve this power to the Government of India, believing that its exercise under exceptional circumstances would be conducive to the public interests; but it considers that, in order to provide a sufficient guarantee of fitness, the exercise of the power should be confined to barristers, advocates, or pleaders of the High and Chief Courts, who are suitable in other respects and have shown distinguished ability in the exercise of their profession for a period of not less than ten years. In the case of any such occasional appointment it is, however, essential that the qualifications described above in regard to a thorough knowledge of the vernacular should be fully insisted upon.

Lastly, the Commission would recommend that recruitment of the Provincial Service should be in all cases made under rules to be sanctioned by the Government of India, such rules being published for general information and republished annually in the Local Government Gazettes. This recommendation is based on the obvious desirability of securing as much uniformity of system as possible, and also of giving periodical and public intimation of the rules in force, not only for the benefit of intending candidates and others, but also in order to elicit any objections which may be entertained thereto.

83. Appointment as Judges of the High Courts of members of the Judicial branch of the Provincial Service, or of Advocates or Pleaders of the High Courts.—Section 2 of the Statute 24 and 25 Vic., Cap. 104 (an Act for establishing High Courts of Judicature in India), lays down that Judges of the High Courts at Fort William in Bengal and at the Presidencies of Madras and Bombay, respectively, shall be selected from—

- (1) Barristers of not less than five years' standing, or
- (2) Members of the Covenanted Civil Service of not less than ten years' standing, and who shall also have served as Zila Judges, or shall have exercised the like powers as those of a Zila Judge, for at least three years of that period; or
- (3) Persons who have held judicial office not inferior to that of Principal Sadar Amin or Judge of a Small Cause Court for a period of not less than five years; or
- (4) Persons who have been pleaders of a Sadar Court or High Court for a period of not less than ten years, if such pleaders of a Sadar Court shall have been admitted as pleaders of a High Court.

The same Section further provides that "not less than one-third of the Judges of such High Courts respectively, including the Chief Justice, shall be barristers, and not less than one-third shall be members of the Covenanted Civil Service."

While, therefore, the law lays down that a minimum proportion (one-third) of the Judges of the High Courts at Calcutta, Madras and Bombay shall be barristers and members of the Covenanted Civil Service respectively, no proportion is specified in regard to the other classes of persons eligible for appointment, that is, judicial officers not being Covenanted Civilians and pleaders of a High Court. It is possible that no minimum proportion of appointments was allotted to persons of the latter classes, because when the Statute was passed into law the measure was regarded as an experimental one, and it was felt that no guarantee existed that persons of the classes specified would be available in sufficient numbers and with sufficient qualifications to justify their appointment. But the Commission believes that the experiment has proved a success and the evidence before it supports the view that the time has come when an advance may be made in the direction of appointing to High Court Judgeships a larger* proportion of persons who have held judicial offices or who are advocates or pleaders of the High Courts at Calcutta, Madras or Bombay. The Commission would leave to the Government to decide the extent to which advance should be made, and therefore merely recommends that in the High Courts of Calcutta, Madras and Bombay the number of Judges selected from the Judicial branch of the Provincial Service or from advocates or pleaders of the High Courts should be increased. The Commission has extended its recommendation to advocates of the High Courts, because it believes that the position and qualifications of persons of that class are not inferior to those of pleaders of the High Courts. In the case of the Madras High Court, the recommendation is made in the event of the strength of that Court being increased to six Judges. In regard to the Allahabad High Court the Commission abstains from making any recommendation because the Court consists of only five Judges, and if a sixth Judge were added, the question would still be complicated by considerations peculiar to Oudh. The present proposal can apparently be carried out without an amendment of the Statute, although, if such amendment be hereafter undertaken for other purposes, the Commission would recommend that advocates of High Courts, who are, it is believed, practically admitted to the privileges of barristers, should be expressly declared to be eligible equally with pleaders for the appointment of Judges of the High Courts. In the meantime the legal difficulty might be obviated if a rule or order were passed by the High Courts concerned that advocates shall be pleaders. One important effect of this recommendation would be to throw open more fully than at present to members of the Provincial Service, if established, the highest judicial offices of the country, for which it may be anticipated that Natives, of whom the Provincial Service will mainly consist, will become qualified in increasing numbers, if the higher judicial offices are rendered more accessible to them in the manner proposed by the Commission.

84. Field of Recruitment. — The designation Provincial Civil Service indicates the opinion of the Commission that recruitment should be made separately by the Local Governments of the several Provinces to meet their own special requirements. In this connection two questions arise. The first is whether recruitment should be made from all classes of Her Majesty's natural-born subjects. The second is whether there should be any restriction or preference in favour of persons residing within the territories under the jurisdiction of the Local Government or Administration for which the recruitment is made.

In regard to the first of these questions it is to be observed that the Act of Parliament of 1870, the rules laid down by the Government of India and by Her Majesty's Secretary of State in 1879,† and the various orders of the Government of India and the Secretary of State which led to the institution of the Statutory system, were designed to reserve local recruitment to Natives of India. The broad declaration of policy embodied in the Statute of 1833 and in the Proclamation of 1858 had been found in practice insufficient to secure for Natives of India a due share in the higher administration of the country. As the Commission has proceeded throughout on the cardinal principle of equality of treatment for all classes of Her Majesty's subjects, it is necessary to take careful precautions that under the arrangements it proposes the policy of the Government will be duly secured. It is mainly with this view that it has introduced among the preliminary qualifications of eligibility for the Provincial Service

* It is believed that at present in the Calcutta High Court, out of a total strength of thirteen Judges, two Judges belong to the classes named, and that in the Madras and Bombay High Courts, out of a total strength of five and seven Judges respectively, one Judge in each case is neither a Barrister nor a Covenanted Civilian.

† See Appendix J. to this Report.

a very high standard of attainment in the vernacular languages, and has recommended that the rules for recruitment in the several Provinces should be subject to the sanction of the Government of India. With these safeguards, it appears to the Commission that the orders of 1879, which have been much misapprehended in their practical application, should be cancelled. At the same time the Commission would apply to the Provincial Service the rule, that, when it is considered necessary to recruit Europeans otherwise than under the published rules, the recruitment should be made in Europe and by Her Majesty's Secretary of State. It is believed that a rule of this nature would be in accordance with the accepted policy of the Government, the soundness of which has on more than one occasion been affirmed.

In regard to the second question, namely, whether in recruiting for the Provincial Service there should be any restriction or preference in favour of persons residing within the territories under the jurisdiction of the Local Government or Administration for which the recruitment is made, the evidence before the Commission shows a preponderance of opinions, both in number and in value, in favour of recruitment from the inhabitants of the Province, on the ground that such persons are presumably better qualified for service in a Province, with the customs, language, and general requirements of which they are familiar, than non-residents are likely to be. By others it is contended that, as the object of the Government should be to secure the most highly qualified agency available, the appointments should be conferred, irrespective of considerations as to place of birth or residence, on those persons who are considered by the appointing authorities to be best fitted to discharge the duties which they may be called upon to perform. It is further urged that in the less advanced Provinces non-residents can only be excluded at the sacrifice of efficiency, inasmuch as properly qualified local candidates are not always available. After careful consideration of the arguments which have been brought forward on the point, the conclusion of the Commission is that it is inexpedient to lay down a rule restricting the recruitment for the Provincial Service to residents of the Province concerned. At the same time, although persons may to some extent be employed, not only with acceptance to the people but with advantage to the State, in Provinces to which they do not belong, the Commission would see in their indiscriminate employment in this way, to the practical exclusion of Natives of the Province, the possibility of a grave political danger, and it may perhaps be said that this danger is certainly not less serious in the case of subordinate appointments, the holders of which are necessarily brought into intimate relations with the inhabitants, than in that of the higher administrative posts. Recognising, therefore, the fact that the great majority of the Provincial Service must necessarily be persons who belong to the Province in which they have to serve, the Commission, while recommending that the recruitment should be open to all natural-born subjects of Her Majesty, would further recommend that the Government of India should prescribe from time to time such limitations in respect of residence or otherwise as may be considered expedient. As a general rule, the Commission considers that recent residence of at least three years in the Province should be an essential condition of admission to the Provincial Service.

85. Rules regarding pay, leave, and pension.—Inasmuch as no practical advantage can result from a comparison between the conditions of service which are necessary or suitable in the case of officers recruited in England and officers recruited in India respectively, the Commission is strongly of opinion that the grades of pay in the Provincial Service and the pay of appointments to be held by its members, together with the general conditions of such service as to leave and retiring annuity, should be fixed on independent grounds and bear no relative proportion to those of the Imperial Service. In short, the simple principle which the Commission would adopt is to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications. The rate of pay would thus depend on the place of recruitment and the service to which the officer belongs, independently altogether of questions of nationality, and would cease to be complicated by distinctions such as those attached to the Statutory Service which are felt to be invidious and are not based on any clear principle. Various alternative suggestions for the adjustment of pay as between European and Native officers have been made by witnesses examined before the Commission; but these suggestions are either based on arbitrary distinctions or involve to a greater or less degree the difficulties inherent in the present two-thirds rule; and none of them, in the opinion of the Commission, is so simple, so workable, and so defensible on general grounds as the principle which the Commission recommends. The same remarks apply to the

leave and pension rules. The leave and pension rules to be adopted might with modifications be those laid down for the present Uncovenanted Service, which are believed to have been framed on the assumption that the Uncovenanted Service would be mainly recruited from Natives of India. The pay of officers of the Provincial Service appointed specially to high office for exceptional merit and ability on the rare occasions on which the Secretary of State might exercise the powers reserved to him, would receive special consideration at the time. In one case only would the Commission depart from the principle of regulating the pay, leave, and pension rules according to the place of recruitment, namely, in regard to those high appointments which are made directly by Her Majesty. For such appointments, which are very few in number and stand upon a footing of their own, the Commission considers that an exception to the general principle might well be made. The Commission accordingly recommends that for appointments made by Her Majesty, the pay and the rules governing leave and pension should be the same for all incumbents whether belonging to the Imperial or the Provincial Service or appointed from outside the service of Government. In no case, as it appears to the Commission, should retrospective effect be given to alterations made in pension rules against the will of persons, being already in the service of the Government, who may be injuriously affected thereby. When alterations are made, persons in the service should be allowed the option of adhering to the old rules or accepting the new rules as a whole with all their advantages and disadvantages.

The Commission does not consider it to be within the scope of its instructions to discuss the rates of pay which should be attached to the offices assigned to the Provincial Service, or to others which, although not expressly assigned to the Provincial Service, are intended usually to be held by members of that Service. It regards that question as one with which the Government alone is competent to deal. But the Commission may be permitted to observe generally that where the present Uncovenanted Service is graded, there would probably be no necessity for more than an addition in some cases to the higher grades, and in other cases the creation of grades above the present scale so as to absorb the higher appointments taken over from the Imperial Service. With regard to appointments not so graded which it may be intended usually to fill from the Provincial Service, the Commission would recommend that the pay should be fixed with reference to what is required for the Provincial Service and not by a consideration of the pay which would be required for members of the Imperial Service when appointed. In this way the Commission is of opinion that the financial saving, to which reference is made in the concluding sentence of paragraph 6 of its instructions, will best be secured.

86. Saving of rights of existing incumbents.—Finally, the Commission desire to explain that its recommendations for the creation of a Provincial Service are subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals. The Commission would on no account recommend the adoption of measures which would directly interfere with the reasonable expectations of deserving officers already in the service of the Government. Accordingly, the recommendations of the Commission regarding the recruitment of the Provincial Service must be understood as conditional on the introduction of changes in such a way as will prevent any result of this nature. Having thus described the general scheme which it advocates, the Commission proceeds to consider certain subsidiary matters which have arisen in the course of the present inquiry.

87. Treatment of officers already appointed under the Statute of 1870 in connexion with the proposed Provincial Service.—In view of the express provisions of the Statute of 1870, which permits the appointment of Natives of proved merit and ability to specific posts only, and the consequent ruling of Her Majesty's Secretary of State that persons appointed under the Statutory Rules are not members of the Covenanted Civil Service, it becomes necessary to consider what position the Statutory Civilians already appointed should hold with reference to the Imperial and the Provincial Services. On this point the Commission is of opinion that the most expedient and equitable course will be to absorb such officers in the Provincial Service. By becoming members of an organised service with consequent claims to the usual promotion in ordinary course, they would obtain a distinct advantage over and above that which they now enjoy by virtue of holding particular offices. Accordingly, the Commission recommends that Statutory Civilians in actual service be absorbed into the Provincial Service in such positions as, having

regard to the circumstances of each case, the Government of India may consider to be equitable. If this recommendation is accepted, effect would doubtless be given to it in such a way as not to disappoint any reasonable expectations on the part of the officers concerned.

88. Dismissal of Officers of the Provincial Service.—The Act of the Government of India, No. XXXVII of 1850 (for regulating enquiries into the behaviour of public servants), provides (Section 2) that “whenever the Government shall be of opinion that there are good grounds for making a formal and public enquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removable from his office without the sanction of the same Government it shall cause the substance of the imputations to be drawn into distinct articles of charge, and shall order a formal and public enquiry to be made into the truth thereof.” Section 24* of the same Act prescribes that “nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sadar Amins, or of Deputy Magistrates or Deputy Collectors, but a Commission may be issued for the trial of any charge against any of the said officers, under this Act, in any case in which the Government shall think it expedient.” And Section 25 lays it down that “nothing in this Act shall be construed to affect the authority of Government for suspending or removing any public servant for any cause without an inquiry under this Act.” Under the provisions of the existing law, therefore, it is left to the Government to decide as to the expediency of making a formal enquiry in each particular case. If an enquiry under the Act of 1850 were specially asked for by an officer in the higher grades of the Government Service, it is unlikely that without special reasons it would be refused. In regard to officers of the lower grades, the Commission is aware of the fact that a standing order of Government exists to the effect that no officer shall be dismissed without being first afforded an opportunity of tendering an explanation of his conduct, and this order is doubtless, as a general rule, observed. In the case, however, of officers holding posts of such importance as some of those which it is proposed to assign to the Provincial Service, the Commission thinks that it would be conducive to the public interests and would tend to efficiency if it were distinctly understood that a formal and public enquiry, to be conducted in the manner prescribed by law, would not be refused if asked for. The Commission accordingly recommends that before the dismissal of any member of the Provincial Service, otherwise than on the result of a judicial investigation, he should be afforded an opportunity for enquiry under the law for the time being in force relating to enquiries into the behaviour of public servants.

89. Promotion to responsible office to depend on fitness: Enforced retirement and graduated pensions.—In the Report† of the Indian Famine Commission it was pointed out that inasmuch as the posts of chief administrative officers of districts and Judges involve very responsible duties, the principle of selection should be more completely adopted in regard to those appointments, and that “when, in the order of seniority, officers become eligible for appointments to the posts of Collector or Judge, there should be no hesitation about passing over those persons who have not given distinct evidence that they are fit for such office.” The same Commission expressed an opinion that, in the case of an officer declared ineligible for future promotion, it should be in the power of the Government to require his retirement on a suitable pension. The present Commission desires to express its general concurrence in these recommendations. The Commission has proposed a reduction in the strength of the Imperial Service, and it is more than ever necessary, therefore, that every member of the *corps d'élite* should be thoroughly efficient. No officer, who is declared unfit for promotion in due course, should be retained in its ranks. The efficiency of the Provincial Service is scarcely of less importance, and the Commission accordingly recommends, as a general rule, that officers of the Imperial and Provincial Services, if declared ineligible for promotion, should, after a certain period of service, be liable to be compulsorily retired on reduced pensions calculated with reference to their period of effective service.

90. Appointment of a Board of Examiners for each Presidency or Province.—In order to provide for the satisfactory conduct of any examinations which may be prescribed for admission to the several branches of the public service,

* Repealed as to Bengal and the North-Western Provinces.
† Part II., Chapter II., Section I., pages 103–104.

it appears to the Commission very desirable that the duty of supervising and making the necessary arrangements for such examinations should be entrusted in each Presidency or Province to some central Board constituted by authority, as is done in England. The Commission is aware that to some extent arrangements of this kind already exist in certain provinces, but these arrangements appear to be susceptible of improvement, and might with advantage be revised with the object of making the examinations a real and effective test of educational and linguistic qualifications and of inspiring additional public confidence. Accordingly, with a view to arrange generally for the conduct of examinations when prescribed by the rules for admission to the Provincial and Subordinate Services, and to secure as far as possible uniformity of standard, the Commission recommends that a Board of Examiners should be appointed in each Presidency and Province, who should perform duties similar to those entrusted to Her Majesty's Civil Service Commissioners in England, and that, whenever possible, non-official Europeans and Natives should be represented on such Boards. The Commission attaches considerable weight to the representations of the non-official elements on the Boards, and it believes that such a measure would be regarded with approval by a considerable section of the public.

The following members of the Commission, namely, the Hon. Romesh Chunder Mitter, M. R. Ry. Salem Ramaswami Mudaliyar, and Rao Bahadur Krishnaji Lukshman Nulkar, have accepted the scheme set forth in the present and preceding Chapters of this Report, inasmuch as it secures to the Natives of India a fair opportunity of gaining admission to the higher branches of the administration, and they trust that it may be accepted as a whole. They, however, desire to say that if any alteration is made on essential points, or if the policy of appointing qualified Natives of India to offices not reserved in the revised Schedule is not acted up to in due course, their view might be materially changed.

CHAPTER IX.

REMARKS AND RECOMMENDATIONS RELATING TO THE SPECIAL DEPARTMENTS.

91. Preliminary.—The more immediate subjects of enquiry in connexion with the special Departments are defined in the instructions of the Commission to be “the present regulations of the various Departments as to admission to the various grades and ranks in each; the conditions of service in each Department, and the capacity for rendering efficient service therein of the various classes who put forward claims to such employment.” These subjects have been fully enquired into by the Sub-Committee, and a complete summary of the information of which the Commission is in possession will be found in the notes of the Sub-Committee which are, for facility of reference, attached to this Report in a collective form as Appendix O. As it appeared desirable to avoid the repetition of statistics and facts which would have greatly increased the length of this Report, while it would be difficult to give a more concise statement of the opinions collected than will be found in the notes, the present Chapter is confined to a statement of the views and recommendations of the Commission in regard to the several Departments, preceded only by such a brief description of the present organisation of each Department as is necessary to explain the recommendations made. The statistics given are based on figures supplied by the Heads of the several Departments and are believed to be substantially correct, though in some cases absolute accuracy could not have been secured without delay incommensurate with any resulting advantage.

The Sub-Committee has ordinarily confined its enquiries to posts which carry salaries of Rs. 100 a month and upwards, because it is mainly in regard to such posts that competition takes place between Natives of India and other races, and because the very large majority of the appointments which carry a lower rate of pay are already held by Native agency.*

* It has been ascertained from official returns that of 114,150 posts in all Civil Departments carrying salaries of less than R. 1,000 a year, 110,460 or nearly 97 per cent, were on the 31st March 1886 held by Natives and only 3,690 by Europeans and Eurasians.

To secure that the operations of the several Departments may be conducted in conformity with the principles which govern the general administration, and to avoid friction where the interests of important Departments may come into conflict, or where international obligations may demand peculiar consideration, the Commission has deemed it necessary to recommend that, in accordance with the existing practice, the control of certain Departments should be retained in the hands of members of the Imperial Service. In these and all other cases the main object of the Commission has been to secure efficiency. In the case of the Scientific Departments, such as the Archæological, Meteorological and Geological Surveys, it is obvious that the results obtained, if inaccurate, are not only valueless but may be mischievous. The same remark applies to the work of the Trigonometrical Survey. The interests of commerce especially demand the most competent agency in the Mint and in the Postal, Telegraph and Pilot Services. In the interests of the revenue the recruitment for the Opium, Salt, Customs, Forest and Revenue Survey Departments must aim at obtaining officers in all respects capable of securing the dues of the State, of improving its resources, and of causing the least inconvenience and oppression to the public. A well-trained and competent staff is essential for the efficient and economical administration of a Department of Public Works. A Department of Account exhibits its excellence not only in maintaining complete checks on expenditure, but in entailing the least labour on the Departments whose expenditure it controls and with whose working it must, therefore, be to some extent familiar. The primary object of the Police Department is the maintenance of public order and the prevention and detection of crime. No system of recruitment which omits to take note of these considerations can be regarded as satisfactory.

The correspondence to which reference has been made in the notes of the Sub-Committee on the several Departments shows that the Government of India, while keeping in view these essential conditions, has laboured to give effect to the principles recommended by the Court of Directors and adopted in the Royal Proclamation. Where it has found in any Department a reluctance to give a fair trial to the employment of Natives in places of trust and responsibility, it has pressed on the controlling officers the adoption of a more liberal policy; where it has had reason to believe that the unfitness of Natives for such positions has arisen from the insufficiency of opportunities for scientific or technical instruction, it has endeavoured, so far as its finances permitted, to supply them or has invited existing educational institutions to lend their aid. It is in consequence of the confidence which the action of the Government of India thus inspires that, in some instances, the Commission has, instead of making definite recommendations, proposed that it should be left to the Governor-General in Council to determine the extent to which Native or other local agency may be employed in certain Departments to which such agency may at present be too sparingly admitted.

The Commission desires it to be understood that where it has made no specific recommendation respecting recruitment and conditions of service in any Department in which changes are suggested, it advises the adoption, as far as may be practicable, of the same rules as to preliminary qualification, recruitment, probation and general conditions of service as it has recommended in a former portion of this Report for the Provincial Service. It also desires to explain that its recommendations in regard to the several Departments are subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals.

ACCOUNTS DEPARTMENT.

(Appendix O. 1.)

92. Existing organisation.—The Department is at present constituted as follows:—

Excluding the Financial Secretary and Under-Secretary to the Government of India, the total number of officers holding superior appointments is forty-seven. At the head of these is the Comptroller General. Then come five Accountants General divided into three classes. Below the Accountants General are the Enrolled officers, thirty-eight in number (of whom five are said to be supernumeraries), divided into six classes, and four probationers.

The Comptroller General and all the Accountants General are non-domiciled Europeans, and all belong to the Covenanted Civil Service, except one Accountant

General who was appointed to the office by the special procedure prescribed in Section 3 of the Statute 24 and 25 Vic., Cap. 54. In the different classes of Enrolled officers there are twenty-three Europeans not domiciled in India (of whom four are Covenanted Civilians), eight domiciled Europeans, three Eurasians, two Hindus, one Burman, and one Parsi. Of the probationers two are non-domiciled Europeans and two are Hindus. One consequence of the reduction in 1880 of the scale of Enrolled officers to thirty was that the numbers in excess of the scale already on the list were treated as supernumeraries, and had to be absorbed as vacancies occurred. This prevented recruitment for the Enrolled grades for a considerable period; otherwise, the number of Natives would, under the rules for recruitment, be larger than it is. The four Natives on the list were appointed direct to the Department, being carefully chosen either for academical distinction or other special qualifications.

For admission to the grade of Enrolled officers Covenanted Civil Servants are selected by the Government of India. All other persons are nominated and must pass a competitive examination, the minimum number of nominees for each vacancy being three. At every third examination the nominees are to be Natives of India of unmixed descent. Successful candidates are appointed as probationers, and, after passing the prescribed departmental examinations, are promoted to the Enrolled list as vacancies occur, and rise in that list by seniority and merit.

Below the Enrolled list come the superior officers of the Subordinate Accounts Service, styled Chief Superintendents, divided into five grades. There are twelve of these officers at present on the establishment, of whom three are Europeans not domiciled in India, one is a domiciled European, five are Eurasians, and three are Hindus. The Chief Superintendents are for the most part officers selected from the subordinate staff for exceptional qualifications. Their duties and pay are much the same as those of the lower grades in the Enrolled list. The Government does not confine its selection of Chief Superintendents to the Subordinate Accounts Department; but, as a fact, only one has been appointed during the last six years who did not serve for some time in that branch.

The Subordinate Accounts Service consists of all employes below Chief Superintendents, receiving salaries of Rs. 30 a month and upwards. It was established because under the old system, which allowed men to rise from the lowest paid clerical appointments, it was found that there was a danger of responsible offices being filled in course of seniority by men who had outlived their energy. The establishment of the separate service secures a higher stamp of men than could otherwise be obtained for the lower appointments. They are not all on one graded list, but belong each to one office list and are on that list for promotion. Each Accountant General selects persons for his own office, subject to the assent of the Comptroller General to each nomination. The appointments are made locally and the men appointed are not ordinarily liable to transfer.

The Covenanted Civilians in the Department are subject to the rules applicable to the Covenanted Service in respect of leave and pension. All other officers are subject to the rules for the Uncovenanted Service, except the officers classified in the Enrolled list and appointed by or with the sanction of the Secretary of State, and a few others exceptionally treated, as in other Departments, who enjoy the more favourable leave rules contained in Chapter V. of the Civil Leave Code.

93. Views and recommendations of the Commission.—The Head of the Finance Department under the Government of India is the Comptroller and Auditor General, and the Commission is of opinion that this office should be filled ordinarily from the Imperial Service. It is not contained in the Schedule to the Statute 24 and 25 Vic., Cap. 54, which enumerates the offices reserved by law for the Covenanted Civil Service, because the office did not exist when that Statute was framed, but the highest offices of the Finance Department as then constituted were so included, and there can be no doubt that the Comptroller Generalship would not have been omitted had it been in existence at that time. The power conferred by the Statute of making exceptional appointments, notwithstanding the reservation, will sufficiently provide for special cases in which it may be thought desirable to select for the appointment a person not belonging to the Imperial Service. The Commission accordingly recommends that the office of Comptroller and Auditor General should be included in the Schedule attached to the Statute 24 and 25 Vic., Cap. 54.

The functions discharged in 1861 by Civil Auditors and Sub-Treasurers are now performed by other agencies, and these two offices should accordingly be removed from the Schedule. The Commission would also remove from the Schedule the office

of Accountant-General. Some doubt has been felt whether this latter office, as now constituted, was contemplated by the Statute. The Government of India and the Secretary of State have of late years acted on the view that it does fall within the meaning of the Statute, but the Commission believes that this reservation is not now required. It is fully alive to the increased importance of the functions of the office due to the general expansion of the administrative business of the Government of India, and to the introduction of the scheme of provincial finance, whereby the Accountants-General, in addition to their duties connected with the Government of India, became the financial advisers of the Local Governments, who under that scheme maintain separate accounts and have a separate financial administration. It considers that ordinarily these appointments will be most efficiently filled by members of the Imperial Service, but it would encourage and stimulate officers of the Enrolled list by holding out to them the prospect of attaining the position of Accountant-General by exceptional merit.

The present mode of recruitment for the Enrolled list is very generally condemned as not securing adequate guarantees for the education and industry of candidates. A competitive examination among three nominees selected on no principle has none of the advantages of competition among a large or unlimited number of candidates, and may result, as it apparently has resulted, in the admission to the Department of some indifferent officers. The evidence before the Commission leads it to doubt whether it is necessary to maintain the Enrolled list at its present strength and on its present footing, which is practically that of a close service recruited mainly from persons imported from England. The Commission believes that indigenous agency might be much more largely introduced into it, and in this belief recommends that the sources of recruitment should be extended. Appointment of outsiders should, it appears to the Commission, be by open competitive examination, but appointments should also be made as at present to a limited extent from the Covenanted Civil Service, with a view of affording to selected officers of that service a technical training in Accounts sufficient to qualify them for the higher financial offices. Promotions should be made of Chief Superintendents who have proved that they possess capacity for the superior branch; and the exceptional appointment of officers who have shown marked ability in the charge of Treasuries or in other Departments of the provincial service would, in the opinion of the Commission, be advisable in the interests of efficiency.

In the successive changes made in this Department the Government of India has expressly reserved to itself a discretion of appointing to the Enrolled list any person whom it may deem it conducive to the interests of the public service so to appoint, and the Commission considers that the maintenance of this reservation is highly expedient.

ARCHÆOLOGICAL SURVEY DEPARTMENT.

(*Appendix O. 2.*)

94. Existing organisation.—The Department, as at present constituted, consists of the Director-General, five Surveyors, two Assistant Surveyors, an Epigraphist, and a Head Draughtsman. The Surveyor in the Bengal Circle is a Eurasian; the Head Draughtsman is a Hindu; all the other officers in the Department are Europeans, the Madras Epigraphist, Dr. Hultsch, and the Assistant Surveyor in the North-Western Provinces, Dr. Führer, being German scholars who were appointed for their reputation in Oriental studies. There are also employed in the Department twenty Draftsmen, principally students from the Schools of Art, of whom fifteen are Hindus, four are Mahomedans, and one is a Eurasian.

95. Views and recommendations of the Commission.—Useful work in recovering the past history of India from its monuments and inscriptions can only be achieved by thoroughly competent inquirers. The pecuniary rewards to which they can look forward are so small that those only will devote themselves to the necessary studies who are influenced by an absorbing interest in historical inquiries or by the desire of literary fame. The combination of the qualities required is rarely found, and the Government of India has accordingly limited the scope of the Department to "the survey and conservation of the ancient monuments of India and the acquisition and translation of ancient inscriptions," so that accurate materials may be furnished for the use of independent inquirers. Moreover, it appears from the correspondence furnished to the Commission that the discontinuance of archæological

operations by a Department as at present constituted will come under consideration within a comparatively short period.

The only recommendation, therefore, which the Commission can offer in respect of this Department is that facilities should be given to a limited number of graduates of the Universities, sufficiently prepared by previous study, to take advantage of the stipulation made by the Secretary of State in the engagement of Dr. Hultsch that he should train Native students in Epigraphy. Dr. Burgess states that Dr. Führer would also probably be willing to undertake the training of a class. These students when trained would be able to deal with inscriptions which would supplement the typical examples already carefully edited, and if no opportunity were available for their employment in archaeological inquiries, the instruction they had received would render their services more valuable as specialists in the Department of Education.

The Commission desires to call attention to the complaints that the results obtained by the Department are exhibited in too expensive a form, and to the suggestion that as soon as accurate copies of inscriptions are obtained they should be published without delay. If the Department is abolished, it will probably still be necessary to make some provision to secure for Local Governments competent advice as to the conservation of ancient monuments; but this duty could be discharged by a single officer selected with due regard to his qualifications for such employment.

CUSTOMS DEPARTMENT.

(Appendix O. 3.)

96. Existing organisation.—

MADRAS.

The Chief Customs authority in Madras is the Board of Revenue. The Collector of Sea Customs, who also holds the appointments of Collector of Land Revenue of the town of Madras, Collector and Commissioner of Income Tax, Superintendent of Stamps and Stationery, Protector of Emigrants and Chairman of the Port Trust, is a Covenanted Civilian and a non-domiciled European. The Deputy Collector of Sea Customs, whose duty it is to appraise goods, gauge liquors and collect customs duties, is also a non-domiciled European. The Superintendent of Imports and Exports and the Manager are Eurasians. The Accountant is a Hindu.

There is only one Preventive officer attached to the Madras Sea Customs office and entertained by the Government. He is a Brahman. Twenty Preventive officers are entertained by the Port Trust, of whom two or three are Europeans, one is a Parsi, and another is a Eurasian. No salary amounting to Rs. 100 a month is paid to any of these officers.

There are several Superintendents of Sea Customs at the ports of the Presidency, but in most cases the office is amalgamated with that of Port Officer or Master Attendant. In some cases, the appointments are held by Natives; but few carry a higher salary charged to Customs than Rs. 100 a month. The Superintendent at Calicut is a Eurasian; those at Cocanada and Pámban are Hindus, and the others are Europeans.

The officers of the Department, other than the Collector, enjoy the privileges of furlough and pension accorded to the Uncovenanted Service by the Civil Leave and Pension Codes.

BOMBAY.

The Chief Customs authority in the Presidency of Bombay is the Commissioner of Customs, Salt and Opium, whose office is reserved for members of the Covenanted Civil Service by the Statute 24 and 25 Vic., Cap. 54. The Commissioner is also Reporter-General of External Commerce. The Opium Salt and Abkári Departments in Bombay are combined with the Customs Department. The gazetted Executive staff consists of six officers, of whom two, the Collector and 1st Assistant Collector, are Covenanted Civilians. These officers, in addition to their duties connected with Sea Customs, administer the Land Revenue and Abkári of the Town and Island of Bombay and superintend the Stamps and Stationery Departments of the Presidency. All the Covenanted officers in the Department are Europeans. The other four gazetted officers

are the 2nd, 3rd and 4th Assistant Collectors and the Superintendent of the Preventive Service. Of these officers, the 3rd Assistant Collector is a Parsi, the others are domiciled Europeans.

The Gauging staff consists of six officers, of whom four are Eurasians, one is a non-domiciled European, and one is a Parsi. To secure efficiency and regularity of promotion, Gaugers are graded with the Abkari Inspectors employed outside the limits of the Presidency Town, most of whom are Europeans or Eurasians originally enlisted for the Preventive Service.

There are seven Examiners or Appraisers, of whom three are Parsis, two are Hindus, one is a Native Christian, and one is a domiciled European. Appointments in this branch are usually made from the clerical staff, but, in rare instances, persons with special qualifications are engaged if the vacancy cannot be adequately filled by promotion.

The Superintendent of the Preventive Service is ordinarily selected from the ranks of that service. Exclusive of the Superintendent, the Preventive staff consists of thirty-nine officers. Of five Inspectors, three are domiciled Europeans and two are Eurasians. Of five Preventive officers in the 1st grade, one is a domiciled European and four are Eurasians; of six in the 2nd grade, three are domiciled Europeans and three are Eurasians; of ten in the 3rd grade, five are domiciled Europeans, four are Eurasians, and one is a Native; of thirteen in the 4th grade, ten are domiciled Europeans and three are Eurasians.

SIND.

The Commissioner in Sind is *ex-officio* the chief Customs authority. The chief Executive officer is the Collector of Customs, who is also Assistant Commissioner of Salt Revenue. This officer is a non-domiciled European. Subordinate to the Collector is an Assistant Collector, a Eurasian. The head Preventive officer, the officer in charge of Customs at Kali Bunder, and the Statistical Compiler are, it is believed, Eurasians, as is also the Head Clerk. No other officer in this Department receives a salary of Rs. 100 a month.

BENGAL.

The Customs Service in Bengal is administered under the supervision of the Board of Revenue. The Chief Executive appointment, that of Collector, is conferred on members of the Covenanted Civil Service. The other gazetted officers are the Assistant Collector and Superintendent of the Preventive branch. The office of Assistant Collector was up to 1854 held by a Covenanted Civilian. It that year it was conferred on a member of the Tagore family who held it for about four years. In 1880 the office of Head Appraiser was amalgamated with it; the present incumbent, a non-domiciled European, discharges also the duties of Treasurer.

The staff of the Customs House proper is for purposes of convenience distributed among several branches, the Appraisers, the Import, the Export, the Cash, the Account, the Statistical and the Wharf branches. The officers in these branches subordinate to the Collector were recently distributed into eight grades. In each of the first three grades, there is one non-domiciled European officer; the other twenty-six officers are Statutory Natives, five being domiciled Europeans, thirteen Eurasians and eight Hindus. Of the Hindus, one is in the 5th grade and seven are in the 8th grade.

That the heads of the branches are usually Europeans or Eurasians, the Departmental Member attributes to the fact that the higher appointments are almost invariably filled by selection from the Appraisers; and it appears that hitherto only persons of those classes have been deemed qualified for the duties of that branch.

The total strength of the Preventive force is one hundred and nine. The principal officer is the Superintendent. He has also charge of the Sulkea Salt godowns. The present incumbent, who is the only non-domiciled European in the force, is an officer of the Bengal Police, and it is stated that the appointment will hereafter ordinarily be conferred on a member of that service. Of eight Inspectors, three are domiciled Europeans and five are Eurasians. The Subordinate Preventive officers are distributed in nine grades; twenty-seven are domiciled Europeans and seventy-three are Eurasians. The force is recruited from supernumeraries who have proved their fitness when temporarily employed on occasions when the ordinary staff has been insufficient. The Collector states that the Natives do not apply for admission to the Department as Appraisers or Preventive officers.

97. Views and recommendations of the Commission.—The Commission is agreed that the Commissionership of Customs, Salt and Opium in the Presidency of Bombay should remain a scheduled appointment. It however considers that the time has arrived when of the three Collectorships and the Assistant-Collectorship at Bombay only the two most responsible appointments, namely, those at Calcutta and Bombay, should ordinarily be held by members of the Imperial Service. It is not unmindful that the Collector of Madras is now charged with various duties unconnected with the Customs revenue, but it seems probable that more effective supervision could be exercised if the functions were divided and assigned to two officers of the Provincial Service. In any case the Commission is of opinion that it is unnecessary to include this appointment and the appointment of Assistant Collector at Bombay in the *cadre* of the Imperial Service for purposes of recruitment. The Commission is also agreed that the present system of recruitment by selection should be retained in respect to the other superior appointments in the Customs Department; but that if these appointments are not filled by promotion from the subordinate ranks, or by transfer from the Provincial Service, the persons appointed should only hold their offices provisionally until they have satisfied substantial probationary tests. The Commission further considers that there is no ground for the exclusion of qualified candidates of any race from the Appraisers or Preventive branches. There is evidence in support of the view that Natives may be found in Bengal who are qualified for the Appraisers branch, and in Bombay similar appointments are in fact held by Natives. Although service in the Preventive branch may ordinarily be distasteful to or unsuitable for some classes, it is shown that Native Christians in Bombay have been employed in this service, while a Brahman Preventive officer at Madras is admittedly efficient and in discharging his duties has experienced no difficulty owing to his race.

EDUCATION DEPARTMENT.

(Appendix O. 4.)

98. Existing organisation.—The conditions of service in the Education Department are uniform as regards pension and leave. Covenanted Civilians or Military officers are subject in these matters to the rules of their respective services. All other officers are subject to the leave and pension rules for the Uncovenanted Service, except those belonging to the graded lists who have been appointed by the Secretary of State or whose names are entered in a list, framed some years ago, of officers of all Departments who were considered deserving of exceptional treatment. In such cases the leave rules are more favourable than for other Uncovenanted Officers. The following paragraphs show in broad outline the general organization of the Department in the several Presidencies and Provinces.

MADRAS.

The Department consists of a Director of Public Instruction, seventeen graded officers, twenty-seven gazetted but non-graded officers and one hundred and four non-gazetted officers and Deputy Inspectors. The Director of Public Instruction, who is appointed by the Local Government, is not, and has not been, with one exception, an officer of the Education Department. The present incumbent is a non-domiciled European. The graded list is composed of three Principals of Colleges, six Professors, and eight Inspectors of Schools. Of these, thirteen are non-domiciled Europeans, two are domiciled Europeans, and two are Hindus. Graded officers are appointed by the Secretary of State, except in the case of Natives of India elevated to the graded list by the Local Government. Officers are always appointed to the lowest grade on the minimum pay, and Natives of India draw two-thirds of the pay of the appointment.

The non-graded gazetted appointments are made by the Local Government on the recommendation of the Director of Public Instruction, but when the services of a European graduate are considered necessary, the Secretary of State selects a suitable officer from among British University graduates. Of these twenty-seven offices, twelve are at present held by non-domiciled Europeans, one by a European domiciled in India, three by Eurasians, six by Hindus, and five by Native Christians.

Of forty-three non-gazetted officers, presumably teachers, four are non-domiciled Europeans, one is a domiciled European, five are Eurasians, twenty-eight are Hindus, two are Mahomedans, and three are Native Christians. The Deputy Inspectors are sixty-one in number, and are, by race or religion, one a Eurasian, fifty-two Hindus, and eight Native Christians.

BOMBAY.

The Directorship is held by a Departmental officer. There are seventeen appointments in the graded list. These comprise three Principalships of Colleges, ten Professorships, and four Inspectorships. Natives of India appointed to a graded office since 1882 receive two-thirds of the pay fixed for Europeans. The Director and thirteen graded officers are non-domiciled Europeans, one of the graded officers is a domiciled European, and three are Hindus. There are ten ungraded College appointments—Professorships and Lecturerships. Four of these are held by non-domiciled Europeans, one by a Eurasian, one by a Hindu, one by a Mahomedan, and three by Parsis. In the Bombay School of Art there are two superior appointments, the Principalship and a Teachership of Drawing. The incumbents of both these appointments are non-domiciled Europeans.

Two appointments of Head Master in High Schools for Males are filled by non-domiciled Europeans; all the others are filled by Natives of India in the Statutory sense, *viz.*, one by a Eurasian, twelve, including that which carries the maximum rate of pay, by Hindus, one by a Mahomedan, three by Parsis, and one by a Native Christian. The Local Government desires that in future non-domiciled Europeans should not be employed as Head Masters of High Schools. In High Schools for Females one Lady Superintendent is a domiciled European and two are non-domiciled Europeans.

All other appointments in the Department are held by Natives of India. The more important of these are three Principals of Training Colleges, five Deputy Inspectors, the Curator of the Book Depôt, and four Translators.

The graded list has been recruited in different ways. Of seventeen officers now on the list, seven were appointed by the Secretary of State for their special qualifications as teachers of particular subjects, three were appointed to High Schools by the Secretary of State and promoted to the graded list by the Bombay Government, four were appointed to ungraded offices by the Local Government and were afterwards promoted to the graded list, and three came to India in the service of private employers and were appointed to the graded list by the Local Government.

BENGAL.

The Department consists of two branches, the Superior and Subordinate Graded Services, with some special appointments which are not graded. In the Superior Graded Service, forty appointments belong to the Principals and Professors of Government Colleges and Inspectors of Schools. The Directorship of Public Instruction is held at present by an officer of that service. These officers, excluding the Director, are divided into four classes. Natives of India appointed to the superior grades after 1881 draw two-thirds of the salaries attached to those grades. Including the Director, there are in the superior grades thirty-one Europeans not domiciled in India and one Eurasian; the rest are Natives. In the Subordinate Graded Service there are one hundred and seventy-four appointments, of which only four are held by Europeans not domiciled in India and one by a domiciled European; while five are held by Eurasians, and the rest by Natives. There are thirty-five ungraded appointments. Of these, eight are held by non-domiciled Europeans, one by a Eurasian, and twenty-six by Natives.

European Officers are selected by the Secretary of State, and Native Officers, as a rule, by the Local Government. Promotion is made strictly according to seniority, provided the officer is efficient and is regarded as eligible for further promotion. Of the Native Officers now in the superior grades, six were appointed from the lower branch, and one direct by the Secretary of State.

NORTH-WESTERN PROVINCES AND OUDH.

The Directorship of the Department is at present held by a Covenanted Civilian. There are twelve graded officers. Six of these are employed as Inspectors of Schools,

two as Principals, and four as Professors in the Government Colleges at Allahabad and Benares. One graded officer is a European domiciled in India; the remaining eleven are Europeans not so domiciled. Appointments to the graded service are made by the Secretary of State, and officers take rank and receive promotion in order of seniority, the pay being personal and irrespective of the office held for the time being. Besides those included in the graded list, there are eighty-three appointments, gazetted and non-gazetted. Existing incumbents in these offices are, by race, one a non-domiciled European, one a domiciled European, eight Eurasians, and the rest Natives. Appointments are made to the more important of these offices by the Local Government, and to the others by the Director of Public Instruction.

PUNJAB.

The appointments in the Department are divided into graded and ungraded. The former consist of four Inspectorships of Schools and one Principalship and two Professorships at the Lahore College, the only Government College in the Province. The Principalship of the School of Art, the Principalship of the Central Training College, and twenty-eight other appointments are ungraded. At the head of the Department is a Director who is a Military officer, a Colonel in the Bengal Staff Corps, and has served in the Department since the 11th of August 1858. Five of the graded appointments are filled by Europeans not domiciled in India, one by a Hindu, and in one a Hindu is officiating, pending the appointment of an officer by the Secretary of State. The scale for the graded service is eight appointments but one is held in abeyance for special reasons. The Principals of the School of Art, one Professor, and one Assistant Professor are non-domiciled Europeans. The remaining ungraded appointments are filled by Natives of India.

Europeans in the graded service are appointed by the Secretary of State, and Natives by the Local Government. The appointments held by graded officers are interchangeable. A Principal or Professor of a College may be required to act as an Inspector of Schools, or an Inspector of Schools to take charge of a Principalship or Professorship.

CENTRAL PROVINCES.

The staff of the Education Department is divided into officers of control and inspection and Professors and Teachers. The controlling officers are the Inspector General of Education, the Circle Inspectors of Schools, and the District Inspectors. The Inspector General is an Uncovenanted Officer, a European not domiciled in India. He is a Master of Arts of the Cambridge University and a Companion of the Indian Empire. One Circle Inspector of Schools is a Lieutenant-Colonel in the Bombay Staff Corps, and two are officers of the Education Department, non-domiciled Europeans, appointed by the Secretary of State, or with his approval. The District Inspectors, eighteen in number, are all Natives of India. There are two other non-domiciled Europeans employed in the Department—one as Principal of the Jubbulpore College and one as Superintendent of the Male Normal School at that place. The Professor of Mathematics in the same College and the Lady Superintendent of the Female Normal School are, by race, Europeans domiciled in India. The Professors of Sanskrit, of Physics, and of English are Hindus. Of a total of eleven officers belonging to the higher Educational Service, six are thus non-domiciled Europeans. The Department contains no Eurasians.

The superior graded officers of inspection and control may either be members of the Covenanted Civil Service or Military officers or Uncovenanted Servants. Three of the four are Uncovenanted officers.

ASSAM.

There are only two non-domiciled Europeans in the Education Department in this Province. One, an officer of the Bengal Graded Educational Service, is Inspector of Schools and head of the Department; the other is Head Master of a Normal School. Twenty-one inferior appointments are all held by Natives of India, of whom nineteen are Hindus. There is no domiciled European, Eurasian or Mahomedan in the Department.

BERAR.

There is only one non-domiciled European in the Education Department in this Province. He is the Head Master of the High School. The Director of Public

Instruction and the Educational Inspector are both Hindus. All other appointments are held by Natives.

99. Views and recommendations of the Commission.—However necessary it may have been when English education was in its infancy, and in order to make the most of the limited funds available for educational purposes, to recruit in England for a close Educational Service the members of which would be content to enter as young men on small pay and be ready to take up any duties the Department might assign to them, the time appears to the Commission to have now come when such a system should be largely modified or entirely discontinued. The result of the system and of the modes of recruitment adopted has been to secure a body of officers who, with numerous brilliant exceptions, are not superior to the average graduates of British Universities, and are in no sense specialists in the subjects which they are required to teach. The interchangeability in the Department until very recently of Inspectorships and Professorships did not tend to promote a desire on the part of Professors to keep up their studies of particular branches of learning, and the inclusion in the same list for promotion of both these classes of offices has given rise not unnaturally to feelings of discontent which are unfavourable to efficiency. The Commission is strongly of opinion that Western education has now reached a stage in the older Provinces where it has outgrown this system, and that in the more educationally backward Provinces the graded appointments are so few that a close Educational Service in its present form is not called for.

It has been forcibly borne upon it by the evidence from all sources that there should be in each Presidency and in the larger Provinces at least one college with a staff of Professors capable of teaching up to the highest European standards, under a European Principal; and that the same object should as far as practicable be kept in view in smaller colleges. In the latter the Commission believes that it is not yet possible to dispense altogether with English agency, but the necessity for such agency is decreasing and will decrease in proportion as high education advances and qualified Professors become locally available to a larger extent than at present.

The inspection of schools and colleges should, in the opinion of the Commission, be carried on by an agency entirely separate from the teaching staff and recruited from a different source. According to many competent witnesses successful schoolmasters offer a good field of selection for this office, and it is generally agreed that the recruitment of Inspectors from Europe should be considerably reduced, inasmuch as local agency may be substituted for them without loss of efficiency. The report of the Education Commission written four years ago fortifies the opinions now expressed on these points.

The Commission also wishes to draw the attention of the Government of India to a complaint made at Madras, that a prejudicial effect is produced on the teaching at the Medical College of that Presidency by frequent changes in the Professorial staff, although the evidence before it does not warrant its making any specific recommendation on this subject.

In accordance with the views above expressed the following recommendations are submitted for carrying out the system which commends itself to the Commission as best suited to meet the existing and future requirements of the Education Department:—

- (1) That recruitment should be made in England only for—
 - (a) Principalships of Colleges;
 - (b) Professorships in those branches of knowledge in which the European standard of advancement has not been attained in India; and
 - (c) A smaller number of Inspectorships than at present.
 - (2) That recruitment of Professors should be ordinarily of specialists, and, when practicable, for a term of years, with power of re-appointment.
 - (3) That the remuneration of officers recruited in England should be fixed with reference to the attainments required and the duties to be performed in each case.
 - (4) That the present graded lists of the superior branch of the Department should be abolished, due regard being had to the interests of existing incumbents.
 - (5) That all other educational appointments should be filled up locally by the present mode or modes of recruitment, on the principles recommended in this Report as to conditions of service for the general Provincial Service.
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• FOREST DEPARTMENT.

(Appendix O. 5.)

100. Existing organisation.—The Inspector General with the Government of India is head of the Department. The staff of the Department, excluding the clerical establishment, is divided into three branches, (1) the Controlling Staff, (2) the Executive Staff, and (3) the Protective Staff.

The Controlling Staff consists of Conservators of three grades, who are Chief Forest Officers in Provinces or parts of Provinces, and of Deputy Conservators of four grades, and Assistant Conservators of three grades, who are officers in charge of Forest Divisions or Sub-Divisions. To the Controlling Staff appointments are ordinarily made by the Secretary of State. The candidates are selected by competitive examination in England, and are specially trained in Forestry before coming to India. Officers so selected must be unmarried men. The officers of the Controlling Staff and certain others specially named are granted furlough under Chapter V. of the Civil Leave Code, and their pensions are governed by Sections 67, 96, and 114 of the Civil Pension Code. In the superior staff there are two Eurasians. There is one Native Assistant Conservator and one Native Deputy Conservator, who entered the service by competition in England. All the others are Europeans, of whom only ten are domiciled in India.

The Executive Staff consists of Sub-Assistant Conservators and Forest Rangers, and the Protective Staff consists of Foresters and Forest Guards. These are all appointed in India, and are under the Uncovenanted Leave and Pension Rules. The Sub-Assistant Conservators are usually promoted from the rank of Forest Rangers, but power is reserved to make direct appointments subject to probationary training. In the ranks of the Sub-Assistants and of Rangers drawing more than Rs. 100 a month, there are five non-domiciled Europeans, fifteen domiciled Europeans, and thirteen Eurasians. All the others are Natives.

101. Views and recommendations of the Commission.—Favourable testimony has been given to the efficiency of the officers recruited for the Forest Department, and although some doubt has been expressed whether candidates will receive as thorough a practical training at the Royal College of Engineering as was given at the Schools of Forestry in France and Germany, there has hardly been sufficient time to test by experience the results of the change of system or to warrant the expression of a confident opinion on the question. The attention of the Commission has been directed to the circumstance that the number of competitors for each appointment has greatly diminished. This has been attributed by some witnesses to the expense of the training course, but by more to the disadvantageous conditions of service in this Department as compared with those enjoyed by officers recruited in England for the Department of Public Works. The Commission is, however, not in a position to judge how far the paucity of competitors is due to either of the causes suggested. Two Natives of India—one of Portuguese descent, the other a Parsi—have succeeded in entering the service by competition in England. In connection with the competition of Natives at the examination in England it has been pointed out that a rule disqualifying married men from presenting themselves at the examination is unsuited to the circumstances of Natives.

The correspondence to which reference is made in the note in the Sub-Committee shows that on the organisation of the Forest Department it was contemplated that Natives should be largely employed in the lower grades of this branch of the public service and should ultimately be prepared by proper instruction and training for the higher appointments in the Department. The want of forests which have been under systematic management for a sufficient length of time to exhibit the advantage of scientific treatment and afford practical training has postponed and still delays the realization of this intention, but efforts have not been wanting on the part of the Government of India to give effect to it. In 1878 a School of Forestry was established at Dehra Dun, to which a forest circle was attached in order to train students as Rangers, and in the following year a class was formed for the training of Sub-Assistant Conservators. To attract students, the instruction was at first gratuitous, and a certain number of scholarships were offered. Subordinate officers of the Department are still allowed to retain their salaries while undergoing a course of instruction. Difficulty was nevertheless experienced in finding candidates suitable for instruction. The Sub-Assistant Conservator class was therefore abandoned and a class was formed for the training of Foresters in which instruction is given in the

Urdu language. The Commission is, however, informed that the standard of education at this school for the Ranger class is now almost as high as that formerly fixed for the Sub-Assistant Conservator class. The popularity of the Forest School appears to be increasing as the advantages of scientific instruction in Forestry are being more largely recognised. Of the more distant Provinces, Burma, Madras, and Eastern Bengal have sent students to the school. The Mysore State has also availed itself of the facilities offered for training its staff, and at a recent examination three graduates in Arts from that State secured the highest places. The Commission is further informed that some students now seek admission to the school without salary or allowances. The fact that no students have presented themselves from the Bombay Presidency is explained by the maintenance of a class for the study of Forestry at the Poona College of Science.

The Sub-Committee obtained evidence as to the feasibility of improving the staff and appliances of the Dehra Dun School so as to enable it to afford the more advanced instruction requisite to qualify students for the superior grades, and as to the cost at which this might be effected. The difficulties suggested are the want of forests to illustrate the whole system of scientific Forestry, the absence of the various engineering and other appliances with which thoroughly trained Forest Officers must be familiar, and the inexpediency of training students intended for superior and subordinate posts at the same establishment. A further objection to such an arrangement is the large expenditure which it would entail. It may be admitted that these considerations would render a proposal for the establishment of a thoroughly organised institution capable of giving a complete training in Forestry premature. On the other hand, it has been shown that officers locally recruited have acquitted themselves fairly when holding charge of superior offices. When the direction and supervision are in the hands of a thoroughly trained staff, the Commission apprehends that much useful work might be performed by officers with somewhat inferior technical knowledge. It has also been proposed at a conference of Forest Officers that higher inducements should be offered in the shape of salary to attract men of better education to the locally recruited service.

The Commission, therefore, recommends that the staff be divided into an Imperial Branch and Provincial Branches, and that, as in the Imperial Civil Service, the Imperial Branch of the Forest Service should be a *corps d'élite*, limited to the number of officers necessary to fill the superior controlling appointments and such a proportion of the Assistant Conservators' posts as will ensure a complete training for the junior officers; that the Imperial Branch should be recruited in England; that the conditions of service as to leave and pension should be assimilated to those of the Imperial Branch of the Public Works Department; and that the present rule regarding marriage should be modified inasmuch as it might operate to debar Native candidates from competing for appointments in England.

The Commission also recommends that the Government should keep in view the policy of training in India men qualified to take charge of the higher administrative appointments so as to avoid as far as possible the necessity for expanding the Imperial Branch of the service. It suggests no change in the rules at present prescribed by the Forest Code for the admission of candidates in India, which provide a system of recruitment for the Provincial Branches of the Department suitable to existing circumstances.

GEOLOGICAL SURVEY DEPARTMENT.

(Appendix O. 6.)

102. Existing organisation.—The sanctioned staff of the Geological Survey comprises 17 gazetted appointments, *viz.*, the Director, three Superintendents, one senior Deputy Superintendent, five Deputy Superintendents, six Assistant Superintendents, and one Palæontologist. There are at present four vacancies in the grade of Assistant Superintendent, of which one is kept open to provide the pay of two Native Sub-Assistants, and another to defray the cost of Palæontological work. The appointment of Palæontologist has only been filled up in the present year (1887).

There are five subordinate non-gazetted appointments, *viz.*, an Artist, a Registrar who is the Secretary and Librarian of the Department, two Sub-Assistant Surveyors, and one Museum Assistant. A gentleman who was obliged to resign his appointment

in the Department owing to ill-health, and who on his return to Europe received the appointment of Professor of Palæontology in the University of Prague, is at present specially employed to report on the fossils in the Salt Range which were discovered by him when he was in the service.

Of the higher appointments, thirteen are held by Europeans not domiciled in India; one appointment in the 2nd grade of Deputy Superintendents is held by a Hindu; two of the vacant appointments in the Assistant Superintendent grade have, it is understood, been promised to Hindu gentlemen, of whom one has for several years studied in Europe and the other has recently gone to England for further scientific education. The appointment of Artist was held by a European, but is now vacant; that of Registrar is held by a non-domiciled European, and that of Museum Assistant by a Eurasian; while the two Sub-Assistant Surveyors are Sikhs, Natives of the Punjab, who have been appointed to the Department as an experiment.

103. Views and recommendations of the Commission.—From the correspondence summarized in the Appendix the Commission is satisfied that the Government of India has done all that it would be justified in doing to secure the employment of Natives of India in this Department. So long as no adequate provision is made for the teaching of Geology and the allied sciences at Indian Colleges, it appears to the Commission that appointments to the higher grades of the Department must ordinarily be made by the Secretary of State without respect to the nationality of the candidates, but if a Sub-Assistant should give proof of capacity for independent work, the Commission would advocate his promotion to the superior grades. At the same time it is open to doubt whether the organisation of a Department for Geological Survey is expedient to any greater extent than is required to secure systematic investigation. It appears to the Commission that grades are unsuitable for a service in which the work to be performed calls for the highest efficiency in an equal degree throughout the whole term of employment. The Commission approves of and would continue the engagement of specialists for a limited term of years, a system of which experience has already demonstrated the advantage. Lastly, it cannot recommend the recruitment of Sub-Assistants in greater numbers than are required for the purposes of the Department, *i.e.*, to assist the more qualified Surveyors.

JAIL DEPARTMENT.

(Appendix O. 7.)

104. Existing organisation.—

MADRAS.

The Inspector General of Jails is an Uncovenanted civilian. The six Central Jails are in charge of non-domiciled Europeans, who are not Medical officers. The order of the Secretary of State prohibiting the appointment of Europeans to offices carrying a salary of Rs. 200 a month and upwards has been relaxed so far as to allow of transfers of eligible officers from the Police to the Jail Department. Four of the Superintendents of Central Jails have been so transferred since the date of the order (1879), and one of them after only two years' service in the Police.

The Superintendent of the Penitentiary at Madras is an Uncovenanted officer, a non-domiciled European. Two District Jails are in charge of Uncovenanted Superintendents—one a domiciled European, the other a Eurasian,—and the remaining District Jails are in charge of local Medical officers. Of fourteen Jailors, three are domiciled Europeans, ten are Eurasians, and one is a Parsi.

BOMBAY.

In this Presidency a mixed system prevails. The Inspector General combines other functions with those of the head of the Jail Department. The Superintendent of the Central and District Jails at Yerauda is a European officer of the Bombay Medical Service. The House of Correction, the Common Jail at the Presidency and four District Jails are in charge of Uncovenanted civilians, of whom one is a domiciled European and the others are non-domiciled Europeans. All other District Jails are in charge of the local Medical officers.

There are altogether forty-six appointments carrying salaries of Rs. 100 a month and upwards in the Bombay Jail Department, which are distributed among twenty-one non-domiciled and six domiciled Europeans, five Eurasians, and thirteen Natives of India. Two of these appointments are at present held by one officer.

BENGAL.

The Jail establishment was reorganised in 1878. The present Inspector General, who is also Inspector of Civil Hospitals and Dispensaries, is an officer of the Bengal Medical Service and a non-domiciled European. The Personal Assistant to the Inspector General, the Superintendent of Jail Manufactures, seven Superintendents of Central Jails, three Assistant Superintendents, three Deputy Superintendents, five officers filling miscellaneous appointments connected with manufactures, and four Warders are Europeans,—twenty-one non-domiciled and three domiciled. Officers are recruited for Assistant Superintendentships by selection from the Assistant Superintendents of the Bengal Police and undergo a course of training in jail management to qualify them for the office of Superintendent.

District Jails in Bengal are placed in the executive and medical charge of the local Civil Medical officers. Of thirty-seven Medical Superintendents of District Jails, ten are Natives of Bengal.

There is a graded service of Jailors and Deputy and Assistant Jailors. Among the Jailors, who are classified in grades, there are three non-domiciled Europeans, one domiciled European, and one Eurasian. The remaining Jailorships, forty-one in number, are filled by Natives.

NORTH-WESTERN PROVINCES AND OUDH.

The Inspector General is a Colonel of the Bengal Staff Corps, and was transferred from the Police Department in which he had served for many years and risen to the grade of Deputy Inspector General. The Superintendents of Central Jails are Commissioned officers of the Bengal Medical Service, with one exception,—an Uncovenanted Medical officer. These officers have no other duties. District Jails, as in Bengal, are in charge of the Civil Surgeon or other Medical officer of the station. At each Central Jail three of the subordinate staff are Europeans, domiciled or non-domiciled. They are generally Non-Commissioned officers and soldiers. The Matron is usually the wife of one of these officers. All other subordinate appointments in the Department, except that of one mechanic whose duty it is to superintend steam machinery at Agra, are held by Natives.

PUNJAB.

There are only seven appointments carrying salaries of more than Rs. 100 a month which are held by officers whose whole time is given to jail work. Three of these—the Inspector Generalship and the Superintendentships of two Central Jails—are held by Medical officers, non-domiciled Europeans, and four—*via.*, two Deputy Superintendentships and two Jailorships—by Uncovenanted civilians, of whom one is a Eurasian and three are Natives. District Jails, as in other Provinces of the Bengal Presidency, are in charge of Civil Medical officers, of whom four are Hindus.

CENTRAL PROVINCES.

Two non-domiciled Europeans—the Inspector General, a Military officer, who is also Superintendent of a Central Jail, and the Superintendent of another Central Jail,—three domiciled Europeans, and six Eurasians are employed in this Department. No Native receives a salary of Rs. 100 a month.

ASSAM AND BERAR.

The appointment of Inspector General of Jails in Assam is combined with several other offices, and the charges of District Jails, where they are paid appointments, are held by the Civil Medical officers—three in number—in addition to their other duties. They are non-domiciled Europeans.

A similar system obtains in Berar, and the only two Jailorships are filled by domiciled Europeans.

105. Views and recommendations of the Commission.—The Commission considers that the figures in the foregoing paragraphs lead to the conclusion that when Superintendents of Jails, Central or District, are not Medical officers, more opportunity might probably be given to Natives of India to show their fitness for these appointments from which they are at present practically excluded. The Commission does not feel competent to prescribe rules for accomplishing this purpose, nor does it wish to fetter the hands of the authorities answerable for jail administration in selecting the agency best suited for that object; but in view of the facts before it in evidence that in some Provinces a really superior class of men are being obtained as Jailors, that a Native has proved successful as Deputy Superintendent, and that Native Medical officers are *ex-officio* Superintendents of District Jails in many places, the Commission is not prepared to recommend in this Department a principle of exclusion of which it advocates the abandonment in most other branches of the Civil administration.

The Commission is also of opinion that the qualifying service for the important position of Superintendent of a Central Jail should be such as will ensure a thorough preliminary training, and accordingly recommends that no person should be appointed to that office who has not served three years in the Jail Department, or in the superior grades of the Police Department, or in both combined.

METEOROLOGICAL SURVEY DEPARTMENT.

(Appendix O. 8.)

106. Existing organisation.—The Meteorological Department possesses a staff of six gazetted officers. The Meteorological Reporter to the Government of India and the Assistant Meteorological Reporter to the Government of India are attached to the central office; four Meteorological Reporters are stationed respectively at Calcutta, Madras, Bombay, and Allahabad. The officers stationed at Calcutta and Allahabad are not expected to devote their whole time to the Department; these appointments are at present held by officers of the Education Department. The Meteorological Reporter at Madras, at present a lady, is expected to devote her whole time to the Department. The Department has not as yet been perfectly organised and rules have not been prescribed regarding the appointing authority; the present Imperial Department was grafted on existing Local Departments: hence it has happened that the appointments at Allahabad and Calcutta are made by the Local Governments, and the appointment at Madras by the Local Government in consultation with the Meteorological Reporter to the Government of India. The Assistant Meteorological Reporter to the Government of India was appointed by the Secretary of State, while Mr. Blandford, who holds the substantive appointment of Reporter to the Government of India, and Mr. Eliot, who is acting for him, were transferred from the Education Department by the Supreme Government. Subordinate to the Reporters are a staff of Observers, of whom two only, the Meteorological Observer at Alipore and the Actinometric Observer at Mussoorie, receive a salary of more than Rs. 100 a month.

The gazetted appointments are all held by Europeans not domiciled in India. The Observers are supplied by many races, *viz.*, Europeans, Eurasians, Hindus, Mahomedans, and Parsis, the great majority of them being Natives of Asiatic descent. With the exception of the Observer at Alipore, a Bengali graduate, and the Actinometric Observer, a European who devotes his whole time to the work, they receive very small salaries, inasmuch as a portion only of their time is devoted to the work of the Department. Some of them are clerks to Civil Surgeons, Telegraph officers, clerks in jails, Overseers in the Public Works Department, &c.

As regards pension and furlough, the officers of the Education Department enjoy the ordinary advantages of the service to which they belong; and where the officers belong to no other service, if they are required to devote their whole time to the Department, it is presumed that they come under the general rules for the Uncovenanted Service.

107. Views and recommendations of the Commission.—In the present state of scientific education in India the Commission is unable to recommend any change in the system of recruitment for this Department. Much meteorological information has been already collected and tabulated, valuable conclusions have been

derived from it, and enquiries are being carefully prosecuted which promise further important results.

MINT DEPARTMENT.

(Appendix O. 9.)

108. Existing organisation.—There are two Mints in India, one at Calcutta and one at Bombay, and each consists of two Departments—the Mechanical Department or Mint proper, and the Assay Department. The Masters of the Mint are officers of the Corps of Royal Engineers.

In the Mechanical Departments, at the present time, eighteen non-domiciled Europeans, six domiciled Europeans, eleven Eurasians, and eight Natives are employed on salaries of Rs. 100 a month and upwards. With the exception of the six Bullion officers (two of whom furnish security), the Engraver at Bombay, the Assistant Engraver at Calcutta, and certain office clerks, no Native holds an appointment in either Mint of which the salary amounts to Rs. 100 a month. The appointments and promotions of all non-gazetted officers in this branch of the Mint are made by the Mint Master. The officers are entitled to the benefit of the leave and pension rules applicable to Uncovenanted servants under the Financial Codes. There is no race disqualification for any of these appointments. But the requisite technical knowledge and mechanical skill are difficult to procure in India, and it has been found necessary to recruit about one-half of the Engineers in England. This fact sufficiently explains the large employment of non-domiciled Europeans in the higher posts in the Mechanical Departments of the Mint.

In the Assay Department of each of the Mints there are only four appointments carrying salaries of Rs. 100 a month and upwards, *viz.*, the Assay Master and the Deputy Assay Master who are gazetted officers, the First or Head Assistant and the Second Assistant who are not gazetted. The appointments of Assay Master and Deputy Assay Master are in all cases held by European Commissioned officers, of whom three are members of the Medical Service. The Assistants at each Mint are Europeans domiciled in India. Admission to the gazetted appointments in this branch of the Mint is regulated by the Government of India Notification No. 3570, dated 19th September 1884.

This Notification provides that Commissioned officers only who possess prescribed qualifications acquired by study in England and completed by attendance at the Assay Office Laboratory at Calcutta or Bombay for a certain probationary period shall ordinarily be appointed to the Assay Department. Whenever a want of eligible candidates is foreseen, a selected officer may be permitted to attend at the Laboratory of the Assay Master at Calcutta or Bombay for a period not exceeding six months (during which he draws the full pay of any office he holds and Presidency house-rent) in order to prepare himself for an examination which is framed so as to test his practical familiarity with the ordinary work of an Indian Assay Laboratory and with the duties expected of an Assay officer attached to a Mint, and his knowledge generally of the methods of assaying both gold and silver, and particularly of the method of assaying silver which is peculiar to the Indian Mints. Only an officer who has passed the prescribed local examination may, at the discretion of the Government of India, be employed temporarily for a period which must not exceed twelve months at one time, unless under very special circumstances and with the sanction of the Secretary of State.

The Assistants are appointed by the Assay Master, and the Second Assistant would ordinarily be promoted to the position of Head Assistant on the occurrence of a vacancy.

The Assay Masters and Deputy Assay Masters obtain leave under the furlough rules applicable to Military officers in civil employ, and are entitled to pensions under the rules of the service to which they belong. The provisions of the Civil Leave and Pension Codes applicable to the Uncovenanted Service regulate the furlough and pensions of the non-gazetted officers.

109. Views and recommendations of the Commission.—Representations were made to the Sub-Committee at Bombay regarding the hardship entailed on the Uncovenanted Assistants by the terms of the Notification of the 19th of September 1884, which declares that Commissioned officers alone are eligible for appointment to the gazetted offices, and regarding the unnecessary expense caused by probationary training for temporary appointments when there are in the Department

Assistants qualified to fill the appointment of Assay Master. The Commission, having considered the evidence before it on this point, is of opinion that it would on general grounds be desirable to enlarge the field of selection by the withdrawal of this restriction, it being at the same time left open to the Government to select Commissioned officers if it thought fit to do so. A similar condition is not found necessary to secure for other Departments of the public service officers who must equally possess public confidence. The Commission accordingly recommends that the rule in the Notification No. 3570, dated 19th September 1884, which prescribes that Commissioned officers only shall ordinarily be appointed to gazetted officers in the Assay Department, should be cancelled. It also suggests that further enquiry should be made whether the scheme of training for temporary appointments involves unnecessary expense; and, as a general rule, it would insist that where a scientific education, as distinct from probationary departmental training, is required to qualify officers for service in any Department, the cost of such education should be borne by those who seek employment rather than by the State. In other respects the Commission has no recommendation to make in regard to the Mint Department.

OPIUM DEPARTMENT.

(Appendix O. 10.)

110. Existing organisation.—The Opium Department in Bengal regulates the cultivation of the poppy and the purchase and manufacture of opium throughout the Lower Provinces and the North-Western Provinces and Oudh, where cultivation of the poppy is forbidden by law except under a Government license and all produce of the plant must be sold to the Government at a fixed price. The operations of the Department are at once minute and wide spread. It has paid annually to cultivators as much as one hundred and eighty lakhs of rupees, and the net revenue to the Government from this source has risen to more than eight crores of rupees.

The rank and file of the service, upwards of two thousand in number, are all Natives. In what may be called the Non-Commissioned grades embracing appointments which carry salaries between Rs. 100 and Rs. 500 a month, twenty-one in number, other races appear. Two non-domiciled Europeans hold posts, *viz.*, those of Assay Registrar and Saw-Mill Engineer, the special qualifications for which are more readily obtainable in persons of that class. Domiciled Europeans hold three, Eurasians eleven, and Natives five of the remaining nineteen appointments. The appointments in the Commissioned ranks are about seventy-five in number. At the head there are two Opium Agents and two Principal Assistants. The former belongs to the Covenanted Civil Service, and the latter are Commissioned officers of the Indian Medical Service, and are at present non-domiciled Europeans. These appointments might be held by qualified Native members of the services mentioned. Among the remaining officers of the higher grades, namely, Sub-Deputy Agents, Assistant Sub-Deputy Agents, Probationers and Head Assistants to Principal Assistants, there are at present forty-seven non-domiciled Europeans, thirteen domiciled Europeans, eight Eurasians, and one Mahomedan. Two of these appointments are vacant. The two Opium Agencies are reserved for members of the Covenanted Civil Service by the Statute 24 and 25 Vic., Cap 54.

The grade of Sub-Deputy Opium Agent is reached by promotion from that of Assistant Sub-Deputy Opium Agent, for which appointments direct recruitment is made. The system of selection formerly in force resulted in these appointments being filled by Europeans and Eurasians in different proportions at different times, and in the exclusion from them of Natives. The question of the employment of Natives as Assistant and Sub-Deputy Agents has been for many years under discussion, and, as the result of the latest consideration given to it, orders were issued in 1884 which directed the Local Government to take steps to arrange for the future admission to the Department of thoroughly qualified Natives in such a manner and under such conditions as to guard the efficiency of the service from being impaired and the revenue from danger. It was ordered that the appointments should be made by nomination after careful selection, and it was suggested that, except among such other sources of supply as the Local Government might desire to utilise, suitable nominees might probably be found among the class from which are selected the Tahsildars and Naib Tahsildars of Northern India and officers occupying analogous positions in the Canal Department. Care was enjoined that only men physically fit for the work required should be nominated, and it was ordered that so long as the matter remained in an experimental

stage, only one vacancy out of every four should be filled by Natives. Europeans and Eurasians are admitted to the grade by competitive examination among selected candidates, and one Native, chosen in accordance with the orders above referred to, is appointed to every fourth vacancy.

The conditions of service as to furlough and pension are regulated, for Opium Agents and Principal Assistants, by the rules of the service to which those officers belong, and, for Sub-Deputy Agents and Assistants, by the rules applicable to the Uncovenanted Service.

III. Views and recommendations of the Commission.—The Commission does not advocate the continuance of the experiment of appointing Natives by selection to a proportion of the vacancies, and recommends that the future recruitment for this Department shall be subject to the general principles of equality of treatment of all classes of Her Majesty's subjects and of tested preliminary qualifications which have been proposed for the Provincial Service.

The Opium Agents are the heads of the Department in Lower Bengal and in the North-Western Provinces and Oudh. Looking to the magnitude of their charges, to the importance both to the general public and to the agricultural classes of the interests at stake, and to the weight which should attach to a position involving the administration of large patronage, confidential and delicate relations with other Departments of the Government, and competition for land and cultivators with other industries, the Commission considers that the Imperial Service affords the fittest field of selection for filling these appointments and would recommend no change in the law on this point.

The Principal Assistants at the factory are, and must be, specialists, and here also the Commission has no proposals to make.

PILOT SERVICE.

(Appendix O. 11.)

112. Existing organisation.—

MADRAS.

Pilots are maintained at four ports in the Presidency of Madras. At the Port and Harbour of Madras there are two Pilots, a Senior and a Junior. There are no rules regulating the appointment of Pilots, but the Port Officer at Madras is vested with authority to admit qualified persons to those posts, and to promote the less paid Pilot to the higher paid post in case of a vacancy. The Port Officer is of opinion that the Pilots at Madras should hold Masters' certificates of the Board of Trade. The Pilots are at present non-domiciled Europeans, but a Eurasian formerly held the post of Junior Pilot. The Pilots are placed under the immediate orders of the Assistant Port Officer.

At Pámban the Head Pilot is the Port Officer, a non-domiciled European. The other Pilots, of whom eleven are Mahomedans and two are Natives of India of another creed, hold licenses authorising them to pilot vessels.

The Pilot staff at Keelakarai is also a licensed service, consisting of fifteen Natives, of whom nine are Mahomedans and six are Natives of another creed.

In the case of Pilots both at Pámban and Keelakarai, candidates are required to pass an examination to prove their local and technical knowledge.

There are two Pilots at the port of Cochin who are appointed by the Port Officer of Madras. The Senior Pilot is a Eurasian, the Junior Pilot is a Mahomedan.

At present no Pilot at any port in this Presidency receives a pension; but when a Senior Pilot became incapable after a service of sixteen years, a gratuity was granted to him.

BOMBAY.

The control of the Bombay Pilot Service is, subject to certain restrictions, vested in the Trustees of the Port of Bombay by the Bombay Port Trust Act, 1879, Section 72. The authorised strength of the staff is eighteen, *viz.*, three Harbour Masters, five 1st grade Pilots, five 2nd grade Pilots, and five 3rd grade Pilots. The Secretary to the Port Trust states that, with the exception of two appointments vacant in the 3rd grade,

all the appointments are held by Europeans domiciled in India; but the evidence throws some doubt on the correctness of this classification. The Port Officer is authorised to appoint, subject to the approval of the Trustees, so many probationers, not exceeding four, as may from time to time be considered necessary. A probationer is required to undergo an examination by a Marine Board as to his ability to perform the duties of a Pilot, and, if he fails to pass this examination within six months after the date of his appointment, is liable to have his name removed from the list. After passing the examination a probationer is eligible for appointment as a 3rd grade Pilot when a vacancy occurs.

The members of the service are remunerated by a per-centage of the receipts for pilotage. They are entitled to leave under special rules, and in lieu of pension are permitted to subscribe to a Provident Fund to which contributions are made by the Port Trustees.

The control of the Pilot Service at the port of Karachi is, subject to certain restrictions, vested in the Trustees of the Port Trust by the Karachi Port Trust Act, 1886, Section 55. It is divided into four grades. As at present constituted, the staff consists of four officers, one in each grade, all of whom are non-domiciled Europeans. No rules have been framed to regulate admission to the service, but in practice a candidate must have obtained a first or second Mate's certificate from the Board of Trade, and must produce certificates of good conduct and sobriety from Masters of vessels in which he has served. He is appointed on probation for three months. At the end of three months he is required to pass an examination as to his qualifications to perform the duties of a Pilot, and on passing it he is confirmed in his appointment and graded in the 3rd class. Pilots who entered the service prior to the 1st April 1875 enjoy the benefit of the Leave and Pension Rules applicable to the Uncovenanted Service. Pilots appointed since that date may claim furlough to the same extent as is allowed to members of the Uncovenanted Service, but they have no claim to pension. In lieu of this provision they are permitted to subscribe to a Provident Fund to which the Port Trustees make a contribution.

BENGAL.

The superintendence of the staff of Pilots on the Hughli is committed to the Port Officer at Calcutta, who, in addition to the duties entailed on him by this charge, is the head of the Marine Department of the Government of Bengal and *ex-officio* Shipping Master. The office is at present held by a non-domiciled European, an officer of the Indian Marine, from which service future vacancies in the appointment will be supplied. As Shipping Master, he is assisted by two gazetted officers—the Deputy Shipping Master and an Assistant Shipping Master. The office of Deputy Shipping Master is now held by a non-domiciled European, and that of Assistant Shipping Master by a domiciled European. The Deputy and Assistant Shipping Masters have no direct duties in connection with the Pilot Service. With the exception of the Port Officer, the only gazetted officers who are connected with this service are the Medical officer at the Sandheads, a domiciled European, and the Commander of the *Undaunted*, a non-domiciled European officer of the local Marine, whose ship is chiefly employed as a supply vessel to the pilot brigs.

The Bengal Pilot Service, as at present constituted, comprises three grades of Pilots and one of Leadsman. In July 1887 there were eighty-six graded officers, of whom twenty obtained licenses under a system which has been for some time discontinued. It appears from the return furnished by the Port Officer that, with the exception of one Master Pilot, a Eurasian, and one Leadsman, a domiciled European, the other officers of the Pilot Service are non-domiciled Europeans; but it is stated that six of the Leadsman were born in India, though five of these six were educated in England.

Appointments to the service are made—

- (a) in England, by the Secretary of State, of boys recommended by the Committees of the training ships *Conway* and *Worcester*;
- (b) in India, by the Government of Bengal, of the sons of domiciled Europeans and Eurasians, who have served at sea for a period of two years as seamen or apprentices on a merchant sailing ship of not less 300 tons register.

Members of the Pilot Service, appointed under the present rules, are not entitled to any salary when on pilotage duty, but receive as their remuneration 50 per cent. of the pilotage dues paid by the ships piloted by them. They receive salaries when employed on other duties. Three of the Branch Pilots are employed as Commanders of the

pilot brigs on fixed salaries, and five Senior Masters and two Mates, termed Special Pilots, receive fixed salaries from certain Mail lines which have been permitted to engage their services.

Special rules regulate the grant of pension, leave and furlough to officers of the Bengal Pilot Service. Members of the service are required to subscribe to a fund to provide pensions for their widows and children.

Licenses are issued to Natives authorising them to pilot Native ships not exceeding 500 tons between Calcutta and Kedgerree, and to charge pilotage fees at prescribed rates. In the present year (1887) only three Native Pilots have taken out or renewed their licenses.

There is a Port Officer at Chittagong, who is a non-domiciled European and a member of the Indian Marine. There is also a Pilot Service paid partly by fees and partly by a percentage on earnings, which consists of five Pilots and two Apprentices. Of the five Pilots, one is a Eurasian and four are Mahomedans as are also the two Apprentices. The Eurasian and the Senior Mahomedan Pilot alone receive more than Rs. 100 a month.

At the Orissa ports there are two Port Officers, one the Port Officer of False Point and Pooree, who is also Customs Collector, and the other the Port Officer of Chandbally and Balasore. Both of these officers are Europeans. There are two Native Pilots at Chandbally who receive fixed salaries of less than Rs. 100 a month.

113. Views and recommendations of the Commission.—The evidence laid before the Commission, which includes the opinions of two gentlemen representing the Chamber of Commerce at Calcutta, shows that the navigation of the Hughli presents exceptional difficulties, that a thorough training as a seaman and experience in handling ships are essential for the efficiency of a Pilot, and that the officers recruited for the Bengal Pilot Service under the present rules are not surpassed by the members of any similar service in private character or professional attainments. It is stated that no educated Natives and but few domiciled Europeans and Eurasians follow navigation as a profession.

On the other hand, representatives of the Eurasian and Anglo-Indian Association complain of the rule which requires that a candidate for appointment in India to the Bengal Pilot Service should have served for two years in a sailing vessel of a prescribed tonnage employed in foreign trade, inasmuch as it is difficult to find ships on which apprentices are received at the port of Calcutta. It was suggested that lads should, on passing the educational tests prescribed, be appointed apprentice leadsmen and trained in the pilot-brigs or in a special training ship.

It appears that the Masters of vessels belonging to Messrs. Brocklebank and Messrs. Furney of Liverpool are authorized to take apprentices at the port of Calcutta, and the Port Officer of Madras stated that at that port he had placed two young men as apprentices in ships belonging to Messrs. J. Allen's line. Captain Hext, R.N., Director of the Indian Marine, confirmed the opinions expressed by witnesses examined in Calcutta as to the peculiar danger and difficulty of the navigation of the Hughli, the excellence of the Pilot Service, and the propriety of the conditions which require candidates to undergo a course of instruction in a training ship in England or to serve for two years on a sea-going ship. He considered that the Indian Marine could not provide a ship suitable for training youths in navigation and the handling of sailing ships, as the ships belonging to that service are either steamers or vessels which are employed on very short trips. He stated that he had on one occasion tried the experiment of fitting out a sailing ship and sending it on a cruise to train young officers of the Indian Marine, and from the experience thus acquired, he considered that the expense of providing an opportunity for the training of so small a number of recruits as are required for the Bengal Pilot Service would be incommensurate with the advantage to be gained. Similar considerations of expense appear to render impracticable the establishment on a pilot brig of a training class with proper instructors, while it is doubtful whether any such brig has more accommodation than is required for the crew and the officers of the Pilot Service.

In view of the risk to life and property which must result if this service is not maintained in the highest degree of efficiency, and of the large contributions levied from shipowners for the support of the service in the shape of fees, the Commission considers that the Government is bound to maintain such rules as are deemed by professional experts necessary to secure thoroughly efficient Pilots. Moreover, there is no evidence before the Commission to show that the youths born and educated in India, who exhibit a desire to adopt a seafaring life as a profession and are physically

fit for such a life, are sufficiently numerous to justify a recommendation that the State should establish a special school for their instruction.

The Commission has no recommendations to offer respecting the Pilot Services of Madras and Bombay. So far as these services are under the direct control of the Government, it appears that fitness is the only qualification imposed, and that where it is possible to do so recourse is had to Native agency. Where the services are managed by Port Trustees, the competition of commerce ensures that the rules respecting recruitment will be framed with a due regard to economy in so far as it is compatible with efficiency, and the Europeans will not be employed if Statutory Natives with sufficient qualifications offer themselves for employment at cheaper rates.

POSTAL DEPARTMENT.

(Appendix O. 12.)

114. Existing organisation.—The appointment of Director General has always been conferred on a member of the Covenanted Civil Service. The appointment of Deputy Director General is conferred alternately on a Covenanted Civilian and an Uncovenanted officer of the Department. The present incumbent is a Covenanted Civilian, but an Uncovenanted officer, a domiciled European, is officiating in the appointment. The appointments of Assistant Director General, three in number, are at present held by non-domiciled Europeans.

For the direct administration of Postal establishments and mail lines beyond the Presidency Towns (other than those appertaining to the Railway Mail Service) India is divided into fourteen Circles, of which five—Bengal, Madras, Bombay, the North-West Provinces, and the Punjab—are placed under the charge of Postmasters General; and nine, *viz.*, the Central Provinces, Burma, Assam, Sind, with Beluchistan, Rajputana, Central India, Oudh, Behar, and Eastern Bengal, are placed under the charge of Deputy Postmasters General. With the exception that the areas of their charges are smaller, the duties of Deputy Postmasters General differ in no respect from those of Postmasters General, and they enjoy substantially the same powers. Postmasters General are appointed by the Government of India. The Director General states that "Postmaster Generalships ordinarily belong to the Covenanted Civil Service," but he adds that "one of the five appointments has until lately always been bestowed on an Uncovenanted Postal officer," and that "since the year 1881, a Native by race and blood has been employed in another Postmaster Generalship." No appointments in this Department other than those of Director General, Deputy Director General and Postmaster General are conferred on members of the Covenanted Civil Service. A Parsi who is a Covenanted Civilian of seven years' standing has been recently appointed Postmaster General in the North-West Provinces Circle. Objection has been taken to this appointment by an independent Native witness as well as by officers of the Department. It is claimed that the six appointments next to that of Director General, or at least three of them, should be reserved as prizes for the Postal Service.

Deputy Postmasters General are appointed by the Director General by selection from among the most qualified officers of the Department. The substantive appointments are at present held by Europeans, of whom three are domiciled in India. A Native officer is now officiating in one of the largest Circles in charge of officers of this class. Natives have on several occasions declined these appointments because of their unwillingness to serve beyond the limits of their own Provinces.

There are three chief appointments in the Accounts Branch of the Post Office. The office of Comptroller is at present held by a non-domiciled European. The Deputy Comptroller is a Hindu, and the Assistant Comptroller is a non-domiciled European. No European who is not a Statutory Native is employed in subordinate posts in this branch of the Department. Of the three Presidency Postmasters, two are domiciled Europeans and the third is a Eurasian.

At the date when the return was prepared there were eighteen Superintendents of the 1st grade, of whom four were non-domiciled Europeans, ten were domiciled Europeans, two were Eurasians, one was a Hindu, and one was a Parsi. There were twenty-eight Superintendents of the 2nd grade, of whom nine were non-domiciled Europeans, seven were domiciled Europeans, three were Eurasians, six were Hindus, and three were Parsis. Of thirty-one Superintendents of the 3rd grade, three were non-domiciled Europeans,

sixteen were domiciled Europeans, one was a Eurasian, nine were Hindus, one was a Mahomedan, and one was a Parsi. Of forty-three Superintendents in the 4th grade, six were non-domiciled Europeans, twenty-one were domiciled Europeans, two were Eurasians, twelve were Hindus, one was a Mahomedan, and one was a Native Christian.

It was for some years the practice to bring into the Department young men to recruit the Superintendent's grade after they had undergone a certain probation, and if the service were, as has been suggested, organized in two divisions—a higher and a lower service—it has been proposed that the line should be drawn so as to include in the higher service Superintendents and some of the higher grade Postmasterships. The orders of 1879 requiring the special sanction of the Government of India to the appointment of a person other than a Statutory Native to any post carrying a monthly salary of Rs. 200 and upwards apply to the Postal Department, with the exception of certain appointments, namely, those in the Sea Postal Service, the Postmastership at Aden, and six Superintendentships. In circulating these orders the then Director General intimated that the prohibition of the appointment of Europeans to offices carrying salaries of Rs. 200 a month and upwards made it obviously inexpedient, except under special circumstances, to appoint Europeans to the inferior grades with prospects so limited. Since that date appointments in the Department have been practically limited to Natives, and only in a few instances has the appointment of a European been sanctioned. Under a rule issued in 1875 no persons may, without the special sanction of the Director General, be appointed an Inspector who is not a Native of India of Asiatic race. The Postmaster of Bengal reports that this sanction has not been given except to an appointment in a tea planting-district.

Of fifty-nine Inspectors on Rs. 100 a month and upwards, three are domiciled Europeans, eight are Eurasians, and forty-seven are Natives. One of the appointments is vacant. There are a large number of Inspectors whose salaries do not amount to Rs. 100 a month.

Mail officers in the Sea Postal Service are graded with Superintendents. Seven officers in this branch are Europeans, and two of these seven are domiciled in India.

Of five hundred and twenty-two appointments of Postmasters, Deputy Postmasters, Superintendents of officers and the like carrying salaries of Rs. 100 a month and upwards, only forty-six are held by non-domiciled Europeans, one hundred and twenty-six are held by domiciled Europeans, eighty-six by Eurasians, and two hundred and sixty-four by Natives, while the officers carrying salaries below Rs. 100 a month are almost entirely filled by Natives. The number of persons employed in the Department amounts to nearly forty thousand. It may be mentioned that the Postmasters of many of the smaller offices receive salaries of less than Rs. 20 a month. The duties are not unfrequently undertaken by schoolmasters, shopkeepers, and other persons whose whole time is not occupied in postal work.

Appointments are generally made to the lowest grades, and promotion is regulated in part by seniority and in part by the qualifications which an officer shows himself to possess for special or supervisory work. Europeans and Eurasians being unable to maintain themselves on the small salaries attached to the lowest grades of the service receive their first appointments to posts more highly paid than those usually given to Natives. The latter complain that Europeans and Eurasians thus arrive sooner at the Superintendents' grade, and are naturally more energetic than Natives who have spent many years in the lower grades: they also complain that the practice of appointing Natives in the first instance only to the lowest grades operates to debar Natives of good education from seeking service in the Department.

Promotion is not made from a general list, but a separate list is maintained for each important Circle, while the minor Circles are treated as one Circle styled the India Circle for purposes of promotion. This system appears to be preferred by the majority of the Native officers, as it avoids the necessity for frequent transfers to which they are more adverse than Europeans or Eurasians and which cause them greater inconvenience. It has the advantage that the head of the Circle is in a better position to judge of the relative merits of the officers of his Circle than the Director General can be to judge of the relative merits of officers whose work does not come directly under his notice. On the other hand, the rate of promotion from time to time varies in different Circles, and the course of promotion is disturbed if transfers are made from one Circle to another; but the Director General states that the Postmasters of minor Post Offices are never and the Postmasters of more important offices are seldom transferred, and that transfers are becoming more and more rare in the case of Superintendents. Officers of the Bombay Circle complain of the effect of the rule which grades Mail Officers with the Superintendents of that Circle, inasmuch as the transfer of Mail Officers to appointments on

shore interferes with the promotion of officers in the ordinary line. While admitting that it would be unreasonable to require Mail Officers to remain at sea for the whole of their service, they urge that these officers should either be promoted into the Railway Mail Service with which their duties are analogous, or that when promoted they should receive appointments in each of the Postal Circles in rotation.

115. Views and recommendations of the Commission.—The Commission desires to call attention to the marked efficiency of the Postal Department, to the important advantages which it has secured to the public, and to the fact that in this Department opportunities have been afforded to Natives to show their fitness for supervisory offices and for posts of the highest responsibility. It would also observe that the charges of partiality in the distribution of appointments which were brought forward by two or three witnesses, and principally by witnesses unconnected with the Department, are unfounded, and that they were probably made under a misapprehension of the rules which regulate promotion to the higher appointments.

The constantly increasing importance of the duties confided to the superior staff calls for higher educational qualification and greater physical energy than are necessary for efficient service in the lower posts, and in order to enable educated Natives to compete on equal terms with European and Eurasians for the posts which require the qualities above mentioned, the Commission recommends that a certain number of appointments carrying monthly salaries of from Rs. 80 to Rs. 100 should be filled by competition. The successful candidates might be admitted on probation and be trained in Head Offices, after which they could be employed as Inspectors and, if found qualified, selected for the grades of Superintendent.

The complaint in the Bombay Circle respecting the grading of officers of the Mail Service with the Superintendents of that Circle appears to the Commission well founded and to call for remedy: but the Director General would doubtless be able to suggest by what arrangements this ground of complaint may be removed.

The Commission fully appreciates the advantages which have resulted to the Department from the employment of members of the Covenanted Civil Service in the posts of Deputy Director General and Postmaster-General, but it also recognises the force of the arguments by which the appointment of experienced officers of the Department to these posts is supported. The success which has attended the appointment of officers of both classes in the past suggests the employment of both classes in the future. The Commission therefore recommends that of the seven highest appointments in the Department at present filled by Covenanted Civilian, not less than three should ordinarily be filled by promotion within the Department.

It may be pointed out that the instructions restricting the employment of Europeans and Eurasians, which were issued in consequence of the order of the Government of India of 1879, appear to go beyond the intention of that order and are inconsistent with the principles on which the recommendation of the Commission are based.

POLICE DEPARTMENT.

(Appendix O. 13.)

116. Existing organisation.—The organisation of the Police in the several Presidencies and Provinces was the result of a comprehensive inquiry into the whole subject made in 1860 by a Committee whose recommendations, so far as approved, were embodied in Acts of the Legislature. It is sufficient here to say that the Police is a highly organised force with a semi-military training under its own officers, subject to a general control by the Magistracy and the Local Governments, and that it is charged with the maintenance of law and order and the detection of crime throughout the Empire. With slight local variations its head officers are Inspectors-General, who are assisted by two or more Deputies, District Superintendents, and Assistant District Superintendents. The constitution of the force established in 1861 contemplated a European officer being placed at the head of the Police in each district, with an Assistant where necessary, and this practice has, with few exceptions, been maintained to the present day.

In the Provinces to which the inquiries of the Commission extend there are in round numbers three hundred and seventy officers in the superior grades of the force, including a grade of Assistant District Superintendent which is reserved in some Provinces as a final stage of advancement for deserving men of the Non-Commissioned

ranks. Of these three hundred and seventy officers, three hundred and fifteen are non-domiciled Europeans, thirty-three are domiciled Europeans, five are Eurasians, and seventeen are Natives.

For some years after its constitution the higher grades of the force were largely recruited from the Commissioned ranks of the army, which afforded a good field for the selection of officers in consequence of the mutiny of the Bengal troops. This source of supply became gradually exhausted and is at present practically closed, as the military authorities are opposed to parting with their officers for such employment. The civil character of the force, at least in some Provinces, has also been brought into greater prominence, and the conditions of service in respect of pay and promotion have been so altered as to render it unattractive to officers of the army. Recruitment, therefore, from other sources than the army for the grade of Assistant District Superintendent, through which alone admission is obtained to the higher ranks, has become the rule of the service. In most Provinces the recruitment of these officers is made by nomination pure and simple, although in one or two Provinces certain linguistic tests have lately been insisted on for nominees or for selected candidates among whom a competitive examination is held.

117. Views and recommendations of the Commission.—The evidence before the Commission shows that recruitment by nomination has not produced satisfactory results. There has been great inequality in the efficiency of the persons nominated. Some have turned out excellent officers, others on the contrary have taken years to become fairly efficient, and in some extreme cases have never become efficient at all. The system naturally supplies youths who have failed to succeed in examinations held in England, and who come to India in the hope of securing a nomination to the Police by influence brought to bear on the nominating authority. Appointments so made cannot as a rule give satisfaction, though, as might be expected, the system occasionally supplies men who develop special aptitude for their duties. In some Provinces, notably the Lower Provinces of Bengal, it was pressed on the Commission that there is an ample supply of material for good Police officers in the boys annually turned out by the local educational institutions for Europeans and Eurasians, especially the Hill Schools, while in other Provinces the evidence of the most experienced witnesses seemed to show that such a supply is not forthcoming, and that recruitment in England can alone be expected to yield the class of officers required.

The question of the larger employment of Natives in the higher grades of the Police Department is one on which the Sub-Committee sought and recorded very full information. The Commission approached this subject with the sense that the maintenance of law and order and of security for person and property is one of the most important duties of the British Government in India, and that with this primary duty no *à priori* considerations in favour of the admission of all classes to equal chances of employment in the public service should be allowed to interfere. While fully sensible of the advantage of securing for the Department the highest detective ability procurable, the Commission feel compelled not to lose sight of the other duty not less incumbent on a good Police officer, namely, the maintenance of the public peace among populations liable to be set at variance by dissensions arising out of race and religion in addition to the usual elements of disorder. The Government of India and some Local Governments have shown no indisposition to employ Natives of India in the higher grades of the Police, but such experiments have been made cautiously, and have not been uniformly successful. The absence of European officers was one of the causes, if not the main cause, of the abuses with which the police prior to the organisation of 1860 was universally charged, and although the present condition of the force is still far from all that could be wished, yet it is on the whole greatly superior to that which preceded it, and no step can be recommended in the direction of a return to the former state of things.

The Commission has therefore resolved to leave this question in the hands of the Government of India as the only authority capable of judging how far the principles adopted for the larger employment of Natives in other branches of the public service can be safely extended to the Police. At the same time, the Commission would express its opinion that, although for many years to come the European element in the higher ranks of the Police should predominate, Natives of India ought not to be excluded from those ranks as is now the case in some Provinces, but that endeavours should be made to introduce a reasonable proportion of Native officers, due regard being always had to the efficiency of the service.

Lastly, the Commission desires to place clearly on record its unanimous opinion that many of the abuses which now characterise the force are due to the inadequate remuneration of the lower grades; and that whatever improvement may be made in the conditions of service of the other ranks, full advantage will not result from it so long as the officer in charge of a Police Station, by whatever name he may be called, does not receive remuneration and prospects adequate to induce and enable him to withstand the temptations to which his situation exposes him. He is the officer answerable for the peace and for the detection of crime and apprehension of offenders in the area which forms the unit of police administration, and on him rests the turn to be given to all enquiries into offences. The officers, moreover, being intimately acquainted with the details of the working of police administration, are the proper recruiting ground for Inspectors, and any improvement in their condition necessarily involves an increase of efficiency in the higher Non-Commissioned grades.

Holding these views, the Commission makes the following recommendations:—

(1.) That the present system of recruitment for the grade of Assistant District Superintendent in most Provinces is unsatisfactory, as not affording a sufficient guarantee for educational qualifications and habits of industry, and that admission to this grade should be by—

- (a) limited competition amongst candidates selected in England for such portion of the appointments in each Province as the Government of India may decide to be necessary;
- (b) limited competition amongst candidates selected in India, such candidates being carefully chosen on grounds of good physique, the knowledge of the vernacular languages prescribed for the Provincial Service, and high educational qualifications of an English kind;
- (c) promotion from the grade of Inspectors for exceptional merit and ability shown in active service.

(2.) That both of the competitive examinations, referred to in the foregoing recommendation, should be conducted in accordance with rules approved by the Government of India; and

(3.) That appointments to Inspectorships should, as a rule, be made from the lower grades of the force, and that in no case should outsiders be appointed to Inspectorships merely as a training ground for the higher offices.

PUBLIC WORKS DEPARTMENT.

(Appendix O. 14.)

118. Existing organisation.—The work of the Department is divided between the following branches:—(1) A General Branch, (2) State Railways, and (3) Accounts. The General Branch again is sub-divided into two branches, (a) the Roads and Buildings Branch, in which in Bombay and Madras Military Works are included, and (b) the Irrigation Branch.

The officers of the Department are classified as belonging to the Secretariat and to the Engineering, the Accounts, and the State Railway Revenue Establishments. Nine officers are employed in the Secretariat Offices of the Government of India and of Local Governments who are charged with duties not purely clerical. Seven of these officers are Europeans not domiciled in India, one is a domiciled European and one is a Hindu.

The Engineering Establishment consists of (1) Engineers (2) Upper Subordinates, (3) Lower Subordinates. The last named draw salaries less than Rs. 100 a month. Engineers are classified as (a) Assistant Engineers in three grades; (b) Executive Engineers in four grades; (c) Superintending Engineers in three classes; (d) Chief Engineers in three classes. The present Establishment of Engineers is one thousand and fifteen in number, and consists of the following classes of officers:—

Royal Engineers	-	191
Other Military Officers	-	22
Civil Engineers appointed in Europe	-	473
" " " in India	-	329
		<hr/>
		1,015

The Military Works Branch in Bengal is not under the Public Works Department as in Madras and Bombay, but is officered from the Public Works Department Engineer Establishment and absorbs seventy-six officers, all Royal Engineers or other Military officers.

The races represented in the Superior Engineer Establishment are as follows:—

Europeans not domiciled in India	-	-	810
Europeans domiciled in India, including Eurasians	-	-	119
Natives	-	-	86
			1,015

The information available does not enable the Commission to distinguish between Europeans domiciled in India on the one hand and Eurasians on the other hand. Of the eighty-six Natives, eighty are Hindus, two are Mahomedans, and four are Parsis.

The Engineers form a close service, and admissions to it are obtained only from the Corps of Royal Engineers on the Indian Establishments, or from passed students of the Royal Indian Engineering College at Cooper's Hill, or of the Indian Engineering Colleges. The present annual recruitment is fixed at thirty, representing an ultimate strength of eight hundred officers, and is distributed under the orders of the Secretary of State as follows:—

Royal Engineer Subalterns	-	-	-	6
Royal Indian Engineering College, Cooper's Hill	-	-	-	15
Thomason College, Rurki (North-Western Provinces)	-	-	-	4 & 5 alternately.
Seebpore College, Calcutta	-	-	-	2 & 1 "
Madras Civil Engineering College	-	-	-	1
Poona College of Science	-	-	-	2

If this system of recruitment is maintained, the Public Works Department Engineers will ultimately be—(1) One-fifth from Royal Engineers; (2) One-half from the Cooper's Hill Royal Engineering College; (3) Three-tenths from Indian Engineering Colleges. Royal Engineer officers above the rank of Subaltern are also admitted into the higher grades, but such admissions are compensated by the reversion to military duty of officers of similar rank. Appointments from sources other than these can only be made with the sanction of Secretary of State, and have practically ceased. They would be recommended only under the most exceptional circumstances. Royal Engineer Subalterns and students from Cooper's Hill are generally, on first joining, appointed Assistant Engineers of the 2nd grade. Students from the Indian Colleges join as Apprentices, and, if qualified, may be promoted after six months to the 3rd grade of Assistant Engineers.

During the period of service leave and furlough are obtainable under the rules applicable to the different classes of officers. Royal Engineers and Civil Engineers appointed in England enjoy practically the most favourable furlough rules with a difference in favour of Royal Engineers as regards the amount of furlough allowances and the total amount of special leave and furlough combined. Other officers of the Department are subject generally to the leave rules of the Uncovenanted Service.

All officers of the Department must retire at the age of fifty-five years on the pension to which they are entitled. An officer, who on reaching the age of fifty years has not attained the rank of Superintending Engineer, is liable to be called on to retire if a Civil Engineer, or to vacate his appointment and revert to military duty if a military officer. In the case of Royal Engineers and other Military officers pensions are regulated by the rules of the service to which they belong. Civil Engineers professionally trained in England, including those who came out under covenant with the Secretary of State and those who now come from the Cooper's Hill College, are entitled under existing rules to the benefit of a graduated scale of pensions. Additional pensions are also authorised for approved service to officers of the grade of Chief or Superintending Engineer. Furlough for two years in twenty years of service, three in twenty-five, four in thirty, and five in thirty-five, counts as pensionable service. Pension is obtainable by the other classes of Civil Engineers trained and appointed in India under the rules applicable to the Uncovenanted Service. In the case of such officers, obtained from other sources than the Indian Colleges no service before twenty-two years of age counts for pension, as they are supposed to have entered the Department young and to have procured their technical training in it. A Provident Fund was established in 1884, to which all Civil Engineers and members

of the Superior Accounts Branch, who entered the service since that date, are compelled to subscribe. Officers of those classes who were in the service at that time may subscribe if they choose. The benefits of the Fund are in addition to the prospective right to pension.

119. Views and recommendations of the Commission.—The Commission is of opinion that the considerations which, in respect to the Judicial and Revenue branches of the administration, led it to recommend the formation of Imperial and Provincial Services with distinct conditions of service, regulated on separate grounds, apply with equal force to the Department of Public Works. Some of the operations of that Department require the highest Engineering skill and training obtainable in England, and for the control and direction of a great Department, the annual expenditure of which is reckoned by millions, qualifications are wanted which are not at present readily attainable in this country. On the other hand, much of the work which falls to the Engineering Establishment is such as may be and is performed efficiently by officers who have received their professional education in India.

The Government of India holds that in the Buildings and Roads Branch where works have already been constructed, highly trained Engineers are not requisite, and the policy of the Government is to make over such works to Local authorities, who employ for their maintenance Engineers appointed by themselves not superior to the best of the Upper Subordinate class. The constitution of the Department and the scale on which it is recruited, however, offer great obstacles to the full development of this policy and to its extension to other branches than that of Roads and Buildings. The Engineers are on the hands of the Government and must be employed. Men recruited in India, once in the Department, are paid at the rates considered necessary for men who have received a superior general and professional education in England, and these last find themselves for many years condemned to labour on works within the capacity of men of an inferior standard of education. The Commission is informed by one very competent witness that at present a Cooper's Hill man is sometimes kept for fifteen years manufacturing bricks and lime and putting them together. Again, the distinctions inevitable in a Department so constituted and recruited give rise to friction and jealousies which must affect the efficiency of its officers. Royal Engineers, Cooper's Hill Engineers, and Engineers educated in India, all belong to the same service, but, as shown above, the conditions of service of each of these classes differ in regard to leave and pension, and the men appointed in India not unnaturally claim to be placed on an equal footing with their brother officers.

The evidence before the Commission leaves no ground for doubting that the officers recruited in England receive at Woolwich, Chatham, and Cooper's Hill a professional education of a higher standard than that which the best Indian Engineering Colleges are capable of affording, and that their general training and education are superior to any attainable in India; but it is abundantly evident that at least one of the Indian Engineering Colleges can, and does, impart such a professional education as is fully adequate for the ordinary work of the Department, and that these Colleges can be made still more efficient for this purpose.

The Commission has found that the employment of highly-trained and highly-paid Engineers in the Accounts Branch of the Department has given rise, in consequence of the advantages in pay and promotion enjoyed by them, to much dissatisfaction. It believes that, to the extent to which it is now carried, this system is inexpedient and unnecessary; that the method of recruiting outsiders for the same branch is not such as to secure the most efficient candidates; and that the fact of Latin being a compulsory subject for the initial examination virtually excludes classes of Her Majesty's subjects from among whom qualified candidates might be looked for.

Holding these views the Commission submits the following proposals as embodying principles on which the Establishment of the Public Works Department should be reorganized in the interests alike of economy and of efficiency, and as furthering the larger admission of qualified Natives of India to employment in this important Department of the public service:—

1. The Engineer Establishment of the Public Works Department should consist of an Imperial Branch and of Provincial Branches.
2. The Imperial Branch should consist of such a number of Royal Engineers as may be required as a reserve for military purposes over and above the officers employed in the Military Works Branch and of Civil Engineers recruited in England.
3. The strength of the Imperial Branch should not be greater than is necessary for purposes of control and direction, and for the execution and repair of works calling for

high Engineering skill, and the recruitment from the Cooper's Hill Royal Engineering College, which appears at present excessive, should be regulated accordingly.

4. The conditions of service in the Imperial Branch should be fixed with a view to secure the necessary qualifications in England, and should, as far as possible, be uniform for all officers employed in it.

5. The Provincial Branches should be of a strength adequate for the construction and maintenance in the several Provinces of works not ordinarily calling for high Engineering skill.

6. The recruitment for the Provincial Branches should be made by the direct appointment to the lowest grades of qualified Engineers from the Indian Engineering Colleges and, in exceptional cases, by promotion from the Upper Subordinate grades.

7. There should be at least one college in India thoroughly well equipped for providing a high education for Engineers for the Provincial Branches, and such college should be open to all classes of Her Majesty's subjects.

8. The conditions of service as to pay, furlough, and pension should be fixed for the Provincial Branches without reference to those of the Imperial Branch.

9. The number of professional Engineers and Military officers employed in the superior Accounts Branch is excessive and should be reduced.

10. The mode of appointing outsiders to the Accounts Branch is unsatisfactory. The recruitment should be to a larger extent from all classes of the community; it should be by open competitive examination, the subjects prescribed for the examination being so chosen as not to exclude any class of the community likely to furnish qualified candidates, and by promotion in exceptional cases from the Accountants' grades.

The Commission recommends no change in the present mode of recruitment for the Upper Subordinate grades, but it calls attention to the complaints made by witnesses in the Madras and Bombay Presidencies respecting the inequality of pay and rank and the unequal chances of promotion which exist in the case of military men and civilians respectively who enter the Upper Subordinate Service with similar technical qualifications. It desires to express its opinion that *prima facie* these complaints appear to deserve consideration.

REGISTRATION DEPARTMENT.

(Appendix O. 15.)

120. Existing organization.—

MADRAS.

From the creation of the Department in 1865 up to the present time, only one European officer has been at the head of it—Colonel Macdonald, the first Inspector General who organized the Department. His successors have all been Natives in the Statutory sense. The policy of the first Inspector General was to recruit for the staff only men of education, and at present there are very few officers in the Department who have not passed at least the Matriculation Examination. Care has been taken to secure efficiency in the officers by insisting on probation and a sufficient departmental examination. The salaries are relatively lower than those paid in almost any other Department. The sanctioned staff consists of an Inspector General, twenty-two Special Registrars, three hundred and twenty-three Special Sub-Registrars, and twenty Probationers. The Special Registrars and the Special Sub-Registrars receive salaries of varying amounts with a limited commission on fees. Of the clerks, some are paid fixed salaries, but the majority are remunerated by commission. The present Inspector General is a Eurasian who, before his appointment, had held the highest Uncovenanted post in the Secretariat. Excluding the Inspector General, out of three hundred and sixty-five officers and probationers now in the Department, only eight are Eurasians and the rest are Natives, thirty-six being Mahomedans or Moplahs, eighteen Native Christians, and three hundred and three Hindus. Of the Hindus two hundred and seventeen are Bráhmans.

BOMBAY.

The Inspector General of Registration has also the superintendence of the Stamp Department and of Jails. The present incumbent is a non-domiciled European. The Head Assistant to the Inspector General and the Accountant are Hindus. The only

paid Registrar is the Registrar of Bombay, who is a Hindu. There are three Inspectors of Registration and Stamps, of whom one is a Eurasian and two are Parsis. There are three or four District Inspectors of Village Registration, all of whom are Hindus. Sub-Registrars are all Natives, one being a Parsi and the others Hindus. Inspectors are selected either from the Sub-Registrars or from clerks in the office of the Inspector General. Inspectors of Village Registries are appointed by selection from Sub-Registrars or clerks of Registrars. The Registrar of Bombay is appointed by the Local Government on the recommendation of the Inspector General. Sub-Registrars are selected as far as possible either from Village Registrars under the Dekkan Agriculturists Relief Act, or from clerks in the offices of Sub-Registrars.

SIND.

The supervision of Registration rests with the First Assistant Commissioner as Branch Inspector General. The present Incumbent is a non-domiciled European. It is intended to abolish the appointment of Branch Inspector General and to transfer the duties to the Inspector General of Registration for the Presidency of Bombay. The Inspector is a Mahomedan. There are thirty Special Sub-Registrars, among whom Mahomedans preponderate.

BENGAL.

The staff of the Department consists of an Inspector General, two Inspectors, one Registrar (for the town of Calcutta), twenty-two Special Sub-Registrars, and two hundred and forty-one Rural Sub-Registrars. District officers are also *ex-officio* Registrars for their respective Districts, and there are in addition twenty-six officers belonging generally to the Executive Service, who are *ex-officio* Sub-Registrars. Hitherto the appointment of Inspector General has always been held by a member of the Covenanted Civil Service. The Inspectors up to the year 1873 were generally Covenanted Civilians. Since that date one of the incumbents has been an Uncovenanted officer, and both the present incumbents are members of the Uncovenanted Service, the senior officer being a Hindu and the junior a non-domiciled European. The Registrar of Calcutta is at present a Hindu. The special Sub-Registrars are all Natives, as are also all the Rural Sub-Registrars except one, who is a Eurasian. The service of the Rural Sub-Registrars does not entitle them to pension or furlough, though they may be granted leave without pay. The ordinary pension and leave rules of the Covenanted or Uncovenanted Services apply to the other officers of the Department. Rural Sub-Registrars are appointed generally from the local gentry and the clerical classes.

NORTH-WEST PROVINCES AND OUDH.

The Inspector General of Registration is also Commissioner of Excise and Stamps and Registrar of Joint Stock Companies. The appointment is held by a member of the Covenanted Civil Service. Excluding the Inspector General and the officers on whom registration duties devolve *ex-officio*, appointments in the Department are held by domiciled Europeans, Eurasians and Natives, and mainly by the last mentioned. With the exception of the Inspector General only six officers receive emoluments amounting to Rs. 100 a month. Of these, three are domiciled Europeans, one is a Eurasian, and two are Mahomedans.

PUNJAB.

The Inspector General of Registration, who also holds the appointment of Superintendent of Stamps, is at present a domiciled European, an Uncovenanted Civilian. The official Registration agency is being gradually replaced as suitable men can be found by a non-official agency. Of the forty-four Registering officers of the latter class, thirty are Hindus, eleven are Mahomedans, and three are Europeans and Eurasians. There are only four Registering officers whose monthly earnings during the past year averaged Rs. 100 and upwards: of these one is a domiciled European, and the others are Mahomedans. The appointment of Sub-Registrar, when remunerated by fees, gives no claim to furlough or pension. A large proportion of the non-official Sub-Registrars are Native gentlemen of standing and position, who accept the office partly on account of the income, but more on account of the dignity which the position is considered to confer. Some are retired officers of the Government.

CENTRAL PROVINCES.

The Inspector General of Registration, a Covenanted Civilian, is also Commissioner of Excise and Superintendent of Stamps. The appointment of Inspector of Registration offices is always conferred on an educated Native. The Special Sub-Registrars are divided into two classes, all being Natives: twelve are paid partly by salary and partly by commission and nine by commission only. Only Native gentlemen of means and respectability are appointed unsalaried Sub-Registrars; the salaried Sub-Registrars are selected from the ranks of the Native clerks employed in the Registration offices.

ASSAM.

The office of Inspector General of Registration is held by the Inspector General of Police and Jails, who is also Superintendent of Stamps and Commissioner of Excise for half the Province. The present Inspector General is a military officer graded as a Deputy Commissioner of the Assam Commission. There are seven Special Sub-Registrars whose duties are confined to registration. Of these, five receive salaries with commission on the fees, and two are remunerated by commission only. The seven Special Sub-Registrars are all Hindus. With the exception of three Special Sub-Registrars there are no officers in the Department whose emoluments for registration work exceed Rs. 100 a month. The Sub-Registrar of Shillong is *ex-officio* Inspector of Registration offices.

BERAR.

The Inspector General of Registration, an officer of the Staff Corps, is also Inspector General of Stamps, Jails and Police. The Inspector of Registration offices, twenty-eight Special Sub-Registrars and fifteen Rural Sub-Registrars are, it is believed, all Hindus. In addition to these there are several *ex-officio* Registrars and Sub-Registrars who receive no remuneration for the work of the Department.

121. Views and recommendations of the Commission.—It will be seen that, with the exception of two appointments of Inspectors General and one or two appointments in the Punjab, all the offices in this Department, which are not held *ex-officio*, are filled by Statutory Natives of India, and principally by Hindus and Mahomedans. It will also be noticed that the appointment of Inspector General is held as a sole charge by a Covenanted Civilian only in Bengal. In other Provinces in which the Inspector General is a Covenanted Civilian, the supervision of the Registration Department is combined with that of other difficult and important branches of the administration, as for instance Excise, Jails, and Stamps. In the Punjab the appointment is held by a domiciled European, an Uncovenanted Civilian; in Bombay by a European, formerly a Military officer; and in Madras by a Eurasian, an Uncovenanted officer. It will be seen that the Department is recruited in Madras by the appointment of young men to a graded service, while in the other Provinces the Registration officers are selected ordinarily from the local gentry, from the ministerial officers of the Courts, or from officers who have retired on pension.

It appears to the Commission that under the present system of registration it is not essential that the head of the Department should be a Covenanted Civilian, and it therefore recommends that the appointment of Inspector General should not be included in the *cadre* of the Imperial Service for the purpose of recruitment. At the same time the Commission recognizes the fact that circumstances may arise under which the appointment should be held by an officer of the Covenanted or Imperial Service. If, for instance, the surveys now being carried out should permit the substitution of a system of registration of title for that of registration of assurance, and if the Government should decide on this course, it might be expedient that the change should be initiated by an officer experienced in the administration of the Land Revenue Department. With regard to the claim made in the Madras Presidency that officers of the Department should be entitled to look for promotion to the Revenue and Judicial Services, the Commission is of opinion that while no obstacle should be placed in the way of such Registration officers as may desire to compete for employment in other Departments, some of whom would doubtless be found well qualified for service in other branches of the administration, those officers should not be exempted from the operation of any rules prescribed to ensure the possession of the special qualifications required in any particular Department. Lastly, the Commission invites attention to

the observations made by Registration officers of the Madras Presidency as to the inexpediency of the system of remuneration provided in that Province for certain classes of clerks.

SALT DEPARTMENT.

(Appendix O. 16.)

122. Existing organization.—

NORTHERN INDIA.

The staff of the Department comprises the following gazetted officers: the Commissioner, who is a member of the Covenanted Civil Service; the Deputy Commissioner, and seven Assistant Commissioners. Of the Deputy and Assistant Commissioners, five are non-domiciled Europeans and three are domiciled Europeans. As soon as the establishment can be reduced, the number of gazetted officers is to be limited to six, the number of Assistant Commissioners being reduced to five.

In addition to the gazetted officers, there are three grades of Superintendents, numbering in all fifty-three officers, of whom nine are non-domiciled Europeans, twenty-seven are domiciled Europeans, fifteen are Eurasians, and two are Mahomedans. The number of Superintendents is to be gradually reduced to forty-two as vacancies occur. The scale of salary now enjoyed by Superintendents was sanctioned by the Secretary of State in 1886; but it has recently been recommended that, in the case of all officers appointed in future to the Department, the scale of pay in force previously to 1886 shall be reverted to.

The Deputy Commissioner is selected by the Government of India on the nomination of the Commissioner from the Assistant Commissioners on the ground of superior ability and fitness for the post. The Assistant Commissioners are, on similar grounds, selected by the Commissioner from any grade of Superintendents. First appointments of officers of the superior staff are made only to the lowest grade of Superintendents. A list is kept of approved candidates. Candidates are appointed on probation for a year, and are not confirmed until they have passed a searching departmental examination.

MADRAS.

The Salt works in the Madras Presidency are scattered over a coast line upwards of one thousand miles in extent. To this must be added the works in the Province of Orissa, which, for the administration of the Salt Revenue, has been placed under the Madras Department. The Department has also since the enactment of Act I. of 1886 been charged with the protection of the Abkari Revenue. The Commissioner for Salt and Abkari has, under recent arrangements, been constituted a Member of the Board of Revenue. The appointment is held by a Covenanted Civilian. The officer second in rank in the Department is the Secretary who is also a Covenanted Civilian. An Assistant Secretary is appointed from the gazetted officers of the Department. The present incumbent is a Eurasian. The gazetted officers, in addition to those mentioned, are three Deputy Commissioners, all non-domiciled Europeans, and ten Assistant Commissioners in four grades, of whom seven are non-domiciled Europeans, one is a domiciled European, one is a Eurasian and one is a Hindu. But it is stated to be the policy to appoint to the grades of Deputy and Assistant Commissioner only gentlemen educated in Europe.

There is also a staff of Inspectors, Probationary Inspectors and Assistant Inspectors, the large majority of whom are domiciled and non-domiciled Europeans and Eurasians. The remaining appointments are held by Natives.

BOMBAY.

At the head of the Department is the Commissioner of Customs, Salt, Opium and Abkari, who must, by law, be a Covenanted Civilian. The administration of the Department in subordination to the Commissioner is committed to the Collector of Salt Revenue, who is always a Covenanted Civilian. There are now one Deputy Collector, a Covenanted Civilian, and nine Assistant Collectors in four grades. There

is also a Native Assistant to the Collector. One of the Assistant Collectors is a domiciled European and two are Parsis, the others are non-domiciled Europeans. The Native Assistant is a Hindu. Appointments are generally made from men outside the Department; but they are occasionally made from the non-gazetted grades, and three of the present staff of Assistants were so appointed.

The staff of Coast Guard Inspectors and Inspectors and Assistant Inspectors on the Northern Frontier Preventive Line is made up of Europeans domiciled and non-domiciled and Natives in varying proportions. It contains only one Eurasian.

Appointments to the subordinate executive grades are made generally by promotions from the ministerial grades of the Department, but officers are occasionally brought in from other Departments under the Commissioner, or from the Land Revenue Department, on account of their special qualifications. It is not, however, the practice to appoint to vacancies in those grades anyone who has not previously been in Government service.

As the administration of the Salt Revenue is combined with that of other sources of revenue, the duties of the staff are multifarious. In connection with salt the officers of the Department are employed in supervising the manufacture of that article on account of the Government, in controlling its manufacture by persons to whom licenses have been issued, in collecting the excise duty thereon, and in preventing illicit manufacture of salt and smuggling into Rajputana, Central India and Ahmedabad. They are also engaged in preventing the smuggling of opium from Rajputana and Central India into Guzerat. In connection with Customs they are responsible for the enforcement of the law relating to Customs duties, merchant shipping, registration of vessels and conveyance of passengers by sea, and are charged with the registration of Customs statistics, the conservancy of the ports, and the management of the beacons, buoys and lighthouses throughout the Presidency except at the port of Bombay. In connection with Abkari they manage the distilleries from which the town and island of Bombay and the adjoining districts of Thana and Kolaba draw the chief part of their supply of country spirit, assess the excise on the whole of the spirit produced at those distilleries, and collect so much of the duty as is assessed on spirit intended for consumption in Bombay.

123. Views and recommendations of the Commission.—It has been proposed that the Commissionership of the Northern India Salt Department should be withdrawn from the Imperial Service and conferred on an officer of the Department locally recruited. Having considered the reasons urged for and against this proposal, the Commission is unable to support it. It is expedient that the direction of a Department which collects so important a source of revenue should be entrusted to an officer selected from the Imperial Service. Great discretion is required to avoid hampering the operations of commerce and harassing the public with unnecessary proceedings for the enforcement of the preventive laws. Tact and personal influence are necessary in order to escape friction with District Officers and to facilitate the transaction of business with Native Durbars. Without implying that the necessary qualities may not be found in the excellent officers who have been trained in the Department, the Commission considers that the position of an officer of the Imperial Service confers on him special qualifications for the successful administration of this important Department, and it is noticeable that no claim to the appointment was advanced on behalf of the Department by any of the officers who were examined by the Sub-Committee. In regard to this appointment as well as the Commissionerships of Salt in the Southern and Western Presidencies, the Commission accordingly recommends that they should, as heretofore, be placed among the scheduled appointments.

Objection has been taken in the Northern India Salt Department to the orders which have been issued reducing the pay of Superintendents below the rates sanctioned so recently as 1886. These orders do not affect existing incumbents, and it is reported that in consequence of the reduction of the establishment no further appointments will be made for some years. The Commission ventures to suggest that when recruitment is resumed the orders directing the reduction of salaries should be reconsidered. The service requires in some degree educational and in a high degree moral and physical qualifications. Officers are peculiarly exposed in the discharge of their duties to dangers and inconveniences arising from varying conditions of climate and other causes, and their prospects in the Department are believed to be inferior to those of officers in the Salt Departments in Southern and Western India.

It appears from the enquiries made by the Sub-Committee that in several Departments in the Madras Presidency and in the professions there are to be found domiciled Europeans,

Eurasians and Natives, who possess the qualifications required in gazetted officers of this Department. The Commission recognizes that in a Department which has been recently reorganized and where it was at first necessary to introduce untried men, the Commissioner may have been justified in selecting officers from the class in which the possession of the required qualifications might be most confidently presumed, but assuming that appointments are made on probation, the continuance of this system, which is based on a presumption of unfitness in certain classes of Her Majesty's subjects, appears unnecessary and undesirable.

The nature of the duties entailed on gazetted officers of the Salt Department in each Presidency varies greatly. For the adequate discharge of some of them education or physique and special technical knowledge are not required in an equal degree, and it is difficult to propose any general rules of recruitment which would suit equally the circumstances of each Presidency and allow the admission of all classes who might be employed with benefit to the State. The Commission therefore confines itself to the general recommendation that, sufficient precautions being taken to secure the requisite physical qualifications, the same principles should govern the recruitment for and promotion in this Department as have been recommended for the Provincial Service, and that rules should be framed in the case of the Northern India Salt Department by the Government of India, and in the case of the Departments in Madras and Bombay by the Local Governments respectively, subject to the approval of the Government of India, to give effect to this recommendation.

SURVEY DEPARTMENT.

(Appendix O. 17.)

124. Existing Organization.—

INDIA.

The Administrative Staff of the Survey Department comprises the Surveyor General, the Deputy Surveyor General in the Revenue Branch, and the Deputy Surveyor General in the Trigonometrical Branch. All of these officers are non-domiciled Europeans. The sanctioned staff of the Senior Division comprises thirty-two Deputy Superintendents in four grades, and seventeen Assistant Superintendents in two grades; but three appointments in the lower grade are vacant. The officers of the Senior Division are partly Military and partly Civil, the proportion being from time to time determined by the Surveyor General, subject to the control of the Government. It is stated that the average proportion for the last fifteen years, has been 3·2 Military officers to one civilian. At the time of this enquiry thirty-seven out of forty-nine posts in the Administrative Senior Division were held by Military officers and twelve by civilians, of whom nine had been promoted from the Lower Division and three had been specially appointed. Of the forty-six officers in the Upper Division, thirty-nine are non-domiciled Europeans, six are domiciled Europeans, and one is a Eurasian.

The Junior Division comprises fifty Surveyors in four grades, and eighty-five Assistant Surveyors in three grades, two appointments in the lowest grade being vacant. In the 3rd grade one appointment is held by a Hindu and another by a Mahomedan, who were promoted for special services in connection with the Afghan Boundary Commission. Of the other officers in the Junior Division, five are non-domiciled Europeans, ninety-three are domiciled Europeans, and thirty-three are Eurasians. The sanctioned staff of Sub-Surveyors, comprises five hundred posts on salaries ranging from Rs. 10 to Rs. 110 a month. Only two Sub-Surveyors receive monthly salaries amounting to Rs. 100. Both of these are Hindus.

The Surveyor General considers that the Senior Division of the service should be officered mainly by the Military class, and he refers to the practice of the leading European nations as justifying this opinion. He notes that in India it has been found necessary to place survey parties in the field under Military Executive officers for co-operation with military forces and political missions; and he states that the calls for Military Survey officers during recent years have proved that it is difficult, even with the present strength of the Military staff, to meet the requirements when military operations on any extensive scale are being carried on across the frontier. He would, therefore, make no reduction in the present proportion of the Military element. He would also maintain the present proportion of the Civil element to afford the means of

rewarding meritorious officers of the Junior Division, and to provide for the appointment of specialists when required. He would restrict appointments in the Senior Division to officers of European birth and education.

The Junior or Subordinate Division has been hitherto officered for the most part by Europeans domiciled in India, and Eurasians, of whom many have passed the Matriculation Examination of the Indian Universities. The Surveyor General states that the experiment of employing Natives in this branch has been tried in former years to a limited extent, but with so little success that it was not continued. In the lowest division, that of Sub-Surveyors, he states that the services of Natives have been extensively utilized in practical survey work in the field under European supervision, and that the work which has been, and is being, performed by this class of men is all that can be desired. In the year 1884 the Government of India determined that Natives should be employed in the Junior Division, believing that educated or trained Natives could be found who were competent to perform all the duties of the Subordinate Staff; and that as the competence of such Natives had not been made the subject of trial, the presumption of incompetence could not be admitted.

MADRAS.

The Revenue Survey Department in the Madras Presidency is charged only with the duties of survey, the demarcation of boundaries, and the decision of boundary disputes under Act XXVIII. of 1860. The classification of soils and assessment of revenue are carried out by the Revenue Settlement Department. The gazetted staff consists of eighteen officers: the Superintendent, one Deputy Superintendent of the 1st grade, four Deputy Superintendents of the 2nd grade, four First Assistant Superintendents, five Second Assistant Superintendents, and three Probationary Assistant Superintendents. All the gazetted appointments are now held by non-domiciled Europeans. The non-employment of domiciled Europeans, Eurasians and Natives appears to be due to the apprehension that men of these classes cannot be obtained who combine in a sufficient degree the education, physique, and social standing which are deemed to be requisite for efficiency in the superior grades of the service. When the Department was originally created, appointments to the gazetted staff were made by nomination. Subsequently competition was introduced, open to all classes of Her Majesty's subjects. The present Senior Deputy Superintendent and three other officers obtained their appointments under this system; but after a few months it was abandoned, and either Military officers or Uncovenanted civilians were appointed on the nomination of the Governor. There is now only one Military officer in the Department. Of late years it has been customary to appoint young men, principally the sons of Civil or Military officers, as Probationers. No technical knowledge is required on the part of Probationers before they are appointed, but after they are nominated they must go through a course of instruction in Surveying and Mathematics at the Civil Engineering College, which may extend to one year, and must then pass an examination in Mathematics and in a Vernacular language. During the course of instruction a Probationer receives a salary of Rs. 200 a month. In a Resolution No. 315, dated 22nd March 1887, the Government of Madras declared its intention to appoint Natives and Europeans alternately. As, however, the survey of the Presidency will probably be completed and the Department abolished within a few years, and as there are at the present time three Probationers to recruit a staff of fifteen officers, it is improbable that any considerable effect will be given to this intention.

Of appointments which are not gazetted, thirty-eight carry salaries of Rs. 100 a month and upwards. According to the sanctioned scale of establishment, there are six grades of Sub-Assistant Superintendents. These appointments are all held by Statutory Natives, and only one of them by a domiciled European. Of the Sub-Assistant Superintendents and Head Surveyors, nineteen are Eurasians, thirteen are Hindus, and one is a Mahomedan.

BOMBAY.

The Revenue Survey Department in the Bombay Presidency is charged not only with the survey of land liable to revenue, waste land and forest, the demarcation of boundaries and the decision of boundary disputes, but also with the assessment of the rates at which the revenue is payable on land brought under settlement. In the Presidency proper there are at present four Survey Divisions, *viz.*, the Poona and Nasik Survey, the Gujarat Survey, the Ratnagiri Survey, and the Southern Mahratta Country

Survey. Each of these divisions is under the charge of a Superintendent or Deputy Superintendent according to the strength of the establishments employed in the division. Subordinate to the Superintendent of Survey, there are an Assistant Settlement Officer and Assistant Superintendents of Survey, the number of Assistant Superintendents varying in each division. The duties of the Assistant Settlement Officer are to supervise the classification of soils performed by a field establishment under his direct charge and also to collect such statistics as to the population and condition of villages, the crops and the soils as may be necessary for the assessment of revenue rates and the compilation of Settlement reports. The duties of the Assistant Superintendents are to supervise the measurement of the lands and the classification of soils.

The existing staff of the Department consists of the Survey Commissioner, two Superintendents, two Deputy Superintendents, four Settlement Officers, and thirty Assistant Superintendents in four grades. There are also four appointments of Probationary Assistant Superintendents; but these appointments are at present vacant, probably because it is deemed inexpedient to increase the staff of a Department of which the operations will in all likelihood be brought to a close in about seven years. In the Photozincographic office there are a Superintendent, a Head Photographer, and a Zincographic Printer.

Of the four Settlement Officers, two are domiciled Europeans and one is a Eurasian and there are three Eurasians in the 1st grade of Assistant Superintendents. The Zincographic Printer is a domiciled European. With these exceptions all the officers of the Department whose pay amounts to Rs. 100 a month and upwards, and who are not charged with purely clerical duties, are non-domiciled Europeans.

SIND.

The Revenue Survey Department in Sind is charged with the same duties as the Department in the Bombay Presidency, and officers are, as occasion requires, transferred from the one to the other. The staff at present consists of a Superintendent who is a Military Officer, an Assistant Settlement Officer, and seven Assistant Superintendents in four grades. With the exception of an Assistant Superintendent of the 1st grade who is a domiciled European, all the gazetted officers are non-domiciled Europeans.

125. Views and recommendations of the Commission.—The Commission does not feel itself at liberty to deal with the question of the number of Royal Engineers or other Military officers who should be employed in the Senior Division, but it suggests that these officers, with such specialists as may be recruited in England should be regarded as forming a distinct branch of the service, with pay, furlough, and pension adjusted to the requirements of a service so recruited. It further suggests that the posts now held by the Junior Division should be amalgamated with some posts surrendered by the Senior Division so as to provide sufficiently attractive prospects for a service locally recruited, the pay, furlough, and pension rules applicable to which should be adjusted on the principles already indicated by the Commission in respect of other services recruited in India.

The evidence collected by the Sub-Committee appears to show that the objection to employment of Natives in the Junior Division is not based on their inability to perform the technical duties devolving on the officers of that division, but arises from the doubt whether Natives could be found with the requisite qualifications for controlling subordinates and exercising sound discretion in the expenditure of funds and in the dispensing of patronage. This doubt the Commission does not share. The Commission entirely approves of the decision of the Government of India that admissions to the Junior Division (or to the Local Service if the recommendation of the Commission is adopted) should not be confined to special classes of Her Majesty's subjects in India. It is also of opinion that admission to this service should be regulated by competition among selected candidates, and exceptionally by promotion from the Subordinate Service.

With regard to the Revenue Survey Department in the Madras Presidency, the Commission observes that it has been found possible to employ domiciled Europeans and Eurasians in the Survey of India and in the Survey and Settlement Department of Bombay in positions analogous to those from which they have been to some extent excluded in Madras. It also observes that although Natives have been admitted to more lucrative posts in the Survey of Madras than they have received in the Survey of India, no sufficient opportunity has been as yet afforded to the more educated classes of proving their fitness for gazetted appointments in the Madras Survey. The

Commission cannot approve of the system which has obtained in Madras of appointing probationers without proof that they possess any technical qualifications, and of providing them with rudimentary technical instruction at the expense of the State. It would further point out that the admission of three probationers for a staff of fifteen officers in a Department which will probably be abolished in a few years will increase the number of officers who, when survey operations are discontinued, may advance claims for compensation, or for whom employment must be found in other Departments.

With regard to the Department of Survey and Settlement in the Bombay Presidency, the reluctance to appoint Natives to the superior posts appears to have arisen from the doubt whether men with the requisite technical qualifications could be found sufficiently trustworthy and with a sufficient sense of responsibility to fix rates of assessment which are to form the basis of the land revenue for all subsequent settlements. The testimony borne by the Commissioner of Revenue Settlements in Madras to the efficiency of Natives in Settlement work, however, suggests that Natives might be employed, at least to some extent, on the same duties in the Presidency of Bombay if a more educated class than is employed in the subordinate staff were allowed the opportunity of entering the superior service. The Commission would have made the same recommendations for the recruitment of the Revenue Survey Departments in both Presidencies as it has for the recruitment of the Junior Division of the Survey of India had it not understood that these Departments will be abolished within a comparatively short period, and that the necessary Revenue Surveys will be hereafter carried on by the Revenue, and Agricultural Establishments. In view of this circumstance the Commission recommends that no further appointments of probationers should be made to the gazetted posts, and that any deficiency experienced in the strength of the existing agency should be supplied from other Provincial Services, such as the Land Revenue or Public Works Departments. A trained staff will thus be secured which, on the abolition of the Revenue Survey Departments, will be available to carry on under competent control such surveys and settlements as may from time to time be required.

TELEGRAPH DEPARTMENT.

(Appendix O. 18.)

126. Existing organization.—The staff of the Telegraph Department comprises the Superior Establishment, the Accounts Branch, the Upper Subordinate Establishment, the Signalling Establishment including Telegraph-Masters, and the Lower Subordinate Establishment.

The Superior Establishment, in October 1887, consisted of ninety-seven gazetted officers. The administration of the Department rests with the Director-General, assisted by the Deputy Director-General and the Directors of the Traffic Branch and of the Construction Branch. The Director-General is also allowed the services of a gazetted officer as Personal Assistant. The superintending and higher executive staff at present consists of forty Superintendents of five grades. There are fifty-five Assistant Superintendents. The gazetted officers are with two exceptions non-domiciled Europeans. One Superintendent in the 4th grade and one Assistant Superintendent are Eurasians.

On the creation of the Department some officers were obtained for the gazetted staff in India, others were appointed by the Court of Directors and subsequently by the Secretary of State and specially trained in England. Since 1878, appointments to the gazetted staff have been made from, and are now practically confined to, students trained at the Royal Engineering College at Cooper's Hill. In 1880-81 the average number of annual vacancies in the Superior Establishment was estimated at five, and it was determined that two appointments only should be made each year in England, that the three vacancies unprovided for should be allowed to lapse or be filled experimentally by appointments in India according to the requirements of the service, and that the pay of appointments made in India should be fixed at two-thirds of the pay of similar appointments filled in England. Now that the main lines of communication have been established and the organization of the Department has been completed, it has been resolved to reduce the number of officers on the superior staff to eighty-four, and in order to expedite promotion, an inducement in the form of special pensions has been offered to secure the more speedy retirement of some of the senior officers.

Officers of the Superior Establishment are entitled to the benefit of the leave and pension rules applicable to the Uncovenanted Service, and such of them as have been

trained in England or whose names are scheduled are allowed special privileges. Officers specially trained who entered the Department under covenant with the Court of Directors or with the Secretary of State, and officers appointed from Cooper's Hill are entitled to graduated pensions; officers who have attained the positions of Director-General or Deputy Director-General, or Director or Superintendent of the 1st grade and have served in those ranks for three years are entitled to extra pensions.

The Accounts Branch is officered by the staff of the Public Works Accounts Department.

The existing strength of the Signalling Branch appears to be one thousand two hundred and eighty-six. There are also attached to the Department ten British soldiers, of whom one is employed in the workshops. Of these one thousand two hundred and eighty-six officers, one hundred and forty-seven are domiciled Europeans, eight hundred and eighty-nine are Eurasians, two hundred and nine are Hindus, seven are Mahomedans, and thirty-four are Natives of other creeds. The Signalling Branch comprises a general and a local service. The members of the latter engage to serve within certain defined limits—roughly speaking, the limits of the Presidency or Province for which they are enlisted. The members of the general service engage to serve in any Province or place to which the operations of the Department may extend. Local service men are permitted to volunteer for general service if they are fit for it and if their services are required, and general service men may under certain circumstances be transferred to the local service. There are four grades of Signallers in each service, termed respectively superior, good, average, and indifferent; but the indifferent grade is a punishment grade. The sanctioned strength of these grades respectively is as follows:—Superior, ten per cent.; good, thirty per cent.; average and indifferent, sixty per cent.

In order to provide technical training for candidates for employment in this Branch, classes are formed at several centres open to all persons, without distinction of race, who are physically qualified for employment, are between the ages of sixteen and twenty years, and have passed a qualifying examination. The students at these classes are termed probationers, and the period of training is regulated by the ability of the candidates, the full period allowed for training in the classes being ordinarily nine months. Before admission as paid Signallers, probationers are required to pass an examination in elementary electricity and magnetism; office routine, signalling, the use and nature of instruments and dictation. Special classes have also been formed for pupils at the Lawrence Asylums at Sanawar and Ootacamund.

Examinations, open to all members of the signalling staff, are held periodically when a sufficient number of vacancies are available, in order to determine the officers who are qualified for promotion to the good and superior grades. The test is not confined to technical and educational attainments, but conduct and special services are taken into consideration, and marks are allotted for them. For exceptionally good service, the Director-General occasionally awards promotion without examination. An annual examination is also held to test the manipulative ability of the officers, and they are required to maintain certain minimum standards to preserve their places in the grades. Some complaint has been made that this rule operates harshly in the case of men of advanced age, but the standards are pronounced by officers qualified to express an opinion as not unduly severe. Members of the signalling staff, who show special aptitude, are employed as testing Telegraph-Masters at the large stations at which the lines are regularly tested. They are also attached, when practicable, to the office of the Electrician to assist him in cable testing and experimental research.

In addition to their emoluments as Signallers, Telegraph-Masters draw monthly allowances of Rs. 80, Rs. 60, Rs. 40, and Rs. 20 for the charge of offices or training classes, the charge of bodies of signallers on duty in the larger offices, and special testing and inspection duties. These allowances are local and not personal; but they are taken into account in determining the amount of pension, and complaint has been made that a Telegraph-Master may, by transfer to a station at which the allowance is smaller than that which was attached to the office from which he was transferred, suffer a serious diminution in the amount claimable as pension.

The Upper Subordinate Establishment is recruited from the members of the signalling staff who have reached the superior grade, the selection being made with reference to special aptitude, conduct, and physique, rather than to length of service, and the qualifications of officers for line work being tested by attaching them to a work of construction. Officers who have thus proved their efficiency enter the 2nd grade of Sub-Assistants and their 1st year's service in that grade is regarded as probationary. Promotion to the 1st grade is regulated by vacancies. The number of officers in these

grades is contingent on the strength of the Superior Establishment, the Government of India having ruled that the aggregate number of officers of the Superior and Upper Subordinate Establishments shall not exceed one hundred and sixty-five. At the time of this enquiry, there were fifty-six Sub-Assistants, of whom twenty-six were domiciled Europeans, twenty-eight were Eurasians, and two were Hindus. The most intelligent and trustworthy members of the Upper Subordinate Establishment are chosen for sub-divisional charges, and the attainments required of them are similar in character to those of Assistant Superintendents, though less in degree. The Director-General reported that at the date of this enquiry fourteen Sub-Assistants were in charge of sub-divisions and eleven in charge of construction works. There is a provisional class of 1st grade Inspectors, which, it is understood, will be ultimately abolished. Of four officers in this class one is a non-domiciled European, two are Eurasians, and one is a Hindu.

The leave and pensions of the Signalling Branch and of the Upper Subordinate Establishment are regulated by the general rules of the Financial Codes applicable to Uncovenanted officers, except as regards the inclusion of local allowances in the computation of the pensions of Telegraph-Masters.

The Lower Subordinate Establishment consists of Linemen and Sub-Inspectors.

127. Views and recommendations of the Commission.—The importance of maintaining the Telegraph Department in the highest degree of efficiency is imposed on the Government of India as a duty not only in view of the great services which it renders both in war and in peace to the State, to commerce and to the public generally, but also by reason of its obligations to foreign administrations with which it is associated in carrying on the international telegraph traffic of the world. As there is no competition between rival telegraph lines in India, the Government has to rely on the Department itself to secure that telegraphy in India keeps pace with the progress of the science in other countries, while the paucity of local appliances calls for highly trained and intelligent skill to devise expedients to meet unexpected emergencies. The Commission therefore recommends that for the present the recruitment in England on the scale now sanctioned should be maintained.

It has been suggested that the training of officers recruited from Cooper's Hill should, as in the case of the Engineer students, be extended over a period of three years, so that they might receive further technical instruction. The Commission would point out that this proposal has the support of very competent witnesses.

Complaint has been made that the prospects of pay and promotion of officers in the Telegraph Department are less attractive than those enjoyed by officers in the Department of Public Works, and that officers in the former Department are at a disadvantage in respect of Presidency house allowance and the provision of tents. Remedial measures have been already sanctioned by the Secretary of State to improve the prospects of the officers who have been affected by stagnation of promotion; the other grievances which form the subject of complaint, if substantial, afford ground for representation to the Government rather than for suggestions on the part of the Commission which, under its instructions, can consider the conditions of service only in so far as they may affect the recruitment of Europeans and Natives respectively. While advising that the recruitment in England be maintained at its present strength, the Commission recommends that the gradual reduction of the staff recruited in England should be kept in view, and that a superior Local Telegraph Service should be recruited in India from classes to be established at one or more of the Indian Engineering Colleges. It also recommends that instead of adjusting the pay of officers locally recruited with reference to the pay of officers recruited in England, the pay and other conditions of the service locally recruited should be determined independently on the same principles as it is proposed to adopt for the Provincial Service.

The complaint of Telegraph-Masters referred to above regarding the prejudicial effect of transfers on pensions, the amount of which is partly regulated by the local allowances drawn, appears to the Commission worthy of attention.

It is also alleged that house allowances are granted to European and Eurasian Signallers at a higher rate than to Natives holding the same posts. If any difference at present exists under this head which involves a race distinction, the Commission entertains no doubt that it will be rectified.

CHAPTER X.

SUMMARY OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE COMMISSION.

128. Summary.—Omitting such matters as are only answers to questions on which the Government of India has called for information and which do not lead to practical action, the Commission thinks that it may be useful, before closing this Report, to summarise its conclusions and recommendations. Briefly stated, these conclusions and recommendations are the following :—

General.

1. That no proposal can be supported as sound in itself or likely to be a final solution of the problems embraced in the present enquiry, which involves a departure from the principle enacted in Section 87 of the Statute 3 and 4 Will. IV., Cap. 85, or from the policy set forth in Her Majesty's Proclamation of 1858 [*paragraph 58 of Report*].

The Competitive System.

2. That admission to the branch of the Civil Service known as the Covenanted Civil Service should continue on the system established by Section 32 of the Statute 21 and 22 Vic., Cap. 106, *i.e.*, by competitive examination open to all natural-born subjects of Her Majesty and held in accordance with Regulations made from time to time under the Statute [*paragraph 59 of Report*].

3. That it is inexpedient to hold an examination in India for the Covenanted Civil Service simultaneously with the examination in London [*paragraph 60 of Report*].

4. That the minimum and maximum limits of age for Native candidates at the open competitive examination held in England should be nineteen and twenty-three years respectively [*paragraph 62 of Report*].

5. That the chief vernacular languages of India and the Persian language should not be added to the subjects of the open competitive examination in England, but should be included among the special studies to be entered upon by the successful candidates preparatory to duty in India [*paragraph 63 of Report*].

6. That Her Majesty's Civil Service Commissioners should be invited to take into their consideration the question of the adequacy of the marks at present assigned at the open competitive examination to the Sanskrit and Arabic languages, and the suitability of the standard exacted [*paragraph 63 of Report*].

7. That the proposal to fix the number of Native candidates to be selected by competitive examination in London and to select them by an examination separate from that of European candidates and especially adapted, as regards limits of age and otherwise, to the conditions of Natives of India, does not commend itself to the Commission, which is of opinion that the competition in England should remain open as heretofore without restriction or distinction, as by the present law provided, to all natural-born subjects of Her Majesty of whatever race or colour or creed or place of birth who can satisfy the preliminary conditions prescribed in the rules framed by the Civil Service Commissioners, and that selection should be made impartially and indifferently from among the candidates according to their order of merit as ascertained in one and the same examination [*paragraph 64 of Report*].

8. That the rule which admits of selected candidates for the Civil Service, after completion of their two years' probation, remaining an additional year in England for the purpose of taking a University degree, is inconvenient as disturbing the annual recruitment for the several Provinces of India; that it is a departure from the principle that the general education of students should be completed before and not after they enter upon the special studies designed to fit them for duty in India; and that to expend the revenues of India in helping candidates who, having passed their period of preliminary training successfully, are pronounced qualified for service in India, to complete their general education is an indefensible arrangement [*paragraph 66 of Report*].

9. That the general conditions of service accorded to officers of the Covenanted Civil Service, who are recruited in England, do not appear to be in any way suitable to Natives of India obtaining office under the Statutory Rules or otherwise appointed in India [*paragraph 70 of Report*].

The Statutory Service.

10. That the existing Statutory system has failed to fulfil the expectations anticipated from it; that it is for sufficiently good reasons condemned, not only by particular sections of the Native community, but also by the very large majority of officials, both European and Native, who have had practical experience of its working; that it should be abolished, and that Section 6 of the Statute 33 Vic., Cap. 3, should be repealed [*paragraph 72 of Report*].

The Covenanted or Imperial Service.

11. That, in the present circumstances of the country, the claims of Natives of India to higher and more extensive employment in the public service, and the admission of competent Natives of each Province of India to a due proportion of the posts heretofore reserved for the Covenanted Civil Service, can be best provided for by reducing the Covenanted Civil Service to a *corps d'élite*, by limiting its numbers to what is necessary to fill the chief administrative appointments of the Government and such a number of the smaller appointments as will ensure a complete course of training for junior Civilians, and by transferring a corresponding number of appointments to a local service to be separately recruited in each Province of India [*paragraph 73 of Report*].

12. That the use of the term "Covenanted Civil Service of India" should be discontinued, and that the term should be replaced by the expression "Imperial Civil Service of India" [*paragraph 75 of Report*].

13. That the members of the Imperial Civil Service of India should be bound to serve wheresoever and in whatsoever capacity the Government may see fit and should be eligible for any appointment for which the Government considers them qualified [*paragraph 75 of Report*].

14. That no change in principle should be made in the Statute 24 and 25 Vic., Cap. 54, which directs that all vacancies in certain offices shall, save under special circumstances, be filled up from amongst the Covenanted Civil Servants of the Crown in India [*paragraph 76 of Report*].

15. That, subject to the arrangements in force for recruiting from the Army Staff Corps in the Punjab and Assam, the Schedule attached to the Statute 24 and 25 Vic., Cap. 54, should be so extended as to include analogous appointments in those and all other Non-Regulation Provinces [*paragraph 76 of Report*].

16. That the number of appointments reserved in the Schedule attached to the Statute 24 and 25 Vic., Cap. 54, should be reduced, and that the Schedule recommended in Appendix N. to this Report should be adopted [*paragraph 77 of Report.—Attention is called to the dissents* of certain members of the Commission.*].

17. That if the *cadre* of the Covenanted Civil Service is larger than would be required under the proposals now made, the Government should, in the future recruitment for the Covenanted Service, have regard to the reduced Schedule in order to give due effect to those proposals; and that regard should further be had to the fact that there are some appointments outside the Schedule which it will probably be the policy of the Government usually, though not exclusively, to fill from the Imperial Service and others to which members of the Imperial Service will only occasionally be appointed [*paragraphs 77 and 81 of Report*].

18. That a provision should be inserted in the Statute 24 and 25 Vic., Cap. 54, enabling the Secretary of State in Council, with the concurrence of a majority of members present at a meeting, to remove appointments or classes of appointments from the Schedule, or to include them in the Schedule, as may seem desirable from time to time, provided that no such order shall take effect until it has, with the reasons for making it, been laid for ninety days before both Houses of Parliament [*paragraph 77 of Report*].

19. That Section 3 of the Statute 24 and 25 Vic., Cap. 54, should be so amended as to provide for special appointments being made to offices specified in the Schedule on account of exceptional merit and ability proved in the public service, and to judicial offices specified in the Schedule on account of exceptional merit and ability proved in active practice as a barrister, advocate, or pleader of a High Court, as well as "under the special circumstances of the case" [*paragraph 78 of Report*].

* See paragraph 77 of Report.

20. That Section 4 of the Statute 24 and 25 Vic., Cap. 54, should be amended and supplemented as follows:—

- (a) the period within which the pleasure of the Secretary of State in Council should be expressed should be six months;
- (b) in the event of the pleasure of the Secretary of State in Council not being expressed within six months, it should be declared that approval is to be presumed; and
- (c) in the event of the appointment being disapproved, the law should declare that no official acts performed by the officer, until he receives notice of such disapproval, shall on that ground be held invalid [*paragraph 79 of Report*].

21. That in filling up the higher appointments which it is now proposed to exclude from the Schedule of 1861 regard should be had to the claims of officers of the Covenanted Civil Service who completed in or before the year 1870, and also to the claims of officers belonging to the Army Staff Corps or Uncovenanted Service who were appointed to the ranks of the several Commissions in India prior to that year [*paragraph 80 of Report*].

The Provincial and Subordinate Services.

22. That the proportion of judicial and revenue appointments excluded from the Schedule attached to the Statute 24 and 25 Vic., Cap. 54, should be gradually amalgamated with the higher appointments in the Executive and Judicial Departments of the present Uncovenanted Service and should be recruited locally [*paragraph 81 of Report*].

23. That local recruitment should be made separately by the Local Governments of the several Provinces to meet their own special requirements, and that the service so recruited should be called the "Provincial Civil Service" [*paragraphs 75 and 84 of Report*].

24. That members of the Imperial and Provincial Services should, as far as possible, be put on a footing of social equality, and that, when they occupy similar offices, they should be graded together in the official precedence list [*paragraph 75 of Report*].

25. That below the Provincial Service there should be a lower service to be called the "Subordinate Civil Service"; that in the Executive Department the line of division between the Provincial and Subordinate Services may be conveniently drawn between, on the one hand, the appointments of Deputy Collectors or Extra Assistant Commissioners, and, on the other hand, the appointments of Tahsildárs, or Mámlatdárs, or Mukhtyárákárs; and that, as regards the Judicial Department, the line should be determined, separately, by each Local Government, for each Province, subject to the sanction of the Government of India [*paragraphs 75 and 81 of Report*].

26. That the Provincial Service should be filled up partly by promotion from the Subordinate Service and partly by recruitment [*paragraph 82 of Report*].

27. That, in view of the probability of promotion from the Subordinate Service to the Provincial Service, the rules for the recruitment of the Subordinate Service in each Province should be carefully revised in such a way as to adapt them to the altered circumstances which will be introduced if the general recommendations of the Commission are accepted; that the greatest care should be exercised in the selection of Tahsildárs and similar classes of officers, and that Tahsildárs should not be appointed without careful preliminary training in a post which will fit them for the duties of the higher office [*paragraph 82 of Report*].

28. That, for the purposes of the recruitment of the Provincial Service, no uniform system applicable to all Provinces can at present be recommended, but that a system of open competition should be adopted wherever the Government of India considers it not inexpedient, and that, where open competition is considered unsuitable, a system of competition among candidates previously selected is preferable to a system of nomination, provided that the number of candidates selected for each vacancy is sufficient to make the competition a real one [*paragraph 82 of Report*].

29. That in regard to first appointments to the Judicial branch from the ranks of barristers, advocates, or pleaders, competition would be out of place; but that no barrister, advocate, or pleader should be so appointed who has not been in the active practice of his profession for at least three years, and is not qualified by such a knowledge of the vernacular language as is required on the part of other persons before first appointment to the Provincial Service [*paragraph 82 of Report*].

30. That no person should be considered eligible for recruitment in the Provincial Service unless he furnishes satisfactory evidence—

- (a) that he is not over twenty-five years of age (except in the case of barristers, advocates, or pleaders appointed to the Judicial branch otherwise than by competitive examination);
- (b) that he has attained a prescribed preliminary standard of education, and especially of qualification in one of the vernacular languages of the Province in which he is to be employed. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility; and the evidence required should ordinarily be either a certificate of having passed in the vernacular language and literature by the highest standard of the vernacular school examination, or passing that standard before a Board of Examiners appointed for the purpose of the examination.
- (c) that he is of sound health, good physique, and active habits; and
- (d) that he is of good character [*paragraph 82 of Report*].

31. That all persons appointed to the Provincial Service by recruitment should be subject to a period of probation or training during which time their appointment should be probationary or provisional only, unless in special cases the Government considers such probation or training unnecessary [*paragraph 82 of Report*].

32. That the Government of India should retain power in very special cases and under prescribed conditions to make direct appointments to offices in the higher grades of the Provincial Service [*paragraph 82 of Report*].

33. That, in order to provide a sufficient guarantee of fitness, the exercise of this power in the case of the Judicial branch should be confined to barristers, advocates, or pleaders of the High and Chief Courts, who are suitable in other respects and have shown distinguished ability in the exercise of their profession for a period of not less than ten years, but that in the case of any such occasional appointment the qualifications described above in regard to a thorough knowledge of the vernacular should be fully insisted upon [*paragraph 82 of Report*].

34. That the recruitment of the Provincial Service should be in all cases made under rules to be sanctioned by the Government of India, such rules being published for general information and republished annually in the Local Government Gazettes [*paragraph 82 of Report*].

35. That in the High Courts of Calcutta and Bombay the number of Judges selected from the Judicial branch of the Provincial Service or from advocates or pleaders of the High Courts should be increased, and that a similar course should be pursued in regard to the High Court at Madras in the event of the strength of that Court being increased to six Judges [*paragraph 83 of Report*].

36. That, if the Statute 24 and 25 Vic., Cap. 104, is amended, advocates of High Courts should be expressly declared to be eligible for the appointment of Judges of the High Courts [*paragraph 83 of Report*].

37. That the orders* of the Secretary of State and of the Government of India, passed in 1879, which forbid the appointment without previous sanction of persons other than Natives of India to offices carrying salaries of Rs. 200 a month or upwards in certain Departments of the Uncovenanted Service, should be cancelled; and that, when it is considered necessary to recruit Europeans for the Provincial Service otherwise than under the published rules, the recruitment should be made in Europe and by Her Majesty's Secretary of State [*paragraph 84 of Report*].

38. That it is inexpedient to lay down a rule restricting the recruitment for the Provincial Service to residents of the Province concerned; but that, while recruitment for the Provincial Service should be open to all natural-born subjects of Her Majesty, the Government of India should prescribe from time to time such limitations in respect of residence or otherwise as may be considered expedient, and that, as a general rule, recent residence of at least three years in a Province should be an essential condition of admission to the Provincial Service [*paragraph 84 of Report*].

39. That the grades of pay in the Provincial Service and the pay of appointments to be held by its members, together with the general conditions of such service as to leave and retiring annuity, should be fixed on independent grounds and bear no relative proportion to those of the Imperial Service [*paragraph 85 of Report*].

40. That the pay of officers of the Provincial Service appointed specially to high office for exceptional merit and ability, on the rare occasions on which the Secretary

* See Appendix J to this Report.

of State may exercise the powers reserved to him, should receive special consideration at the time; and that for appointments made directly by Her Majesty the pay and the rules governing leave and pension should be the same for all incumbents whether belonging to the Imperial or the Provincial Service or appointed from outside the service of Government [*paragraph 85 of Report*].

41. That with regard to appointments to which graded pay is not attached but which it may be intended usually to fill from the Provincial Service, the pay should be fixed with reference to what is required for the Provincial Service and not by a consideration of the pay which would be required for members of the Imperial Service when appointed [*paragraph 85 of Report*].

42. That retrospective effect should not be given to alterations made in pension rules against the will of persons, being already in the service of the Government, who may be injuriously affected thereby; and that, when alterations are made, persons in the service should be allowed the option of adhering to the old rules or accepting the new rules as a whole with all their advantages and disadvantages [*paragraph 85 of Report*].

43. That the recommendations of the Commission regarding the creation of a Provincial Service and the recruitment of that service are subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals [*paragraph 86 of Report*].

44. That Statutory Civilians in actual service should be absorbed into the Provincial Service in such positions as, having regard to the circumstances of each case, the Government of India may consider to be equitable [*paragraph 87 of Report*].

45. That before the dismissal of any member of the Provincial Service, otherwise than on the result of a judicial investigation, he should be afforded an opportunity for enquiry under the law for the time being in force relating to enquiries into the behaviour of public servants [*paragraph 88 of Report*].

Miscellaneous.

46. That inasmuch as the posts of chief administrative officers of districts and Judges involve very responsible duties, the principle of selection should be more completely adopted in regard to those appointments; and that when in the order of seniority officers become eligible for appointment to the posts of Collector or Judge, there should be no hesitation in passing over those persons who have not given distinct evidence that they are fit for such office [*paragraph 89 of Report*].

47. That, as a general rule, officers of the Imperial and Provincial Services, if declared ineligible for promotion, should, after a certain period of service, be liable to be compulsorily retired on reduced pensions calculated with reference to their period of effective service [*paragraph 89 of Report*].

48. That a Board of Examiners should be appointed in each Presidency and Province who should perform duties similar to those entrusted to Her Majesty's Civil Service Commissioners in England, and that, whenever possible, non-official Europeans and Natives should be represented on such Boards [*paragraph 90 of Report*].

Special Departments : General.

49. That when the Commission has made no specific recommendation respecting recruitment and conditions of service in any Department in which changes are suggested, it advises the adoption, as far as may be practicable, of the same rules (see Recommendations 26 to 42) as to preliminary qualification, recruitment, probation and general conditions of service as it has recommended for the Provincial Service, and that the recommendations of the Commission in regard to the several Departments are subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals [*paragraph 91 of Report*].

Accounts Department [paragraph 93 of Report].

50. That the office of Comptroller and Auditor General should be included in the Schedule attached to the Statute 24 and 25 Vic., Cap. 54, and that the offices of Accountant General, Civil Auditor and Sub-Treasurer should be removed from the Schedule.

51. That indigenous agency should be more largely introduced into the Enrolled List, and that the sources of recruitment for that list should be extended, appointments being made—

- (a) of outsiders by open competitive examination ;
- (b) to a limited extent, as at present, from the Covenanted Civil Service ;
- (c) by the promotion of Chief Superintendents who have proved that they possess capacity for the superior branch ;
- (d) by the exceptional appointment of officers who have shown marked ability in the charge of Treasuries or in other Departments of the Provincial Service.

52. That the Government of India should continue to reserve to itself a discretion of appointing to the Enrolled List any person whom it may deem it conducive to the interests of the public service so to appoint.

Archæological Survey Department [paragraph 95 of Report].

53. That facilities should be given to a limited number of graduates of the Universities, sufficiently prepared by previous study, to undergo a course of training in Epigraphy.

Customs Department [paragraph 97 of Report].

54. That the Commissionership of Customs, Salt and Opium in the Presidency of Bombay should continue to be included in the Schedule attached to the Statute 24 and 25 Vic., Cap. 54.

55. That of the three Collectorships of Customs at Madras, Bombay and Calcutta and the Assistant Collectorship at Bombay, only the two most responsible appointments, namely, those at Bombay and Calcutta, should ordinarily be held by members of the Imperial service, and that it is unnecessary to include the appointments of Collector of Customs at Madras and Assistant Collector at Bombay in the *cadre* of the Imperial Service for purposes of recruitment.

56. That the present system of recruitment by selection should be retained in respect to the other superior appointments in the Department, but that if these appointments are not filled by promotion from the subordinate ranks or by transfer from the Provincial Service, the persons appointed should only hold their offices provisionally until they have satisfied substantial probationary tests.

57. That there is no ground for the exclusion of qualified candidates of any race from the Appraisers or Preventive branches of the Department.

Education Department [paragraph 99 of Report].

58. That recruitment should be made in England only for—

- (a) Principalships of Colleges ;
- (b) Professorships in those branches of knowledge in which the European standard of advancement has not been attained in India ; and
- (c) a smaller number of Inspectorships than at present.

59. That recruitment of Professors should be ordinarily of specialists, and, when practicable, for a term of years, with power of re-appointment.

60. That the remuneration of officers recruited in England should be fixed with reference to the attainments required and the duties to be performed in each case.

61. That the present graded lists of the superior branch of the Department should be abolished, due regard being had to the interests of existing incumbents.

62. That all other educational appointments should be filled up locally by the present mode or modes of recruitment, on the principles recommended in this Report as to conditions of service for the general Provincial Service.

63. That there should be in each Presidency and in the larger Provinces at least one college with a staff of Professors capable of teaching up to the highest European standards, under a European Principal ; and that the same object should as far as practicable be kept in view in smaller colleges.

64. That the inspection of schools and colleges should be carried on by an agency entirely separate from the teaching staff and recruited from a different source.

Forest Department [paragraph 101 of Report].

65. That the staff of the Department should be divided into an Imperial Branch and Provincial Branches, and that, as in the Imperial Civil Service, the Imperial Branch of the Forest Service should be a *corps d'élite*, limited to the number of officers necessary

to fill the superior controlling appointments and such a proportion of the Assistant Conservators' posts as will ensure a complete training for the junior officers.

66. That the Imperial Branch should be recruited in England, and that the conditions of service as to leave and pension should be assimilated to those of the Imperial Branch of the Public Works Department.

67. That the present rule which disqualifies married men from presenting themselves at the examination in England should be modified, as it might operate to debar Native candidates from competing for appointments in England.

68. That the Government should keep in view the policy of training in India men qualified to take charge of the higher administrative appointments so as to avoid as far as possible the necessity for expanding the Imperial Branch of the service.

69. That the rules at present prescribed by the Forest Code for the admission of candidates in India should be retained as providing a system of recruitment for the Provincial Branches of the Department suitable to existing circumstances.

Geological Survey Department [paragraph 103 of Report].

70. That so long as no adequate provision is made for the teaching of Geology and the allied sciences at Indian colleges, appointments to the higher grades of the Department should ordinarily be made by the Secretary of State without respect to the nationality of the Candidates.

71. That Sub-Assistants should not be recruited in greater numbers than are required for the purposes of the Department *i.e.*, to assist the more qualified Surveyors; but that Sub-Assistants should be promoted to the superior grades if they give proof of capacity for independent work.

72. That it is open to doubt whether the organization of a Department for Geological Survey is expedient to any greater extent than is required to secure systematic investigation.

73. That the graded system appears unsuitable for a service in which the work to be performed calls for the highest efficiency in an equal degree throughout the whole term of employment.

74. That the system of engaging specialists for a limited term of years is advantageous and should be continued.

Jail Department [paragraph 105 of Report].

75. That when Superintendents of Jails, Central or District, are not Medical officers, more opportunity might properly be given to Natives of India to show their fitness for these appointments from which they are at present practically excluded.

76. That the qualifying service for the important position of Superintendent of a Central Jail should be such as will ensure a thorough preliminary training, and that no person should be appointed to that office who has not served three years in the Jail Department, or in the superior grades of the Police Department, or in both combined.

Meteorological Survey Department [paragraph 107 of Report].

77. That in the present state of scientific education in India, the Commission is unable to recommend any change in the system of recruitment for this Department.

Mint Department [paragraph 109 of Report].

78. That the rule in the Notification of the Government of India, No. 3570, dated 19th September 1884, which prescribed that Commissioned officers only shall ordinarily be appointed to gazetted offices in the Assay Department should be cancelled.

79. That further enquiry should be made whether the scheme of training for temporary appointments involves unnecessary expense.

80. That, as a general rule, where a scientific education, as distinct from probationary departmental training, is required to qualify officers for service in any Department, the cost of such education should be borne by those who seek employment rather than by the State.

Opium Department [paragraph 111 of Report].

81. That the experiment of appointing Natives by selection to a proportion of the vacancies in the Department should be discontinued, and that the future recruitment for this Department should be subject to the general principles of equality of treatment of all classes of Her Majesty's subjects and of tested preliminary qualifications which have been proposed for the Provisional Service.

82. That the Imperial Service affords the fittest field of selection for filling the appointments of Opium Agents, and that these appointments should be retained in the Schedule of reserved posts attached to the Statute 24 and 25 Vic., Cap. 54.

Pilot Service [paragraph 113 of Report].

83. That no sufficient reasons exist to justify a recommendation that the State should establish a special school for the instruction of persons born and educated in India who entertain a desire to adopt a seafaring life as a profession.

Postal Department [paragraph 115 of Report].

84. That, in order to enable Natives to compete on equal terms with Europeans and Eurasians for appointments which require higher educational qualifications and greater physical energy than are necessary for efficient service in the lower posts, a certain number of appointments carrying salaries of from Rs. 80 to Rs. 100 a month should be filled by competition, the successful candidates being admitted on probation and being trained in Head Offices after which they should be employed as Inspectors, and if found qualified, selected for the grades of Superintendent.

85. That of the seven highest appointments in the Department at present filled by Covenanted Civilians, not less than three should ordinarily be filled by promotion within the Department.

Police Department [paragraph 17 of Report].

86. That although for many years to come the European element in the higher ranks of the Police should predominate, Natives of India ought not to be entirely excluded from those ranks as is now the case in some Provinces, but that endeavours should be made to introduce a reasonable proportion of Native officers, due regard being always had to the efficiency of the service.

87. That the present system of recruitment for the grade of Assistant District Superintendent in most Provinces is unsatisfactory, as not affording a sufficient guarantee for educational qualifications and habits of industry, and that admission to this grade should be by—

- (a) limited competition amongst candidates selected in England for such portion of the appointments in each Province as the Government of India may decide to be necessary;
- (b) limited competition amongst candidates selected in India, such candidates being carefully chosen on grounds of good physique, the knowledge of the vernacular languages prescribed for the Provincial Service and high educational qualifications of an English kind;
- (c) promotion from the grade of Inspectors for exceptional merit and ability shown in active service.

88. That both of the competitive examinations referred to in the foregoing Recommendation should be conducted in accordance with rules approved by the Government of India.

89. That appointments to Inspectorships should, as a rule, be made from the lower grades of the force, and in no case should outsiders be appointed to Inspectorships merely as a training ground for the higher offices.

80. That many of the abuses which now characterise the Police force are due to the inadequate remuneration of the lower grades; and that whatever improvement may be made in the conditions of service of the other ranks, full advantage will not result from it so long as the officer in charge of a Police Station, by whatever name he may be called, does not receive remuneration and prospects adequate to induce and enable him to withstand the temptations to which his situation exposes him.

Public Works Department [paragraph 119 of Report].

91. That the Engineer Establishment of the Public Works Department should consist of an Imperial Branch and of Provincial Branches.

92. That the Imperial Branch should consist of such a number of Royal Engineers as may be required as a reserve for military purposes over and above the officers employed in the Military Works Branch and of Civil Engineers recruited in England.

93. That the strength of the Imperial Branch should not be greater than is necessary for purposes of control and direction and for the execution and repair of works calling for high Engineering skill, and that the recruitment from the Cooper's Hill

Royal Engineering College, which appears at present excessive, should be regulated accordingly.

94. That the conditions of service in the Imperial Branch should be fixed with a view to secure the necessary qualifications in England, and should, as far as possible, be uniform for all officers employed in it.

95. That the Provincial Branches should be of a strength adequate for the construction and maintenance in the several Provinces of works not ordinarily calling for high Engineering skill.

96. That the recruitment for the Provincial Branches should be made by the direct appointment to the lowest grades of qualified Engineers from the Indian Engineering Colleges and in exceptional cases by promotion from the Upper Subordinate grades.

97. That there should be at least one college in India thoroughly well equipped for providing a high education for Engineers, for the Provincial Branches, and that such college should be open to all classes of Her Majesty's subjects.

98. That the conditions of service as to pay, furlough, and pension should be fixed for the Provincial Branches without reference to those of the Imperial Branch.

99. That the number of professional Engineers and Military officers employed in the superior Accounts Branch is excessive and should be reduced.

100. That the mode of appointing outsiders to the Accounts Branch is unsatisfactory; that the recruitment should be to a larger extent from all classes of the community; and that it should be by open competitive examination, the subjects prescribed for the examination being so chosen as not to exclude any class of the community likely to furnish qualified candidates, and by promotion in exceptional cases from the Accountants' grades.

Registration Department [paragraph 121 of Report].

101. That the appointment of Inspector General of Registration should not be included in the *cadre* of the Imperial Service for the purpose of recruitment.

102. That while no obstacle should be placed in the way of such Registration officers as may desire to compete for employment in other Departments, those officers should not be exempted from the operation of any rules prescribed to ensure the possession of the special qualifications required in any particular Department.

Salt Department [paragraph 123 of Report].

103. That the Commissionership of the Northern India Salt Department and the Commissionership of Salt in the Madras and Bombay Presidencies should be retained in the Schedule attached to the Statute 24 and 25 Vic., Cap. 54.

104. That when recruitment for Superintendentships in the Northern India Salt Department is resumed, the orders directing the reduction of the salaries attached to those appointments should be reconsidered.

105. That, sufficient precautions being taken to secure the requisite physical qualifications, the same principles should govern the recruitment for and promotion in this Department as have been recommended for the Provincial Service, and that rules should be framed in the case of the Northern India Salt Department by the Government of India, and in the case of the Departments in Madras and Bombay by the Local Governments, subject to the approval of the Government of India, to give effect to this Recommendation.

Survey Department [paragraph 125 of Report].

106. That Royal Engineers or other Military officers employed in the Senior Division, with such specialists as may be recruited in England, should be regarded as forming a distinct branch of the service, with pay, furlough and pension rules adjusted to the requirements of a service so recruited; and that the posts now held by the Junior Division should be amalgamated with some posts surrendered by the senior Division so as to provide sufficiently attractive prospects for a service locally recruited, the pay, furlough and pension rules applicable to which should be adjusted on the principles already indicated by the Commission in respect of other services recruited in India.

107. That admission to the Junior Division (or the Local Service if the Recommendation of the Commission is adopted) should not be confined to special classes of Her Majesty's subjects in India, and that it should be regulated by competition among selected candidates, and exceptionally by promotion from the Subordinate Service.

108. That, in view of the fact that the Revenue Survey Departments in the Madras and Bombay Presidencies will be abolished in a few years, no further appointments of

probationers should be made to the gazetted posts, and that any deficiency experienced in the strength of the existing agency should be supplied from the Provincial Services, such as the Land Revenue or Public Works Departments.

Telegraph Department [paragraph 127 of Report].

109. That for the present the recruitment in England on the scale now sanctioned should be maintained, but that the gradual reduction of the staff recruited in England should be kept in view, and that a superior Local Telegraph Service should be recruited in India from classes to be established at one or more of the Indian Engineering Colleges.

110. That the pay of the service locally recruited should not be adjusted with reference to the pay of officers recruited in England, but that the pay and other conditions of the service locally recruited should be determined independently on the same principles as it is proposed to adopt for the Provincial Service.

129. Conclusion.—These are the Recommendations which the Commission has to make for the consideration of the Government of India. They are mainly based on conclusions to which the evidence interpreted by the experience of the several members compels it; and in the desire to follow the guidance of experience the Commission may in some particulars have exposed itself to a charge of inconsistency. It offers no original scheme; it advises the further application of principles long accepted and progress on lines indicated by the action of the Government in the past. Considerations of policy and economy alike require that, so far as is consistent with the end of good government, the recruitment of the official staff in England should be curtailed and advantage taken of qualified agency obtainable in India. The Commission is well aware of the objections that may be urged with more or less force against some of its Recommendations and has given them full consideration. But the objections to the alternative plans, which were suggested or suggested themselves, seemed to the Commission still more weighty and numerous, while they carried with them infractions of essential principles which the Commission has steadily kept in view, and presented difficulties in detail sufficient to preclude any hope of that reasonable finality which the Commission was directed to aim at. If the Recommendations of the Commission fall short of the expectations of those who were sanguine in anticipating larger results, it must remind them how much has been already effected in the gradual extension of the field of employment for Natives; and if it appear to other minds that they err on the side of excess, it must be remembered that they leave in the hands of the Government an uncontrolled freedom of selection for the higher offices in the administration, and that, if accepted, they cannot be completely carried into effect for nearly a generation of official life.

C. U. AITCHISON, *President.*

C. A. TURNER,

ROMESH CHUNDER MITTER,

J. W. QUINTON,

F. B. PEACOCK,

UDHAI PERTAB SINGH,

H. J. STOKES,

T. H. STEWART,

SAYYID AHMAD,

W. B. HUDSON,

KAZI SHAHBUDIN,

SALEM RAMASWAMI MUDALIYAR,

W. H. RYLAND,

KRISHNAJI LUKSHMAN NULKAR,

D. S. WHITE,

Members.

23rd December 1887.

50
T/100

INDIAN LAW COMMISSION.

S/1723.

REPORT OF THE LAW COMMISSION OF INDIA,

Dated 2d July 1842,

ON THE

TRAINING OF THE JUNIOR CIVIL SERVANTS
OF INDIA,

⑥

ADDRESSED TO THE GOVERNOR GENERAL,

TOGETHER WITH

CORRESPONDENCE RELATING THERETO.

Ordered to be printed 10th March 1853.

V2, 8.M5
A853

Training of Junior Civil Servants.

NOTE by the Honourable H. SHAKESPEAR Esq.

BEING desirous of bringing under the Consideration of the Council the Subject of the best Mode of training and employing the Junior Civil Servants in the Revenue and Judicial Departments, under the Three Presidencies, I beg to suggest that the several Governments be requested to report the Rules under which the Junior Servants are now employed, from the Time of their leaving College, or entering on public Duties, until promoted to the Office of Joint Magistrate or Deputy Collector, and that they will be pleased to furnish Copies or Abstracts of any Papers or Proceedings which may have been recorded on this Subject during the last Five or Six Years.

18th April 1836.

(Signed) H. SHAKESPEAR.

Jud. Cons.
18 April 1836.
No. 6.

From W. H. MACNAGHTEN Esq., Secretary to the Government of India, to R. D. MANGLES Esq., Secretary to the Government of Bengal (No. 41), and the Chief Secretaries to the Governments of Fort St. George (No. 29) and Bombay (No. 30).

SIR,

I AM directed to request that you will submit to the Right Honourable the Wish of the Supreme Government to be favoured with a Report of the Rules under which the Junior Civil Servants are now employed, from the Time of their leaving College, or entering on public Duties, until promoted to the Office of Joint Magistrate or Deputy Collector,* and that you will, with the Permission of his Lordship,† furnish to me Copies of Abstracts of any Discussions or Proceedings which have been recorded on the Subject during the last Five or Six Years.

Fort William,
18th April 1836.

I have, &c.,
(Signed) W. H. MACNAGHTEN,
Secretary to the Government of India.

Jud. Cons.
18 April 1836.
No. 7.

Judicial Dep.

(To Madras and
Bombay write)—
* Sub-Collector,
† Governor in
Council.

(No. 789.)

From R. D. MANGLES Esq., Secretary to the Government of Bengal, to W. H. MACNAGHTEN Esq., Secretary to the Government of India, in the Judicial Department.

SIR,

I AM directed to acknowledge the Receipt of your Letter, dated the 18th ultimo, and to inform you in reply, that the Right Honourable the Governor of Bengal is not aware of the Existence of any "Rules under which the Junior Civil Servants are now employed, from the Time of their leaving College, or entering upon public Duties, until promoted to the Office of Joint Magistrate or Deputy Collector." The young Officers who enter those Branches of the Public Service which are subordinate to this Department of the Government, are invariably appointed Assistants to One or other of the Commissioners of Revenue and Circuit for Employment, according to the Discretion of these Functionaries, in the Districts composing their respective Divisions.

2. No "Discussions or Proceedings" of the Nature to which you refer "have been recorded on the Subject" above alluded to in this Department during the last Five or Six Years; but at Page 733, *et sequitur*, of the Volume "I. Public," entitled "Minutes of Evidence taken before the Select Committee on the Affairs of the East India Company," &c., &c., ordered by the House of Commons to be printed on the 16th August 1832, will be found a Discussion on the Topics to which your Letter relates, extending to a considerable Length.

Fort William,
3d May 1836.

I have, &c.,
(Signed) R. D. MANGLES,
Secretary to the Government of Bengal.

Jud. Cons.
18 Aug. 1836.
No. 1.

Judicial Dep.

MINUTE by the Honourable H. SHAKESPEAR Esq.

Jud. Cons.
13 Aug. 1838.
No. 4.
Employment of
Junior Civil Ser-
vants.
* 3 May 1836.

I REGRET to find from the Answer* from the Secretary to the Bengal Government, in the Judicial Department, that no Rules have been laid down for the Employment of the Junior Civil Servants on their first entering upon the Public Service. They are appointed Assistants to the Commissioners of Revenue and Circuit, to be employed, at the Discretion of those Officers, in any of the Districts composing their respective Divisions.

2. Is it possible that no better Means can be devised for training Men to the Judicial Administration of the Country than this?

3. Is it possible that, under this Course of Tuition, they can acquire any Knowledge whatever even of the Forms of judicial Proceeding, still less any Acquaintance with the general Principles of Hindoo and Mohammedan Law, and the Regulations under which they must, at no distant Period, be called upon to administer Justice to the People?

4. Defective as the System unquestionably was under which young Men, almost immediately on their quitting College, were intrusted with the Decision of Civil Suits, though small in Amount, the present System, under which the Judge will take his Seat on the Bench, utterly ignorant of the Forms of Pleading, of the Rules of Appeal, and of the Constitution and Powers of the Courts below, which he is expected to control, is a Hundred Times worse.

5. In the early Stage of our Administration, an Assistant was directed to assist the Register in procuring all Acts of the Courts to be executed, and in translating and transcribing Papers, and in arranging and keeping the Records of the Courts.

6. When promoted to the Office of Registrar, he was empowered to try and decide Suits to the Amount of 200 Rupees, which Amount of Jurisdiction was afterwards increased to 500 Rupees. If of sufficient Experience and tried Ability, he might have been promoted to the Office of Assistant Judge, or subsequently, when that Office was abolished in 1814, he might have been specially empowered to decide Suits equal in Amount to those tried by the Judge himself.

7. If from this Grade he was appointed to the Office of Revenue Collector, he obtained thereby an Insight into the Details of Revenue Management, of great Assistance to him in adjudicating upon the relative Tenures of the Landed Proprietors and their Tenantry; but he never could forget the Instruction he had got during his judicial Training, and he returned to that Branch of the Service (as was generally the Case) better qualified than before for the high Office of a Judge.

8. But how is it now? Literally in respect to the Administration of Civil Justice, which I am particularly adverting to, he has no Opportunity, as far as I can see, of acquiring the slightest Information.

9. After the animated Discussion that took Place amongst the very intelligent Committee got together at Simla, in 1831, it might have been expected that some Employment would have been chalked out and substituted to supply the judicial Instruction, the supposed Want of which (I am free to admit the actual Want of which) in the first Stages of their Initiation into the Mysteries of Jurisprudence, had brought about the Removal of the Registers and the Abolition of their Office.

10. Nothing of the Kind was done. The Governor General, in his Minute of the 10th of November 1831, seems to have come to the Conclusion that the whole was a Matter of Obedience and Subordination to superior Authority. In recommending the System of Sir Thomas Munro, "of uniting the Appointment of Collector and Magistrate, of destroying the Independence of each other of every Officer employed in the same District, of making the Collector's a great Office consisting of Deputy Collectors and Joint Magistrates subordinate to One Head and acting upon the same System," Lord William Bentinck entirely overlooked the Fact, that however well that System might work as to the Administration of the Revenue and the Police, it made no Provision whatever for the Employment of young Men in the Judicial Branch. They were, in fact, immediately removed from it, and from that Time to this they have been excluded from all Means (excepting what their own Desire of Information may prompt them to seek) of obtaining even a practical Knowledge, much less a sound Knowledge of Judicial Business.

11. Lord

11. Lord William Bentinck had certainly not formed a very elevated Notion of what the Acquirements of an Indian Judge ought to be. At the Conclusion of the Paragraph (23th) of his Minute, from which the above is an Extract, he adds, " It is in a School of this Kind that young Men will be best " trained. A profound Knowledge of Jurisprudence, or the high Attainments " that distinguish English Lawyers and Judges, are not to be looked for, nor, " however desirable, are they indispensable; but what is necessary is, that " those, both young and old, who have the Decision of Suits, whether for Ten " or 1,000 Rupees, and who are vested with the Powers of Fine, Imprisonment, " and Corporal Punishment, should have served this Apprenticeship, should " be conversant with the Manners and Business of the Country, and that their " Opinions should be formed upon the Practice and greater Experience of " their Superiors in Office. This Plan is in the Course of Introduction," &c.

12. And it has been going on ever since. Yet I can hardly bring myself to believe that when Lord William introduced it he was fully aware that by abolishing the Office of Registrar and placing the Assistants under Revenue and Police Officers, he was debarring them from all Opportunity of acquiring that Knowledge which is essential to their sustaining the Character of a Judge with Honour and Propriety. I must repeat the Fact, that for the last Four Years there have been no Means afforded to him by which a young Man in the Civil Service can officially learn anything of the Forms of Judicial Procedure, or of the Civil Laws and Regulations, until he takes his Seat on the Bench to sit as a Judge of Appeal upon the Decisions of the native Judges; who from their greater Experience would be more likely to be better acquainted with the Question at issue than himself.

13. I ask if this is a Position in which the Government ought to place its Judicial Officers? Is the Government not bound by every Principle of Justice to the People, and Regard for the Character of its Institutions, to leave no Stone unturned to correct such a State of Things as this, and to avert the Reproach that must inevitably follow a Persistence in it?

14. Premising therefore that I have no Wish to see the Office of Registrar restored, which in fact became incompatible with the extensive Powers with which it was necessary to invest the native Judges, the Question I wish to have considered is,

By what Means can Civil Servants be best educated to fill the Office of Civil Judge? And it is difficult to conceive a Question of more vital Importance to the good Government of the Country and to the Character of the British Rule.

15. I have already shown how little this Feature in " the best Mode of employing the Junior Civil Servants " received Attention from Lord William Bentinck; it may be truly said not to have engaged it at all; and it may therefore almost be considered a Question still pending to be decided, after mature Deliberation on the Information then obtained, or which may be obtainable now.

16. In pursuance of this View I shall make no Apology for referring to the Reports of the Committee dated the 24th of May and 22d of June 1831, and I would particularly attract the Attention of the Council to the following Extracts from the latter, which entirely convey my own Sentiments on the particular Point under Review, in Language which I shall not improve by attempting to alter.

Para. 3d. " In all Countries considerable Time is occupied in learning the Principles of any liberal Profession before an Attempt is made at reducing them " to Practice, and this long after the ordinary Period of Education has passed. " We see no Reason why the Office of Judge in this Country, more arduous perhaps than in any other, should alone be exempted from preliminary Probation. " The Liberality of the Pay granted during the probatory Interval cannot alter " the Nature of the Case. We should have thought that the Preparation of " Cases, the collating and abstracting of Papers, the taking of Evidence, and " reporting on Accounts, were appropriate Occupations for a young Civil " Servant, and that if these Duties can really be better performed by Writers " and Mohurrurs receiving One Tenth their Pay, the Advantages of superior " Education cannot be very conspicuous; neither do we think that it by any " means follows that the Superior cannot derive Relief from the Employment " of his Subordinate without a Transfer of Responsibility."

Para. 5th. " We fully admit that the Judge who has to pass a Decision cannot be relieved from the Duty of research and investigation ; but it is by no means evident to us that he might not derive most important Aid from the Employment of a Junior Civil Servant in the Conduct of Ministerial Duties. It does not follow that because this Duty has been hitherto performed by the Amlah, that it has been properly, impartially, and satisfactorily performed. Everything is now done by ill-paid and irresponsible Individuals, save only the actual Decision or Determination. We need not say how much the Value of such Decision or Determination must depend on the Fidelity of the preliminary Proceedings."

Para. 6th. " We are of Opinion that there is a great Variety of Duties in the Judicial Department in which the Junior Civil Servants can be employed, independently of the Decision of Civil and Criminal Cases. We conceive that there are many ministerial Duties, to aid in the Performance of which their Services would be most beneficial. The Preparation of a Case for Decision is of itself a Duty which would afford ample Occupation to any Junior Servant attached to a Civil Court. It is a Duty which, though of special Importance, requires only Attention, Integrity, and a competent Knowledge of the native Languages for its efficient Performance. It is a Duty, however, which is now of Necessity left entirely to the Amlah, and by the Abuse of which there can be no Doubt of their reaping a most abundant Harvest, to the Detriment of honest Claimants and the general Perversion of Justice.

Para. 7th. " We see no Objection to the Junior Servants being entrusted with the Execution of Decrees, or to their being employed in giving Effect generally to all Acts of the Courts," &c.

17. It is quite incomprehensible to me how Lord William Bentinck, with these Opinions before him from Men so well qualified to take just and practical Views of the Subject as Mr. Pakenham and Mr. Macnaghten, could have allowed the Judicial Part of the Employment of the Junior Servants to escape his Notice.

18. I have a Note by me on the Subject, which I think must have been recorded in the Month of February 1831 in the Sudder Court ; and as it contains the Opinions which I still entertain on this important Subject, I shall beg Permission to insert a Transcript from it in this Place. It shows how exactly my Ideas correspond with those of the Gentlemen above-named.

" I would employ the Junior Servants as heretofore as Assistants to the Judge, Magistrate, or Collector, as Circumstances might require, dividing them into Two Classes of Senior and Junior Assistants ; the former to be considered such after they shall have served Three Years from the Time they may have been declared qualified for the Public Service.

" In the Judicial Branch the Juniors to be employed in translating Papers, revising Statements, and in the Performance of such other Duties of ministerial Nature as the Judge might prescribe, and also in the Trial of petty Offences as at present, with the Exception that they should be prohibited from inflicting Corporal Punishment under any Circumstances.

" The Senior Assistants, in addition to the Duties authorized to be performed by the Junior, to be employed in preparing Civil Cases for the Decision of the Judge, and when deemed properly qualified, to be vested in the Trial of Criminal Cases with the special Powers specified in Regulation III. 1821. He might also be deputed into the Interior to make local Inquiries, or, with the Sanction of Government, to take charge of any Portion of a District in Case of the Prevalence of Crime or Inefficiency of the Police.

" The Senior Assistant of the Zillah Station, whether in the Judicial or Revenue Department, to have ex officio the Registry of Deeds, and in Cases of Death, Indisposition, or other Casualty, to take charge temporarily of the Office of Judge or Magistrate, or Collector, as the Vacancy might be, reporting the Circumstance to the Commissioner or Provincial Court of the Division.

" I think the Judges would derive essential Service from Senior Assistants in the Preparation of Suits, previously to their being brought forward for final Adjudication, in the following Manner :—

" When a Suit is filed in the Judge's Court, the Judge would refer it to the Assistant, with Directions to superintend the Issue of Process for the Attendance of the Defendant, to see that the Answer, Replication, and Rejoinder were

“ were regularly filed, and all other preliminary Acts gone through, and then to return it to the Judge.

“ The prescribed Pleadings being thus completed, the Court, as required by Clause 3, Section 10, Regulation XXVI. 1814, would consider and record the Points to be established by the Parties, and return the Case to the Assistant, whose Duty it would be to ascertain that the Exhibits were filed and the Evidence taken without unnecessary Delay, in conformity to the Judge's Order. The Assistant would then return the Case to the Judge, certifying its being prepared for hearing.

“ I feel confident much Time would be gained by this Mode of Procedure. At present much of the Judge's Attention is occupied in passing Orders on interlocutory and miscellaneous Matters immaterial to the real Merits of the Issue. Nor would this be the least of the Advantages which would result from this Mode of employing the Junior Servants; they would not only become by it intimately acquainted with the Forms of Judicial Proceedings, but they would learn the Principles of Evidence, and obtain a Knowledge of the Laws and Regulations before they were called upon to administer them. Above all, they would learn Habits of regular Application and Attention to Business, which not One in Ten will acquire if left to make their Way as Barristers in the Mofussil Courts.”

19. Since the above Note was written, the Practicability of employing an Assistant in preparing a Case for the Trial of the Judge has had a practical Illustration in the very great Assistance which the Judges of the Sudder have derived from that Course of Procedure under the Management of Mr. D. C. Smyth.

20. The Majority of the Simla Committee are entirely mistaken in their Assertion that “ the Judge has no Trouble with a Case until it is brought to an Issue to require his Orders or a Judgment, when the Papers must be read before him, and the Parties heard.” (p. 80.)

21. There is not a more troublesome and vexatious Part of a Judge's Duty than the having to call over the File, and pass some petty Order for causing the Attendance of a Party, or for accelerating the filing of a Paper or the Appearance of a Witness. I speak within Bounds when I say that One Third of the Judge's Time is occupied in looking after such and similar Matters, which would be equally well managed by the Assistant, who would be all the while informing himself of the Forms of Process and the Regulations applicable to them.

22. Not to trouble the Board with further Remarks at present, the substantive Proposition which I would wish to suggest is, that the Sudder Dewanny Adawlut may be called upon to furnish Rules for the Employment of covenanted Assistants in Matters connected with the Administration of Civil Justice. If Rules can be framed such as to afford satisfactory Grounds for believing that their Introduction will be attended with Benefit to the Suitors, Relief to the Judge, and the Means of Instruction to the Juniors, doubtless the Supreme Council will not hesitate to suggest their Adoption by the Local Government, with a Recommendation that the Employment of Assistants may be extended to the Courts of Civil Justice, and not be restricted, as at present, to the Offices of Magistrate and Collector.

23. It does not appear to me necessary to defer submitting these Remarks until the Receipt of the Information called for from the Presidencies of Fort St. George and Bombay.

Calcutta, 19th May 1836.

(Signed) H. SHAKESPEAR.

(No. 476.)

From H. CHAMIER Esq., Chief Secretary to the Government of Fort. St. George,
to W. H. MACNAGHTEN Esq., Secretary to the Government of India.

Jud. Cons.
13 Aug. 1838.
No. 2.

SIR,

1. I AM directed to acknowledge the Receipt of your Letter of the 18th April last, No. 80, and to transmit herewith, for the Information of the Right Honourable the Governor General of India in Council, the accompanying Copy of a Letter addressed to the Board of Superintendence for the
(91.)

Judicial Dep.

College, under Date the 13th May 1825, containing the Rules established at this Presidency for the Employment of the Junior Civil Servants on quitting College, and to acquaint you that no Discussions on the Subject have taken place during the last Six Years.

2. I am further directed to inform you, that in consequence of a Necessity which existed, in the Year 1826, of rendering as many of the Junior Assistant Collectors as possible available for the Public Service, a slight Deviation from the Rules now submitted was authorized, by which all Assistant Collectors without Exception who had served One Year and upwards in the Provinces in that Capacity were made eligible, at the Pleasure of Government, for general Employment, but it was at the Time declared that this Latitude was only temporary and confined to the Exigency which then existed.

I have, &c.

(Signed) H. CHAMIER, Chief Secretary.

Fort St. George, 30th May 1836.

(No. 181.)

Jud. Cons.
13 Aug. 1836.
No. 3.
Enclosure.
Judicial Dep.

From D. HILL Esq., Chief Secretary to the Government of Fort St. George, to the Board of Superintendence for the College.

GENTLEMEN,

IN consequence of Instructions from the Honourable the Court of Directors, the following Rules have been framed for the Civil Service of this Presidency.

1st. Civil Servants on quitting College shall be sent into the Provinces, and employed for at least Two Years in the Revenue Department as Assistant Collectors.

2d. The Time which a Civil Servant, while attached to the College, may, with the Sanction of Government, have resided in the Provinces under the Superintendence of a Collector, for the Prosecution of his Studies, may, to the Extent of One Year, be reckoned as Part of the prescribed Period of Two Years.

3d. Should any peculiar Case occur, in which the Application of the foregoing Rules would be attended with great and unquestionable Injury either to the Public or to the Individual, such Case will be specially provided for.

4th. As far as the State of the Service will admit of it, Government will select such Persons as shall have acquired a practical Knowledge of Revenue in the Provinces to be Judges of the Sudder Adawlut, and of the Provincial and Zillah Courts, Chief Secretary and Secretary to Government in the Judicial and Revenue Department, Register to the Sudder Adawlut, and Secretary to the Board of Revenue; and will select to fill Vacancies in the Board of Revenue Persons who have served as Collectors in the Provinces.

I have, &c.

(Signed) D. HILL, Chief Secretary.

Fort St. George, 13th May 1825.

(A true Copy.)

(Signed) H. CHAMIER, Chief Secretary.

Jud. Cons.
13 August 1838.
No. 5.
Minute by
Mr. Shakespear, on
the Employment
of the Junior Civil
Servants.

MINUTE by the Honourable A. ROSS Esq.

UNDER the System of Revenue Administration introduced by Regulation I. of 1829, the Junior Civil Servants of this Presidency, when they first enter upon the Public Service, are appointed Assistants to the Commissioners of Revenue, by whom they are placed under Collectors possessing the Powers of Magistrates; and under these latter Officers they get, or may get, a Knowledge both of Revenue Business and of the Administration of Criminal Justice. But as Mr. Shakespear truly observes, they have nothing to do in the Administration of Civil Justice, and consequently they cannot acquire that practical Knowledge of the Business and Proceedings of the Civil Courts which is requisite to qualify them for the Office of a Civil Judge.

In a Note recorded by Mr. Shakespear in the Sudder Dewanny Adawlut in 1831, and to which he has referred as containing the Opinion he still entertains, he

(3)

he recommends that junior covenanted Servants should be appointed Assistants to the Judges of the Zillah and City Courts, suggesting that they might be employed in translating Papers, revising Statements, performing such ministerial Duties of the Courts as the Judges might commit to them, making local Inquiries in the Interior, registering Deeds, and preparing Suits for the Decision of the Judges.

I was also a Judge of the Sudder Court in 1831, and objected to covenanted Civil Servants, however young, being employed to do what would afford them little or no useful Instruction, and what can be better and more economically done by uncovenanted Officers. I then thought, and still think, that the Knowledge required for the Discharge of the Functions of a Judge would not be attained by giving any Length of Time to such Employments as the Five First of those above specified; and in regard to the last, viz., the Preparation of a Suit for Decision, I would now observe that it is an Employment for which a junior Assistant is not fit, and which, if he were fit, it would not be right to commit to him. It involves the tracing out and the Examination of all the Evidence which a Suit affords; it is, in fact, the Trial of a Suit; and to ensure right Decision it is necessary that it should be conducted by the Judge himself who is to decide. It is a very great Objection to our present System of Civil Judicature, that it allows the Judges to employ others to perform this important Duty for them, and a Rule or Order which required them to intrust its Performance to inexperienced young Men just arrived in India would aggravate this Objection.

Mr. Shakespear proposes that the "Sudder Dewanny Adawlut may be called upon to furnish Rules for the Employment of covenanted Assistants in "Matters connected with the Administration of Civil Justice." I would rather propose to send Mr. Shakespear's Minute, with all the Reports and Opinions which have been submitted to Government on the Subject of it, to the Law Commissioners, to be considered by them when the Constitution of the Courts for administering Civil Justice shall come under their Revision. It is not likely that Rules framed by the Sudder Adawlut for giving Employment to covenanted Assistants in those Courts, as they are now constituted, would be adapted to their Constitution and Forms of Procedure as established after they have undergone Revision.

10th August 1836.

(Signed) A. Ross.

(No. 92.)

From W. H. MACNAGHTEN Esq., Secretary to the Government of India, to C. MACSWEEN Esq., Secretary to the Lieutenant-Governor of the North West Provinces, Agra.

Jud. Cons.
31 October 1836.
No. 18.

SIR,

I AM directed by the Right Honourable the Governor-General of India in Council to acknowledge the Receipt of your Letter, No. 3,482, dated the 30th ultimo, submitting Abstracts of Proceedings for the Month of July last.

Judicial Dep.

2. In reply, I am desired to request that his Lordship in Council may be furnished with a Copy of a Letter and its Enclosures from the Officiating Register of the Sudder Dewanny Adawlut, No. 3, of the Abstract of Civil Proceedings for the Month of July last.

3. With reference to the Entry No. 14. of the same Abstract, I am desired to request the Attention of the Honourable Lieutenant-Governor to the Remarks contained in my Letter dated the 3d instant, suggesting Doubts as to the Legality of dispensing with the Services of the Hindoo Law Officers.

I have, &c.,

Fort William,
31st October 1836.

(Signed) W. H. MACNAGHTEN,
Secretary to the Government of India.

(91.)

B

(No. 3,878.)

Jud. Cons.
13 August 1836.
No. 6.

From C. MACSWEEN Esq., Secretary to the Lieutenant-Governor, North West Provinces, to W. H. MACNAGHTEN Esq., Secretary to the Government of India, Judicial Department, Fort William.

SIR,

Judicial Dep.

I AM directed by the Honourable the Lieutenant-Governor to acknowledge the Receipt of your Letter, No. 92, of the 31st ultimo, and to transmit to you, as requested, Copies of the Letter from the Officiating Register of the Sudder Dewanny Adawlut, dated 10th June last, and of its Enclosure, entered as No. 3. of the Abstract of the Civil Proceedings of July last.

2. With reference to the Subject noticed in the 3d Paragraph of your Letter, I am desired to refer you to my Letter, No. 3,872, of the 15th instant, in reply to yours of the 3d October.

I have, &c.,
(Signed) C. MACSWEEN,
Secretary to the Lieutenant-Governor,
North West Provinces.

Agra, 17th November 1836.

(No. 587.)

Jud. Cons.
13 August 1836.
No. 7.

From H. B. HARINGTON Esq., Officiating Register, Sudder Dewanny Adawlut, North West Provinces, to C. MACSWEEN Esq., Secretary to the Honourable the Lieutenant-Governor, North West Provinces.

SIR,

Enclosure.
Sudder D. Adawlut,
N.W. Prov.
Present: M. H.
Turnbull, W. Ewer
A. J. Colvin, and
W. Lambert, Esqrs.,
Judges.

IN continuation of the Court's annual Civil Reports for the past Year, I am directed to request you will submit, for the Consideration of the Honourable the Lieutenant-Governor, the accompanying Copy of a Minute recorded by Mr. Ewer, One of the Judges of the Court, on the Subject of the Abolition of the Office of Register.

The Court concur generally in the Sentiments expressed in Mr. Ewer's Minute. They apprehend that little Doubt can be entertained that the Abolition of the Office in question, by doing away with the only School in which the junior Servants of the Company had an Opportunity of making themselves acquainted with the Judicial Regulations, and of acquiring an Insight into the practical Duties and Powers of the Civil Courts, before they were called upon to exercise the more extensive and responsible Functions of a Zillah or City Judge, possessing under the System now in force original and appellate Jurisdiction equal in Extent to that which was vested in the late Courts of Appeal, must tend materially to impair the Efficiency of the Judicial Establishment, which, as remarked by Mr. Ewer, on the Occurrence of Vacancies in that Department, they must necessarily be filled up by Men who have had little or no Judicial Experience, and who may then be called upon for the first Time to preside in a Court, whose Decisions in a large Proportion of the Cases that come before it are final, and not open to Appeal or Revision by this Court or any other Tribunal.

I have, &c.,
(Signed) H. B. HARINGTON,
Officiating Register.

Allahabad, 1st July 1836.

Mr. EWER'S MINUTE.

I WOULD strongly recommend the Re-establishment of the Office of Register, or something of the same Description. At present, I know not whence the Supply of experienced Judicial Officers of the higher Rank is to come from; while at the same Time the Administration of Justice is hourly acquiring more Importance, both in the Eyes of the Government and of the Public.

During the last Year we have seen several Instances of Judges appearing in that Character for the first Time, without the slightest Notion of the Duties they were called on to perform in their own Court, and altogether unable to control the Proceedings of their Inferiors. On one Occasion, indeed, the Sudder have had the disagreeable Duty of reporting an Acting Judge unfit for the Office.

At

At present a Judge cannot be absent on Leave without a Stop being put to the Trial of Civil Suits in his Court. At Mirzapoor the Judge was absent for Three Months, and the Court shut merely because there was nobody to officiate for him. The same has occurred at Mynpoory and at other Stations for various Periods; and a Calculation might easibly be made, showing the Number of additional Suits which would have been disposed of had there been a Register to take charge, instead of an Assistant or Principal Sudder Ameen to conduct the current Duties.

A strict Control over the Proceedings of the inferior Courts is more called for since the passing of Act XL, 1836, but when we are to find Men capable of exercising it is another Matter. The only Remedy is providing Education for future Judges as we do for Collectors, and the sooner it is applied the better.

10th June 1836.

(Signed) W. EWEE, Judge.

(True Copy.)

(Signed) H. B. HARRINGTON, Officiating Register.

(True Copies.)

(Signed) C. MACSWEEN,
Secretary to the Lieutenant-Governor of the
North West Provinces.

MINUTE by the Honourable H. SHAKESPEAR Esq.

THE Sentiments expressed by the Allahabad Sudder Judges on this very important Subject are so much in accordance with the Opinions which I submitted to the Board in a Minute dated the 19th of May last, that I beg to suggest the Consideration of them in connexion with that Minute.

18th December 1836.

(Signed) H. SHAKESPEAR.

Jud. Cons.
13 August 1838.
No. 8.
Secretary to the
Lieut.-Governor,
N.W. Provinces,
17 Nov. 1836.
Want of training
for the Judicial
Office.

MINUTE by the Honourable H. SHAKESPEAR Esq.

IN my Minute dated the 16th May 1836 I was not so fortunate as to impress the Governor-General and my Colleagues with my own View of the vast Importance to the best Interests of the Country of some systematic Plan being adopted for training up the junior Members of the Service for Employment in the Administration of Civil Justice.

It is a Subject, however, which I feel bound by every Consideration of public Duty to press on the Attention of the Government; and I think this a fit Opportunity for doing so, at a Moment when we are about to be deprived for a Length of Time of personal Communication with the Governor-General.

His Lordship will have many Opportunities during his Tour of satisfying himself of the present State of the Judicial Establishment, and I am much mistaken indeed if his Lordship does not find, that as the present Incumbents are disposed of there are few among their Juniors who are competent to sit in Judgment on the Proceedings and Decisions of the experienced Native Functionaries whose Acts they are expected to control; or, at all events, that the Number so qualified are rapidly diminishing under the present System.

19th October 1837.

(Signed) H. SHAKESPEAR.

Jud. Cons.
13 August 1838.
No. 9.
Employment of
Junior Civil Servants in the Judicial Branch of the Service.

From W. H. MACNAGHTEN Esq., Secretary to the Government of India, with the Governor-General, to R. D. MANGLES Esq., Officiating Secretary to the Government of India.

Jud. Cons.
13 August 1838.
No. 10.

SIR,

I AM directed to transmit to you, for Submission to the Honourable the President in Council, the accompanying Copy of a Minute recorded by the Right Honourable the Governor-General of India, containing the Impressions entertained by his Lordship on the Question of the Judicial Education of Civil Servants.

Judicial Dep.

(91.)

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2. The

2. The Papers which gave rise to this Minute, and specified below, are enclosed herewith in Original.

Head Quarters, Camp, Delhi,
19th February 1838.

I have, &c.,
(Signed) W. H. MACNAGHTEN,
Secretary to the Government of India
with the Governor-General.

Letter from the Secretary to the Government of Bengal, dated 3d May 1836.
Letter from the Chief Secretary to the Government of Fort St. George, dated 30th May 1836.

Minute by the Honourable H. Shakespear, Esq., dated 19th May 1836.

Minute of the Honourable A. Ross, Esq., dated 10th August 1836.

Letter from the Secretary to the Lieutenant-Governor, North West Provinces, dated 17th November 1836, with Enclosures.

Note by the Honourable H. Shakespear, Esq., dated 13th December 1836.

Jud. Cons.
13 August 1838.
No. 11.
Enclosure.
Judicial Education
of Civil Servants.

MINUTE by the Right Honourable the GOVERNOR-GENERAL.

THE important Subject of the best Means of providing for our Civil Servants a suitable Education for the Office of Civil Judge has at different Periods been discussed with much Variety of Opinion, and it was especially brought to the Notice of the Council by Mr. Shakespear in a Minute of the 19th of May 1836 (on which Observations were offered by Mr. Ross, in a Minute of 10th August 1836), and in a subsequent Note of 13th December 1836, referring to a Minute by Mr. Ewer, Judge of the Sudder Court in the Western Provinces, of 10th June, and a Letter addressed to the Local Government by that Court collectively on 1st July of the same Year. I have continued to give my Attention to the Opinions recorded in these Papers as the Opportunities of Observation and Experience have occurred to me, and I now proceed to state briefly the Impressions which I entertain on the Question.

* Para. 14.

Mr. Shakespear refers with general Approbation to the Letter of the Western Sudder Court, who are inclined strongly to the Re-establishment of the Office of Register, or the Adoption of some Arrangement of a similar Character, and who would think it necessary "to give our Officers a Training to make their Judges, as we do to make them Collectors." I observe, however, that in his Minute* of 19th May 1836 Mr. Shakespear states, that he has no Wish to see the Office of Register restored, "as it in fact became incompatible with the extensive Powers with which it was necessary to invest the Native Judges." Mr. Shakespear at the same Time feels strongly that the present System affords no Opportunity to our Officers of acquiring Information in respect to Civil Justice, to the Forms of Pleading, the Rules of Appeal, the Constitution and Powers of the inferior Courts, and still less as to the general Principles of Hindoo and Mahomedan Law, and the Civil Regulations. He refers to Opinions recorded by Mr. Pakenham and Mr. Macnaghten in 1831, and strongly supports them, as to the Propriety of employing our junior Officers to some Extent in different ministerial Duties in the Courts of the Judges, of which the most important is the Preparation of Cases for Decision, in the Mode in which so much excellent Assistance was rendered to the Sudder Court by Mr. D. C. Smyth. He proposes to call upon the Sudder Courts for a Scheme of Rules for the Employment in this Manner of the junior Assistants. Mr. Ross, on the other Hand, considers that the Preparation of Cases for decision, "which involves the tracing of Evidence," is the most important Part of a Trial, which ought, if possible, to be performed by the Judge himself; that it is a great Defect in our existing Practice that such Preparation is so greatly made over to subordinate ministerial Officers, but that this Defect would be in no measure remedied by intrusting the Duty to inexperienced junior Civil Servants. He would refer the whole Subject for the Consideration of the Law Commission.

I would first advert to the Opinion of the Western Sudder Court, which^d is shared doubtless by others, that it is of Advantage to bring up our Judges in something of an exclusive and separate Course of Training.

I should,

I should, for myself, accede only with much Qualification to the Conclusion, that for the Provision of well-qualified Judicial Officers for the Indian Service a distinct Course of Education, or a distinct Class of Men, is either expedient or necessary. I have always been inclined to doubt whether for any Profession or for any Career the early Training of young Men in One particular Course, and apart from others, is conducive to Good; for it forms them into a Caste; it limits within that Caste general Knowledge and general Experience; it gives to each Individual, however inferior in natural Qualification, a Claim to Advancement within the Course for which he has been instructed; and to this Degree it limits the Powers of those by whom Selection for Advancement is to be made. I know how fairly open the Question is to Argument upon both Sides; but, for One, I would rather, for the Naval, Military, or Indian Service, select Candidates who had acquired the Standard of Qualification from general Education, than accept in succession all who might be presented to me on the Ground that they had been educated in the Naval or Military Colleges or at Haylebury; but if this View be at all tenable in First Selections, it may be, as it seems to me, be urged with much greater Force as applicable to a Sub-division and close Classification within the Services in India. I most strongly doubt whether a Judge in India can be pronounced as qualified for the Duties imposed upon him who has not had considerable Experience in Revenue Matters and in the general Business of the Country, and who has not been in that Contact with the People, and in that Familiarity with their Prejudices, their Habits, their Attachments, their Merits and their Faults, which a Connexion with their monied Interests, an intimate Knowledge of their landed Tenures, and the frequent View of their Differences, apart from the Reserve and Formality of a Court of Justice, seem best to promise. As it seems to me, the most accurate Knowledge of Regulations and of Forms and Precedents, and even the long Apprenticeship of a Court, would but imperfectly supply the Want of this Experience; on the other Hand, it would appear to me that a high Revenue Officer cannot be pronounced to be fit for his Duties who is not also well conversant with much of that Knowledge which would seem to be essential to the Judicial Character; and I should not think with great Respect of the Zeal and of the Abilities of any One who had successively filled Appointments in the Magistracy and the Collectorship, and who had not at the same Time become much imbued with technical and with legal Learning. This Acquirement, grafted upon an habitual Control of Establishments, and an Insight into the Ways of Men, would perhaps give a very satisfactory Degree of Qualification for a Judge in this Country; and though different Men will in very different Degrees so qualify themselves, and though their Dispositions will, with much Variety, more or less incline them to that Class of their mixed Duties which may bear a Judicial or a Revenue Character, I have no Fear but that while the Feeling of the Government on the Propriety of seeking a Knowledge of all Classes of Duties is thoroughly understood, and an active Superintendence exercised over the Exertions of the Service, Officers will be found well able to fill either Department.

It is to be remembered on this Subject, that much Information upon Judicial Principles and Procedure is necessarily acquired in the mere ordinary Performance of the Duties of a Magistrate and Collector. Our Magistrates are, in fact, Criminal Judges, with considerable Powers, and a Collector has very frequently to conduct Investigations in their Nature wholly judicial. In either Class of Situations an Officer must become familiar with Rules of Process and Principles of Evidence.

A Collector has to conduct in the Courts of Justice numerous Suits on behalf of Government, which must afford him Instruction in their Pleadings and Practice. A Collector mixing with the People from his Youth must also have an intimate Knowledge of Agricultural Rights and Tenures, with which so much of the Litigation in our Indian Courts is connected; and he cannot avoid forming at least a general Acquaintance with both the Hindoo and Mahomedan Laws of Inheritance. It is fortunate, also, that an Indian Judge is not required to master a voluminous and complicated Body of Statutes and Precedents, and that the Duty of Judicial Administration generally is here very simple; so that, without even the more extensive Study which may fairly be expected from a Number of intelligent and zealous Servants, an Indian Magistrate or Collector would ascend the Bench with

much of very valuable Preparation, and with comparatively little of Difficulty to encounter.

While I am, upon these Grounds, disposed to think that the existing Practice is not open to all the strong Objections which Mr. Shakespear feels to it, I am yet not insensible to the Advantage of mixing, if it could be effected, some early and more direct practical Acquaintance with the Administration of Civil Justice with the other Experience which is acquired by the junior Civil Servants. I am favourable to the Employment of any Leisure which can be spared from more pressing Avocations, to the Object of acting under the Judges in the Preparation of Cases, in the Mode which Mr. Shakespear has suggested; and I should readily concur in a Requisition on the Sudder Courts to prepare Rules under which such Ministerial Co-operation could best be afforded. I fear that few of the junior Officers will be found at present to possess Leisure for the Purpose; and I would not withdraw them, by any compulsory Direction on the Subject, from those Duties of Revenue Inquiry and Settlement which are of paramount Importance, as being calculated to define the Rights and Possessions of the Community with a Certainty and Clearness hitherto unknown, and to give invaluable Facilities to all Administration. But I doubt not that there will be found Officers who, from their Desire to accomplish themselves in all that may tend to their greater Efficiency as Public Servants, and in pursuance of an expressed Wish of the Government, would make additional Exertions in order to enable them to devote some Portion of their Time to the new Description of Duty. I should not object, therefore, to an Instruction to the Judges and junior Officers of and below the Grade of Joint Magistrates and Deputy Collectors, encouraging the One Class to seek and the other to render Assistance in this Form, so as not to occasion Detriment to the proper Functions of any. The same Opportunity might be taken of making more generally known the Value attached by the Government to a systematic Study, although not required in the immediate Course of Duty, of the Laws and Regulations which must be referred to in the Decision of Civil Controversies.

That the actual Amount of Assistance thus afforded to the Civil Judges would, according to its Degree, be useful to them, I do not doubt. The Appointment of uncovenanted Officers of a superior Class to render exactly the same Description of Assistance is an Arrangement which has been strongly recommended to me by intelligent Officers of the Judicial Department. The Duty would appear to me to be rather a faithful and intelligent Superintendence of the Collection and Record of Evidence adduced by Parties or their Agents, than the searching out of Evidence by the Assistant so employed, for which Mr. Ross would consider him not qualified.

It will be quite proper, I would however add, whatever be the immediate Determination of the Government, that the Subject, as connected with the paramount Scheme of our Indian Judicial Establishments, should be referred for the Deliberation of the Law Commissioners.

(Signed) AUCKLAND.

(A true Copy.)

17th February 1838.

(Signed) W. H. MACNAGHTEN,
Secretary to the Government of India
with the Governor-General.

MINUTE by the Honourable W. W. BIRD Esq.

THE Opinions expressed by the late Mr. Shakespear, and by the Judges of the Sudder Court in the Western Provinces, on the Necessity of providing some Means for the Judicial Education of the junior Civil Servants, are by no Means confined to those Gentlemen. There are many others who still continue to think, that since the Abolition of the Office of Register to the Zillah and City Courts no School exists in which a practical Knowledge can be acquired by the younger Servants of Judicial Duties, and that some exclusive and professional Training is necessary before they can be properly qualified to preside in a Court of Justice.

I do not concur in these Opinions. It is true that in the Office of Register, to which it not unfrequently happened that junior Civil Servants, just out of College,

College, were appointed, without any Experience whatever, and almost without the Power either of understanding or making themselves understood, some Knowledge of Forms and of Proceedings was gradually acquired; but it was attended with great Inconvenience, arising from the Youth, Ignorance, and Inexperience of the junior Servants employed, and the undue Influence of the Native Officers of the Court, on whom they had to depend, in the Discharge of their Judicial Functions, for Guidance and Instruction. By dint of deciding, they become at last conversant with Decisions; but Knowledge so acquired is at the Expense of the Parties concerned, and to disseminate it by such a Process is (to quote an Observation of Mr. Courtney Smith) "as if Surgeons were to be instructed in their Art by dissecting living Men."

It was, therefore, I think, wise to abolish the Office of Register, and to postpone calling upon the junior Servants of Government to preside in Courts of Civil Justice until they became, from maturer Age and Experience, better qualified for the Purpose. A Knowledge of Judicial Forms and Proceedings is not the only Requisites for a Judge; he should possess likewise an intimate Acquaintance with the Habits, Manners, Feelings, and Prejudices of the People; an Acquaintance which is not to be picked up within the Walls of a Kutcherry, where a Judicial Officer is compelled to sit from Morning till Night, surrounded by his Amlah, whose Interest it is to blind both him and the People as to the real Character of each other, and keep them as far apart as possible.

In fact, it is only in the Revenue Department that any real Intercourse with the People can be carried on; and it is on that account that at the Madras Presidency, as appears from the Letter of the Chief Secretary to the Government of Fort St. George, dated the 30th of May 1856, the junior Civil Servants are required, on leaving College, to enter the Revenue Department as Assistant Collectors, under a Promise that, as far as the State of the Service will admit of it, the Government will select such as shall have acquired a practical Knowledge of Revenue in the Provinces to be Judges of the Zillah and Provincial Courts and of the Sudder Adawlut.

This Arrangement, says Sir Thomas Munro, was adopted, "not merely to teach them Revenue Business, but because it enables them to see the Natives in their best Form, as industrious and intelligent Husbandmen and Manufacturers; to become acquainted with their Habits, Manners, and Wants; to lose their Prejudices against them; to become attached to, and feel a Desire to befriend and protect them; and because this Knowledge and Feeling will adhere to such Servants for ever, and be most useful to them and to the Natives during the rest of their Lives."

The Truth of these Remarks no One, I conclude, will venture to deny. Moreover, it is quite a Mistake to suppose that a Knowledge even of Judicial Proceedings and Forms is not to be obtained in the Offices of Magistrate and Collector. As justly observed in the Minute of the Right Honourable the Governor-General, dated the 17th February last, "Our Magistrates are, in fact, Criminal Judges, with considerable Powers, and a Collector has very frequently to conduct Investigations in their Nature wholly judicial. In either Class of Situations an Officer must become familiar with Rules of Process and Principles of Evidence." Hence it appears, that while the necessary Qualifications for a Civil Judge cannot be satisfactorily acquired without going through the Office of Collector, the Offices of Collector and Magistrate afford an excellent Preparation for discharging the Functions of a Civil Judge.

If in the Naval and Military Services of England it would, as stated by his Lordship, be preferable to select Candidates who had acquired the Standard of Qualification from general Education, rather than accept in succession all who had been educated in the Naval and Military Colleges, such a Principle of Selection is still more applicable to the Indian Service. The Attempt to confine Men to a particular Line, and train them in the Mode suggested, was once tried, and found impracticable. Whenever there is a Call for particular Qualifications, the Individual who possesses them must be selected, let him belong to what Line he may. So long as the Civil Service continues an exclusive One, there is no other Alternative; and it is a remarkable Fact in illustration of this Necessity, that since the Introduction of the Revenue System of 1829 the

Majority of the Members appointed to the Sudder Board have been Judicial Men.

The more general, therefore, the Knowledge and Experience in different Departments which a Man acquires in his Progress through the Service, the greater will be his Facilities for executing the Duties which he may be required to perform, and the more valuable will be his Services to Government. It is of course desirable to afford the junior Civil Servants every Facility for qualifying themselves in the Judicial as well as in the Revenue Department; and for this Purpose the Plan proposed by Mr. Cameron for the Judicial Education of Native Candidates for the Office of Moonsiff might perhaps be adopted. On being appointed Assistant to the Commissioners of Revenue, to be employed at the Discretion of those Officers in any of the Districts composing their respective Divisions, they may, when not engaged in Revenue or other Duties of a pressing Nature, attend as Assessors at the Kutcherry of the Civil Judge, in order to acquire, not only a Knowledge of Forms and Proceedings, but likewise a Familiarity with the Disposal of Judicial Questions, which, on being eventually required to preside in a Court of Justice, cannot fail to be of the greatest Advantage.

27th July 1838.

(Signed) W. W. BIRD.

Jud. Cons.
13 August 1838.
No. 13.
Resolution.

FORT WILLIAM, JUDICIAL DEPARTMENT, the 13th August 1838.

READ the Minutes and Correspondence noted at the foot,* on the Subject of re-establishing the Office of Register, and of other Propositions for securing an adequate Knowledge of Law and Procedure in junior Civil Servants on this Establishment.

Resolved, that with reference to the Minute of the Right Honourable the Governor-General, dated the 19th February 1838, the following Letter be written to the Secretary with his Lordship, and that the Question be referred to the Law Commission.

Ordered, that a Copy of the foregoing Resolution, with the Papers connected with it, be transferred to the Legislative Department, for the Purpose of being communicated to the Indian Law Commission.

(No. 168.)

Jud. Cons.
13 August 1838.
No. 14.

From T. H. MADDOCK Esq., Officiating Secretary to the Government of India, to W. H. MACNAGHTEN Esq., Secretary to the Government of India with the Governor-General.

Judicial Dept.

SIR,

I AM directed by the Honourable the President in Council to communicate to you, for the Information of the Right Honourable the Governor-General, that the Subject of his Lordship's Minute dated the 19th February 1838, on the Question of the Judicial Education of Civil Servants, which was forwarded by you to Mr. Mangles in your Letter of the same Date, has met with that Attention from the Honourable the President in Council which the high Importance of the Question therein discussed is calculated to excite.

2. On the first Point to be disposed of, viz., the Expediency of re-establishing the Office of Register, the President in Council is of opinion that no sufficient

* Copy of a Note by the late Honourable H. Shakespear, Esq., dated 18th April 1836. To Secretaries to Governments of Bengal, Fort St. George, and Bombay, dated 18th April 1836.
From Secretary to Government of Bengal, dated 3d May 1836.
From Chief Secretary to the Government of Fort St. George, dated 30th May 1836, with Enclosure.
From Secretary to the Lieutenant-Governor, North West Provinces, dated 17th November 1836, with Enclosure.
Minute by the late Honourable H. Shakespear, Esq., dated 19th May 1836.
Minute by the Honourable A. Ross, Esq., dated 10th August 1836.
Minute by the late Honourable H. Shakespear, Esq., dated 13th December 1836.
Minute by the late Honourable H. Shakespear, Esq., dated 19th October 1837.
Letter from Secretary to the Government of India with the Governor-General, dated 19th February 1838, with Enclosure.
Minute by the Honourable W. W. Bird, Esq., dated 27th July 1838.

Reasons

Reasons in support of that Measure were adduced in the Minute of Mr. Ewer, One of the Judges of the Sudder Court in the Western Provinces, of Date 10th June 1836, while sufficient Objections against it are admitted in Mr. Shakespear's Minute of the 19th of May in the same Year; and the present Organization of the Civil Service, taken in connexion with the extensive Powers now exercised by Native Judges, seems to preclude the Practicability of restoring the Office of Register were it even desirable to do so.

3. The Question, therefore, to be decided is, by what Means, since the Office of Register, in which young Men were early in their Career introduced into Judicial Practice, and had Opportunities of becoming acquainted with the Forms and Procedure of Courts of Law, is not to be re-established, Provision may be made for training up a Portion at least of the Juniors of the Service in such a Manner that although their Career is commenced in the Discharge of Duties pertaining to the Revenue Department, they may not be without Opportunities of obtaining considerable Proficiency in Knowledge of the Laws, and the Forms and Practice of the Courts. For, in the Opinion of the President in Council, whatever Arguments may be adduced in favour of a System under which a certain Number of the Gentlemen of the Civil Service should be set apart for the Judicial Branch of it, and should be confined exclusively to that Branch, he concurs entirely in the Sentiments expressed by the Governor General, that such Exclusiveness would in India tend to a greater Evil than any Advantage which it is likely to produce, because the Officer confined to his Court, and to its Forms and Proceedings, from the Beginning of his Career, can never have the Opportunities which the Revenue Officer enjoys, of personal Intercourse with all Classes of the People, nor those Inducements to interest himself in their Affairs from which the Revenue Officer acquires a considerable Knowledge of their Characters for Good as well as for Evil; and while the most serious Obstacle opposed to the Success of our Efforts for the good Government of India consists in Ignorance, on the Part of European Functionaries, of the Language, Habits of Thought, Feelings, and Prejudices of the People entrusted to their Rule; any Scheme of confining a Civil Officer throughout his Career to the Courts of Justice where he lives apart from the People can tend only to perpetuate, with respect to One Class of Functionaries, an Evil more or less unavoidable and inherent in the Circumstances in which we are placed, and in the Opinion of his Honour in Council, is least of all calculated to convert the Individual so situated into a wise and intelligent and beneficent Judge.

4. Besides, when it was considered how very large a Portion of our Subjects belong to the Agricultural Class, or is connected by Dealings with the People who cultivate the Soil and pay the Government Revenue, and how much of the entire Capital of the Country, which must be the Subject of Ligation in the Civil Courts, is employed directly and indirectly in Agriculture, or in Advances of Seed, Grain, and Tuccavee, and for paying the Government Revenue, and that the Revenue Officer of all others has the best Opportunities of becoming intimately acquainted with the Nature of these and all other Transactions of the various Parties concerned in the multifarious Operations of Agriculture and Revenue Receipts and Disbursements, it would seem that a Familiarity with the Revenue System is indispensable to fit a Man for the efficient Discharge of the greater Portion of his Duties as a Judge. Nor is it to be overlooked that the Revenue Officer, even in the Discharge of his proper Duties, cannot fail to become apt in the Adjudication of Disputes of precisely the same Nature as those which come by a different Process under the Cognizance of the Courts. He has to investigate and to decide upon Questions of Partitiōn, of disputed Boundaries, of Contracts, and of Accounts; has to take and weigh Evidence, to decide upon the Validity of Documents, and to interpret as well as to obey a considerable Portion of the Regulations of the Bengal Code. With the Opportunities which such Duties afford him of exercising and improving his Talents, and acquiring with much Experience Habits of Regularity and Application to Business, and a fitting Confidence in his own Judgment, it would be hard to imagine that when Length of Service and the Exigencies of the State call him from his Duties in the Revenue Department to the Discharge of Functions purely judicial, he should be found altogether wanting in sufficient Qualifications to undertake them. He may be ignorant

of the Forms of Procedure of the Court in which he is appointed to preside, and he may be too little acquainted with those Regulations which apply exclusively to the Administration of Law, but these Desiderata are not Attainments so difficult to be acquired, that a Man trained in Habits of Regularity and Application would permit himself to labour long under a Deficiency in such Kinds of Knowledge.

5. Under a System, also, which admits of the Employment of Civil Officers successively in different Departments, the Government, with the Knowledge which it possesses of the Characters and Qualifications of the Members of the Civil Service, is enabled to select for the highest Employments in each Branch of the Administration those Individuals out of the whole Body of the Service who appear best adapted for the Performance of the Duties which they are appointed to discharge; an Advantage which would be in a great Measure lost by any Separation of the Members of the Service into distinct Classes.

6. Entertaining these Sentiments, the Honourable the President in Council entirely concurs in Opinion with the Governor General, as expressed in his Lordship's Minute, that in India the exclusive Employment of any Portion of the Civil Service in Judicial Proceedings would be calculated to limit their Opportunities of acquiring general Knowledge of Men and Things, and in so far tend to contract their Minds; whereas Experience of the Duties which each Individual must in his Capacity of Magistrate, and then of Collector, have for many Years been trained to perform, will, out of a numerous Body of zealous and intelligent Servants, produce many who may ascend the Bench as Judges, "with much of very valuable Preparation, and comparatively little "Difficulty to encounter."

7. The President in Council is, however, averse to the Exercise by the same Officer, at the same Time, of the Duties of Magistrate and Collector, and would think it far preferable that such a System of Gradation and Promotion should be introduced as would enable Government to employ Civil Officers, on their Preferment from subordinate Situations, first in the Capacity of Magistrates, from which Grade they might afterwards rise to be Collectors, and after serving in that Capacity for a sufficient Period of Time, might be eligible to be promoted to the Situation of Judges.

8. His Honour doubts the Practicability of the Plan of employing young Men under the Rank of Deputy Collectors and Joint Magistrates in Judicial Duties under the Zillah and City Judges, which is recommended by the Right Honourable the Governor-General. He has directed that it shall be submitted to the Indian Law Commissioners, to be taken into consideration in connexion with the Code of Procedure, in the Arrangement of which the Commissioners are at present engaged.

9. The President in Council has not, however, judged it expedient at the present Moment to call upon the Sudder Court to draw out Rules, as suggested by the Governor General, under which the Attendance of young Civilians in the Zillah Courts, and their subordinate Co-operation in Judicial Proceedings, might best be regulated, as the present Rules of Procedure, according to which the Court could alone draw out any subsidiary Rules with regard to the occasional Employment of young Civilians in Judicial Proceedings, are likely to be considerably modified and altered; and it would seem better that these subsidiary Rules should be formed with reference to the new Law of Procedure, and that it will be sufficient that the Subject should at once be referred to the Consideration of the Law Commissioners; and the Question has accordingly been referred to that Body.

10. The Papers connected with this Subject have been sent to the Law Commission, with a Letter, a Copy of which, with the Papers already considered by the Governor General, and a Minute since recorded by Mr. W. W. Bird on the Subject, is herewith enclosed.

Fort William,
13th August 1838.

I have, &c.
(Signed) T. H. MADDOCK,
Officiating Secretary to the Government of India.

(No. 282.)

From T. H. MADDOCK Esq., Officiating Secretary to the Government of India,
to J. C. C. SUTHERLAND Esq., Secretary to the Indian Law Commission.

Legia. Cons.
13 August 1838.
No. 16.

SIR,

I AM directed to forward to you Copies of the Papers noted at the Foot,*
and to request the Attention of the Law Commissioners to the Subject to
which they relate, in connexion with the System of Judicial Procedure, in the
Arrangement of which the Commissioners are at present engaged.

Legislative Dept.

I have, &c.

Fort William,
13th August 1838.

(Signed) T. H. MADDOCK,
Officiating Secretary to the Government of India.

From W. H. MACNAGHTEN Esq., Secretary to the Government of India, with
the Governor General, to T. H. MADDOCK Esq., Officiating Secretary to the
Government of India.

Jud. Cons.
1 October 1838.
No. 5.

SIR,

I AM directed by the Right Honourable the Governor General to acknow-
ledge the Receipt of your Letter, No. 168, dated the 13th ultimo, communi-
cating the Sentiments of the Honourable the President in Council on the
Question of the Judicial Education of Junior Civil Servants.

Judicial.

2. In reply, I am desired to acquaint you, for the Information of the Presi-
dent in Council, that his Lordship approves, for the Reasons stated in your
Communication now acknowledged, the Reference which has been made on
this important Subject to the Law Commission.

I have, &c.

Simla,
6th September 1838.

(Signed) W. H. MACNAGHTEN,
Secretary to the Government of India,
with the Governor General.

(No. 1572 of 1838.)

From J. P. WILLOUGHBY Esq., Secretary to the Government of Bombay, to the
Officiating Secretary to the Government of India, Fort William.

Legia. Cons.
30 August 1838.
No. 36.

SIR,

I AM directed to transmit, for the Purpose of being laid before the Honour-
able the President in Council, the accompanying Extracts, Paragraph 17, of a
Letter from the Assistant Register of the Sudder Dewanny and Sudder
Foujdarry Adawlut, dated the 12th of September last, and Paragraphs 24 to 31
of a Circuit Report of the Judicial Commissioner for the Southern Mahratta
Country, on the Completion of his Tour.

2. The Honourable the Governor in Council is aware that the Subject of
training the young Civil Servants for the Judicial Office, referred to in the
17th Paragraph of the Assistant Register's Letter, and in the 24th to the 31st
of the Report, has excited much anxious Consideration, and that much Dis-
cussion has occurred regarding it in the Indian Law Commission. It will no
doubt receive the full Deliberation of that Body, when it arrives at the Point
in framing the Code of Civil Procedure.

* Copy of Note by the late Honourable H. Shakespear, Esq., dated 18th April 1836.
To Secretary to Government of Bengal, Fort St. George, and Bombay, dated 18th April 1836.
From Secretary to Government of Bengal, dated 3d May 1836.
From Chief Secretary to the Government of Fort St. George, dated 30th May 1836, with
Enclosures.
From Secretary to the Lieutenant Governor, North West Provinces, dated 17th November 1836,
with Enclosure.
Minute by the late Honourable H. Shakespear, Esq., dated 19th May 1836.
Minute by the Honourable A. Ross, Esq., dated 10th August 1836.
Minute by the late Honourable H. Shakespear, Esq., dated 19th December 1836.
Minute by the late Honourable H. Shakespear, Esq., dated 19th October 1837.
Letter from the Secretary to the Government of India, with the Governor General, dated 19th
February 1838, with Enclosure.
Minute by the Honourable W. W. Bird, Esq., dated 27th July 1838.

3. As, therefore, anything that could be done by the Government in respect to the Bombay Presidency would be partial, I am desired to refer the Matter for the Consideration of the Supreme Government, leaving it to his Honour in Council to hand over the Papers to the Indian Law Commissioners, or to take such other Course in respect to them as may be deemed fit.

4. The Governor in Council, however, is of opinion that it would be unwise to break in upon a System which has been so recently established as that of making over the Decision of all original Suits, with certain Exceptions, to the Native Judicial Functionaries, and because it is a very great Question if it would be just to train Junior Servants to the Judicial Office by giving the Decision of Questions of Right and Property to inexperienced Hands.

5. In respect to Assistant Judges trying Appeals, the Governor in Council thinks that this should only be allowed where the State of the Business of a particular Court requires it, and never when the Assistant is not amply qualified for the Duty; nor for the Purpose of providing a School of Instruction for Assistants.

Bombay Castle,
28th July 1838.

I have, &c.
(Signed) J. P. WILLOUGHBY,
Secretary to Government.

EXTRACT of a Letter from the Assistant Register of the Sudder Adawlut,
dated 12th of September 1837.

Legis. Cons.
20 August 1838.
No. 37.

Para. 17. The Defect under the existing System in the Means of obtaining a Judicial Education for the junior Members of the Administration by that excellent School, the trying of original Suits, adverted to in the 24th to 31st Paras., has, I am directed to observe, more than once incidentally presented itself to the Attention of the Judges. The Subject involves Topics of the highest Importance in the Judicial System, and amongst these there appears to the Judges a Difficulty somewhat hard to be reconciled, which arises from the Distinction of Authority in the European and Native Branches. If to the former are to be confined the high Grade in Judicature of Appellate Jurisdiction, it will, the Judges conceive, be obvious that correspondent Qualifications must be possessed by these Functionaries; and amongst these the Court would assign, at nearly the Top of the List, a practical Knowledge of the Character, Habits, and Customs of the People, the Attainment of which, however, appears to the Judges to be hopeless, excepting by some such Means as the Schooling above adverted to. Upon the Return of the absent Judges, and when a full Court can thereby be assembled, the Subject will be brought on for Consideration, with the able and judicious Remarks Mr. Greenhill has offered, and the Court will thereafter submit its Sentiments to Government.

EXTRACT of a Circuit Report from the Judicial Commissioner for the Southern
Mahratta Country, dated 1st August 1837.

Office of Assistant
Judge not so
useful as it ought
to be. No Judicial
School for
Civilians.

Para. 24. This Office is requisite in many respects, but owing to the present Laws is not nearly so useful as it ought to be. By the Code, as promulgated by Mr. Elphinstone's Government, a Judge could refer small Causes to his Assistants; but this Enactment was altered by subsequent Governments, and no original Suits can now be tried by an Assistant Judge, excepting a very small Class, such as Suits in which the Native Judges may be interested. He may, however, hear Appeals. The singular Position in which this Class of public Servants has been placed by the Alteration in the Code calls for grave Consideration; and although it has a long Time back, and often, presented itself to me and others as requiring the Attention of the Legislature, I have hitherto been deterred, by various Causes, from alluding to it in an official Manner.

The same Subject
continued.

25. The Spirit of Legislation has been of late to employ Natives as Judges, either for the sake of Economy merely, or for their supposed Efficiency, reserving to the European Civil Servants the much more difficult and important Office of judging on Appeals, executing Decrees, and of controlling the Native Servants. These are delicate and difficult Duties, requiring great practical Knowledge

Knowledge of the Detail of a Court, and also an intimate Acquaintance with the Habits of the People, their Usages, and Rules of Conduct. I shall not allude in this Place to the Knowledge of the rational Rules of Evidence, of Procedure, and of Jurisprudence generally requisite for a Judge to possess; in short, I would say that something more is required of a Judge of Appeal and Control than Common Sense, and a merely studied Acquaintance with the Regulations, and that without it a Man of Talent even is not likely to fill the Judgment Seat, at first, especially, with Credit either to himself or the Government.

26. The Operation, however, of our present Regulations is fast bringing the Judicial Branch of the Service to a Condition which I cannot contemplate without Anxiety. The juniors have no Opportunities of learning; they are partially employed in Criminal Cases only (and these necessarily of too serious a Nature to be entrusted to a young Man on his First Entrance on public Employment), and probably have little or no Opportunity of gaining an Insight into the Business of the Civil Courts, till they are at once raised to the Bench, when they have to sit in final Judgment on the Decrees of Judges of far greater practical Knowledge and Experience than themselves; and that such a State of Things would lead to a Loss of public Confidence, and to Contempt of the Judicial Administration, I think there is too much Ground for Apprehension.

27. The actual State of the Judicial Branch of the Service seems to render an early and serious Consideration of the Subject of Importance; and in venturing to suggest it, I would allude with great Deference to a Mode of remedying the existing Defect which would, perhaps, not be unsuccessful.

28. By the present Regulations all original Causes are tried by Native Judges, the principal of whom resides at the Sudder Station, and who alone has unlimited Jurisdiction. At large Towns it is generally necessary to have a Court of inferior Jurisdiction, to relieve the principal Sudder Ameen. I would propose to invest the Assistant Judge with concurrent Jurisdiction with the Chief Native Judge, whatever might be his Powers.

29. By this very simple Arrangement several important Ends would be gained; it would enable the Judge to limit his Assistant to such Causes as he might consider him competent to investigate, with reference to his Judgment, Knowledge, and Experience. To a very young Assistant he would refer the simplest Cases, and those of a more difficult Nature to a more experienced Servant only. It would give the Public the Advantage of Two Descriptions of Courts, which I rather think would be very acceptable, and it would relieve the principal Sudder Ameen of the large Towns, and in some Cases would allow of the Reduction of a junior Ameen. Same Subject continued.

30. If it were left to the Suitors to file their Cases in either Court, a Competition for the Confidence of the Public would arise, and an Index to public Opinion in regard to Native and European Judges, generally and comparatively with each other, would be obtained, whereby the sometimes questioned and important Fact, that Natives prefer the Administration of Justice of European Civil Servants to all others, would be determined; but the Difficulties of regulating such a System, so as to prevent some Courts from being overwhelmed, appear to be considerable, and I am not prepared to say that it could be carried into a Practice. Same Subject continued.

31. If such an Alteration as alluded to in Para. 28th of the present Law were to be made, I am inclined to believe that the Appellate Jurisdiction now possessed by principal Sudder Ameens and Assistant Judges should be abolished, as it must be advantageous to lessen the Grades of Appeal, so as to bring the final Appellate Court as near that of original Jurisdiction as possible; and the First Step of the Ladder of Appeal (of which there may be Six) being the worst, can only promote Litigation. Same Subject continued.

(True Extract.)

(Signed)

J. P. WILLOUGHBY,
Secretary to Government.

Legis. Cons.
20 August 1838.
No. 38.

(No. 295.)

From T. H. MADDOCK Esq., Officiating Secretary to the Government of India,
to J. C. C. SUTHERLAND Esq., Secretary to the Indian Law Commissioners.

Legislative Dept.

SIR,
IN continuation of my Letter, No. 282, dated the 13th instant, I am directed by the Honourable the President in Council to forward to you the accompanying Copies of Letter, No. 1572, from the Secretary to the Government of Bombay, dated the 28th ultimo, and of its Enclosure, and to request that you will lay the same before the Indian Law Commissioners.

Fort William,
20th August 1838.

I have, &c.
(Signed) T. H. MADDOCK,
Officiating Secretary to the Government of India.

Judicial Cons.
4 Nov. 1842.
No. 12.

From the INDIAN LAW COMMISSIONERS to the Right Honourable Lord ELLENBOROUGH, Governor General of India.

MY LORD,

We have now the Honour to reply to your Lordship's Letter of the 4th April last.

2. This Communication embraces Three Topics :

1st. The legal Training in India of the Honourable Company's Civil Servants destined for the Judicial Branch of the Service; and the Means of retaining in that Branch such qualified Persons as may once adopt it.

2d. The Expediency of appointing a Chief Judge, with superior Emoluments, to each of the Company's Sudder or highest Courts of Judicature.

3d. The Expediency of conferring upon the Superior Courts of Appeal a limited Extent of original Civil Jurisdiction.

3. We propose to submit our Sentiments on these Topics in the Order in which we have noticed them; but we think it will conduce to a clearer Understanding of the whole Subject if, before entering upon the Consideration of the particular Points, we place before your Lordship a concise historical Account of the several Judicial Systems prevailing at the Three Presidencies of Bengal, Madras, and Bombay, exhibiting their original Character, and tracing them through their various Modifications to their present State.

This Narrative occupies Paragraphs 4 to 104 of this Address.

4. On the Consolidation of the Judicial System of Bengal in 1793 the Administration of Civil Justice was vested in Zillah and City Courts having unlimited original Jurisdiction; Provincial Courts of Appeal; and the Sudder Dewanny Adawlut, the Company's highest Court of Appeal, consisting of the Governor General and Members of Council.

5. The Zillah and City Judges were authorized to refer to their Registers Suits for Property not exceeding 200 Rupees in Value, but their Decrees were not valid until countersigned by the Judges.

6. The only Native Courts which found a Place in this System were those of certain Functionaries styled Referees (Aumeens), Arbitrators (Salisan), and Moonsiffs, who were empowered to try, either immediately or by Reference from the Zillah or City Judge, Suits for Personal Property not exceeding 50 Rupees in Value.

7. These Establishments were, perhaps, originally inadequate to the Duties imposed upon them. However that may have been, it is certain that in process of Time the Increase of Litigation consequent on the general Improvement of the Country, and the growing Confidence in the Judicial Tribunals, rendered Alterations in the System necessary; and as these Causes continued to operate, various Methods were from Time to Time resorted to, to check the growing Evil of overburthened Judicatories.

8. These remedial Measures, as they affected the European Agency, consisted in removing the primary Cognizance of the more valuable Suits from the Zillah and City to the Superior Courts; in augmenting the Number of Judges, and increasing the Powers of single Judges of those Courts; extending the Judicial Functions of the Registers; and appointing Assistant Judges to share the Labours of the Zillah and City Judges.

9. But

9. But the limited Number of Civil Servants at the Disposal of the Government, and the heavy Expense attending this Description of Agency, presented serious Obstacles to a general Resort to it, whilst a liberal Policy pointed to a more extensive Employment of the Natives of the Country as a Means both of increasing the Efficiency of the Courts and of improving the moral Condition of the People.

10. The various Changes in the Civil Branch of the Judicial System from 1793 up to the present Time may be thus briefly stated.

11. Original Suits exceeding 5,000 Rupees in Value were transferred from the Zillah to the Provincial Courts, though subsequently those between 5,000 and 10,000 Rupees were allowed to be instituted in the Zillah or Provincial Court at the Election of the Plaintiffs. 1808. 1817.

Original Suits above 1,000 Rupees were also made transferable from the Zillah to the Provincial Court, at the Discretion of the Sudder Dewanny Adawlut, which Court was further authorized to call up from the Provincial Courts any original Suits of the Value of 48,108 Sicca Rupees (the Amount then limited for Appeals to the King in Council), which they deemed could be more conveniently and expeditiously tried by themselves. The last-mentioned Power, we understand, the Court never exercised. 1814.

12. Each Judge of a Provincial Court, sitting singly, was empowered to perform a considerable Part of the Functions of the whole Court. 1810-1814.

13. In 1833 the Provincial Courts were abolished, and original Suits above 5,000 Rupees made cognizable in the Zillah Courts. 1833.

14. The Rule which made the Zillah Judge's Counter-signature essential to the Validity of his Register's Decrees was repealed; the Register's Powers were extended to Suits of 500 Rupees, and might be specially extended to Suits of 5,000 or 10,000 Rupees. The Appointment of additional Registers was provided for; and the Services of the Registers of the Provincial Courts were made available for the Trial of original Suits. 1794. 1803.

15. The Office of Register to the Provincial Courts was abolished in 1821, and that of Register to the Zillah Courts in 1831-32. 1814-1817. 1814-1819. 1821-1831.

16. The Office of Assistant Judge was instituted in 1803 for the Purpose of relieving the Zillah Judges of any Portion of their Work which Circumstances prevented their performing themselves. It was abolished in 1814, but has since been revived with the Designation of additional Judge. Ditto. 1803. 1814. 1833.

17. Commissions to Natives to act as Referees and Arbitrators were recalled, and the original Jurisdiction of the Moonsiffs were successively extended, first, to Suits for Personal Property to the Amount of 64 Rupees, provided the Cause of Action had arisen within One Year (in 1817, extended to Three Years) before the Institution of the Suit; next to similar Suits not exceeding 150 Rupees; and lastly, to all Descriptions of Suits (except for Lakhiraj Lands) not exceeding 300 Rupees in Value, and subject only to the general Rules of Limitation for the Institution of Suits. At this Point it now stands, but the Moonsiffs have not Jurisdiction over British Subjects, European Foreigners, or Americans, excepting in Suits relating to Arrears or the Exactions of Rents. Ditto. 1814. 1821. 1831.

18. Sudder Ameens were first appointed in 1803 for the Trial, by Reference from the Zillah Judge, of Suits for Real and Personal Property to the Value of 100 Rupees. 1803.

Their Powers were afterwards enlarged to Suits of 150 Rupees, and in special Cases of 500 and 1,000 Rupees. This last Amount had since 1831 become the general Standard. 1814. 1831-1837. 1831.

19. Finally, in 1831, the Office of Principal Sudder Ameen was constituted for the Trial, by Reference from the Zillah Judge, of Suits to the Value of 5,000 Rupees. Their Jurisdiction now embraces Causes of an unlimited Amount; and the few original Suits which remained to the Zillah Judges have thus been virtually transferred to the Native Functionaries. In a recent Report on the Subject of Special Appeals we have recommended that all Suits cognizable by the Principal Sudder Ameens and Sudder Ameens should be instituted immediately in the Courts of those Officers. 1831. 1837.

20. It is unnecessary to detail the various Changes which the System of Appeals underwent during the Period under Review. It may be stated generally, (91.) C 4

generally, that previous to the Year 1831, a regular Appeal lay to the Zillah Judge from the Decrees of all his subordinate Courts, and a Special Appeal to the Provincial Court; and when such first Appeals were tried by the Register or Sudder Ameen, a Special Appeal lay to the Zillah Judge. From the Zillah Judge's Decrees in original Suits an Appeal lay to the Provincial Courts, and a Special Appeal to the Sudder Dewanny Adawlut. From the Decrees of the Provincial Courts in original Suits an Appeal lay to the Sudder.

21. Under the present System the Decrees of Moonsiffs and Sudder Ameens are appealable to the Zillah Judge, whose Decisions thereon are conclusive. But the Sudder Court may authorize the Reference of any such Appeals to the Principal Sudder Ameen, from whose Decision thereon a Special Appeal lies to the Zillah Judge.*

From the Principal Sudder Ameen's Decrees in original Suits not exceeding 5,000 Rupees in Amount, an Appeal lies to the Zillah Judge, and a Special Appeal to the Sudder Dewanny Adawlut. From the Decrees of the Zillah Judges in any original Suits, which for special Reasons they may have retained on their own Files, and from the Decrees of the Principal Sudder Ameens in original Suits exceeding 5,000 Rupees, a regular Appeal lies to the Sudder Court.

22. The Salary of the Zillah Judges is 2,500 Rupees per Mensem, or 30,000 per Annum, and that of an Additional Judge, Rupees 2,166 10. 8. per Mensem, or 26,000 per Annum. Principal Sudder Ameens of the First Grade receive 600 Rupees, those of the Second Grade 400 Rupees per Mensem. The Sudder Ameens have 250 Rupees per Mensem. Moonsiffs of the First Grade receive 150 Rupees, those of the Second Grade 100 Rupees per Mensem.

23. The following Statement shows the Quantity of Civil Business depending before and disposed of by the Zillah and subordinate Courts in the Lower Provinces during the Year 1840:—

No. of Judges	Description of Judges.	Number of Suits depending on the 1st Jan. 1840.	Number admitted within the Year.	Re-admitted or received by Transfer in the Year.	TOTAL.	Decreed on Trial.	Dismissed on Default.	Adjusted or withdrawn.	Transferred to other Courts.	Total disposed of.	Depending on 1st Jan. 1841.
	ORIGINAL SUITS.										
252	Moonsiffs	37,788	91,563	7,953	137,304	57,179	16,318	15,541	6,665	95,703	41,601
27	Sudder Ameens	2,204	-	3,968	6,172	2,558	560	278	401	3,797	2,375
	ORIGINAL SUITS AND APPEALS.										
40	Principal Sudder Ameens	5,799	-	10,659	16,458	8,157	1,236	278	1,207	10,878	6,580
26	Zillah Judges	3,219	17,578	8,299	29,096	3,768	295	108	20,760	24,926	4,170
4	Additional Judges	-	-	-	-	-	-	-	-	-	-
		49,010	109,141	30,879	189,030	71,662	18,409	16,200	29,033	135,304	53,726
	SUMMARY AND MISCELLANEOUS SUITS.										
	Moonsiffs and Sudder Ameens.	18,397	-	-	-	-	-	-	-	35,726	20,217
	Principal Sudder Ameens	6,292	-	-	-	-	-	-	-	11,891	6,497
	Zillah Judges and additional Judges.	3,247	-	-	-	-	-	-	-	11,771	2,323
		27,936	-	-	-	-	-	-	-	59,388	29,037

24. The System of Criminal Judicature established in 1793 has, like that for the Administration of Civil Justice, undergone extensive Alterations.

25. Originally the Zillah and City Magistrates had Judicial Cognizance of petty Offences only, which they were competent to punish with 15 Days Imprisonment, or Fine not exceeding 50 Rupees, except in the Cases of certain Descriptions of Landholders, when the Fine might be increased to 200 Rupees.

* In a Report, dated the 14th December 1841, on the Subject of Special Appeals, we have recommended that from all First Decisions in Appeal from the Decrees of Moonsiffs and Sudder Ameens a Special Appeal should lie to the Sudder Dewanny Adawlut.

For

For petty Thefts they could award Corporal Punishment or One Month's Imprisonment.*

All other Trials were disposed of by the Courts of Circuit and the Nizamut Adawlut.

26. The first Enlargement of the Magistrate's Power extended to Sentences of Imprisonment not exceeding Six Months, with Corporal Punishment in Cases of Theft, and in other Cases with Fine not exceeding 200 Rupees, commutable, if not paid, to a further Imprisonment not exceeding Six Months.

Subsequently they were empowered to pass Sentence of Two Years Im-^{1818.}prisonment, with Corporal Punishment, on Persons convicted before them of ^{1829.}aggravated Thefts, simple Burglaries, or receiving stolen Property; to which ^{1828.}Cases of Conviction of Two or more Thefts were afterwards added; and lastly, they were empowered to sentence to One Year's Imprisonment, and 200 Rupees Fine, commutable, if not paid, to a further Imprisonment of One Year, Persons convicted of Affrays unattended with certain Circumstances of Aggrava- tion. By some recent Acts certain specific Offences have also been made cognizable by the Magistrates, to some of which Punishments are affixed exceeding the usual Jurisdiction of these Officers.†

27. According to the original Plan the Zillah Judges were likewise Magis- trates, but, in 1810, the Separation of the Two Offices was legalized, and at the same Time the Offices of Assistant Magistrate and Joint Magistrate were con- stituted, with the same Judicial Powers as belonged to the Magistrate; but the former Office has been discontinued. The Offices of Magistrate and Joint Magistrate are now held by Collectors and Deputy Collectors, or the former are held as distinct Appointments in the Lower Provinces.

28. To afford Relief to the Magistrates, they were authorized to refer for ^{1797.} Trial to their Assistants such petty Offences as were originally within their own Judicial Cognizance.

Subsequently the Assistants were empowered to adjudge both Fine and ^{1807.}Imprisonment, commuting the Fine, if not paid, to an additional Imprisonment of Fifteen Days; and in Cases of Theft, both Corporal Punishment and Imprisonment.

And eventually the Government were authorized to invest an Assistant with special Power to pass Sentence of Imprisonment not exceeding Six Months, with a Fine of 200 Rupees, commutable to a further Imprisonment of Six Months; and in Cases of Theft, to Six Months Imprisonment and Corporal Punishment. At the same Time the Magistrates were authorized to refer to the Hindoo and Mahomedan Law Officers and Sudder Ameens of the Zillah Courts Trials for Offences not requiring a severer Punishment than Fifteen Days' Imprisonment and a Fine of Fifty Rupees, commutable, if not paid, to a further Imprisonment of Fifteen Days; and in Cases of Theft One Month's Imprisonment and Corporal Punishment. This Rule was made applicable also ^{1831.} to Principal Sudder Ameens.

29. The Judges of the Provincial Courts were also Judges of the Courts of ^{Ditto.} Circuit. The Jurisdiction of these Courts was eventually extended; in ordi- nary Cases, to Sentences of Imprisonment for Seven Years, with Corporal Punishment for certain Descriptions of Offences; in Cases of Robbery by open Violence, unattended with certain Circumstances of Aggravation, and in ag- gravated Cases of Theft, Burglary, and receiving stolen Property, to Fourteen Years Imprisonment with Corporal Punishment; in Cases of wounding with Intent to murder, to Fourteen Years Imprisonment.

These Courts had also the Power of imposing Fines, fixing a specific Period of Imprisonment in default of Payment.

30. To increase the Efficiency of the Courts of Circuit for the Despatch of ^{Ditto.} current and Appeal Business, single Judges of the Court were invested with similar Powers to those conferred upon them in their Civil Capacity.

* Corporal Punishment was abolished in 1834, and the under-mentioned additional Periods of Imprisonment substituted in Sentences passed by—

The Nizamut Adawlut and Sessions Courts -	2 Years.
Magistrates and Joint Magistrates -	1 Year.
Assistants, Principal Sudder Ameens, and Sudder Ameens	1 Month.

This Change is to be attended to in the Perusal of what follows.

† See the Post Office Act, No. XVII. of 1837, and the Act respecting the Exportation of Warlike Stores, No. XVIII. of 1841.

DESCRIPTION OF OFFICERS.	Cases depending 1st January 1840.	Cases Admitted in 1840.	TOTAL.	Total Cases disposed of in 1840.	Cases remaining 1st January 1841.	REMARKS.
Magistrates and Joint Magistrates.	62	1,862	1,924	1,384	540	These are Cases of forcible Dispossession or Disturbance of Possession of Land, &c.

Number of Officers.	DESCRIPTION OF OFFICERS.	Number of Prisoners under Trial, 1st Jan. 1840.	Committed or referred back by Nizamut Adawlut, 1840.	TOTAL.	Con- victed.	Ac- quitted.	Referred to Nizamut Adawlut.	Com- mitment can- celled, or escaped.	Total Prisoners disposed of.	Prisoners remain- ing under Trial, 1st Jan. 1841.
26 1	Session Judges Commissioner Circuit	808	5,633	4,436	2,302	1,001.	598	66	3,967	469

Cases depending 1st January 1840.	Cases admitted in 1840.	TOTAL.	Total Cases disposed of	Cases remaining 1st January 1841.	REMARKS.
513	3,607	4,120	3,757	363	Appeals from Magistrates and Joint Magistrates in Criminal Trials.*
77	846	923	824	99	Ditto, ditto, in Miscellaneous Cases.

During this Year 1,361 Persons were required by the Magistrates to find Security for their good Behaviour; and the Cases of 621 Security Prisoners were reviewed by the Session Judges.

* These Appeals include Second Appeals, which are now cut off by Act XXXI. of 1841.

37. The Courts of Sudder Dewanny and Nizamut Adawlut at Fort William, 1801. as constituted in 1793, consisted of the Governor General and the Members of the Council; but, to obviate the Delay of Justice which arose under this Arrangement, and to separate more distinctly the Judicial Functions of the Government from its Legislative and Executive Authority, each Court was made to consist of Three Judges, styled respectively Chief, Second, and Third Judge; the Chief Judge being One of the Civil Members of Council, and the Two Puisne Judges selected from among the Civil Servants, not Members of Council. Two Judges were necessary to hold a Court, and on a Difference of Opinion arising, the Voices of the Majority determined the Question. The special Sittings of the Court were summoned by the Register under the Direction of the Chief Judge; the Senior Puisne Judge exercising the Power of the Chief Judge during the Nonattendance of the latter.

38. The Duties of Chief Judge, however, were found incompatible with those of a Member of Council, and to complete the Separation of the Judicial from the Executive Authority, it was enacted that the Chief Judge should be selected from among Civil Servants in the same Manner as the Puisne Judges. But this Law was repealed Two Years afterwards, the Office of Chief Judge was replaced on its former Footing, and Provision was made for the Appointment of Three Puisne Judges, 1805-1807.

39. The Business of the Courts being greatly on the Increase, the Government was empowered to appoint as many Puisne Judges as might be found necessary for its Despatch; and to prevent the Interruptions in the Proceedings of the Courts from the occasional Absence or Indisposition of the Judges, and further to increase the Efficiency of the Courts, any Judge sitting singly was empowered to hold a Court, and generally to pass Orders or Judgments, excepting for the Modification or Reversal of the Orders or Judgment of One or more of the Judges of the Court, or of those of an inferior Court. 1811. 1808. 1810. 1814. 1817.

40. It was provided also, that in Cases of a Difference of Opinion between Four Judges present, and the Number of Voices being equal, the Chief Judge, concurring with any One of the other Judges, should possess a Casting Vote. Ditto.

41. The distinctive Appellations of Chief, Second, Third, Fourth, &c. Judges of the Sudder Courts, having in some Instances been found productive of Inconvenience, they were abolished in 1829. Ditto.

Ditto.

42. In the Changes in the Judicial System which took place in 1831, separate Courts of Sudder Dewanny and Nizamut Adawlut were established at Allahabad for the Western Provinces; and at the same Time, in consequence of the Accumulation of Appeals, Civil and Criminal, before the Sudder Courts at Calcutta, the Powers of the single Judges were further increased; the Rules on which Subject were also made applicable to the Western Court. And it was provided that, when in any Case the Opinions of the Judges of One Court of Sudder Dewanny or Nizamut Adawlut were balanced, the Question should be referred to a Judge of the other Court of Sudder Dewanny or Nizamut Adawlut.

43. By a recent Enactment the Sudder Courts have been empowered to transfer to their Registers the Duty of preparing appealed Cases for Trial, and of executing the Decrees and Orders of those Courts.

44. From 1811 to 1829, the Sudder Court of Calcutta was composed of a Chief Judge (not being a Member of the Supreme Council) whose Salary was 5,000 Sicca Rupees per Mensem, and Puisne Judges drawing Sicca Rupees 4,583. 5. 4. But the Powers of the Chief Judge, as described above, differed in nothing from those of his Colleagues, excepting that Special Meetings of the Court were summoned, when necessary, by his Direction; and in cases of Equality of Voices, when Four Judges were present, the Chief Judge, concurring with One of the other Judges, possessed a Casting Vote.

45. The Presidency Sudder Court now consists of Four permanent and Three temporary Judges,—we believe, however, that this Arrangement is at present in Abeyance by order of the Honourable Court of Directors,—that at Allahabad of Three permanent Judges. The Salary of the permanent Judges is 4,350 Company's Rupees per Mensem; the temporary Judges receive 3,500 Rupees.

46. The following Statements show the Quantity of Civil and Criminal Business depending before and disposed of by the Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta; the former in 1841, the latter in 1840.

CIVIL BUSINESS, 1841.

—	Depend- ing 1st July 1841.	Admitted in 1840.	TOTAL.	Decided on Default.	Dis- missed on Default.	Adjusted or with- drawn.	Trans- ferred to other Courts.	Total disposed of.	Depend- ing on 1st Jan. 1842.
Regular Appeals - -	446	194	640	220	98	12	- -	270	370
Special Appeals - -	219	194	353	158	6	2	- -	166	187
	665	328	993	378	44	14	- -	436	557
					Struck off or otherwise disposed of.				
Miscellaneous and Sum- mary Appeals	477	2,100	2,577	985	1,014	- - -	- -	1,999	576
Miscellaneous Petitions and Procedure.	- -	- -	- -	- -	- -	- -	- -	4,770	-

CRIMINAL BUSINESS, 1840.

—	Number of Prisoners under Trial, 1st Jan. 1840.	Prisoners referred in 1840.	Total under Trial.	Con- victed.	Acquitted.	Re- manded or Com- mitments can- celled.	Died or escaped.	Total Prisoners disposed of.	Total Prisoners remain- ing 1st Jan. 1841.
Criminal Trials - -	146	598	744	365	228	59	5	655	89

—	Cases de- pending 1st Jan. 1840.	Cases received in 1840.	Total Cases.	Total Cases disposed of.	Cases remain- ing 1st Jan. 1841.	—
Appeals from Sentences of Com- missioners of Circuit and Ses- sion Judges, or Trials called for.	20	95	115	100	15	
Special Appeals from Orders of Commissioners of Circuit and Session Judges, on Appeals from Magistrates and Joint Magistrates.	110	387	497	452	65	These Special Appeals are now cut off by Act No. XXX. of 1841.

47. We

47. We should observe, that the preceding Narrative does embrace those Parts of the Territories of the Bengal Presidency in which the Regulations are not in force, and in which are established special Systems of Judicial Administration, but the Statements of Business in the Calcutta Sudder Courts include Cases received from the special Courts subject to its Jurisdiction.

48. The Madras Judicial System, instituted in 1802, was formed upon the Model of that established in 1793 for Bengal. It consisted of—

Zillah Courts for the Trial of Civil Suits in the first instance, without any Limitation as to the Amount or Value of the Subject of Litigation;

Provincial Courts of Appeal for hearing Appeals from the Zillah Courts;

And a Sudder Adawlut at the Presidency, for hearing Appeals from the Provincial Courts.

49. The Judges of Zillah Courts were authorized to refer to their Registers Suits to an Amount not exceeding 200 Rupees, with a discretionary Power to revise their Decisions, and to grant Commissions to Natives to hear and decide Suits for a Value not exceeding 80 Rupees, viz., Suits preferred to them directly against Under-renters or Ryots; Suits against other Persons referred to them by the Judge; and Suits submitted to them as Arbitrators.

50. In 1809, the original Jurisdiction of the Zillah Courts was limited to Suits not exceeding 5,000 Rupees, and Suits exceeding that Amount were transferred to the Jurisdiction of the Provincial Courts.

In the same Year, the occasional Appointment of Assistant Judges to aid the Judges of Zillah Courts in disposing of Arrears, was authorized; and the Jurisdiction of Registers was extended to 500 Rupees.

The original Jurisdiction of Native Commissioners or Moonsiffs was also extended to embrace all Suits for Money or Personal Property within the former Limitation of 80 Rupees; and Authority was given for the Appointment of Head Native Commissioners, or Sudder Ameens, for the Trial of Suits referred them by the Judges, not exceeding 100 Rupees.

The same Jurisdiction was conferred upon the Law Officers of the Zillah Courts, ex officio.

51. In 1816, the Office of Moonsiff was put on an improved Footing, following the Arrangement made in Bengal in 1814. Every Zillah was divided into Districts, comprising One or more whole Tahsildaries or Police Jurisdictions, to each of which a "District Moonsiff" was appointed, with Power to determine Suits to the Value of 200 Rupees.

In the same Year a Regulation was passed declaring the Head Inhabitants of Villages to be Moonsiffs in their respective Villages, with Power to decide Suits to the Value of 10 Rupees, and to settle, by Arbitration, Suits to the Value of 100 Rupees.

And the old Institution of Panchayets was revived for the Adjudication of Suits, without Limitation of Amount or Value, upon the Agreement of both Parties to that Mode of Trial. Village Panchayets to be assembled by the Village Moonsiffs, and District Panchayets by the District Moonsiffs; the Jurisdiction of the former being restricted to Suits for Money, or other Personal Property; that of the latter being unrestricted.

The Appointment of Sudder Ameens was restricted to the Law Officers of the Zillah Courts, the Jurisdiction being extended to 3,000 Rupees.

52. In 1821, the Jurisdiction of Registers of Zillah Courts was extended to 1,000 Rupees, of Sudder Ameens to 750 Rupees, and of District Moonsiffs to 500 Rupees.

53. In 1833, the Jurisdiction of these Officers was further extended to 3,000 Rupees, 2,500 Rupees, and 1,000 Rupees, respectively; and these are the present Limitations.

54. There are Nineteen Districts in the Madras Presidency. Formerly each District constituted a "Zillah," and had its own Zillah Court. But in 1827, a considerable Change was made, first by the Establishment of Auxiliary Courts, under Assistant Judges, with the full Power and Authority of Zillah Courts, and afterwards of Courts with nearly* similar Powers under Native Judges, now called Principal Sudder Ameens. In Eight of the Nineteen Districts, the Zillah Courts have been abolished. In Seven of those Districts they

* The Difference is, that Principal Sudder Ameens are restricted from taking Cognizance of Suits in which European Officers of Government are concerned.

have been succeeded by Courts under Assistant Judges, and in the remaining One by a Court under a Principal Sudder Ameen. In One Zillah, Malabar, besides the Zillah Court, there are Two Auxiliary Courts under Assistant Judges. In another Zillah, Canara, there are also Two Auxiliary Courts, under Principal Sudder Ameen.

55. The Provincial Courts are each composed of Three Judges, Members of the Civil Service.

Until 1831, Two Judges were required to constitute a Court. In that Year a Regulation was passed authorizing the Judges to sit singly, subject to the Restriction of not reversing any Order or Decision passed by another Judge of the Court, or by any subordinate Court.

56. At first the Provincial Courts had no original Jurisdiction, except in Cases specially transmitted to them by the Sudder Adawlut; since 1809 they have had original Jurisdiction in all Cases above 5,000 Rupees.

57. The Sudder Adawlut, or Chief Court of Appeal, as it was originally constituted, consisted, as in Bengal, of the Governor and the Members of Council.

By Regulation IV. of 1806, it was enacted, that the Governor should be the Chief Judge, and that the Second and Third Judges should be appointed from among the covenanted Civil Servants not being Members of Council.

By Regulation I. of 1807, it was enacted, that the Chief Judge should also be selected from among the covenanted Civil Servants not being Members of Council.

By Regulation III. of the same Year, it was enacted, that the Courts should in future consist of a Chief Judge, being a Member of Council, but not the Governor nor the Commander-in-Chief, and of Three Puisne Judges to be selected from among the Company's covenanted Servants; and this Constitution has continued ever since, except that the Governor in Council is empowered by Law to appoint additional Judges at his Discretion.

58. In 1816 the Sudder Adawlut was empowered to call up from the Provincial Courts original Suits amounting to 45,000 Rupees. This Power, it is believed, has never been exercised.

59. Until 1831, Two Judges were required to constitute a Court. By Regulation VIII. of that Year, the Judges were empowered to sit singly, subject to the Restriction of not reversing Orders and Decisions passed by another Judge of the Court or by subordinate Courts. The Puisne Judges are designated First, Second, Third. When sitting together the Senior presides, but he has not a casting Voice. If Three Judges are present, the Majority decide. If Two, and they differ, they are to wait for the Attendance of the Third.

The Chief Judge never sits except when One of the Puisne Judges is absent, and there is a Difference of Opinion between the Two who are present, or when there is only One Judge present, and a Case arises in which he thinks the Decision of the Lower Court should be reversed, for which the Concurrence of another Judge is necessary.

60. Below are presented at One View the several Civil Judicatories at present existing, with a Specification of their Jurisdiction, original and appellate.

Court.	Original Jurisdiction.	Appellate Jurisdiction.
<p>Sudder Adawlut. Composed of a Chief Judge, a Member of Council, and Three Puisne Judges, Members of the Civil Service. Salary of each Puisne Judge, 49,000 Rupees per Annum.</p>	<p>Authorized, at Discretion, to call up original Suits filed in the Provincial Courts, amounting to 45,000 Rupees and upwards.</p>	<p>Regular Appeals from Decrees of the Provincial Courts in original Suits. Special, from Decrees of the Provincial Courts on regular Appeals from Decrees of Zillah Judges, and from Decrees of Assistant Judges and Principal Sudder Ameen, in Suits above 1,000 Rupees.</p>
<p>Provincial Courts. Each composed of Three Judges, Members of the Civil Service. The Salary of the 1st Judge, 42,000 Rs. per Ann. 2d " 38,500 " 3d " 35,000 "</p>	<p>Original Suits above 5,000 Rupees.</p>	<p>Regular, from Decrees of Zillah Judges in original Suits, and from Decrees of Assistant Judges and Principal Sudder Ameen, in original Suits above 1,000 Rupees. Special, from Decrees of Zillah Judges on regular Appeals from Assistant Judges, Principal Sudder Ameen, Registers, and Sudder Ameen.</p>

Court.	Original Jurisdiction.	Appellate Jurisdiction.
Zillah Courts. Salary of the Judge, 28,000 Rupees per Annum.	Original Suits to the Amount of 5,000 Rupees.	Regular, from Decrees of Assistant Judges and Principal Sudder Ameens in original Suits not exceeding 1,000 Rupees, and from Decrees of Registers, Sudder Ameens, and District Moonsiffs. Special, from Decrees of Assistant Judges, Principal Sudder Ameens, Registers, and Sudder Ameens, on regular Appeals from District Moonsiffs.
Auxiliary Courts under Assistant Judges. Salary of the Assistant Judge, 16,800 Rupees per Annum.	Original Suits to the Amount of 5,000 Rupees.	Regular, from Decrees of Sudder Ameens and District Moonsiffs. Special, from Decrees of Sudder Ameens on regular Appeals from District Moonsiffs.
Auxiliary Courts under Principal Sudder Ameens. Salary of Principal Sudder Ameen (uncovenanted), 6,000 Rupees per Annum.	Original Suits to the Amount of 5,000 Rupees.	Regular, from Decrees of District Moonsiffs.
Attached to Zillah Courts. Register's Salary, 1st Class, 8,400 Rs. per Ann. 2d " 7,200 "	Original Suits referred by the Judge to the Amount of 3,000 Rupees.	Regular Appeals from Decrees of Sudder Ameens and District Moonsiffs referred by the Judge.
Attached to Zillah and Auxiliary Courts. Sudder Ameen's Salary, 2,400 Rupees per Annum.	Original Suits referred by the Judge, &c. to the Amount of 2,500 Rupees.	Regular Appeals from District Moonsiffs referred by the Judge, &c.
District Moonsiffs. Salary, 1st Class, 1,680 Rs. per Ann. 2d " 1,380 " 3d " 1,200 "	Original Suits to the Amount of 1,000 Rupees, preferred directly, or referred by the Judge.	
Village Moonsiffs.	Original Suits to the Amount of 10 Rupees, preferred directly; as Arbitrator, at the Request of both Parties, to the Amount of 100 Rupees; Jurisdiction confined to Suits for Money or other Personal Property.	
District Panchayets assembled by District Moonsiffs.	Suits for Real and Personal Property, without Limitation of Amount or Value, both Parties consenting.	
Village Panchayets assembled by Village Moonsiffs.	Suits for Money or other Personal Property, without Limitation of Amount or Value, both Parties consenting.	

61. As in Bengal, the Office of Magistrate was originally vested in the Zillah Judges, who were also charged with the Superintendence of the Police. The Jurisdiction of the Magistrate was confined to petty Offences and petty Thefts, as it was in Bengal prior to 1807, their Power of Punishment being limited to Imprisonment for 15 Days, or a Fine of 50 Rupees (200 Rupees in the Cases of Zemindars, &c.) for the former, and Imprisonment for One Month, or 30 Strokes with a Rattan for the latter.

62. In 1816 a great Change was made by transferring the Office of Magistrate and the Superintendence of the Police to the Collectors of Revenue, with the same Jurisdiction and Powers of Punishment as had been previously vested in the Zillah Judges. The Zillah Judges were still however charged with Criminal Jurisdiction; the Cognizance of Cases punishable by Six Months Imprisonment, with Strokes with a Rattan, or a Fine of 200 Rupees, having been transferred to them from the Courts of Circuit; and to them was left the Duty of committing to the Court of Circuit Persons charged with graver Offences brought before them by the Magistrate or by the Police.

63. In 1822, the Criminal Judges were empowered in special Cases to pass Sentence of Imprisonment for Two Years, with Corporal Punishment not exceeding 30 Strokes with a Rattan (since commuted to 130 Lashes with Cat-of-Nine-Tails), and this is the Maximum of their Power at present.

64. Assistant Judges of Auxiliary Courts are Joint Criminal Judges of their Zillahs, and have the same Power and Authority as the Criminal Judge. So also have Principal Sudder Ameens, except in Cases in which Persons charged with Offences are Europeans or Americans.

65. Sudder Ameens of Zillah and Auxiliary Courts are authorized to exercise Jurisdiction in Criminal Cases referred to them by the Criminal Judge, Joint Criminal Judge, or Principal Sudder Ameen, presiding in the Court, with the same Power of Punishment as the presiding Officer; but their Sentences are liable to Revision by him.

66. The Jurisdiction of Magistrates remains in general as it was settled in 1816, but, as in Bengal, they have extended Powers under particular Acts; Sub-Collectors are Joint Magistrates, and Assistant Collectors are Assistant Magistrates, with the Powers of the Magistrates within the local Limits of their Charges, or in Cases referred to them.

The Courts of Circuit were originally constituted as in Bengal, and still exist, exercising the same Jurisdiction and Powers as were exercised by those in Bengal until 1829.

67. The Judges of the Sudder Adawlut are also Judges of the Foujdarry Adawlut. The Jurisdiction of the Court corresponds with that of the Nizamut Adawlut of Bengal.

68. We subjoin Statements of the Administration of Civil and Criminal Justice by the several Judicatories in the Presidency of Madras, from the 1st July 1839 to 30th June 1840, the latest Period, Twelve Months, of which we are able to give any Account.

69. We have recommended* the Abolition of the Provincial Courts, and have proposed to establish Eighteen superior Zillah Courts to take up the whole of the appellate Jurisdiction heretofore exercised by them (except in Cases liable to the Jurisdiction of the Privy Council reserved for the Sudder Adawlut), together with the appellate Jurisdiction of the Zillah and Auxiliary Courts as at present constituted, and to organize a Set of subordinate but independent Zillah Courts, by continuing those already established in some Districts under Assistant Judges and Principal Sudder Ameens, and by establishing others of the same Class in all the rest, to exercise original Jurisdiction in all Cases now cognizable originally, as well by the Provincial Courts as by the present Zillah and Auxiliary Courts; that is to say, in all Cases beyond the Jurisdiction of District Moonsiffs, and in all Cases beyond the Jurisdiction of District Moonsiffs in which the Parties suing prefer to have their Causes tried and decided by them, but not to exercise appellate Jurisdiction except in Cases referred to them by the Superior Zillah Court, or under special Orders.

70. We have also proposed that the Office of Register shall be abolished.

71. We have recommended that the subordinate Zillah Courts shall be conducted partly by Assistant Judges and partly by Principal Sudder Ameens, or Principal Sudder Ameens; in other Words, partly by covenanted Civil Servants and partly by Natives and other Persons not covenanted, at the Discretion of the Local Government. In making this Recommendation, we stated† that we looked to dispensing eventually with Assistant Judges altogether, and placing all the Judges in Courts of this Class on the Footing of Principal Sudder Ameens,

* Reports, 21st August 1840, and 10th July 1841,

† Report, 21st August 1840.

but

but that we thought it expedient that the Change should be brought about gradually.

72. The Subject has been referred to the Government of Madras, with an Intimation from the Government of India that it is considered desirable to get rid of the Class of Assistant Judges altogether, and to introduce the Principle of making over to uncovenanted Judges (Native or European) the Duties of original Jurisdiction, unless in Cases reserved on very special Grounds, and of confining the European covenanted Judges to the Decision of Appeals, and to the Functions of general Control. It is not expected that it will be possible to do this all at once, but the Governor General in Council has expressed a Hope that it will not be necessary in carrying the proposed Reforms into effect to add to the present Number of covenanted Assistant Judges, which is above shown to be Nine.

73. In the Department of Criminal Justice we have recommended that the Jurisdiction now exercised by the Courts of Circuit should be vested in the Judges of the Superior-Zillah Courts as Session Judges, and that the present Jurisdiction of Criminal Judges shall be exercised by the Judges sitting in the subordinate Zillah Courts, who shall also commit to the Superior Court Persons charged with Crimes and Offences beyond their own Jurisdiction, as the Criminal Judges now commit to the Courts of Circuit; leaving the existing System untouched in other respects. But we believe that further Changes have been proposed by the Government of India.

STATEMENT showing the Civil Business done by the Courts in the Presidency of Madras, 1839-40, and remaining.

	ORIGINAL SUITS.			APPEALS.		
	Disposed of.	Instituted.	Depending.	Disposed of.	Instituted.	Depending.
Sudder Adawlut	-	-	-	12	24	42
Provincial Courts of Appeal						
Centre	9	12	22	75	67	90
Northern	18	11	29	38	29	59
Southern	10	7	5	30	35	13
Western	4	4	4	23	39	46
Total	41	34	60	166	170	208
<i>Superior Zillah Judicatories:</i>						
Judges and Assistant Judges	1,167	9,288	1,381	1,107	2,348	1,581
* Assistant Judge attached to a Zillah Court	2	-	35	62	-	164
Principal Sudder Ameens	135	643	108	59	59	25
Registers	402	†	395	339	†	350
Sudder Ameens	7,445	†	3,074	662	†	183
Superior Zillah Judicatories } Total	9,151	9,931	5,993	2,229	2,407	2,303
<i>Inferior Zillah Judicatories:</i>						
Moonsiffs { District	52,395	55,336	23,018	-	-	-
Village	4,035	3,926	1,854	-	-	-
Total	56,430	59,262	24,872	-	-	-
Punchayets { District	16	16	21	-	-	-
Village	14	6	6	-	-	-
Total	30	22	27	-	-	-
Inferior Zillah Judicatories } Total	56,460	59,284	24,899	-	-	-
GRAND TOTAL	65,652	69,249	29,952	2,395	2,577	2,511

* Under Reg. VII. of 1809.

† No Suits are instituted before the Register and Sudder Ameens. What they receive are referred to them by the Judge, Assistant Judge, or Principal Sudder Ameen of the Court, before whom all are instituted.

ABSTRACT of the Administration of Criminal Justice by the Judicial Functionaries in the Madras Presidency, 1889-4

	Balance.	Offenders apprehended.	Total Number of Persons charged under the Police Courts of Criminal Jurisdiction.	Acquitted or discharged.	Convicted and punished.		Confined.		Fine.	Flogging.	Imprisonment.				Deceased for Security.	Committed for Trial.	Transferred.	Died, insane, &c.		
					Choulras.	Sticks.	Imprisonment.				Simple.	With Fine.	With Flogging.	Imprisonment.						
							Simple.	With Flogging.						Simple.					With Flogging.	
Village Police -	-	5,700	5,700	2,365	3,335	3,344	981	-	-	-	-	-	-	-	-	-	-	-		
District ditto -	2,425	106,660	109,089	79,257	27,338	8,404	484	18,180	270	-	-	-	-	-	-	-	-	108		
Magistrate P. -	72	7,920	7,992	5,837	2,695	-	-	1,727	216	812	-	-	-	-	-	-	-	-		
Criminal Courts -	-	-	7,752	2,975	2,140	-	-	515	39	1,248	78	260	-	-	-	-	-	1,800		
Circuit ditto -	-	-	2,093	727	781	-	-	-	-	9	380	841	81	80	-	-	-	-		
TOTAL -	-	-	132,620	90,561	36,289	10,748	1,476	20,422	525	2,060	87	260	380	341	81	80	318	1,800	118	15

	Total Number of Persons charged under the Police Courts of Criminal Jurisdiction.	Acquitted or discharged.	Convicted and punished.	Death.	Transportation.		Imprisonment for Life.	Imprisonment.			
					With Flogging.	Without Flogging.		Simple.		With Flogging.	
								Under 7 Years.	Above 7 Years.	Under 7 Years.	Above 7 Years.
Foujdaree Adawlut -	352	83	289	59	9	68	14	58	62	2	5

74. The Presidency of Bombay comprises (12) Twelve Districts, of which Six are on the Coast (Goojurat and the Konkans), and Six above the Ghats (the Dekhan, Khandesh, and the Southern Mahratta Country).

75. Under the System which obtained until 1827, each District had a Judge and a Collector, except in the Territories above the Ghats, where, after the Dekhan was formed into Zillahs in that Year, One Judge presided over Two Collectorates.

76. The European Judicial Functionaries in each Zillah were under the Denomination of Judge, Register, and Assistant Register, vested with the Trial of original Suits, except those of very small Amount. The Judge tried all original Suits beyond the Cognizance of the Register, and all Appeals. The Register's Jurisdiction was at first limited to Suits of 200 Rupees, but his Decrees were final up to 25 Rupees. His Powers were afterwards raised to 500 Rupees, and Assistant Registers were appointed for Trial of the Suits under 200 Rupees, which the Register used to decide.

77. Special Powers were then conferred on Registers who had served Six Years in the Judicial Line, enabling them to try original Suits not exceeding 1,000 Rupees, and to hear Appeals from the Assistant Register, Sudder Ameens, and Moonsiffs; his Decisions thereon being final, unless under Special Appeal. Appeals from his Decisions in original Suits above 500 Rupees went direct to the Sudder Adawlut.

78. In A. D. 1827, the Jurisdiction of the Register and Assistant Registers (from that Time termed Senior and Junior Assistant Judges), was greatly enhanced; but in 1830 all original Jurisdiction was entirely taken away from the European Functionaries of every Grade, except as to Suits in which the Government was a Defendant, or any European or American, or any near Relative or Dependent of a Native Judicial Servant of any Grade, was a Party. And by Act XI. of 1836, Principal Sudder Ameens and Sudder Ameens were empowered to try Suits in which Europeans or Americans are Parties. The Suits still reserved from Cognizance of Natives are tried by the Assistant Judge, from whose

whose Decision an Appeal lies to the Judge. If he confirm the Decree, his Decision is final, otherwise the Case may be further appealed to the Sudder Adawlut.

79. In the Dekhan, where Natives of Rank (Sirdars) are exempted from the Jurisdiction of the ordinary Courts, the Judge of Poona, under the Title of Agent for Sirdars in the Dekhan, and the Judge of Dharwar, as Agent for Sirdars in the Southern Mahratta Country, try all Cases in which any Native of Rank within their respective Jurisdictions is Defendant. These Sirdars are divided into Three Classes, and an Appeal lies to the Governor in Council, and not to the Sudder Adawlut, in all Cases wherein a Sirdar of the Two first Classes is a Party.

From Decisions in Sirdar Cases by the Assistant Agents, an Appeal lies to the Agent in the first instance, and from his Decision a Special Appeal, either to the Governor in Council or the Sudder Adawlut, as the Case may be.

80. The whole Number of original Suits decided by (16) European Functionaries in 1838 was 84; of which 65 were Sirdar Cases; the Proportion of the whole Number (84) to that decided by Natives is only 1·35 to 1,000.

The Civil Functions of the Zillah Judge are thus, with a trifling Exception, confined to deciding ordinary and Special Appeals, from his Assistants, and from the Native Tribunals. The Assistant Judges try Appeals from the Native Functionaries Decisions, as referred to them by the Judge, or filed by themselves if at a detached Station.

81. The Salary of every Zillah Judge is 28,000 Rupees, except at Surat, where it is 30,000 Rupees.

That of an Assistant Judge at a detached Station is 14,400 Rupees.

At the Sudder Station, 8,400 Rupees.

82. By the Code of 1827, Civil Jurisdiction over a certain Class of Suits, those relating to Land, was given to the Collectors of Revenue, their Assistants and Head Native Officers; and by a very wide Construction put upon this Part of the Code, the entire Cognizance of every Suit having the most Connexion with "Land," was taken away from the Zillah Courts, and transferred to the Collectors. A Limit has, however, been put to this very extensive Jurisdiction by Act XVI. of 1838, and the Revenue Officers are now confined to,—

1st, giving Possession of Lands or the like to any Party forcibly dispossessed of the same, if a Plaint be preferred within Six Months from the Date of Dispossession;

2dly, Cognizance of all Disputes regarding Rent of the current or former Years, between Ryot and superior Holder, which the Parties may submit to Arbitration of the Revenue Officers;

3dly, Of all Questions regarding Use of Wells, Tanks, and Watercourses, or of Roads; and

4thly, Of all Disputes respecting Boundaries, such being by the Act still reserved for the Collectors Courts.

83. The Civil Jurisdiction conferred on the Native Judicial Servants was exceedingly limited until 1827, Moonsiffs being only empowered to try Suits for 50 Rupees; Sudder Ameens for 100 Rupees. In that Year every Native Functionary, then termed Commissioner, was empowered to decide Causes up to 500 Rupees; and might have his Powers extended to 5,000 Rupees. In 1830, original Jurisdiction, to an unlimited Extent, was conferred on every Native Functionary; that of the European Officers being strictly confined to a few special Cases already mentioned.

84. In the following Year, however (1831), this Jurisdiction was very much circumscribed; the Principal Sudder Ameens alone being invested with unlimited original Jurisdiction; the Power of hearing Appeals from Decisions of other Native Functionaries up to 100 Rupees being also conferred upon them. The Jurisdiction of Sudder Ameens was confined to 10,000 Rupees; that of Moonsiffs reduced to 5,000 Rupees, the Limit fixed by the Code of 1827.

85. The Native Judicial Functionaries of the Bombay Presidency have no Criminal Jurisdiction whatever.

86. From the Zillah Courts, constituted as above, an Appeal formerly lay to the Court of Appeal in Goojurat, and from it to the Sudder Adawlut at the Presidency. The Court of Appeal (while in existence) had also Jurisdiction for the Trial of any original Suits referred to it by the Sudder Adawlut, but we have no Reason to believe that it was ever called upon to exercise it.

In 1820 it was found practicable to abolish the first-named Court as an intermediate Court of Appeal; and though it was judged expedient to re-organize a Court of Appeal for Goojurat in 1828, it was again and finally abolished in 1830.

87. In the Presidency of Bombay, therefore, for the last Twenty-two Years, with Exception of a brief Interval, the Appeal has been immediate from the Zillah Courts to the Court of highest Resort in Civil Cases.

88. The System, which at One Time prevailed at the other Presidencies, of vesting in the Governor in Council the supreme Jurisdiction, both Civil and Criminal, was in force at Bombay so late as A.D. 1820. In that Year, on the Abolition of the Goojurat Court of Appeal, the Judges of it were constituted the Judges of the Court of Sudder Dewanny and Sudder Foujdaree Udalut, the Governor and Members of Council being thenceforth relieved from the Judicial Duties which, as Judges of that Court, they had hitherto been required to perform.*

89. The new Court of Sudder Dewanny and Sudder Foujdaree Udalut was composed of a Chief and Three Puisne Judges, the Puisne Judges being still required to perform their former Functions of a Circuit Court, visiting the different Zillahs (the Six Coast Districts) then subject to their Jurisdiction, delivering the Gaols, and generally performing all the Duties devolving on a Circuit Court.

90. These combined Labours of a Superior and Circuit Court having been found too onerous for the Judges of a single Court, the Court of Circuit and Appeal was, in 1828, re-organized, but soon abolished as above stated. The Duties of a Court of Circuit, however, were not again imposed on the Sudder Foujdaree Udalut, but instead thereof the Zillah Judges were, under the Designation of Session Judges, invested with the ordinary Jurisdiction of a Court of Circuit as regards the Trial of Criminal Cases; and the Three junior Puisne Judges of the Sudder Foujdaree Udalut, though still required to perform Circuits, were relieved "from holding any but State Trials or any other Trials of a peculiar or aggravated Nature, which from any Circumstance Government, on Report from the local Authority, may wish to be reserved for that Purpose."

They are only required, on these Circuits, to receive Petitions and make a general Inquiry into the Judicial Management of each Zillah visited by the Commissioner.

91. The Presidency, for this Purpose, is divided into Three Circles, which may be termed the Northern, Middle, and Southern, each being visited once in the Year by One of the Commissioners.

92. In order to provide for the due Performance of the Duties of the Sudder Udalut during the Absence of the Puisne Judges on these Circuits, One of the Members of Council was constituted Chief Judge of the Court, as is still the Case at Madras; but his Functions were expressly limited to attending in Court when a full Court of Three Judges could not be assembled without his Attendance. The Honourable Mr. Anderson, in his Capacity of Chief Judge, presided at the Trial of Five Causes in the first Half of 1840, and this is the only Instance we can find in which the Member of Council has been called in, since his Appointment for this particular Duty.

93. Neither the Chief nor senior Puisne Judge has any superior Function except that of having the Casting Vote when the Number of Voices happens to be equal.

94. The Judges when present at the Seat of the Court are occupied in trying Appeals direct from the Decisions of Assistant Judges in Cases above 5,000 Rupees, and regular and Special Appeals from the Decisions in Appeal by the Judges and Assistant Judges, as well as in miscellaneous Business. Appeals to the Sudder Dewanee Udalut are, in the first instance, taken up by a single Judge of the Court; and, if he is disposed to concur in the Decision of the Lower Court, his Decree, affirming it, is final; but, if he see Reason to doubt the Correctness of the Decision, or find in the Case any Point of Interest or Importance that has not been yet decided, he refers it to a full Court,

* In 1827 the Governor in Council was made a Special Court for trying, in place of the Sudder Udalut, Appeals from Decisions passed by the Zillah Judges above the Ghats as Agents for Sirdars. Vide Paragraph 79. These Functions the Governor in Council still exercises.
consisting

consisting of Three Judges, of whom he may himself be One. In Criminal Cases the Court has to revise all Sentences passed by Session Judges for more than Seven Years Imprisonment, or Solitary Confinement for Six Months, and has generally to exercise Control over all Zillah Judges and Magistrates.*

95. The Salary of the senior Puisne Judge has for some Years	Rs.
been fixed at	40,000
That of the Second at	36,000
Each of the others at	35,000

By very late Orders from England it is understood that the senior and each of the other Puisne Judges is hereafter to receive 42,000 Rupees per Annum. The Three Juniors get each 316 per Mensem, as Travelling Allowances, in addition.

96. The Criminal and Magisterial Powers of the subordinate Authorities may be very briefly explained.

97. Formerly each Judge, besides being the Criminal Judge, was also the Magistrate of his own Zillah, until 1818, when the Duties of Magistrate were transferred to the Collector, except at the Sudder Station of each Court, which remained subject to the Control of the Judge as Magistrate; but, in 1830, the Police and Magisterial Duties of each Sudder Station were also transferred to the Collectors, except at the City of Surat, where they are still performed by the Judge.

98. In 1830 the Powers of the Criminal Judge were increased to those of a Session Judge, in which Capacity he has to perform all the Functions of a Court of Circuit; trying (with the Aid of his Assistants) all Cases involving more than One Year's Imprisonment; and the Number of Zillahs having been reduced to Six by placing Two Collectorates under the Jurisdiction of One Court, the Session Judge, in Four out of the Six, has to perform Circuit twice a Year to the Subordinate of the Zillah—there to deliver the Gaol, and generally scrutinize the State of the Establishment.

99. The Assistant Judges try Criminal Cases referred to them by the Session Judge (or, at the detached Stations, those committed by the Magistrate), having Power to sentence to Two, or (with special Powers) subject to Confirmation by the Session Judge, to Seven Years Imprisonment with Hard Labour. The Assistant Judges at detached Stations have somewhat higher Powers, both Civil and Criminal, than those immediately under the Judge's Superintendence; they prepare Cases for the Sessions, have Charge of the Gaol, &c. Act XIX. of 1839.

100. Every Collector or Sub-Collector, as Magistrate or Joint Magistrate, has been, since 1818, vested with the entire Magisterial and Police Duties of his own District; and, since 1830, of the Sudder Station also. He has Jurisdiction in Criminal Cases to the Extent of awarding One Year's Imprisonment with Hard Labour and Fine. All Cases requiring greater Punishment than this he commits for Trial. By the Code of 1827, Magistrates had Power to adjudge to Fine, ordinary Imprisonment not exceeding Two Months, Flogging to Thirty Stripes, and personal Restraint. Assistant Collectors were constituted Assistant Magistrates; the Magistrate having the Power to refer to them any Cases within his own Cognizance, but with Liberty to mitigate, or annul, any Sentences passed by them. By a Regulation passed in the same Year for the Dekhan, then first brought under the Operation of the general Regulations for the Presidency, much greater Powers than those above stated were conferred on the Magistrates in that Province, to the Extent of Two Years Imprisonment with Hard Labour, Fine, Flogging, and personal Restraint. In 1829 the Power was given to Government to invest Assistant Magistrates with the same Powers. In 1830 these Powers were stated, and those of the Magistrates and Assistant Magistrates in the other Parts of the Presidency were enhanced to One Year's Imprisonment with Hard Labour; and this is now everywhere the Limit to the Magistrate's Penal Jurisdiction under Bombay. Sentences exceeding Three Months Imprisonment, passed by Assistant Magistrates, must be confirmed by the Magistrate.

* We observe, from the Draft of a Law lately published, that in Civil Cases the same Course of Procedure is about to be prescribed for the Sudder Courts of the Bengal and Agra Presidencies.

101. The Salaries of the Revenue and Magisterial Departments are as follows :—

	Rupees	per Mensem.	per Annum.
Principal Collector of Surat	2,666	-	32,000
All other Collectors and Magistrates	2,333	-	28,000
Sub-Collector and Joint Magistrate	1,400	-	16,800
First Assistants	800	-	9,600
Ditto, Rutnagiree and Kaira	700	-	8,400
Second Assistants	550	-	6,600
Third Assistants Principal Collector	500	-	6,000
Third Assistants	400	-	4,800
Fourth Assistants Principal Collector	450	-	5,400
All others	300 to 400	-	3,600 to 4,800

102. Statement of Causes decided by the Courts under the Bombay Presidency, 1838 :—

ORIGINAL SUITS.	No.	Balance depending.	Filed.	Total.	Decided on Merits.	Adjusted or withdrawn.	Dismissed.	Total.	Balance.
European Agency :—									
Judges as Agents for Sirdars	2	4	7	11	2	2	1	5	6
Assistant ditto	1	25	52	77	55	-	7	60	17
Judges	6	-	-	-	-	-	-	-	-
Assistant ditto	10	14	15	29	10	1	11	22	7
Total	16	43	74	117	65	3	19	87	30
Native Agency :—									
Principal Sudder Ameens,	6	371	4,301	4,672	2,338	549	703	4,090	582
Sudder Ameens	1	841	12,504	13,345	8,177	2,597	1,699	12,473	872
Moonsiffs	66	3,726	46,627	50,353	27,143	12,828	5,704	45,675	4,678
Jahgeerdars	not known	144	418	562	353	-	70	423	139
Total	86	5,032	63,850	68,932	38,511	15,974	8,176	62,661	6,271
GRAND TOTAL	-	5,125	63,924	69,049	38,576	15,977	8,195	62,748	6,301
APPEALS.									
Agent	2	3	25	28	20	-	-	20	8
Judges	6	518	919	1,437	1,017	51	34	1,102	335
Assistant Judges	10	378	1,875	2,253	1,222	42	75	1,339	914
Principal Sudder Ameens	1	11	76	87	81	1	4	86	1
Total Subordinate Courts	19	910	2,895	3,805	2,340	94	113	2,547	1,258
Sudder Adawlut	4	116	129	245	143	-	-	143	102

103. Abstract of Work performed by Judges of the Sudder Dewanny Udalat, Bombay, 1838 :—

	Sitting as Single Judge.			Sitting in full Court of Three Judges.	Decided by full Court.			
	Confirmed.	Referred.	Total.		Confirmed.	Annulled.	Reversed.	Total.
Simson	15	5	20	57				
Giberne	27	25	52	19				
Pyne	15	30	45	76				
Greenhill	10	29	39	76				
	67	89	156	-	19	12	38	69
By the full Court	19	-	-	-	19	-	12	-
TOTAL confirmed	86	-	-	-	-	-	50	-

104. Statement

104. Statement showing the Amount of Criminal Business disposed of by the Tribunals under the Bombay Presidency, 1838 :—

Balance of past Year with district and village Officers	648
Magistrates	800
Judges	316
	<u>1,264</u>
Received during the Year	37,987
	<u>39,251</u>
TOTAL	
Disposed of	
{ By district and village Police	Acquitted - - 12,301
	Punished - - 12,989
	Under Examination 708
	<u>25,948</u>
	Transferred to Magistrates 18,308
By Magistrate	{ Acquitted - - 5,818
	Punished - - 4,200
	Under Examination 548
	<u>10,566</u>
	Transferred to Judge - 2,742
By Judge	{ Acquitted - - 1,052
	Punished - - 1,401
	<u>2,453</u>
	Under Examination by Judge 289
<i>Sudder Foujdaree Udalut.</i>	
Number of Offenders whose Trials referred	272
Sentences confirmed :—	
Death	22
Transportation for Life	29
Imprisonment for Life	6
Ditto with Fine	187
	<u>244</u>
	Acquittals - - 28
	<u>291</u>
Review of Sentence on Petition	291
	<u>291</u>
Confirmed	201
Mitigated or annulled	90
	<u>291</u>

105. It will be seen from the foregoing Narrative that the System now in operation for the Administration of Civil Justice in the Territories of the Bengal and Bombay Presidencies, and which it is proposed to extend to those of Madras, is based upon the Principle of employing Native Industry and Intelligence in the primary Disposal of Suits, under the Safeguards of an immediate Appeal to the European Functionaries, and of their constant and vigilant Supervision of the general Conduct of the Native Judges.

106. To the Justice and sound Policy of this Principle we cordially subscribe, but in reducing it to Practice, an Evil of a very serious Nature has been incurred, which has already been extensively felt, and which if not remedied will greatly impair the Judicial Administration. We allude to that which has attracted your Lordship's Attention, the Absence of all previous Training in those to whom, as Judges of first and local Appeal, the Government must principally look for the Guidance and Control of the Courts of primary Jurisdiction. At

present there is not a single Situation in the Civil Branch of the Judicial Department in Bengal open to a covenanted Servant before his Elevation to the important Office of Zillah Judge; nor in Bombay do the Zillah and Assistant Judges exercise any original Jurisdiction before they are invested with appellate Jurisdiction.

107. In the Criminal Branch, those Civil Servants who have risen through the Grades of Assistant, Joint Magistrate, and Magistrate, have the Benefit of the Knowledge and Experience acquired in those Offices when called to exercise the Powers of a Session Judge; but, in Bengal at least, such a Preparation is not considered indispensable, and an Officer conversant only in Revenue Matters is equally eligible to that Appointment.

108. In devising a Remedy for this anomalous State of Things we have been led to review generally the Principle of Admission to the Honourable Company's Civil Service, and the educational Training both in England and India which the Persons nominated have to undergo before entering upon the active Business of Life.

109. Considering the great Importance of the Duties which the Civil Servants of the Company are destined to perform in the various Branches of our Indian Administration, and the Extent to which, from the Weakness of the Native Character, the Happiness of the People depends upon the individual Dispositions and Capacities of the Officers placed over them, it will readily be admitted how essential it is to the Credit of Government and the Welfare of the Millions committed to their Charge, to raise to the utmost the moral and intellectual Qualifications of the covenanted Civil Service. In the depressed Condition of the People, caused by the long period of Misrule and Confusion which preceded the Establishment of British Supremacy in India, the Benefits of the strong and settled Government which succeeded were no doubt sensibly felt; though the Instruments employed were but ill qualified by previous Education and Pursuits for the Discharge of the new Duties which devolved upon them. But Circumstances are now greatly changed; Population has increased; Cultivation and Trade have extended; European Residents are gradually spreading themselves over the Country; and the Commercial and other Transactions of Life must be expected to assume a more complex Character as Society advances in Civilization, and the Elements of it become more mixed. At every Step the Country takes in the March of general Prosperity and Improvement, the Duties of those employed in its Civil Administration become the more delicate and important; and whilst extensive Efforts are making, by means of an improved Education, to raise the Qualifications of the Natives of the Country for the subordinate Situations under Government, it is a Matter of paramount Importance to exact from those for whom the Offices of greater Responsibility and Control are exclusively reserved a higher Standard of Qualification than has yet been required of them.

110. In the Suggestions which we are about to submit to your Lordship on this Subject we advocate not those Measures which abstractedly we should consider the best, but such as we believe will be found the most effectual, consistently with a due Regard to the Patronage vested in the Honourable East India Company.

111. We think the first Object should be to extend as far as possible the Field of Selection for the Civil Service; and by adopting the Principle of Competition, to secure from among a large Body of Candidates a sufficient Number of young Men possessing superior Talents and Acquirements.

112. With this View we propose, that all Nominations by the Directors of the East India Company for each Season should be to the general Service in the first instance; that no Person should be eligible for such Nomination before the Age of Seventeen; and that all so nominated should be at Liberty to enter themselves as Candidates for Admission to the Civil Service. These Candidates should undergo an Examination involving a Test of high Attainments, and on the required Number declared duly qualified by the Result of it, the Appointments to the Civil Service should be bestowed according to Priority in the Examiners Lists.

Those Nominees who declined to compete, and those who failed in the Competition for the Civil Branch of the Service, would stand appointed to the Military Branch.

113. If

113. If this Scheme cannot be adopted in its fullest Extent, we recommend as near an Approach to it as may be found practicable, and that at all events the Principle of Competition be preserved.

114. The Appointments to the Civil Service having been thus settled on the Principle of superior Attainments, we propose that the Nominees should continue in England Three Years, for the Purpose of further qualifying themselves for the Stations they are destined to fill. We have fixed on Seventeen as the Age at which Education is usually completed, and the Student is prepared to profit by an advanced Course of Study in Science and general Knowledge. The additional Three Years make Twenty, the minimum Age at which a Civil Servant would quit England for India, which we think a preferable Minimum to that now established.

115. The Course of Study to which the Civil Servants should devote themselves during the Remainder of their Stay in England is, in our Opinion, History in general, and the History of India in particular; Political Economy; Moral and Political Philosophy; and Jurisprudence, especially that Branch of it which relates to the Conflict of Laws. It would be advisable that a Syllabus of these Subjects should be prepared, in which the best Sources of Information should be pointed out.

116. The Progress of the Students in these Departments of Knowledge should be ascertained by annual Examinations; and the Examiners should have full Authority to reject at the final Examination any one whose Attainments did not reach a certain fixed Standard, or whose general Conduct and Character were found to be unsatisfactory.

117. It would, of course, be essential to the Success of this Plan that the Standard of Qualification should be rigidly adhered to, and that the Board of Examiners should be so constituted as to command the Confidence of all, and secure the Support of public Opinion in the firm and upright Discharge of their Duty.

118. We do not attach Importance to the Study of the Oriental Languages in England beyond such an elementary Acquaintance with them as would accelerate future Proficiency in India. It is in the latter Country that the greatest Facilities for acquiring this Description of Knowledge exist, and we think the principal Part of the Time spent in England would be most profitably devoted to the Pursuit of European Literature and Science. Considering also the very limited Means of Instruction in the Oriental Languages available in England, the Establishment even of a low Oriental Test might interfere with the Principle which we suppose will be acted upon, of allowing the Civil Servants to choose their own Plans and Places of Instruction.

119. On their Arrival in India the Attention of the Civil Servants should be principally directed to the Study of the vernacular Languages, Proficiency in Two of which should be required of them.

120. Their professional Studies should now assume a local Character; Means should be afforded them of acquiring a Knowledge of the System of the internal Administration of the Country, and of the Principles of Law and Equity which have regulated the Decisions of the Indian Courts. For this Purpose the Regulations enacted for the particular Presidency, the printed Reports of Cases decided by Her Majesty's and the Company's Superior Courts, and the most useful Portions of the Hindoo and Mahomedan Laws which have been rendered accessible to the English Student by Translations and Treatises, should be made the Subjects of Lectures. And as a Means of obtaining some practical Knowledge of the Administration of Justice, the Student should be required, at convenient Times, to attend the Trials, Civil and Criminal, in the Queen's Courts of Judicature. The Courts we are recommending for the Trial of the Matters which are now brought before the Supreme Courts in Civil Actions at Law, as well as the subordinate Criminal Courts proposed on a former Occasion, would also be available for this Purpose, perhaps with even greater Advantage than the Supreme Courts, with reference to their more simple Course of Procedure.

121. Periodical Examinations should be held for the Purpose of ascertaining the Progress made in these various Branches of Study; and on a Civil Servant passing a certain Test, he should be declared qualified to take a Part in Public Business.

122. In this Stage of his Novitiate, we think it very desirable that he should

be afforded the best Opportunities of perfecting himself in the Languages, and acquiring a general Knowledge of the Manners, Habits, Feelings, and Institutions of the People.

123. In our Courts of Justice the Native Character is seen in its worst Aspect; and the unfavourable Impressions which the Mind of the young Civilian receives from this partial View is too apt to have a prejudicial Influence upon the whole Tenor of his future Conduct. On the other hand, First Impressions drawn from Intercourse with the respectable Classes, and a more general Survey of the People in their ordinary Intercourse with each other, would lay the Foundation for a Kindliness of Feeling towards them, and a reasonable Consideration for their Prejudices and Failings.

124. It is chiefly at the Beginning of his Career, and whilst holding a subordinate Situation, that the Civil Servant will find Time for the Prosecution of general Inquiries, and the greatest Readiness on the Part of the Natives to communicate their Sentiments. The Possession of superior Office is at all Times an Obstacle to free Communication with the People; nor would we advocate in the higher judicial Functionary that Familiarity of Intercourse which would be useful and proper in the Officers of Revenue.

125. To the Acquisition of this Description of Knowledge the Revenue System of Madras and Bombay are peculiarly favourable: there, the annually-recurring Ryotwarry Settlements require a constant and local Intercourse between the Revenue Officers of Government and the agricultural Inhabitants; and the minute Information respecting the Interests of the different Classes of the Village Communities, the various Rights in Land, and the Instruments by which those Rights are modified or transferred, necessarily acquired in the course of such detailed Arrangements, cannot but prove valuable to the future Judicial Officer.

126. We would, therefore, recommend for those Presidencies that the Civil Servants, on being reported qualified to take a Part in public Business, should be attached as Assistants to Collectors and Magistrates for the Period of Three Years; that is, we would continue the Initiatory System now in force there, which was introduced during the Governments of Sir Thomas Munro and Mr. Elphinstone.

127. Regarding the junior Civil Servants on the Bengal Establishment, we find it more difficult to come to any decided Opinion. The detailed Village Settlements which have been for some Years in progress in the Western Provinces of Cuttack, and partially in Bengal, Behar, and Benares, afford perhaps even better Opportunities of acquiring practical Information than the ordinary Revenue Arrangements of Madras and Bombay; but these Settlements are now drawing to a Close, and we understand that in about Two Years the whole will be completed, either in Perpetuity, or for Terms of Twenty-five or Thirty Years. The principal Business of the Revenue Officers will then be reduced to the simple Duty of collecting the Revenue, and making the usual Arrangements in the Departments of Abkarry and Stamps; and it is only the occasional Failure of a Settlement, or the Management of a few Estates under the Superintendance of the Court of Wards, which would call for local and minute Investigation. To a Knowledge of the mere Routine of a Bengal Collector's Office, as conducted at the Sudder Station, we attach no Importance as a Preparation for Judicial duties.

128. Where the Charge of the Police is also vested in the Collector of Revenue (as is universally the Case at Madras and Bombay), the occasional Deputation of the Assistant into the Interior for the Purpose of local Inquiries would give Opportunity for acquiring Information, and would operate as a Check on the Native Officers of Police. But we believe that in most Districts of the lower Provinces of the Bengal Presidency, the Functions of Revenue and Police are committed to distinct Officers, and the same Assistant could not work satisfactorily under Two Superiors.

129. If sufficient Employment could be found for the junior Civil Servants of this Presidency of a Nature calculated to store their Minds with that general practical Knowledge which we think so desirable an Acquisition, we would recommend the same Disposition of them, during the Three Years, as at the other Two Presidencies; otherwise we would at once commence, with those selected for the Judicial Line, the peculiar Training to which we shall presently advert, and continue it for a Period of Three Years.

130. On

130. On the Expiration of the Three Years of Mofussil Preparation we would choose the ablest and most competent of the Civil Servants for Employment in the Judicial Line; and as we propose that all so chosen should thereafter be confined exclusively to that Line, we would, in making the Selection, consult individual Inclination, as far as the Exigencies of the Service permitted.

Subsequent Selection for the Judicial Line.

131. We have not fixed upon an earlier Stage in the Civil Servant's Career as the Period of Selection, because it appeared to us important that it should be deferred to as late a Period as possible, consistently with other Considerations, to allow of the fullest Development of those Qualifications which should guide the Government in the Distribution of its Agency.

Ditto.

132. The legal Part of the Education which we have proposed for the Civil Servants in England, and on their First Arrival in this Country, may be thought unnecessary for those who are eventually attached to the Revenue Branch of the Administration; but when we consider the important Functions, partaking often of a judicial Character, which such Officers, as they advance in the Service, are called upon to perform, and the numerous Instances in which they act as the legal Advisers of Government, we think the accurate Acquaintance with the Principles of Right and Wrong, and the general Knowledge of the Laws of the Country to which such a Course of Study must lead will be found of essential Advantage to them.

Why legal Instruction important for Civil Servants eventually attached to the Revenue Department.

133. For the Civil Servants who, after Three Years of Revenue Practice, are set apart for the Judicial Branch, we would recommend at least One Year of Judicial Apprenticeship previous to their Appointment to the Exercise of independent Functions.

Special Training for the Judicial Servants.

134. We beg to draw your Lordship's Attention to a Minute recorded by Mr. Cameron, when officiating as Fourth Ordinary Member of the Council of India on the Subject of Judicial Training, Copy of which, and of the Letter to Lord Goderich therein referred to, is appended to this Address. The Minute has special Reference to the Judicial Training of Natives, but the Principle is equally applicable to our Purpose, except that in the Case of English Gentlemen the Defect of moral Principle insisted on in the Letter to Lord Goderich does not exist. The Mode proposed by Mr. Cameron, of constituting the Courts Schools for Judicature, appears to all of us unexceptionable; and we recommend that every Civil Servant, on his First Appointment to the Judicial Line should be attached as an Official Assessor to a Mofussil Court, superintended by a covenanted European Judge, or to the Civil and Criminal Courts subordinate to the Supreme Court which we contemplate for each Presidency.

Special Training for the Judicial Servants.

135. It is not necessary that in this Capacity his Time should be exclusively occupied in assisting at the Civil and Criminal Trials in Court. There are Ministerial Duties now left principally to the Native Officers of the Courts, in the Superintendence of which he might be beneficially employed; and we also think it very desirable that he should be occasionally deputed for the Purpose of conducting local Investigations connected with Cases depending before the Judge.

Ditto.

136. Mr. Cameron dissents from the Recommendation that the Civil Servants intended for the Judicial Line should pass the first Three Years of their Novitiate in the Revenue Department, and has thought it right to state his View in a separate Minute.

Mr. Cameron's Dissent from the Recommendation of his Colleagues respecting the Training of the Judicial Servants. View of the Majority of the Commissioners.

137. To the Majority of the Commissioners it appears that by such Employment in the Revenue Department as they contemplate a young Man would acquire a better Command of the Native Languages, which he must of Necessity be continually using, than if he were occupied during the same Time in the Duty of an Assessor to a Court, without any Obligation, or having any Need, to take an active Part in the Proceedings as an Interlocutor. It appears to them, also, that a Man whose Duties have brought him into Contact with People of all Classes, and have afforded him Opportunities of making himself acquainted with their Manners and Habits, their Ways and Forms of Dealing, and Intercourse with each other, and the Details of their Economy generally, who has conversed with them freely, and is used to hear them speak without Reserve, is likely to be better able to deal with a Witness, so as to elicit the Truth from him, and to know when he has got the Truth; better able to estimate the Value of Native Documents exhibited in Evidence, and to understand

the Merits of Causes turning upon the ordinary Transactions and Dealings of Natives among themselves; better able, therefore, in general to perform the Office of a Judge than One of the same Standing who has had no Opportunities of becoming acquainted with the Character of the Natives, except as it has been exhibited by those whom he has had to do with only as adverse Litigants or as tutored Witnesses, although by his Practice in judicial Business he may have become better versed in Jurisprudence, and more expert in applying its Principles and Rules.

View of the Majority of the Commissioners.

158. They do not apprehend, however, that a young Man well grounded in Jurisprudence by the Education proposed to be given him in England, and having in view to attach himself eventually to the Judicial Line, and being of an Age at which he may be expected to have attained some Stability of Character, would altogether neglect this Science during his temporary Employment in active Duties in other Branches of the Service. They would expect him rather to prosecute the Study and to improve his theoretical Knowledge whilst laying up a Store of Information and Experience, which must be of the greatest Service to him when he is called upon to apply that Knowledge practically in the Discharge of Judicial Functions.

On the Completion of their probationary Course the Judicial Servants to be appointed Judges of Courts of original Jurisdiction, thence to rise to the Office of Zillah Judge, and afterwards to be eligible, according to Merit, to the Situation of Sudder Judge.

139. On the Completion of the last Stage of his probationary Course, the Civil Servant should be eligible to the Office of Judge of a Court of Primary Jurisdiction, from which he should be promoted in his Turn to the Situation of Zillah Judge of Appeal; and from the most distinguished of the Officers of this Grade, the Judges of the Sudder Courts should be selected. The Number of Courts of original Jurisdiction, to be reserved according to this Plan for the covenanted Officers, should, as far as practicable, be so regulated as to ensure to each Three Years Experience in the Trial of original Suits, before his Promotion to be a Zillah Judge.*

Modification of a Recommendation connected with this Subject in a former Report.

140. By thus securing to the Civil Servants destined eventually to superintend and control the Native Judicatories an appropriate Training in the first place, and afterwards a due Degree of Experience in the Administration of Justice in Courts of Primary Jurisdiction, we think a sufficient Remedy will be provided for the great Defect which we noticed as attaching to the present judicial Systems of Bengal and Bombay. And with the full Information which we have obtained in the Course of our present Consideration of this Subject, we would wish to modify on the same Principle the Recommendation we submitted in a late Report on the proposed Change in the judicial Establishments at Madras, to the effect that all original Jurisdiction should be left eventually in the Hands of the Native Judges.

Emoluments of the Judicial Branch of the Service

141. In order that those who have once become attached to the Judicial Department may have no Cause for Disappointment with reference to the pecuniary Advantages of other Lines, the Emoluments of it should be so adjusted as to render it on the whole the most lucrative Branch of the Service.

Second Topic — Expediency of appointing a Chief Judge to each Sudder Court.

142. Having thus submitted to your Lordship the Suggestions which have occurred to us on the First Topic proposed for Consideration, we proceed to the Second, viz. the Expediency of appointing a Chief Judge with superior Emoluments to each of the Supreme Native Courts.

* We have adverted in two previous Notes to the Manner in which the Institutions which we contemplate for the Improvement of the English Portion of Indian Judicature may be made conducive to the judicial Education of the young Civil Servants. The subordinate Civil Courts will consist of several Judges, with various Degrees of Knowledge and various Amounts of Salary. They will have to administer English Law, Hindoo Law, and Mahomedan Law. The Chief of each Court will distribute the Suits among himself and his Colleagues (after the Plaintiff has disclosed the Nature of each Suit) according to the Qualifications of each. Now we think that when this Court shall be established, young Civil Servants, before they are sent to administer Justice in the Mofussil, might officiate as inferior Judges. None but the most simple Suits would be confided to them in the Beginning of their Career by the Chief of the Court, none but such Suits as, according to the Theory of the present System, are intended to be brought before the Court of Requests. There are Provisions in our Scheme for the Transfer of Suits to Judges of higher Qualifications if unexpected Difficulties should emerge in the Course of their Investigation. The young Civil Servant will thus exercise the judicial Function in such a Manner that his Mistakes may be prevented, by the Transfer of the Suit, or by Consultation with his Superiors, or may be set right by an immediate Appeal on the Spot. He will exercise his Function under the Eye of the College of Justice and the Government, and in the Presence of the watchful and not very submissive Public of the Capital. He will acquire Habits of Attention and Method, and the Art of weighing Evidence, and of separating Law from Fact.

143. In England, the Judges of the Superior Courts sit together in the Presence of a numerous Bar, and a large Concourse of Spectators. In those Courts there are numerous Occasions, besides the pronouncing of Decisions, on which it is fitting that only a single Authority should speak in the Name of the Court. On all such Occasions it is desirable that what is delivered should be expressed with Propriety and Dignity of Language and Manner, and not merely that it should be unobjectionable in Substance. There are also many Occasions in which Decisions are pronounced, where, if the Chief Justice delivers his Opinion on the Law, or Facts, correctly, and in a luminous Manner, the Judges who follow will be shorter in the Exposition of their own Views, and will frequently do no more than express a simple Assent. In this Manner a great Deal of Time is saved to Courts. In England, also, the Chief Justices have in Charge the Nisi Prius at Westminster and London (including most of the great mercantile Causes) in addition to their Share of Assize Business. This is, perhaps, the most difficult Duty discharged by the English Judges. It may be added, that, until very recently, the Chief Baron of the Exchequer discharged, alone, a large equitable Jurisdiction; he at present tries all the Revenue Jury Cases. The Chief Justice of the Queen's Bench is Coroner of England. The Chief Justices are usually appointed to the Privy Council, and more than One of them are commonly promoted to the House of Lords, where their Services have often been of great Utility upon Judicial Appeals, as well as other legal Matters. The present Chief Justice, it is believed, exercises particular Functions in conducting the Business of the House of Lords. The Chief Justices are, moreover, entrusted with various ex officio Duties of minor Importance, including the Appointment to several subordinate Offices.

Reasons for Appointment of Chief Justices in England.

144. As the Occupation of Chief Justices in England requires, rather than that of Puisne Judges, Powers of communicating their Sentiments with impressive Effect in the Presence of a public Audience; whilst the most valuable Qualifications of Puisne Judges are frequently not combined in any high Degree with that of Eloquence; so in England, there is no Difficulty in selecting for the One or other Station. The Attorney General usually succeeds to any vacant Chief Justiceship. The Attorney General will commonly be a Person competent to take a Part in the Debates of the House of Commons; at all events, he will generally have acquired Distinction as a Leader of Causes, The Talents of a Leader of Causes, and those of a learned and sensible Junior, who, possibly, would be very incompetent to address a Jury with Effect, but the Value of whose legal Opinions was generally appreciated, will often indicate the proper Person to be selected with a View to a Chief Justiceship or Puisne Judgeship. The Promotion of a Puisne Judge to a Chief Justiceship is unusual; and if it were common it might tend to shake the public Opinion in the Independence of the Puisne Judges. It often happens, in England, that the Puisne Judges of a Court have, in many Trials, at Nisi Prius, acted under the Control and Directions of the Chief Justice as their Leader.

Qualifications for those Offices, and Selection for them.

145. In India, none of these Circumstances exist to affect the Constitution of the Company's Supreme Courts. The Functions of the Sudder Judges are confined to the judicial Business before their Courts. In Bengal and Bombay, the greatest Part of the Civil Business of these Courts is disposed of by the Judges singly. In the Sudder Court at Calcutta, about Two Thirds of the Civil Suits are thus disposed of; and in that of Bombay about One Half; and the same might take place at Madras under the existing Law. The Number of intelligent Practitioners is very small; and we believe the Audience, generally speaking, consists of little more than the Parties interested, or their Agents and authorized Pleaders, and other Parties or their Agents awaiting the Trial of their own Suits.

Contrast of Circumstances in India, as affecting the Sudder Courts.

146. Nor do the Circumstances of the Two Countries differ less with regard to the Mode in which the Judges are appointed. The Sphere of Selection for the highest judicial Offices under the Company's Control is limited to the Civil Service, in which Promotion is regulated on the Principle of Seniority as the general Rule. It is seldom that very superior Qualifications are to be found in any particular Judge which would render his Elevation to an eminent Position in the Court conducive to its greater Respectability and the Improvement.

and the Appointment of the Indian Judges.

- provement of the Administration of Justice ; whilst from the peculiar Nature of the Civil Service, Selection according to individual Merit, unless that Merit is generally acknowledged, has been found to create Dissatisfaction. Indeed, it was an Inconvenience of this Description which induced the Government of Bengal, in 1829, to abolish the distinctive Appellation of the Judges of the Sudder Court ; and as the Duties of all the Sudder Judges are essentially the same, there does not appear to be any sufficient Reason, while the Constitution of the Sudder Court remains in other Respects unaltered, for re-establishing the Distinction of Rank and Emolument that formerly prevailed.
- Proposed College of Justice. 147. The highest Courts in the Country which we shall recommend (and which, for the Sake of distinguishing them from the present Supreme Courts, we propose to call the Colleges of Justice) will consist of the Judges of the Supreme Courts, and the Judges of the Sudder Courts. The Chief Justice of the Supreme Court will become the Chief of the College of Justice.
- Ditto. 148. Should our Recommendation on this Subject meet with the Approval of the Government of India, the Chief Justice, as the President of the College, will be invested with certain Powers of Superintendence and Direction, which would give Consistency to its Proceedings; whilst the Combination of the Knowledge and Experience of the English and Indian Judges would tend greatly to improve the Practice of the Courts, and generally to raise the Standard of the Judicial Administration.
- Ditto. 149. We admit that the Appointment of English Lawyers to preside over Courts which are to superintend all the Judicial Establishments is not unattended with Risk ; but we think, that, upon the whole, it is preferable to the Appointment of Judicial Servants of the Company ; for we think it more probable, in these Days, that an English Lawyer may be found free from the narrow Prejudices which his professional Education has, it may be admitted, a Tendency to create, than that a Judicial Servant of the Company should be found with a Mind sufficiently disciplined in the Principles and Distinctions of Jurisprudence to watch effectually over the whole Administration of Justice.
- Last Topic:— Expediency of investing the Sudder Courts with original Jurisdiction, Reasons against such a Measure. 150. The last Subject is the Expediency of investing the Sudder Courts with a limited Extent of original Jurisdiction.
- Ditto. 151. To this Measure we think there are, under present Circumstances, serious Objections. We consider the great Object of the Sudder Courts to be, to fix and maintain right Principles ; to preserve Uniformity in the Administration of the Law ; and to exercise a general Supervision and Control over all the Inferior Courts. The System of Special Appeals, which we have recommended in our Report of the 4th December 1841, for the better Attainment of this Object, would throw open the Sudder Courts to a large Class of Appeals now altogether excluded from them, and we believe the present Number of Judges would not be found more than sufficient to the Despatch of the Business so increased, even under the Modification of the present Practice of trying Special Appeals, which we have suggested in the same Report.
- Ditto. 152. We entirely agree with your Lordship that “ no Man can be capable of appreciating the Value of Evidence who has never heard a Witness examined, and who is not well acquainted with the Mode of conducting Causes in Courts of Justice, and generally with the national Character as well as the national Languages ; for upon the Value of such Evidence, and such Knowledge of Character and of Language, the Decision must in most Cases depend.”
- Ditto. 153. In most Cases the Decision must depend upon these Things, but not in all ; and even in those Cases in which it does depend upon these Things, it does not depend upon these Things only. In many Cases it depends wholly, or in part, upon a correct Knowledge of the Principles of Law or Jurisprudence, upon the Habit of applying these Principles to the Facts which Evidence establishes, upon the Habit of eliciting from the Evidence (assuming it to be credible) the Facts which form a proper Basis for the Application of the Principles of Law or Jurisprudence.
- Ditto. 154. We now take the Liberty of observing that this Knowledge and these Habits are what are specially requisite in an Appellate Judge. We admit that no Man ought to be appointed an Appellate Judge who has not acquired practical Skill in the Decision of original Suits.

155. We admit, also, that if Considerations of Economy do not forbid, the practical Skill thus acquired by the Appellate Judge might with Advantage be kept up by the occasional Exercise of original Jurisdiction, while the ordinary Judges of First Instance would derive Benefit from the Model thus exhibited to their Observation. Ditto.

156. But we hold that, as the Qualities most essential in an Appellate Judge are not likely to be found united to an intimate Acquaintance with the national Character and the national Languages, it will be expedient to have some Judges in the Appellate Court whose Acquaintance with the national Character and Languages must be excused on account of that Knowledge of Law and Jurisprudence, and of those judicial Habits, which, at present at least, can be most effectually acquired in Courts of English Judicature. Ditto.

157. There are Three Functions, as it seems to us, which an Appellate Court may perform, though it does not follow that every Appellate Court performs all the Three. First, to say whether the Evidence appears to have been properly taken and properly appreciated by the Court below; if not, the Course is to have it investigated afresh, either by the same or another Court of original Jurisdiction. Functions of an Appellate Court.

158. The Appellate Court ought never, we think, to set up its own Opinion in opposition to that of the Court which heard the Witnesses give their Evidence, further than to order a fresh Investigation; but it may, upon reasonable Grounds of Doubt, order that the same Inferior Court, or another, should hear the Witnesses over again, or merely that the Inferior Court should reconsider its Finding. Ditto.

159. The only One of these Three Courses known in English Practice is the Second. Upon a Motion for a new Trial upon the Ground that the Case has not been properly investigated by the Judge and Jury at Nisi Prius, the Court, if it assents to the Grounds of the Motion, orders that the Case shall be investigated again by another Jury. The evanescent Nature of a Jury makes it impossible to direct that the same Jury should either reconsider its Finding, or investigate the Case afresh. Ditto.

160. In the Supreme Courts of India, there being no Trials at Nisi Prius, and no Jury in Civil Cases, the Analogy of English Practice is preserved, as far as those important Differences permit, by the Court which first tried the Cause ordering a new Trial before itself; a Proceeding which seems to be recommended by nothing but the Preservation (little more than nominal) of the above-mentioned Analogy. Ditto.

161. Secondly, the Appellate Court has to say whether the Facts of the Case have been correctly elicited from the Evidence (assuming the Inferior Judge's Opinion of the Credibility of the Evidence to be correct). If it thinks they have not, it should correct the Error itself. This is what is done in English Practice upon a Demurrer to Evidence. Ditto.

162. Lastly, the Appellate Court has to say whether the Court below has correctly applied the Law to the Facts.* Here, again, if it thinks the Court below has erred, it sets right the Error without any further Inquiry. Ditto.

163. If this is a correct Account of Appellate Judicature, the Appreciation of Testimony from the national Character, and the Demeanour of Witnesses, is no Part of it; though we do not deny that an Appellate Judge who is capable of such Appreciation would bring to the Decision of Questions of Law more of the desired Acuteness of Mind, and Perspicuity of Judgment, than One who has not that Advantage. Ditto.

164. In conclusion, we beg to apprise your Lordship that the Question of the best Mode of training the junior Civil Servants in the Judicial Department was referred to us by Order of the Honourable the President in Council, in August† 1838, to be considered in connexion with the general System of Judicial Procedure; and as this Address contains all that has occurred to us on the Subject, we take the Liberty of requesting your Lordship's Permission to

Commissioners request Permission to submit a Copy of this Address to the Honourable the President in Council, in reply to official References on the Subject of the Judicial Training of the junior Civil Servants.

* Note.—It is not everything called a Fact in common Speech that is a Fact for this Purpose: "Factum vocamus omnem eventum qui ad jura vel constituenda, vel immutanda, vel tollenda, valet." Mühlenburgh, Doctrina Pandectarum, I. 173.

† Mr. Officiating Secretary Maddock's Letter, No. 282, dated 13th August 1838, and No. 295, dated 20th idem.

submit a Copy of it to the Honourable the President in Council, as a formal Reply to the official Communications adverted to.

We have, &c.,
(signed) A. AMOS.
C. H. CAMERON.
F. MILLETT.
D. ELLIOTT.
H. BORRADAILE.

(A true Copy.)
J. C. C. SUTHERLAND, Secretary.

Mr. CAMERON'S MINUTE on the Means of Educating for Judicial Functions.

THE Committee of Public Instruction suggest, as the best Mode of supplying the Want of official Knowledge, as well in the young Men educated at the public Seminaries as in others, that "a certain Number (say Five) of Native Assistants on small Salaries should be appointed to each District, Three of whom might be placed at the Disposal of the Judge, and Two under the Orders of the Revenue Commissioner, the latter being available for Employment in any District of the Division at the Discretion of that Officer. The Three attached to the Judge might be posted," the Committee proceed to suggest, "according to his Judgment, either in his own Court or that of the Principal Sudder Ameen, where they would be very useful, after a short Time, as confidential Clerks, and they would obtain the very best practical Education, especially as to Details and Forms for Munsiffs."

Having myself, on a former Occasion, been obliged to give much of my Attention to the Subject of preparing Natives of the East for the Judicial Office by appropriate moral and intellectual Culture, I am desirous of now stating the Opinion at which I arrived; and for this Purpose these Papers have, at my Request, been transferred to the Legislative Department.

The Occasion which attracted my Attention to the Subject was the Preparation of a Plan for Judicial Establishments for the Island of Ceylon, which was Part of my Duty as a Commissioner of Eastern Inquiry under the Colonial Office.

As the least troublesome Mode of explaining my Views, I annex the Letter to Lord Goderich, in which I proposed, that in every Court of original Jurisdiction there should be a paid and permanent Officer assisting the Judge throughout the Conduct of the Cause, and giving his Opinion upon every Matter arising for Decision, which Opinion, however, should have no legal Effect, and indeed no other Effect than such moral Influence as the Learning and Character of the Officer delivering it, and the Arguments by which he might support it, should produce upon the Mind of the Judge.

This Proposition received the Assent of the Secretary of State for the Colonies, and the Plan has been gradually brought into Operation at Ceylon. It is there connected with the Plan of Assessors which I had previously recommended; but there is, of course, no necessary Connexion between them. A paid and permanent Officer, with the proposed Functions, might sit in every Court, though no unpaid and unofficial Colleagues were associated with him.

To the Reasons adduced in my Letter to Lord Goderich I have now only to add some Remarks upon the Merits of the Plan, as compared with other Plans which have been proposed or adopted for the Attainment of the same End.

I am only aware of Three such Plans.

1. The Plan of appointing the Probationer to a Clerkship or other Office in a Court of Justice.

2. The Plan of appointing the Probationer a Judge for the Decision of small Causes.

3. The Plan of appointing the Probationer to take the Evidence upon which the Judge is afterwards to decide.

1. The First is the Plan which forms Part of the Recommendation of the Committee of Public Instruction, and it is, I think, much to be preferred to the other Two. But it is liable to Objections which do not apply to my Proposition, and which in my Judgment far outweigh the small Advantage which I admit it to possess in point of Economy.

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For a Person employed as a Clerk or other Officer of Court, though he does indeed witness with more or less Attention the Transaction of Judicial Business, does not himself transact it. The Process necessary for coming to a correct Decision—the Process necessary for making a Decree—does not pass through his Mind. He does not acquire actual Experience of that Duty for which it was intended to fit him.

II. In the Second Plan the Probationer (if it be not Abuse of Language to call him so), whose Business it is to hear and decide small Causes, does indeed acquire actual Experience; but he acquires it at the Expense of the unfortunate Suitors, on whom his Education inflicts all the Misery resulting, not only from Injustice, but from Injustice aggravated by the fallacious Promise of Justice.

Moreover, as small Causes are generally the Causes of the poor, and large Causes are generally the Causes of the rich, the unseemly Spectacle is exhibited of a Judge learning to adjudicate well the Rights of the great and opulent by adjudicating *well* or *ill* the Rights of the vulgar.

III. The Third Plan, that of making the Probationer (if here again it be not an Abuse of Language to call him so) take Evidence upon which the Judge is afterwards to decide, is open to the Objections which have been stated against both the others. It is, not, indeed, open to these Objections in so great a Degree as each is respectively to its own Share of them; but it is liable to another of very great Weight, viz., that it separates Two Functions, those of hearing and deciding, the Union of which is essential to the best Constitution of a Court.

The Arrangement which this Plan suggests for educating Men to the Administration of Justice is such, that under it the Administration of Justice must be defective, even though performed by the best-educated Men. In the Plan which I propose there is no such injurious Distribution of the Functions of hearing and deciding.

In that Plan the Probationer actually transacts Judicial Business himself. He actually performs every Office which he would perform if he were a Judge, not even excepting the Office of deciding; but his Decision can do no Harm. He gets all the Benefits of real Experience, without inflicting upon the Suitors any of those Evils to which Judicial Inexperience gives rise.

I have now only a few Words to say on the economical Part of the Subject. I must candidly admit that the Plan I propose is more expensive than any of its Three Competitors; for in all of them the Probationer, though paid by the Public, is not paid for learning the Business of a Judge, but for some Service which must at any rate be performed, and for the Performance of which the Public must at any rate pay.

I submit, however, that, if my Reasonings are sound, the Expense of training Judges in the Manner I suggest will be far more than repaid by the Advantage of placing on every Bench a Man who begins his Judicial Career with a thorough practical Knowledge of his Duty. Of course, during the Illness or temporary Absence of the Judge, the Probationer will be generally competent to transact any Business of Routine.

The Expense, too, of training Judges in this Manner will be really much less than it may appear at First Sight. It will probably become still less as the Plan works and becomes understood. It may perhaps vanish altogether in the Course of a few Years; for, independently of any Salary which may be paid to the Probationer, he will have a strong Temptation to accept the Office, in the Promise which should be made to him that nothing but some moral or intellectual Defect will prevent his being raised in due Time to the Bench.

That such a Promise will operate as a very strong Inducement is made certain by Experience. In England, young Men are tempted by the very uncertain Chance of Success at the Bar, not only to do gratuitously the Work of other Men, but pay 100 Guineas a Year during Two or Three Years for the Privilege of being allowed to do it.

Now, though it is probable that the Candidates for the Office of Munsiff will be too poor to pay for the Instruction to be thus afforded, or even to subsist without some Salary, it is, I think, clear that a very small Salary indeed will be sufficient from the first, and perhaps none at all hereafter will be necessary. The Functions of the Probationer are not such as to require that he should be well paid as a Security against Bribery. It can be worth no Man's while to offer him a Bribe.

It is to be observed, besides, that although my Plan requires an immediate Expenditure of Money, which the others do not, it will appear upon Examination that this Expenditure is not all to be placed to the Account of Judicial Training. I expect, from the Adoption of the Plan, a further collateral Advantage, itself worth some pecuniary Sacrifice. It seems to me that we shall have what is good in a Plurality of Judges, while we avoid what is evil in that Arrangement.

A Plurality of Judges is mischievous, because the Disadvantage of dividing and weakening Responsibility outweighs the Benefit resulting from the joint Application of several Minds to the same Subject.

Here will be Two Minds applied impartially to the Examination and Discussion of each Cause, while the legal Responsibility of the Decision is concentrated upon One.

The Probationer, upon this Plan, may be regarded in some respects as an Advocate, only that instead of being the Advocate of a Party, exercising his Ingenuity in One out of Two Cases, to mislead the Court, he will be the Advocate of Truth and Justice, stimulated, by the Hope of Promotion to the Bench, to do his utmost for the Interests of those his Clients.

Two Objections have been suggested to me, which are certainly deserving of Notice.

First, it may be objected that each Suit will consume more Time than it now does.

Each Suit will certainly consume more Time than it now does; but before we can pronounce this to be an Evil we must know whether the Time now consumed is sufficient for a thorough Investigation of the Case.

It seems to me that a Judge sitting without Colleagues, without Jury or Assessors, and without any effective Public, is likely to be in too great a Hurry. He has scarcely any adequate Motive for stating to himself distinctly the Grounds of the Opinion which the Evidence and Arguments may impress upon his Mind. A Judge so situated must be apt to decide without any Separation of Law from Fact,—of the sound Argument from the Sophistry which may have been addressed to him,—and of the trustworthy from the suspected Evidence which may have been adduced.

He must, I think, be prone to make up his Mind upon the whole Matter in the gross, just as an unpractised Man makes up his Mind in common Life when Two conflicting Stories are told him; and seeing, or thinking he sees, that one of the contending Parties is right, and the other wrong, he pronounces accordingly.

This is not the proper Mode of arriving at any Decision, least of all a Judicial Decision, which ought to show what Propositions the Judge assumes as Law, and what Propositions of Fact he considers to be established; and I am therefore of opinion that the Time which will be for the most part employed on the Analysis above mentioned (as will probably be the Case when Two Men have to record their joint Opinions upon a complicated Matter which they have examined together) is, upon the whole, Time well spent, even though some of it may be consumed in superfluous Discussions.

The Second Objection is, that the Responsibility of the Judge will be divided, and thus weakened. As the Opinion of the Probationer will have no legal Effect, the legal Responsibility will not be divided. His moral Responsibility will, however, be in a slight Degree shared by the Probationer, and in that respect weakened; but, on the other hand, both his legal and moral Responsibility will be strengthened, because his Decision will be so much more open to Criticism when the Steps by which he arrives at it are thus laid open.

Before I conclude, it may be proper to say a few Words upon the Mode adopted in Great Britain for selecting Persons for a Judicial Office.

The Judges are there invariably selected from among Practitioners at the Bar; but Justice is there administered under Circumstances so very favourable to the Purity and Learning both of the Bar and the Bench, that, however excellent the Judges may have generally been who have gone through this Kind of Training for their Office, much of their Excellence cannot, I think, be attributed to that Training. It is rather to political and social than to professional Causes that the Lawyers of the Mother Country owe their Freedom from pecuniary Corruption; and with regard to intellectual Qualities, those which insure Success to the Advocate who is maintaining One Side of the Question

Question are by no means the best calculated to insure a just Discrimination of the Merits of both Sides.

Eloquence, Skill in Cross-examination, and Readiness in taking advantage of any real or seeming Flaws in the Adversary's Case, are indeed Qualities which are capable of a beneficent Application. But they are exerted at the Bar avowedly and systematically without reference to the Merits of the Case.

Even thus exerted they do not fail to produce some Good, but that is because they are generally to be found arrayed in something approaching to an equal Degree both on the Part of the Plaintiff and Defendant.

But it cannot be doubted that they are calculated to engender a Habit of Mind the Reverse of what is desirable in a Judge; a Habit of Mind which the Advocate must throw off before he can satisfactorily perform the nobler Duties of the Bench.

It is not necessary that I should go into a more elaborate Examination of this Part of the Subject, as, for a long Time to come, it is very unlikely that the Bar of the Mofussil Courts should be so much improved as to be thought advantageous Seminaries for the Education of Judges, even by those who are disposed to attribute more Merit than I do to the System of the Mother Country.

Since writing the above, I have referred to M. Dumont's Work, De l'Organisation Judiciaire, Chap. XI., of which I had only a general Recollection, and there I find that the Plan of training Judges, which received the Sanction of Mr. Bentham's high Authority, is, that there should be a Judge Delegate in each Court to whom the principal Judge should refer such Causes as he thinks fit.

It is not said how the principal Judge is to distinguish the Causes which he selects for Reference to his Delegate. Probably Mr. Bentham intended that the Causes should not be selected until the Pleading is completed, and the Matter ripe for Argument or Trial.

This Plan is open, in a slight Degree, to the Objections I have urged against the Second and Third of the Plans examined above, and would, I fear, have a great Tendency in this Country to degenerate into the Second Plan; and therefore, notwithstanding the great Name of the Inventor, and the Merit of the Invention, I still venture to prefer my own.

(Signed) C. H. CAMERON.

March 1838.

LETTER from CHARLES HAY CAMERON Esq. to the Right Honourable Viscount GODERICH.

My Lord,

Chester Street, 10th August 1832.

Letter from
C. H. Cameron,
Esq., 10th August
1832.

IN the Report I had the Honour to address to your Lordship on the 31st January last I recommended that each Court of original Jurisdiction in Ceylon should consist of One Judge and Three Assessors, and that the Assessors should be chosen as the Jurymen now are in the maritime Provinces, p. 78, Ceylon Reports.

I stated to your Lordship at some Length, in that Report, the Reasons which appeared to me to justify the Scheme of Judicature described in it. But it has since occurred to me, that by a slight Modification that Scheme may be made subservient to the very important and beneficial Purpose of giving to a Class of Native Functionaries the Skill and Integrity necessary to render them fit for becoming Judges of original Jurisdiction.

Vide Paper pre-
sented 13th March
1832 to House of
Commons, No. 274.

If this Object can be accomplished, a very great Saving of Expense will ensue; for the Salary with which a Native Judge would be amply remunerated is quite trifling in comparison with the Amount necessary to tempt a competent European to undertake so laborious an Office, in so warm a Climate, and in so distant a Region.

But, independently of the economical Question, it is of the utmost Importance, with a view to the future Stability of our Dominion in the East, and the Improvement of our Native Subjects in general, that the higher Classes among them should be rendered morally and intellectually competent to fill Offices of Trust.

What I now propose is, that One of the Three Assessors in each Court of original Jurisdiction should be a permanently official Person, receiving such

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a moderate Salary as will be necessary to remunerate a Native of respectable Station for giving up his whole Time to the Public.

It would be scarcely worth the while of any Suitor to attempt to bribe or intimidate a Functionary having so little Power to affect the Fate of the Cause, except by Reasons founded in Law and Justice; and as all the Functions of the Official Assessor will be performed under the Eye of the European Judge and Public, an Attempt on his Part to sacrifice Justice to his private Interests could hardly end in anything but Detection and Disgrace.

Here, then, will be a public Servant, obliged by his Office to revolve constantly in his Mind the Maxims of Law and Morality, and to assist, by his Opinion and Advice, in the Application of them to the real Business of Life, who will at the same Time be removed by his peculiar Position from all Temptation to pervert those Maxims to Purposes of Chicane, Fraud, or Oppression.

It seems difficult to imagine a Situation better calculated to strengthen the Principles of Morality, by exercising them in the Solution of real and practical Questions, and at the same Time to avoid the Mischief which might result from the insecure Hold which those Principles have hitherto acquired over the Minds of the Natives in general.

A Native who has for some Years been subjected to this Discipline, and who has gone through his Novitiate with Credit, may, I think, be very safely placed in the more arduous and responsible Office of a Judge of Original Jurisdiction, and by such an Appointment Four Fifths of the Salary necessary to remunerate a European Judge will be saved to the Public, the honourable Ambition of the upper Classes of Natives will be safely gratified, and the great Mass of the People will be bound by Ties of Affection to a Government, which ceases to withhold Offices of Power and Emolument from its Native Subjects, as soon as they become qualified to fill them with Advantage to the Native Community.

I have, &c.
(Signed) C. H. CAMERON,

MINUTE of Mr. CAMERON, on the Subject of the Recommendations contained in Paragraph 126.

1. Upon this Recommendation I have the Misfortune to differ from my Colleagues, I would have the Time which they think should be passed in the Revenue and Police Departments occupied in sitting as an Official Assessor at the Presidency or in the Mofussil, and in performing such Ministerial Duties as the Judge may properly delegate.

2. It is said that in India, and particularly in the Presidencies of Madras and Bombay, a young Civil Servant who has passed some Years in the Revenue Department makes a better Judge than One who, under the present System, has been always employed in the Judicial Department.

3. This Proposition is proved by so many and such competent Witnesses, that I cannot refuse my Assent to it.

4. But under the present System there is nothing that can be properly called Judicial Apprenticeship; excepting the Appeal (and the Appeal considered as a Means of instructing inexperienced Judges is a most defective Instrument) there is nothing to correct the erroneous Notions which a young Man may fall into at the Commencement of his Judicial Career, and it is consequently probable that many of those erroneous Notions may become inveterate.

5. But in our Scheme of Official Assessors there is a real Apprenticeship under a competent Instructor, always present, and ready to remove the false Impressions which might otherwise mislead the Beginner.

6. I do not therefore hold the Proposition, which I admit to be proved by Testimony, to be conclusive of the present Question; and with respect to certain Arguments which I have seen used in support of that Proposition, and which, if sound, would be conclusive of the present Question, I think I can show that those arguments involve a great and very dangerous, because very plausible, Fallacy.

7. The Fallacy is that of not distinguishing between the Knowledge which a Judge ought to bring into Court, and the Knowledge which he ought to acquire in Court, through the various Instruments of Evidence; or, in other Words,

Words, of not distinguishing between Jurisprudence and the several Subject Matters to which the Principles of Law and Justice are applied by means of Jurisprudence.

8. I admit that a Knowledge of the several Subject Matters which he has to deal with would be useful to a Judge if he could acquire that Knowledge without sacrificing Time which ought to be occupied in the Study of Law and Jurisprudence; but believing that such Knowledge cannot be acquired without making that Sacrifice, I think upon the whole such Knowledge is not useful to a Judge.

9. With regard to such Subject Matters as only appear at Intervals in Courts of Justice, there is probably no Difference of Opinion among thinking Men. No one probably would contend that a Judge ought to make himself a good Chemist or a good Navigator, because he may have occasionally to decide Suits for infringing a Chemical Patent, or for running down a Ship. But in the Courts of the East India Company so many Suits relate to Subject Matters connected with the Revenue System of the Country that Men of great and deserved Reputation have thought a Judge ought, on that Account, to have practical Knowledge of that System.

10. An Aspirant to a Seat on the Bench of these Courts ought certainly to learn the Revenue Law which he is to administer. He ought also to learn, by constant Attendance in Court, how that Law is to be applied to the Affairs of Men. But that he should on this Account go through such an Apprenticeship as would fit him for the Discharge of a Revenue Office, is to require something of him which cannot be attained without a very serious Interruption of his properly Judicial Education.

11. Let us consider a Question of the same Kind where there is no Authority of respected Names to withdraw our Consideration from the mere Reason of the Thing.

12. There is in the County of Cornwall a Court called the Court of the Stannaries, in which all the Suits arising out of the Business of Mining are decided. How should an Aspirant to the Bench of that Court be educated? I should say he ought to learn the general Law of England and the particular Law of the Mining Districts by reading, and so much of the Business of Mining as may be thought necessary to him by sitting as an Official Assessor to the present Judge. He will thus acquire at the same Time a practical Knowledge of Cornish Mining, so far as it forms the Subject Matter of Law Suits, and of Law as applied to Cornish Mining; whereas, if he were sent for Three Years to acquire practical Knowledge under the Superintendent of a Copper Mine it is to be feared that there would be an irreparable Hiatus in his Judicial Pursuits.

13. The Grounds, however, on which my Colleagues recommend a Revenue Apprenticeship for Judicial Officers are different from those of which I have been endeavouring to expose the Fallacy.

14. To them "it appears that by such Employment in the Revenue Department as they contemplate a young Man would acquire a better Command of the Native Languages, which he must of Necessity be continually using, than if he were occupied during the same Time in the Duty of an Assessor to a Court without any Obligation, or having any Need, to take an active Part in the Proceedings as an Interlocutor."

15. As the Official Assessor is bound to express an Opinion upon the Case, and as he is liable to be consulted by the Judge at any Moment during its Progress, it seems to me that the Shame of being obliged to confess, or of letting it be seen in public, that he does not understand what is said, would be a very powerful Stimulus to the Acquisition of the Language in which the Proceedings are conducted, such a Stimulus as I should suppose none but the incorrigibly idle and worthless could disregard.

16. It also appears to my Colleagues that "a Man whose Duties have brought him into contact with People of all Classes, and have afforded him Opportunities of making himself acquainted with their Manners and Habits, their Ways and Forms of Dealing and Intercourse with each other, and the Details of their Economy generally—who has conversed with them freely, and is used to hear them speak without Reserve—is likely to be better able to deal with a Witness so as to elicit the Truth from him, and to know when he has got the Truth, better able to estimate the Value of Native

“ Documents exhibited in Evidence, and to understand the Merits of Causes
“ turning upon the ordinary Transactions and Dealings of Natives among
“ themselves,—better able, therefore, in general, to perform the Office of a
“ Judge, than One of the same standing who has had no Opportunities of be-
“ coming acquainted with the Character of the Natives, except as it has been
“ exhibited by those whom he has had to do with only as adverse Litigants or
“ as tutored Witnesses.”

17. If the Question were simply which of these Two Men is likely to know most of the Natives generally, I should not probably have much Difficulty in giving the same Answer as my Colleagues would give; but the Question is, which of these Two Men is likely to know most of the Natives considered as “adverse Litigants and tutored Witnesses.” To that Question I am compelled to answer, “He who has devoted his Time to the Study of them in that particular Character, under the Advice and Correction of a Man who has already acquired Expertness in the Process of Examination, and Sagacity in estimating the Results.”

If it should be objected to my Opinion that the popular Theory of the Jury is opposed to it, I can only answer that I hold the popular Theory of the Jury to be fundamentally and completely erroneous.

July 1842.

(Signed) C. H. CAMERON.

East India House, }
26th May 1843. }

(True Copies.)
(Signed) T. L. PEACOCK,
Examiner of India Correspondence.

INDIAN LAW COMMISSION.

REPORT

OF THE

LAW COMMISSION OF INDIA,

Dated 2d July 1842,

ON THE

TRAINING OF THE JUNIOR CIVIL
SERVANTS OF INDIA,

ADDRESSED TO THE GOVERNOR GENERAL;

TOGETHER WITH

CORRESPONDENCE RELATING THERETO.

V2, 8.1866

B8-Madras

S1723

PUBLIC SERVICE COMMISSION.

ANSWERS BY THE MADRAS GOVERNMENT—(SET 1).

7

I.—Working of the existing Statutory System.

- What systems of selection or nomination for the purposes of the Statutory rules have been adopted in your province? (1) Nomination of young men of good family or social position. (2) Examination and nomination combined. The system adopted is explained in G.O., dated 27th January 1886, No. 214. (Appendix 1). (3) Nomination from the Unconvenanted Service.
2. What subsidiary rules, if any, have been framed in your province for the purpose of giving effect to the general Statutory rules? None.
3. How many Statutory Civilians have been appointed in your province under the Statutory rules on the ground of merit and ability proved in the service of Government? One. Another however has been appointed on account of service in the Berar Assigned Districts, as well as on account of family and social position. His case is included in the answers to questions 35 *et seq.*
4. What positions were persons thus appointed holding in Government service when selected for appointment under the Statutory rules? Personal Assistant, to the Commissioner of Salt and Abkari Revenue.
5. How long had they been in the service of Government when appointed under the Statutory rules? Twenty years (1 year out of employ).
6. What were their ages respectively (a) when they first entered Government service, and (b) when they were appointed under the Statutory rules? (a) Sixteen. (b) Thirty-seven.
7. How were their merit and ability held to have been proved? By the knowledge of Government and testimony of officers under whom he served.
8. What appointments did they receive under the Statutory rules? Assistant and Acting Head Assistant Collector.
9. What rate of pay did they receive (1) immediately before appointment under the Statutory rules, and (2) on appointment under those rules? (1) Rs. 500. (2) Rs. 358 as Assistant Collector; Rs. 486 as Acting Head Assistant Collector, to which position he was at once appointed.
10. How many Statutory Civilians have been appointed in your province on the ground of merit and ability proved in the practice of a profession? None.
11. How many persons have been appointed Statutory Civilians in your province on the ground of intellectual qualifications alone? None on the ground of intellectual qualifications alone, but one was selected for intellectual qualifications combined with social position and general qualities. As to the mode of selection, see G.O., of 27th January 1886, No. 214. (Appendix 1.)
12. If such appointments have been made, how were the intellectual qualifications of the persons concerned tested? By examination.

18. If they were tested by means of an examination, was the examination only a qualifying examination of candidates previously nominated, or was it a competitive examination amongst candidates previously nominated?

19. In either case, on what grounds were the nominations made?

20. How many candidates were nominated to compete for each vacancy?

21. To what classes of Native society did the candidates belong?

22. Was the examination an open competitive examination, pure and simple?

23. If so, how many candidates presented themselves for each examination, and how many vacancies were competed for at each examination?

24. To what classes of Native society did the candidates belong?

25. Were the selections for appointment under the Statutory rules made in accordance with the results of the examination?

26. What was the social position of the selected candidates?

27. Whatever may have been the nature of the examination, what conditions, if any, were prescribed in regard to the age limit of candidates? *and*

28. In regard to their minimum educational attainments? *and*

29. In regard to their moral, social and physical fitness?

30. What were the subjects of examination?

31. If marks were awarded, on what principle were they allotted to each subject?

32. If marks were not awarded, what relative weight was assigned to each subject?

33. Under each system of examination what appointments did the selected or successful candidates receive under the Statutory rules?

34. What rate of pay did they receive on appointment under the Statutory rules?

35. How many Statutory Civilians have been appointed in your province on the ground of high birth, of social position, or general influence?

36. If Statutory Civilians have been appointed in your province on the ground of high birth, social position, or general influence, were any preliminary qualifications required?

37. If so, what were they?

38. What appointments did persons selected on any of these grounds receive under the Statutory rules?

39. What rate of pay did they receive on appointment under the Statutory rules?

40. Have persons been appointed in your province to Covenanted posts on any other grounds than those above mentioned?

See Appendix 1. The nominated candidates all belonged to the upper classes of Native society.

See Appendix 1.

His father (a Brahmin) is one of the leading High Court Vakils in Madras and a Member of the Legislative Council.

None.

See Appendix 1.

See Appendix (1) and a report (confidential) from the President of the Examiners' Committee, which will be put before the Commission in Madras if so desired.

Probationary Assistant Collectors on Rs. 200.

Six, including the one referred to in Question 16.

All but two were graduates of the University.

All began as Assistant Collectors; five on probation, one confirmed at once.

Vide answer to 48.

No.

44. How many Muhammadans and how many Hindus have been appointed to the Statutory Service in your province? Two Muhammadans; Five Hindus.
45. Have any Eurasians been appointed to the Statutory Service in your province? No.
46. If not, are there any particular reasons why they have not been appointed? No.
47. Whatever system of selection or nomination may have been adopted, has it been usual to require a probationary period before the appointment was finally confirmed? Yes.
48. If so, what have been the incidents of such period as to duration and pay? Duration of period two years. Pay Rs. 200 until 1st Standard is passed, after that Rs. 250; on confirmation Rs. 358. Yes, in two cases.
49. Has the requirement of a probationary period been waived in the case of any appointments hitherto made under the Statutory rules? *Vide Statement A.*
50. If so, in the case of what appointments and on what grounds? Five are Acting Head Assistant Collectors; Two Assistant Collectors.
51. To what positions have the persons selected on the various grounds above noted respectively attained in the public service? No.
52. Have any practical difficulties been experienced in regard to the promotion of Statutory Civilians after their appointment? *Vide Statement A.*
53. How far have Statutory Civilians succeeded in passing the departmental examinations in cases where such examinations were required? *Vide Statement A.*
54. After what periods from the dates of original appointment were the examinations by the lower and higher standard, respectively, passed in each case? As regards 1st Standard in 2 cases. As regards 2nd Standard in all cases. *Vide Statement A.*
55. In how many cases has there been failure to pass by either test within the two years' probationary period? *Vide Statement A.*
56. After what periods from the dates of original appointment have Statutory Civilians in your province been confirmed in their appointments? *Vide Statement A.*
57. Has the period before confirmation in any case extended beyond the probationary period of two years? *Vide Statement A.*
58. If so, under what circumstances? *Vide Statement A.*
59. What is the prevalent feeling in your province regarding the existing Statutory system? If the feeling is one of dissatisfaction, is the dissatisfaction general or is it confined to certain sections of the community? Dissatisfaction, believed to be general.
60. What are the grounds upon which any such feeling is based? Because the service is not completely thrown open; also perhaps partly because some of the early appointments were somewhat unfortunate. Rules chiefly.
61. Is the feeling of dissatisfaction, if it exists, directed against the Statute itself (33 Vic., Chapter 3, Section 6), or is it directed against the rules framed thereunder? This has not been particularly alleged. As a matter of fact they have been treated as members of the service and entered in the Civil List.
62. If the Statute itself is objected to, is it because its provisions admit persons to specific appointments only and not to membership in an organized "Service"? Not known.
63. Are the objections based on other and, if so, what grounds?

64. If a desire is felt for enrolment in a general service, what are the reasons for this desire? Obviously that all may be on the same footing.
65. What amendments do you advocate in Section 6 of the Statute? None.
68. If the objections are directed against the rules framed under the Statute, do they relate to the mode or modes of selection actually adopted? Yes.
69. Do they relate to the general conditions, in regard to pay, promotion, and retiring annuity under which Statutory Civilians hold their offices? No objections have been raised on this score.
71. How do Statutory Civilians compare, in regard to their work as public servants, with Native Civilians who have passed in by the channel of the English competition? We have had small opportunity of judging, but the only Native appointed by competition was far superior.
72. How do Statutory Civilians nominated or selected by competition compare in regard to their work with Statutory Civilians selected on the ground of merit and ability previously proved in the Uncovenanted Service, or other branches of the Government Service, if any such selections have been made? We have had but one of each. The latter has naturally done the better work, as far as our short experience of him goes.
73. Do Statutory Civilians regard themselves as occupying a position inferior to that of persons who enter the Covenanted Service through the competitive channel? They must answer this for themselves.
74. Are they so regarded by the general public? or Probably yes.
75. By their *confères* in the service who have entered through the competitive channel? } Assuming *confères* to mean "Natives," the only one died before any Statutory Civilians were appointed. If Europeans are included, decidedly yes.
76. If such a feeling exists, on what grounds is it based? }
77. Do the general public view with any difference the status of Statutory Civilians and that of Uncovenanted Officers? }
78. If so, on what grounds? } This will appear better from the answers of the general and Uncovenanted witnesses.
79. How is the present Statutory system regarded by members of the Uncovenanted Service? }
80. Do competitive Civilians, English and Native, and members of the Uncovenanted Service, respectively, stand on a footing of cordiality with Statutory Civilians, or is there any friction between them? Cordial.
81. Has the Statutory system had the effect of securing men, who in point of education or natural ability, are superior to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service? No. Excepting the one appointed from the Uncovenanted Service.
82. Has the result of the Statutory system been to secure the services of men of better social position and better family than those who usually accept posts in the Uncovenanted Service? Yes. Certainly in some instances.
83. Do young men among the landed aristocracy or of good family display unwillingness to accept employment under the Statutory Rules? No.
85. Has experience shown that the Statutory Civilians of aristocratic family are as punctual and regular in the discharge of their duties as those selected from other classes? No complaints.

86. Do young men among the landed aristocracy or of good family display unwillingness to accept posts in the Uncovenanted Service, and a willingness to accept employment under the Statutory Rules?

Prefer latter because of its higher status.

88. How many Natives in your province have been appointed under the Statute 24 and 25 Vic., Chapter 54, Sections 3 and 4, to offices reserved for Covenanted Civilians?

89. When and on what grounds were they appointed?

90. Why was appointment under 24 and 25 Vic., Chapter 54, preferred to appointment under the Statutory Rules?

None.

91. To what offices and on what pay were those persons appointed, and to what offices and pay have they now attained?

92. Is there any marked difference in ability, social position, efficiency or other respects between Natives who have been appointed under 24 and 25 Vic., Chapter 54, and Natives appointed under the Statutory Rules?

II.—Mode of Selection of Statutory Civilians.

96. On the assumption* that the statutory system is retained, how would appointment to the statutory service by nomination be regarded by influential sections of the Native community in your province?

Disapproval.

97. How would a system of nomination to be followed by a period of probation be regarded by the same classes?

Do.

98. Would a system of nomination, with or without probation, be likely to secure well-qualified persons?

Certainly, if the power is prudently exercised. Probation is only necessary in the case of young and untried men.

99. Has experience actually shown such a system to secure well-qualified officers?

Yes.

100. Do you consider that nominations should be confined to persons of proved merit and ability?

Yes, most certainly.

101. If so, how do you consider that merit and ability should be held to have been proved for this purpose?

By experience, public repute, and report of responsible officials.

102. How would a system of limited competition amongst persons nominated for this purpose by the Local Governments or by the Universities, or by those authorities concurrently or alternately, be regarded?

The Government would be satisfied provided they were not absolutely bound to accept the candidate who did best at the examination, but had a right to make selection, taking into account the results of the examination.

103. In preference to either of the above systems (nomination and limited competition), would a system of open competition, pure and simple, for the Statutory Service commend itself to the Native community?

Yes, probably. But only some limited system would be possible in this country.

104. If competition (whether limited or open) is preferred, should there be one competition for all India or separate competitions in each province?

Separate.

* The questions which follow down to No. 118 inclusive are put subject to the same assumption.

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Yes, probably. But only some limited system would be possible in this country.

104. If competition (whether limited or open) is preferred, should there be one competition for all India or separate competitions in each province?

Separate.

* The questions which follow down to No. 118 inclusive are put subject to the same assumption.

106. Having regard to the varying educational standards reached in the several provinces, and the varying conditions prevalent therein, is it possible to have any one system of selection for all India which would not result in the inhabitants of some provinces being more or less excluded from a due share of appointments? No.
107. Under any of the three systems of nomination, limited competition, and open competition, would you prescribe any tests of preliminary qualifications on the part of nominees or candidates in regard to (1) age, (2) intellectual capacity, (3) moral, social, and physical fitness? Under competition, all three tests should be exacted and the age be 25. Under nomination by proved merit, nothing would be required. Even of untried men nomination properly exercised implies (2) and (3), but the age should be under 25.
108. If so, what should be the tests under each of the heads specified? For (2), a University degree or special examination.
109. Do you consider that (after selection, whether by nomination or competition,) there should be a period of probation? Yes, for untried men.
110. If so, what should be the duration of the probationary period? Two years.
111. Should the period of probation be passed in the ranks of the Uncovenanted Service, or of the Covenanted Service, or in what other manner? In Covenanted Service.
112. Do you consider that after selection and before entering on probation (or on duty), the person selected should undergo special training? Certainly, if the man is both untried and untrained; but we would not nominate men who are not even trained.
113. If so, should the special training be carried out in India or in England? In England, if possible.
114. If in India, would it be possible, and, if possible, advisable, to establish an Indian Civil Service College on the basis of the Haileybury College which formerly existed in England? No.
115. If you do not consider special training in England essential, would you encourage nominees or selected candidates to visit England with a view to add to their qualifications for the service? Yes.
116. If so, what form should such encouragement take? Payment of passage-money and a small allowance.
117. Should it be offered before, or during, or after the probationary period, if any, through which nominees or selected candidates may be required to pass? Before.
118. Should it be offered before or after the nominees or selected candidates enter on their duties? Before.
119. Are you in favor of the establishment of scholarships tenable by Natives in England for the purpose of enabling them to qualify for the Civil or Statutory Service? Yes. See Answer 116.
121. Do you think that any distinction should be made between the emoluments of nominees or selected candidates who have been trained in England, or have gone to England to add to their qualifications, and those who have not? No. The distinction, if any, should not depend on a visit to England, but on whether the candidate has passed for the Civil Service or not.
122. If the opportunity of residence in England at a University for two years with a sufficient allowance were offered to nominees or selected candidates, is it likely that it would be taken advantage of to any great extent? No.

123. If the system of examination in England were revised with the result that Natives availed themselves of it in considerable numbers, would it still be necessary to retain the Statutory system?

No.

III.—Competition in England for the Indian Civil Service.

125. What has been the experience in your province, in regard to their work as public servants, of Natives who have entered the Covenanted Civil Service through the competitive channel in England?

There has been only one. His work was good.

126. To what classes of society do such Natives belong?

He was a Chetti by caste.

127. Is there reason to believe that the Natives obtained by this system are the best, as regards character and capacity, who could be procured under any system?

Yes.

128. Is competition of Natives in the examination in England favorably looked upon by large and important classes in India?

No, as far as can be judged from the few Madras candidates.

129. Should additional facilities be given to Natives for proceeding to England and entering the Indian Civil Service by the channel of the English competition?

Yes.

130. If so, what forms or forms should such facilities take?

See Answer 116.

131. What conditions, if any, should be attached to them?

Great care must be used in selecting men, but the only possible condition seems to be that State aid will cease on failure to pass periodical examinations.

132. What is your opinion as to giving Statutory appointments to Natives who, though they may have failed to secure a place amongst the successful candidates, have shown merit in the English competition?

It might be done where real merit has been shown.

133. Assuming it to be advisable to appoint to the Statutory Service in India Natives who have failed in the English competition, should such persons receive the same training as successful candidates in England, and be subject to the same final examination?

Yes, where it has been decided to appoint them to Statutory Service.

134. Should they, on appointment to the Statutory Service in India, be subject to the same incidents as apply to other persons appointed under the Statutory Rules?

Yes.

135. Can you say what number of Natives belonging to your province have presented themselves annually at the competitive examination in England, and what degree of success they attained?

No.

136. What class or classes of Natives in your province readily go to England?

Native Christians and other non-caste men.

137. Are objections entertained to going to England; and, if so, what are they, and by what classes in particular are they felt?

Castemen—the higher the caste, the greater the objection.

138. Should the examination for Natives in England be distinct in standards and conditions from that for English candidates, or should there be one and the same examination for all?

No, the same examination.

141. If a fixed proportion of appointments were allotted for a Native examination in England, do you consider that, in view of the objections against a voyage to England and life there, the cost thereof and the chances of failure, a sufficient number of suitable candidates from your province would be available to make the competition a real competition?

No.

144. Assuming only one examination in England for both English and Native candidates, do you consider that the subjects and standards of examination and the conditions as to age and other matters in any respect place Native candidates at a disadvantage as compared with English candidates?

Yes.

145. If so, in what respects are Native candidates placed at a disadvantage, and what alterations would you recommend with a view to remove that disadvantage?

Natives should have some subject to counter-balance the high marks assigned to classics and perhaps European languages.

146. If there should be only one examination for all candidates, should the limits of age for Natives be higher than those at present fixed for European candidates; and, if so, what should the limits for Native candidates be?

Probably yes, but even a year's difference would give Natives too great an advantage.

147. If higher limits of age were fixed for Native than for European candidates, might not the latter complain that they were placed at a disadvantage?

Probably.

148. How do Natives, who have been successful in the English examination since the reduction of age was made, compare, in regard to their work as public servants, with Natives who entered by competition when the limit of age was higher?

We have had none of the former.

149. What is the average age at which Natives at the Indian Universities pass the examinations for F.A., B.A., and M.A. respectively?

Average for last 15 years:—

F.A.	..	..	19.6
B.A.	..	..	22.0
M.A.	..	..	(not available).

150. From what classes of Native society are the persons who graduate at the Indian Universities usually drawn in your province?

As regards castes, see p. 491 of the Madras University Calendar for 1885-86. The Director of Public Instruction, in para. 10 of his report for 1885-86, gives a rough classification of the proportion of "wealthy," "middle," and "poorer classes," taking a money qualification for each ("richer" classes being those who have Rs. 500 a year or upwards; "middle" between 200 and 500 rupees per annum; "poorer" below that). But no more definite information is on record.

IV.—*Competition in India for the Indian Civil Service.*

151. Do you advocate a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations?

Yes, provided successful candidates have English training subsequently.

152. How would this method of selection be regarded by the Native community generally?

Favorably.

153. If you advocate such a system, would you restrict the competition in India to Natives, and that in England to English candidates, or would you admit both classes freely to either examination?

No restriction necessary.

154. If Native candidates were admitted to the competition in England, while English candidates were excluded from the competition in India, on what grounds could this distinction be justified? None.
155. Do you consider that the educational institutions available in India are at present capable of giving the very high class education which it was the object of the competitive system as introduced in 1855 to secure? Yes.
156. Would an open competition in India be likely to give decided advantages to any particular class or classes of the Native community over others? Yes, to Brahmins.
157. Would it be likely to lead to the undue preponderance of any one class or caste in the public service. Do.
158. Do you think there are any objections on political or administrative grounds to open competition in India? No, none but what appears in the last two answers.
159. Would the introduction of an open competitive examination in India have the effect of deterring cadets of leading families from aspiring to enter the ranks of the Civil Service? Yes.
160. Under such a system how would it be possible to provide against Natives of a province in which education is comparatively backward being excluded from appointments in their own province? Impossible.
161. Would a system of provincial examinations be preferable to one examination for the whole of India? No.
162. Under a system of open competition in India would the successful candidates be regarded as occupying a position inferior to that of persons who enter the service through the channel of the open competition in England? Probably not.
163. Supposing that the Covenanted appointments were allotted in fixed proportions, a certain number to be obtained by competition in England and a certain number by competition in India, the examinations in each case being open on fairly equal conditions to Native and English candidates alike, and the Statutory system being abolished, how would such a system be viewed? Not favorably. This would make the Statutory system purely competitive and would have no other result.
164. If an open competition were established in India, what should be the preliminary qualifications required on the part of candidates in regard to age? and
165. In regard to minimum educational attainments? and
166. In regard to moral, social and physical fitness? and We are wholly opposed to any competition in India, except subject to the same limitations as in England.
167. In other respects (if any)?
168. Should the subjects and conditions of the examination be the same as those prescribed for the competitive examination in England, or should they be different?
169. If different, what should they be?
170. Circumstances being different in the case of persons who enter through the examination in England and of persons who enter through the examination in India, is there any reason why the rules in regard to pay, leave, pension, &c., should not also be different? No.

171. Should successful candidates go through a period of special study in India like the English candidates who spend two years in special preparation? or See Answer 151.
172. Would it be preferable (a) to require them to go to England, or (b) to give them the option of going to England, suitable allowances being given to enable them to prosecute their studies there? See Answer 151.
173. Should successful candidates at the Indian competition be required to pass through a probationary period before final appointment? None but what is imposed on candidates who succeed in England.

V.—Promotion from the Uncovenanted Service.

176. To what extent does the Uncovenanted Service in your province include in its ranks persons eligible on the ground of proved merit and ability for appointment to offices ordinarily reserved for members of the Covenanted Civil Service? At present only to a small extent.
177. If there are such persons in the Uncovenanted Service, could they be appointed to the lowest grade of the Covenanted Service without suffering in pay? Not as a rule.
178. Under existing rules as to pay, &c., how would such appointment be regarded by Uncovenanted Officers? Delighted to get one.
179. Do you think they would be willing to forego pay for the sake of the advantages which admission to the Civil Service might afterwards bring? Yes.
180. What special provision, if any, do you think should be made for the appointments to Covenanted posts of deserving members of the Uncovenanted Service? None, if tried men can be appointed to Statutory Service.
183. Should provision be made for the appointment of qualified members of the Uncovenanted Service to the higher Covenanted offices without requiring them to pass through the lower grades? Yes.
184. If certain appointments in the Covenanted grades were set apart for the Statutory Service, should a fixed proportion of those appointments be expressly reserved for persons of proved merit and ability in the Uncovenanted Service? No.
185. Should special provision be made for the promotion to Covenanted posts of European members of the Uncovenanted Service? No.
186. Should special provision be made for the promotion to such posts of Eurasian or other members of the Uncovenanted Service who, though not Natives of pure descent, fall within the meaning attached in the Statute of 1870 to the term "Natives of India?" No.
187. Ought not the Uncovenanted Service, equally with the Covenanted Service, to be open to all natural born subjects of Her Majesty who possess the qualifications that may be from time to time prescribed? It is so; the restriction is on the power to appoint without sanction, and that restriction is necessary.

VI.—Pay, Leave and Pension for Natives of India appointed to Covenanted posts otherwise than through the channel of competition in England.

* Two hundred rupees a month on first appointment as probationers. Two hundred and fifty rupees a month after passing the Departmental Examination by the lower standard. After passing the Departmental Examination by the higher standard (unless specially exempted) and after having been confirmed in their appointments, 64 per cent. of what would be the gross pay or salary of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England.

189. Is the rate* of pay at present granted to Statutory Civilians during probation and on final appointment respectively sufficient?

Quite.

191. Would these rates of pay be suitable in the case of persons appointed to Covenanted posts from the Uncovenanted Service?

Yes.

192. Would they be suitable in the case of persons appointed to Covenanted posts from the professional classes?

Yes.

194. How would you treat in regard to pay such persons if appointed to any of the higher Covenanted posts without being required to pass through the lower grades?

The 64 per cent. would be ample.

195. Do you consider that a difference should be maintained between the rates of pay granted to Covenanted Civilians, who enter through the competitive channel in England, and to persons holding Covenanted posts who do not enter through that channel?

Yes.

196. If so, what would you consider the fair rate of reduction to be made in the case of persons holding Covenanted posts who do not enter through the competitive channel in England?

36 per cent. as now.

197. Would you approve of an arrangement by which the pay of appointments would be a fixed sum to be drawn by the holder whether he is a Covenanted or a Statutory Civilian, with an additional staff allowance to be drawn by those only who enter the service through the examination in England?

The above system is preferred.

198. Can you suggest any other way of providing different rates of pay?

201. Have you any remarks to make on the leave rules embodied in the Civil Leave Code which apply to Statutory Civilians?

Present rules sufficient.

* See Appendix A attached to these questions.

VII.—General.

208. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men to the public service? Can you suggest any improvements?

It is reasonably well adapted so far as general education goes.

209. In 1854 Lord Macaulay's Committee were of opinion that the best, the most liberal, and the most finished education to be procured in England was a necessary qualification for admission to the Civil Service. Do Indian schools and colleges at present supply an education of so high a standard?

Yes nearly so, as far as general instruction goes.

210. Do you consider that Indian schools at present develop the force of character and other qualities required for English administration?

No.

211. What has been the actual experience in your province as to the general efficiency of educated Natives — graduates of the Indian Universities — employed in administrative work ? Good.
212. How have Natives, placed in charge of sub-divisions or in other *quasi*-independent positions, discharged their duties in your province ? Fairly.
213. Do we now obtain for Government service Natives of the classes who under Native rule carried on the civil administration of the country ? Yes.
215. How far would any system of appointment which involves a journey to, and residence in, England be regarded by the Native community as open to objection on the ground that it requires Hindu candidates to abandon their caste as a condition of entering the Civil Service ? They do object. Chiefly on this ground.
216. How far would such a system be regarded as open to objection on the ground that it restricts the field of selection to those candidates who are wealthy enough to undertake the cost of a journey to, and residence in, England ? This objection is also taken.
217. Are the Natives who go to England from your province for purposes of education limited to the wealthier classes ? Yes.
218. Are they limited to any particular section of the community, or to any particular creed ? No.
219. Does a voyage to, or residence in, England involve the loss of social position or other unfavorable consequences in the case of any section of the Native community ? Yes.
220. Does it result in placing those Natives who undertake it more or less out of touch and sympathy with their fellow-countrymen on their return to India ? Yes.
221. Would the requirement of a temporary residence in England as a condition precedent to, or following on, appointment to the Government service, have the effect of excluding from such appointment any considerable or important section of the Native community ? Yes. Brahmins at present.
222. If the Statutory system is discontinued, should special provision be made for the appointment to Covenanted posts of Natives who, for religious or other sufficient reasons, are unable or unwilling to undertake a journey to, and residence in, England ? Yes.
223. If so, what provision should be made for this purpose ? Some separate competitive examination followed by a term of training and probation in India.
224. If the Statutory system is discontinued, do you consider that special provision should be made for the appointment to Covenanted posts of capable members of the professional classes ? No.
226. Whatever system or systems may be adopted, ought power to be reserved to Government to appoint to Covenanted posts candidates of high family subject to such antecedent guarantees of fitness as may be considered sufficient in each case ? The power might be given but only to be exercised in very exceptional cases.

227. Ought similar power to be reserved to Government to appoint to Covenanted posts persons who have proved their merit and ability in Government service, or in the exercise of a profession, without preliminary examination or competition? The power might be given but only to be exercised in very exceptional cases.
228. If a thorough knowledge of English were made an essential qualification for appointment to Covenanted posts, would the field of selection in the case of persons already in the Uncovenanted Service, or engaged in the exercise of a profession, be unduly limited thereby? No.
230. Should provision be made for the occasional appointment, in very special and exceptional cases, to Covenanted posts of persons of known ability and local influence whom, although they may never have held office and may not possess special professional qualifications, and although their age may exceed the limit laid down for untried candidates, it might nevertheless be considered desirable to appoint to the higher grades for political or other reasons? No.
231. To what extent, if any, could the prescribed Covenanted Civil Service *cadre* in your province be reduced without increase to the Uncovenanted Service? Not at all.
232. To what extent could the prescribed Covenanted Civil Service *cadre* in your province be reduced if a corresponding increase were made in the English element of the Uncovenanted Service, or in the Native element, or partly in one and partly in the other? Hardly at all.
233. Assuming a fixed proportion to be maintained between Europeans and Natives in the Civil Service *cadre*, in what posts or classes of appointments do you consider that Europeans and Natives respectively might be employed with most advantage to the interests of the public service? It must depend on individual qualifications.
234. Would it be desirable to rule that the proportion of persons being Hindus and Muhammadans respectively, who are from time to time or over a series of years appointed to the Covenanted ranks in any province, should bear a certain relation to the number of the two classes composing the population of the province concerned? No.
236. How far should appointments in each province to Covenanted posts be restricted to Natives of the provinces concerned? No need for any rule.
237. How would the following scheme be regarded by the Native community?—
 (1) The Covenanted Civil Service to be reduced to a fixed number of European officers, admission being by competition in England confined to European candidates only.
 (2) The appointments taken from the Covenanted Civil Service to be filled by appointment in India, Natives only being eligible.
 Practically this is the existing scheme. The views of the Native community would vary with the number of appointments taken from the service.
238. How would you regard such a scheme? So would our own views.

239. How would the Native community regard the following?— With disapproval.

- (1) The Covenanted Civil Service to be reduced to a fixed number of appointments to be filled by competition in England to which Natives and Europeans alike would be admitted.
- (2) The appointments taken from the Covenanted Civil Service to be filled by appointment in India, both Natives and Europeans being eligible.

240. How would you regard such a scheme?

With disapproval.

241. If either of the above schemes were adopted, how would the Native community view a proposal to combine the higher appointments of the Uncovenanted Service with the appointments taken from the Covenanted Civil Service so as to form an enlarged Civil Service to be recruited in India?

They would like it very much.

242. How would you view such a proposal?

With approval, provided the appointments taken from the Covenanted Service are not numerous.

243. How would the Native community regard the following scheme?—

Not with favor.

- (1) A certain number of appointments in the Covenanted Civil Service to be reserved for Natives;
- (2) a certain proportion of that number to be filled by competition or by some other system in India;
- (3) the remainder to be filled by competition in England.

244. How would you regard such a scheme?

Not with favor.

245. Assuming a system of nomination or of limited competition among nominated candidates, would Native opinion be in favor of giving a preference, as between candidates possessed of certain preliminary essential qualifications and having on general grounds fairly equal claims, in the following or any other order, to—

They regard with jealousy any system of selection.

- (a) members of families of tried loyalty and distinguished service;
- (b) persons of good social status and influence in the country; and
- (c) persons of superior educational attainments, such as persons who have taken the degree of M. A.?

246. What is your opinion as to giving such preference?

Favorable, except that it would be liable to be misunderstood.

247. How would the Native community regard a system of nomination on the ground of merit and ability shown in the service of Government, or in the exercise of a profession, alternating with a system of selection by means of competition, whether entirely open or amongst nominated candidates?

We have tried this, and it has not given satisfaction to the Native community.

248. How would you regard such a system?

We tried it because we approved of it.

249. If the statutory system were maintained, and if a probationary period were required from nominees or selected candidates before final appointment, would it be necessary to insist upon such probationary period in all cases, e.g., in the case of a person who has done good service in the Uncovenanted ranks?

No.

250. In the case of persons nominated from the professional classes, is it desirable that a probationary period should be prescribed ?

No.

252. On what principles should the promotion of Natives appointed to Covenanted posts otherwise than by the channel of the competition in England be regulated ?

On principles analogous to those which regulate promotion in Covenanted Service proper.

253. Would you regulate such promotion only by considerations of fitness and approved personal merit ?

Do. do. do.

254. How would the appointment of Natives to the higher reserved posts without passing through the lower grades affect the vested rights or the reasonable expectations and prospects of officers who entered the Covenanted Civil Service before the year 1870 ?

Prejudicially, of course

255. If those rights, expectations, or prospects would be prejudicially affected, how could they be safeguarded ?

By making very few such appointments.

256. Should Natives appointed to Covenanted posts be required to pass the Departmental Examinations ?

Certainly, if untried men.

259. Should the present rule be maintained under which probationers may be confirmed in their appointments at the close of the probationary period of two years, provided that they pass within that period the Departmental Examination by the lower standard prescribed for Covenanted Civilians appointed in England, no obligatory period being fixed for passing the higher standard, but no promotion or increase of pay being attainable until the higher standard examination has been passed, and power being retained to the Government to dispense with the services of a Statutory Civilian who may fail to pass by the higher standard within a reasonable time ?

Yes.

260. What rule in regard to passing the Departmental Examinations should be applied in the case of persons appointed to Covenanted posts on the ground of merit and ability proved in the service of Government or in the exercise of a profession ?

In such a case, examinations would be superfluous.

261. Should subjects of Native States be eligible for appointment to Covenanted posts in British India ?

Not necessary. If eligible, they would hardly be selected, as we have plenty of good men of our own.

263. What system, if any, is at present adopted in your province for bringing into the public service persons who, from their position or otherwise, cannot be expected to enter the service of Government in the lowest grades, and for giving them the necessary apprenticeship ?

There is no particular system ; but vakils are frequently appointed munsifs, and in one case a vakil has been made a Sub-Judge, and in a few cases young men of position and promise have been made Deputy Collectors after a period of probation. This works well.

VIII.—Composition, Recruitment, &c., of the Subordinate Executive and Subordinate Judicial Services.

265. Of what different classes of appointments is the Subordinate Executive Service in your province composed, including in the term "Subordinate Executive Service" all Subordinate Executive offices down to and including the office of tahsildar or other office corresponding to that of tahsildar, which are not reserved by law for, or not ordinarily held by, members of the Covenanted Civil Service ?

Two classes—

1. Deputy Collectors.
2. Tahsildars.

266. Into what grades is each class of the above executive appointments divided in your province, and of how many appointments does each grade consist ?

267. What rate of pay is attached to each grade ?

268. Of what different classes of appointments is the Subordinate Judicial Service in your province composed, including in the term "Subordinate Judicial Service" all Subordinate Judicial offices down to and including the office of munsif or other office corresponding to that of munsif, which are not reserved by law for, or not ordinarily held by, members of the Covenanted Civil Service ?

Statement B.

269. Into what grades is each class of the above judicial appointments divided in your province, and of how many appointments does each grade consist ?

Statement B.

270. What rate of pay is attached to each grade ?

Statement B.

271. In the existing Subordinate Executive Staff how many persons are (1) Europeans; (2) Natives of India of pure descent; (3) Eurasians and others who, though not Natives of India of pure descent, fall within the meaning attached to the words "Natives of India" by the Statute of 1870 (33 Vic., Cap. 3, section 6); and (4) persons who are neither Europeans nor Natives of India, whether of pure descent or within the statutory meaning ?

Statement C.

272. What particular appointments in the Subordinate Executive Service are at present held in your province by persons falling under each of the above classes ?

Statement C.

273. What rates of pay are attached to the appointments thus held in each case ?

Statement C.

274. What particular appointments in the Subordinate Judicial Service are at present held in your province by persons falling under each of the above classes ?

Statement C.

275. What rates of pay are attached to the appointments thus held in each case ?

Statement C.

276. Under what system of selection or nomination are appointments at present made in your province to the Subordinate Executive Service, as above defined ?

Deputy Collectors are appointed by Government; Tahsildars are virtually appointed by the Collector, but the nomination requires the sanction of the Board of Revenue, and, as regards the Tahsildar's magisterial capacity, of Government.

277. Under what system are appointments similarly made to the Subordinate Judicial Service, as defined above ?

District Munsifs are appointed by the High Court; Presidency Magistrates and Small Cause Court Judges by Government; Sub-Judges are appointed by Government on the recommendation of the High Court.

278. Have any rules been framed for the purpose of regulating such appointments, and if so, what are they (a) in the case of the Subordinate Executive Service, and (b) in that of the Subordinate Judicial Service ?

No.

279. What preliminary qualifications, if any, are required in the case of the Subordinate Executive Service and in that of Subordinate Judicial Service, respectively, in regard to the age of candidate ?

A man not already in the service of Government cannot, as a rule, be appointed if he is over 25, without special sanction from Government. Pleaders, however, can be appointed to Judicial offices up to the age of 30—*vide* section 115 of Civil Pension Code.

280. In regard to their educational attainments ? A qualifying examination is fixed for each class of appointments.
282. In other respects (if any) ? A certain period of service in lower appointments is required before appointment to a Tahsildari.
283. Are the same qualifications, if any, required on the part of the holders of all appointments in the Subordinate Executive and Subordinate Judicial Services; respectively, as above defined, or are different qualifications required on the part of candidates for different classes of appointments ? Different for different classes.
284. If the latter, what are the qualifications required, and to what class or classes of appointments do they respectively apply ? See schedule of Special Tests (appendix 2) and previous answers.
285. Are appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, made on probation ? Not generally.
289. What Departmental examinations (if any) are persons appointed to the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, required to pass ? There are separate Departmental examinations for (a) Tahsildars, (b) Deputy Collectors, (c) District Munsifs and Sub-Judges.
290. Within what period (if any) from the date of original appointment must such examinations be passed ? Must be passed before appointment.
292. How is promotion regulated in the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined ? See 294.
293. Does such promotion depend on fitness only or merely on seniority ? or Yes.
294. Is it regulated by considerations of fitness combined with considerations based on seniority ? It is not thought that they are dissatisfied.
296. How is the present system of regulating appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, regarded by influential sections of the Native community ? Certainly.
297. Has the existing system the effect of securing for the Subordinate Executive and Subordinate Judicial Services, respectively, persons who are found to be thoroughly qualified for the performance of their duties ? To all sections.
298. To what sections of Native society do the persons belong who accept, under existing conditions, appointments in the Subordinate Executive and Subordinate Judicial Services, respectively ? Freely. Government service is most sought for.
299. To what extent do Natives of good family and education in your province offer themselves as candidates for Subordinate Judicial and Executive appointments ? Most willingly.
300. Do Natives who have been to England for purposes of study on their return to India willingly accept such appointments ? There is no rule, but practically outsiders have not been appointed.
301. How far are such appointments in your province restricted to persons *bona fide* resident in (and connected with) the province ? Largely in the Judicial.
302. How far are the professional classes represented in the Subordinate Executive and Subordinate Judicial Services, respectively, in your province ?

303. Do members of the professional classes in your province readily accept employment in those services? Very readily.
304. Whatever system or systems may at present be adopted for the purpose of regulating appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, are any class or classes of persons expressly or practically excluded from such appointments? Europeans are practically excluded, the Secretary of State's sanction being necessary.
306. Is it the case that certain classes of Uncovenanted appointments are practically reserved for Natives of pure descent owing to the fact that conditions are imposed which have resulted in shutting out Eurasians and other Statutory Natives of mixed descent? No.
308. What has been the effect on the efficiency of the Subordinate Executive and Subordinate Judicial Services in your province of the orders of the Government of India, dated 18th April 1879, which debar, unless with the previous sanction of the Governor-General in Council, (1) the appointment of any person, not being a Native of India within the Statutory meaning, to an office carrying a salary of Rs. 200 a month or upwards; and (2) the promotion to such an office of persons, not being Statutory Natives, who entered the Department concerned after the 1st January 1879? Notwithstanding the practical exclusion of Europeans, the services are efficient.
309. Since the issue of the orders above cited, have any undomiciled Europeans or other persons, not being Statutory Natives of India, been appointed either to the Subordinate Executive Service or to the Subordinate Judicial Service in your province? Yes.
310. If so, how many such persons have been appointed, and under what circumstances were the appointments made? Mr. J. W. Handley, M.A., as First Judge of the Small Cause Court, Madras. He is a Barrister-at-Law and was previously Government Pleader.
Colonel J. M. Smith, as Chief Presidency Magistrate. He was previously Pension Paymaster and Acting District Magistrate, Bangalore. The appointment is, besides, one of the exceptions to the rule.
Mr. W. E. T. Clarke, B.A. (Barrister-at-Law), as Sub-Judge, Ootacamund. This appointment was made under the sanction of the Secretary of State on account of the peculiar circumstances of the district.
311. Is it, in your opinion, necessary that there should be a proportion of Europeans either in the Subordinate Executive Service or in the Subordinate Judicial Service, or in both of those services? Not necessary, but probably expedient.
314. How do European members of the Subordinate Executive and Subordinate Judicial Services, respectively, work with Native members of those services? Well.
315. Has experience shown that Europeans serving in such capacities become dissatisfied with their position and with the general conditions as to pay, promotion and retiring annuity under which they hold their appointments, and that their efficiency as public servants is consequently impaired? Not more dissatisfied as a class than other people.

316. Are you in favor of laying down a rule that high educational capacity should be regarded as an essential qualification for appointment to the Subordinate Executive and to the Subordinate Judicial Services as defined for the purposes of these questions ?

The Government in the former case, and High Court in the latter, have ruled that after the year 1885 no person not in Government service, and after 1889 no person whatever, shall be admitted to the special tests prescribed by them respectively unless he has passed the F.A. Examination. We adhere to this rule.

317. If so, what test would you apply ?

No change is necessary.

319. Generally, what system do you advocate for filling appointments in the Subordinate Executive and Subordinate Judicial Services as above defined ?

324. If an open competitive examination were held in India for the Covenanted posts reserved for Natives, would persons who gained high marks in that examination and showed decided proficiency, but who failed to secure a place amongst the successful candidates, form suitable nominees for Subordinate Judicial and Executive appointments in the Uncovenanted service ?

Prima facie yes, but it might well be left to Local Governments to give due weight to such considerations.

STATEMENT A.

Questions 50 and 53 to 58.

Statutory Civilians.	Date of		Date of passing	
	First appointment.	Confirmation.	First Standard.	Second Standard.
1. K. C. Manavedan Raja ..	4th June 1880 ..	26th Aug. 1882 ..	18th Jan. 1882 ..	19th July 1882.
2. C. Venkata Jugga Row ..	22nd Dec. " ..	12th April 1883 ..	16th " 1883 ..	18th Jan. 1886.
3. Mir Shujáat Ali Khan ..	15th " 1881 ..	27th Aug. 1884 ..	18th July " ..	24th July 1884.
4. Muhammad Raza Khan ..	3rd Nov. 1882 ..	On first appointment.	Exempted ..	Exempted.
5. T. Swaminatha Iyer ..	22nd " 1883 ..	27th Jan. 1886 ..	26th Jan. 1886 ..	Not yet passed.
6. T. Varada Row ..	24th July 1885 ..	Still on probation ..	Not yet passed ..	Do.
7. P. Ramachandra Row ..	16th Dec. " ..	On first appointment.	Exempted ..	Exempted.

Nos. (4) and (7) had held important and responsible appointments; the former as Attaché to the Residency at Hyderabad and Assistant Commissioner in the Berars, the latter as Personal Assistant to the Commissioner of Salt Revenue before nomination to the Statutory Service, and were accordingly appointed without a period of probation. For the same reason they were exempted from passing the Standard examinations. (1) and (5) were confirmed very soon after their two years were up. In the case of (2), the delay was due to the result of his First Standard examination being awaited; in the case of (3), to the report of the Collector of his first district not having been favorable.

STATEMENT B.

SUBORDINATE EXECUTIVE SERVICE.

Questions 265, 266 and 267.

Class of appointments.	Grades.	Number of appointments in each grade.	Rate of pay attached to each grade.
Deputy Collectors (51) *	First class	1	rs. 700
	Second "	4	600
	Third "	8	600
	Fourth "	17	400
	Fifth "	12	300
	Sixth "	9	250
	Total	51	
Tahsildars (156)	First grade (not personal but local).	13	250
	Second "	24	225
	Third "	39	200
	Fourth "	41	175
	Fifth "	38	160
Total	155		

* NOTE.—Only 46 of these appointments are at present filled. But there are besides 20 Temporary Deputy Collectors in districts where there is no Assistant of six months' standing at head-quarters and on special duty.

SUBORDINATE JUDICIAL SERVICE.

Questions 268, 269 and 270.

Presidency Small Cause Court Judges (3).	Not graded	First Judge	2,000
		Second and third Judges.	1,000
Presidency Magistrates (4)	Not graded	Chief Magistrate	1,200
		Second do.	1,000
		Third do.	800
		Fourth do.	
Sub-Judges (14)	First grade	3	800
		5	650
		6	600
Total	14		
District Munsifs (106)	First grade	25	400
		25	300
		25	250
		31	200
Total	106		

STATEMENT C.

Questions 271, 272, 273, 274 and 275.

Europeans.		Natives of pure descent.		Eurasians and other Natives of India.		Persons who are neither Europeans nor Natives of India.	
Number.	Rates of pay.	Number.	Rates of pay.	Number.	Rates of pay.	Number.	Rates of pay.
SUBORDINATE EXECUTIVE SERVICE.							
<i>Deputy Collectors.</i>							
	rs.		rs.		rs.		rs.
1	700	1	600	1	600	..	..
2	600	4	600	3	600	..	..
1	500	13	400	2	400	..	..
		9	300	1	300	..	..
		8	250	1 (Temporary).	250	..	..
		19 (Temporary).	250	..	..	..	..
Total ..	4	54		8			
<i>Tahsildars.</i>							
		13	250	..	..	..	..
		24	225	..	..	..	..
		39	200	..	..	..	..
		39	175	2	175	..	..
		38	150	..	..	..	..
Total ..	..	153		2			
SUBORDINATE JUDICIAL SERVICE.							
<i>Small Cause Court Judges.</i>							
1	3,000	2	1,000	..	..	..	..
<i>Presidency Magistrates.</i>							
1	1,200	..	..	1	1,000	..	..
		2	800	..	..	..	..
<i>Sub-Judges.</i>							
1	650	2	800	1	800	..	..
		4	650	..	..	..	..
		6	500	..	..	..	..
Total ..	..	12					
<i>District Munsifs.</i>							
		24	400	1	400	..	..
		25	800	..	..	..	..
		24	250	1	250	..	..
		27	200	4	200	..	..
Total ..	..	100		6			

APPENDIX I.

G. O., dated 27th January 1885, No. 214, Public.

Read—the following papers :—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Simla, 5th September 1884, No. 33-1386.

From Mr. JUSTICE BRANDT, dated 12th January 1885, reporting the result of the final examination of candidates for the Statutory Civil Service.

Order—dated 27th January 1885, No. 214, Public.

The Governor-General in Council having invited the opinion of His Excellency the Governor in Council upon the general question of the best mode of improving the working of the existing rules for the admission of Natives of India to the Statutory Civil Service, and upon certain specific proposals for that purpose, the matured views of this Government were communicated to the Government of India in the Chief Secretary's letter, No. 1332 (Public), dated 18th June 1884.

2. In the letter read above from the Secretary to the Government of India, Home Department (Public), His Excellency the Governor in Council was informed that there would probably be one appointment to the Statutory Civil Service in Madras for that year, and was requested to submit, in due course, the names of three candidates selected for the appointment. It was intimated that as the revision of the Statutory Rules was still under consideration, the Government might, on the present occasion, select its candidates in any manner that appeared desirable, special regard being paid (in the case of candidates whose merits and abilities had not been already proved by employment in the public service), to educational attainments and proficiency; and, in conclusion, it was requested that, in submitting the names of the persons selected, full information might be given as to their qualifications and as to the mode of selection adopted.

3. His Excellency the Governor in Council thereupon resolved, as a temporary measure and pending the final revision of the rules, that the selection should be made in the following manner :—There was to be, in the first place, a preliminary examination of the candidates whose names had already been registered as applicants for admission to the Statutory Civil Service, this examination being of a qualifying character, and to be used as a means of eliminating candidates of inferior educational attainments. The candidates who passed this preliminary test were then to compete together in an examination of a very high order; the names of the five gentlemen most highly distinguished in this final examination were to be certified to Government in alphabetical order.

4. The arrangements for both examinations were made in communication with the Director of Public Instruction, and, in prescribing the preliminary test, it was assumed that the general educational qualifications of the candidates would approximate the standard of the Arts Degree in the Madras University, and that a test in that course was best calculated to gauge the intellectual calibre and mental culture of the candidates. An examination framed with this object was held at Madras under the presidency of Mr. A. T. Arundel, C.S., in the middle of November last. Forty-seven candidates were eligible for admission, of whom fifteen presented themselves for examination, and of these nine were declared by the Examiners to have qualified for admission to the final competition.

5. This competition consisted of an examination of a very high order in English Language, Literature and History, and in general Jurisprudence, with Indian History as an alternative subject for those candidates who had not graduated in Law and did not elect to be examined in it. A paper was also set containing searching questions in Political and Physical Geography, and each candidate was allowed to receive extra marks for proficiency in Chemistry, Botany or Geology. The examination was held in Madras on the 15th December under the presidency of the Hon'ble Mr. Justice Brandt, C.S., and he reported that, in the opinion of the Examiners, in which he

concurrent, the following three candidates, whose names were given in alphabetical order, had so completely distanced the others as to be alone entitled to be placed in the 1st Class:—

Rájagopála Chári, P.
Subba Ráo, T.
Varadha Ráo, T.

6. His Excellency the Governor in Council congratulates these gentlemen on having so greatly distinguished themselves in the competition now concluded, and will have the pleasure of recommending one of them for appointment by the Viceroy and Governor-General in Council to be a Member of the Civil Service of Madras, and will keep all of them in view as persons well deserving employment of a responsible character in the public service.

7. In conclusion, the Government desire to thank the Hon'ble Mr. Justice Brandt and Mr. A. T. Arundel and each of the Examiners for the trouble they have taken in presiding over and in conducting these important examinations.

(True Extract.)

(Signed) E. F. WEBSTER,
Chief Secretary.

To the Hon'ble Mr. Justice Brandt.
" A. T. Arundel, Esq., C.S.
" the Director of Public Instruction.
" M.R.Ry. P. Rájagopála Chári.
" " T. Subba Ráo.
" " T. Varadha Ráo.

G.O., dated 14th October 1884, No. 2239, Public.

Read—the following letter from H. B. GRIGG, Esq., M.A., Director of Public Instruction, to the Chief Secretary to Government, dated Madras, 3rd October 1884, No. 7207:—

In reply to G.O., dated 29th September 1884, No. 2122, I have the honor to submit for consideration a scheme of examination. In drawing up this scheme, I have assumed that no person will be admitted to the examination whose general educational qualifications do not approximate the standard of the Arts Degree in this University. The subjects chosen are all studied by students in their Arts course, and I think a test therein is better calculated than any other test to ascertain the intellectual calibre and general culture of the candidates, which is, I think, the chief end to be attained.

2. The examination in English will extend over two days exclusive of *vidé voce*. It is intended to test a candidate's general knowledge of English literature and of the English language and of his knowledge of the books he has read (*vidé voce*) including the power, so seldom possessed, of translating from the candidate's mother-tongue into English. Considering that, after all, the knowledge to be tested by this examination is the key to all other knowledge and progress in this country, I do not think its importance is over-rated in allowing one-half of the total marks for the whole examination for this subject. I would note, in testing a candidate also in the books he professes to have studied, I am following the rule of the Civil Service Commission; only, in view of the fact that the interval to be allowed for preparing for the examination will, I assume, be short, I have confined the test in such books to the oral examination.

3. The examination in second language calls for no special remarks. It corresponds with the University scheme except in two points—in (a) confining the translation test to translation from English into the second language, and (b) in omitting text-books from the written examination. The latter change is proposed for the same reason as in English, the former because a translation test has been introduced into the English branch. If necessary, however, the second translation might be introduced into this branch also, although I think it hardly necessary to do so.

4. As regards History—English History is now read for the B.A. course, Indian for the Matriculation, so that every senior University student should have a fair knowledge of these subjects. The questions, however, should be such as would test intelligent study of the subjects, and not a mere knowledge of names and dates.

5. The examination might be supplemented by a fourth or optional branch, in which the candidate might elect to be examined in one of the following subjects—the optional branches of the present B.A. course:—

- (a) Logic and Moral Philosophy.
- (b) Mathematics and Natural Philosophy.
- (c) Chemistry and Physics.

I do not, however, advise the extension of the examination for the present at least.

6. I propose a *vidé voce* examination in each branch. No *vidé voce* examination now exists in the Arts examinations of the University, and it is one of the greatest defects, though at present unavoidable, of the system of University examinations.

7. As regards the conduct of the examination, I would entrust it wholly to a Board to assemble at Madras consisting of the following gentlemen :—

Mr. A. T. Arundel, C.S., President.
 Mr. J. A. Davies, C.S.
 Mr. G. H. Stuart, Principal, Kumbakonam College.
 Dr. John Bradshaw, Inspector of Schools, Fourth Division.
 Mr. D. Sinclair, Principal, Church of Scotland Mission High School.

This Board would arrange among themselves for the conduct of the examination in English and History. As regards the examination in a second language, I would suggest the following members, but these Examiners should work in subordination to the Board, but not be members, the Board being responsible for the conduct of the examination :—

Sanskrit—Mr. Arthur Thompson, C.S.
 Latin—Mr. R. B. Michell.
 Arabic, }
 Persian, } Rev. E. Sell, a.d.
 Hindustani, }
 Tamil—Dr. H. Bower, d.d.
 Telugu—Y. Venkataramayya Sastri.
 Malayalam—Mr. L. Garthwaite.
 Canarese—Dr. C. D. Maclean.

Order—dated 14th October 1884, No. 2239, Public.

The scheme proposed by Mr. Grigg is approved as revised below. He will accordingly carry out the arrangements for the examination.

2. The following gentlemen will be appointed to conduct the examination :—

Mr. A. T. Arundel, C.S., President,
 Mr. J. A. Davies, C.S.,
 Mr. G. H. Stuart, Principal, Kumbakonam College,
 Dr. John Bradshaw, Inspector of Schools,
 Mr. D. Sinclair, Principal, Church of Scotland Mission High School,

with whom will be associated the gentlemen named at the end of paragraph 7 for the purpose of the examination in a second language.

3. His Excellency the Governor in Council considers that the examination, which should be held in Madras, should take place in the week beginning 10th November next. Notice of this arrangement will accordingly at once be sent to the candidates whose names are now on the list and who will at the same time be informed of the further examination which it is proposed to hold and at which those successful in the first will have to appear.

4. The final examination will be held early in December, and will embrace the subjects mentioned by Mr. Grigg, together with History and Law. At this examination a Civilian of high rank should preside, and the Director is requested to submit the names of the Examiners who are to constitute the second Board.

(True Extract.)

(Signed) E. F. WEBSTER,
 Chief Secretary.

To the Director of Public Instruction,
 and for communication to the gentlemen named.

Appendix.

SCHEME OF EXAMINATION.

BRANCH I—ENGLISH.

	Hours.	Paper.	Value.
1. English Literature	3	100	50
2. English Language	3	100	40
3. Translation from the Vernacular of the candidate into English	2	40	..
4. Essay	3	80	..
5. Reading aloud and Conversation		40	..
			450

BRANCH II—SECOND LANGUAGE.

(Sanskrit, Arabic, Persian, or a South Indian Vernacular at the option of the Candidate.)

	Hours.	Paper.	Vind voce.
1. Grammar, Structure and Idiom	3	100	30
2. Translation of passages from English into the Second Language	3	70	..
			200

BRANCH III—HISTORY.

	Hours.	Paper.	Vind voce.
1. History of England	3	100	25
2. History of India	3	100	25
			250

The questions to be of a general character and calculated also to test the candidate's knowledge of the geography of the countries concerned.

Candidates failing to obtain one-fourth marks in each branch or one-third on the whole to be rejected.

APPENDIX II.

SPECIAL TEST EXAMINATIONS.

**Lists of Tests.*

I-A.—	Judicial Test.—Civil—Higher Grade.
I-B.—	Do. do. Lower Grade.
II-A.—	Do. Criminal—Higher Grade.
II-B.—	Do. do. Lower Grade.
III-A.—	Revenue Test—General—Higher Grade.
III-B.—	Do. do. Lower Grade.
IV.—	Do. Salt Department.
V.—	Do. Sea Customs.
VI.—	Account Test.
VII-A.—	Translation—Higher Grade.
VII-B.—	Do. Lower Grade.
VIII-A.—	Précis-writing Test—Higher Grade.
VIII-B.—	Do. Lower Grade.

Schedule showing the nature of the Test and the designation of the Offices for which each is prescribed.

I-A.—JUDICIAL TEST—CIVIL—HIGHER GRADE.

Offices.

- | | | |
|-------------------------|--|---------------------|
| 1. Subordinate Judge. | \| | 2. District Munsif. |
| Examination fee—Rs. 10. | | |

Nature of Test.

	Min. Marks.	Max. Marks.
(a) The Indian Evidence Act I of 1872	30	90
(b) Code of Civil Procedure	40	120
(c) The Indian Contract Act IX. of 1872	25	75
(d) Collett's Manual of the Law of Torts and Measure of Damages	25	75
(e) Thompson's Manual of Hindu Law	15	60
(f) Sadagopa Charu's Manual of Muhammadan Law	15	60
(g) Equity, comprising "The Specific Relief Act, 1877," and pages 57—288 of the 6th Edition of Goldsmith's Doctrine and Practice of Equity	15	60
Total . . .	540	

Remarks.

1. The examination will be conducted in English, unless for special reasons any candidate is permitted, by order of Government, to pass in the Vernacular.*
2. No candidate will be permitted to take up any of the Judicial Tests together with Test III in either grade.
3. The candidates shall be ranked in the order of proficiency as determined by the total marks obtained by each, and shall be arranged in two classes, the first consisting of those who have obtained not less than three-fifths of the aggregate number of marks, the second consisting of those who have obtained not less than two-fifths of the aggregate number of marks.
4. Candidates failing to obtain the minimum marks in each subject and two-fifths of the total marks shall not pass.

Nota.—Test I-A will be held till 1889 for persons employed in the Judicial Department of the British Service.

* By orders of 18th May 1867, Judicial Department, and 10th May 1869, Revenue Department, Government have twice decided that, *except under very special circumstances*, a departure from this rule cannot be permitted, a knowledge of English being deemed essential for the higher offices for which the Special Tests have been prescribed.

I-B.—JUDICIAL TEST—CIVIL—LOWER GRADE.

Offices.

1. Sheristadar in the High Court (Appellate Side), District Courts, Subordinate Judges' Courts.
2. Chief Clerk or Manager, Egmore Police Court.
3. Head Writer in District Courts and Subordinate Judges' Courts.

Examination fee—Rs. 6.

*Nature of Test.**

	Min. Marks.	Max. Marks.
(a) Code of Civil Procedure	30	120
(b) Limitation Act	15	60
(c) Stamp Act	15	60
(d) The Indian Evidence Act I of 1872	22	90

Remarks.

1. Candidates shall be ranked in the order of proficiency as determined by the total marks obtained by each, and shall be arranged in two classes, the first consisting of those who have obtained not less than one-half of the aggregate number of marks, the second consisting of those who have obtained not less than one-third of the aggregate number of marks.

2. Candidates failing to obtain the minimum marks in each subject and one-third of the total marks shall not pass.

3. *Vide* remarks 1 and 2 under I-A.

II-A.—JUDICIAL TEST—CRIMINAL—HIGHER GRADE.

Offices.

- | | | |
|-------------------------------------|---|---|
| 1. Subordinate Judge. | } | 4. Subordinate Magistrate of the First Class. |
| 2. District Munsif. | | 5. Chief Clerk or Manager, Egmore Police Court. |
| 3. Deputy Collector and Magistrate. | | |

Examination fee—Rs. 7.

Nature of Test.

	Min. Marks.	Max. Marks.
(a) The Indian Evidence Act I of 1872	30	90
(b) Mayne's Indian Penal Code	40	120
(c) Code of Criminal Procedure	40	120

Remarks.

Vide remarks 1, 2, 3 and 4 under I-A.

II-B.—JUDICIAL TEST—CRIMINAL—LOWER GRADE.

Offices.

1. Tahsildar and Second-class Sub-Magistrate; Taluk Sheristadar and Second-class Sub-Magistrate; Second-class Sub-Magistrate and Deputy Tahsildar; Second and Third Class Sub-Magistrates.

2. Sheristadar in the High Court (Appellate Side), District Courts, and Subordinate Judges' Courts.

3. Police Inspector.

4. Head Writer in District Courts and Subordinate Judges' Courts.

Examination fee—Rs. 6.

Nature of Test.

	Min. Marks.	Max. Marks.
(a) The Indian Evidence Act I of 1872	22	90
(b) Indian Penal Code	30	120
(c) Criminal Procedure Code	30	120

Remark

1. The papers set in the examination for this grade will be of an easier description than those set on the same subjects in the examination for the higher grade.

2. The examination will be conducted in English, except in the case of persons continuously in the public service since 1st January 1859, who will be permitted to be examined in a Vernacular.

This exception does not extend to Sheristadars, who must pass in English.

3. *Vide* remark 2 under I-A and remarks 1 and 2 under I-B.

III-A.—REVENUE TEST—GENERAL—HIGHER GRADE.

Offices.

- | | |
|--|---|
| 1. Deputy Collector and Magistrate. | 3. Sheristadar to the Board of Revenue. |
| 2. Uncovenanted Assistant in the Office of the Board of Revenue. | |

Examination fee—Rs. 9.

Nature of Test.

	Min. Marks.	Max. Marks.
(a) Regulations and Acts applicable to the various branches of the Revenue	40	120
(b) Circular Orders of the Board of Revenue	30	90
(c) Rules of the Stamp Department as contained under the chapter relating to stamps in Dr. Macleane's Circular Orders of the Board of Revenue, page 56	15	60
(d) Civil Account Code, Volume I, 4th Edition	20	50

Remarks.

- The examination will be in English.
- This test cannot be taken up with any Judicial Test.
- Questions on the Standing Orders of the Board of Revenue for the Revenue Test, General, will be set from Dr. Macleane's Edition.
- Vide* remarks 3 and 4 under I-A.

III-B.—REVENUE TEST—GENERAL—LOWER GRADE.

Offices.

- | | |
|------------------------------------|---|
| 1. Huzur Sheristadar. | 5. Sub-Collector's Sheristadar and Head Clerk. |
| 2. Second-class Sub-Magistrate. | 6. Head Assistant's Head Clerk. |
| 3. Tahsildar and Deputy Tahsildar. | 7. Abkari Superintendent and Deputy Superintendent, Madras. |
| 4. Tajuk Sheristadar. | |

Examination fee—Rs. 7.

Nature of Test.

	Min. Marks.	Max. Marks.
(a) Regulations and Acts applicable to the various branches of the Revenue	25	100
(b) Circular Orders of the Board of Revenue	20	100
(c) Civil Account Code, Volume I, 4th Edition, Chapters I to VII, XIII, XVII, XXVIII and XXXIX	20	60

Remarks.

1. The Revenue papers set for this grade will be easier than those set for the higher grade, and will refer only to those portions of the Regulations, Circular Orders, &c., a knowledge of which is requisite in the offices abovesamed, to which this test is made applicable.

2. The examination will be conducted in English, except in the case of persons continuously in the public service since 1st January 1859, who will be permitted to be examined in a Vernacular.

3. This test cannot be taken up with any Judicial Test.

4. *Vide* remarks 1 and 2 under I-B.

IV.—REVENUE TEST—SALT DEPARTMENT.

Subjects in which separate papers will be set.	Time allowed for each paper.	PERCENTAGE OF FULL MARKS REQUIRED FOR A PASS.		Remarks.	
		Higher Grade.	Lower Grade.		
<i>Test A.—Criminal Law.</i>					
(i) Indian Penal Code	3	30	25	The grades of this test will correspond with the existing Special Tests II-A and II-B, respectively, but candidates will be allowed to pass on obtaining the lower minimum marks here stated.	
(ii) Indian Evidence Act	3	25	20		
(iii) Criminal Procedure Code	3	30	25		
<i>Test B.—Salt.</i>					
(i) The salt laws and rules passed thereunder having the force of law.	2	50	33	The higher grade examination will include the Salt laws in force throughout India, as well as the Laws and Rules in force in the Madras Presidency. Candidates may pass the several branches of this test at different examinations. There will be no examination according to a lower grade in branches iii, iv, and v of this test.	
(ii) The standing orders of the Board of Revenue relating to Salt, and also those falling under the heads of Government Law suits, Treasury and Finance, Contingencies, Office Routine, Public Servants, and Weights and Measures, with the corresponding appendices, so far as applicable to the Salt Department; the Circular Orders of the Commissioner of Salt Revenue, and the practice of the department in cases not specially provided for by Standing or Circular Orders or by Rules.	3	50	33		
(iii) The Report of the Salt Commission, 1876.	1½	30	...		
(iv) Dr. Ratton's Hand-book of Common Salt.	1	40	...		
(v) The Manufacture and Chemistry of Saltpetre.	½	40	...		
<i>Test C.—Accounts.</i>					
(i) The Financial Codes and the Civil Travelling Allowance Code, so far as they relate to uncovenanted officers employed in the Salt Department; and the Civil Account Code, Chapters 1-6, 10 and 17, 3rd Edition.	2	30	...		The several branches of this test may be passed at separate examinations. There will be no examination according to a lower grade in branch i of this test.
(ii) The method of keeping the accounts and rendering the returns in use and required in the Salt Department.	3	50	25		
<i>Test D.—Engineering.</i>					
(i) Surveying with chain and compass; keeping a field-book; and plotting an ordinary survey of fairly level country to a simple scale.	2	40	25	The several branches of this test may be passed at separate examinations. There will be no examination according to a lower grade in branch ii of this test.	
(ii) The theory and practice of levelling, including the use and adjustments of the dumpy level; also the keeping a field-book and drawing sections to simple scales.	2	40	...		
(iii) The mensuration of planes and solids.	1	50	30		

IV.—REVENUE TEST—SALT DEPARTMENT—continued.

Subjects in which separate papers will be set.	Time allowed for each paper.	PERCENTAGE OF FULL MARKS REQUIRED FOR A PASS.		Remarks.
		Higher Grade.	Lower Grade.	
<i>Test D.—Engineering—cont.</i>	HRS.			
(iv) The preparation of plans and estimates for, and the execution of simple construction and repair works of the following descriptions, such as are in ordinary use in the department :— (a) Roads, including small bridges. (b) Offices, peons' lines, &c. (c) Embankments and channels.	3	60	40	
<i>Test E.—Lingustic.</i>				
(i) Ability to converse fluently in a vernacular language spoken in the Madras Presidency, other than Hindustani.	...	40	...	There will be only one grade in this test. It must be passed in two Vernaculars, one of which must be Tamil or Telugu, and the other not Hindustani. The examination in branches i and ii will be entirely <i>visà voce</i> . All branches of this test must be passed simultaneously. The marks allowed will be— Branch i ... 100 " ii ... 50 " iii ... 30 An aggregate of 90 marks must be obtained in order to pass.
(ii) Reading an arzi, badly written in a difficult hand and badly spelt.	...	40	...	
(iii) Writing an order in the Vernacular ...	1	33	...	

2. The examinations in Tests A, B, C, and D will be annual, and will be conducted by the Commissioner for the Uncoovenanted Civil Service Examinations. Three months' notice will be given of the dates fixed for these examinations. Candidates will be required to pay the following fees on each occasion of their appearance for any test or branch of a test :—

RS.

For each test, or branch of a test, according to the higher or only grade ... 7
Do, do, do, lower grade ... 5

3. Candidates for Test D, Higher Grade, will further be required to execute and plot a simple survey, and also to run, and draw the section of, an easy line of levels before a Local Committee, composed of an officer of the Public Works Department and of an Assistant Commissioner or other superior officer of the Salt Department. Two-thirds of full marks must be obtained for a pass in practical surveying and levelling. The time to be allowed for surveying and levelling will be determined by the Local Committee.

4. The text-books to be studied for Test D are—

Notes on Building and Road-making, } Published by Messrs. Higginbotham and
Schoury's Text-book on Estimating. } Co.
The Rurki Manual of Surveying.

5. Officers may present themselves for the Higher Grade Examination in Tests A, B, C, and D without previously passing by the Lower Grade. Should they fail to pass, but obtain the number of marks prescribed for the Lower Grade, they will be declared to have passed by the Lower Grade Examination.

6. The examinations in Test E will be conducted under the orders of the Commissioner of Salt Revenue by a Departmental Committee presided over by the Commissioner himself or by a

Deputy Commissioner, at such places and times of year as may be convenient. No fees will be required for this test. No great grammatical knowledge or accuracy of spelling or elegance of expression will be required of candidates, but the languages must be spoken, read and written fluently and intelligibly.

7. Unless exempted, Inspectors must pass by the Higher Grade Examination in Tests A, B, C, and D, and in two languages by Test E before confirmation in their appointments, within the following periods:—

- Test A, at the first opportunity after two years' service.*
- Tests B and C, at the first opportunity after one year's service.*
- Test D, at the first opportunity after three years' service.*
- Test E in the language of the district in which employed, at the first opportunity after eighteen months' service;* and in a second language, at the first opportunity after two years' service from the date of passing in the first language, provided that not less than twelve months of the interval have been passed in employment in a district of which the second language is a Vernacular.

8. Assistant Inspectors will not, as a rule, be appointed Inspectors until they have passed the examinations prescribed for Inspectors. If for any reason they have been, or may be, previously promoted to be Inspectors, they will be considered to be on probation and to be liable to reduction to be Assistant Inspectors until they have so passed. The time allowed them to pass in each test will be as stated for Inspectors in the preceding paragraph.

9. Assistant Inspectors must pass by the Lower Grade Examination in Tests A, B, C, and D, and in one language by Test E, before promotion to be Assistant Inspectors of the First Grade, or, if they have for any reason been previously promoted, before confirmation in that grade. The time then allowed them to pass in each test will be as above stated. No Assistant Inspector shall be required to present himself for examination in a Vernacular language until he has been continuously employed for twelve months in districts where the same Vernacular is spoken.

10. Inspectors and First Grade Assistant Inspectors who may fail to pass according to the above rules will be liable to reduction as under, until they do pass—

- Inspectors to be First Grade Assistant Inspectors.
- First Grade Assistant Inspectors to Second Grade.

11. Second Grade Assistant Inspectors, failing to qualify according to the prescribed standards within three years from appointment to that grade, will be liable to be removed from the service, or, if they were promoted from inferior rank, to be reduced to that rank.

12. All officers in future appointed to be Sub-Inspectors of the first three grades, or to any other office in the department of a salary of Rs. 50 per mensem or upwards, must pass by the Lower Grade in Tests A, B, and C, and in one Vernacular language other than their own Vernacular by Test E, at the first opportunity after two years' service from the date of such appointment* in the case of Test A, and after one year's service* in the case of other tests. In case of failure to pass, they will be liable to be remanded to the appointments previously held by them.

13. After the lapse of three years from the date of this notification, no officer will be promoted to any appointment in the department of a salary of Rs. 50 per mensem or upwards who has not previously passed the tests prescribed in the preceding paragraph.

14. Officers below the rank of Assistant Inspector may pass the prescribed examinations in the Vernacular. All other officers must pass in English unless specially exempted by orders of Government.

15. Officers employed in the Salt Department will no longer be permitted to present themselves for the Third-class Test prescribed in G.O., 20th March 1879, No. 9C, Educational Department, but they will be allowed to do so for the Second-class and High Proficiency Tests.

16. Persons other than those actually employed in the Salt department may appear for any of the Salt Tests, provided they produce a recommendation from an officer of that department not inferior in rank to an Assistant Commissioner (G.O., No. 543, dated 2nd September 1884).

V.—REVENUE TEST—SEA CUSTOMS DEPARTMENT.

Offices.

1. Superintendent of Sea Customs.
2. Assistant Superintendent of Sea Customs, when the salary of the office amounts to Rs. 50 per mensem or more,

Examination fee—Rs. 4.

* Counting in the case of those already appointed, from the date of the promulgation of these rules.

Nature of Test.

	Min. Marks.	Max. Marks.
Act XII of 1875 (Indian Ports Act).	}	20
Act VIII of 1878 (Sea-Customs Act).		
Act IV of 1881 (An Act to enhance the rate of Port Dues leviable at Madras).		
Act XI of 1882 (Indian Tariff Act).		
Act V of 1883 (Merchants' Shipping Act).		
Madras Act I of 1881.	}	25
Rules under the Sea Customs Act (VIII of 1878) published in the <i>Fort St. George Gazette</i> , dated 11th December 1883, part I, page 820.		
Directions for the use of the tables for ascertaining strength of spirits by L. Casella.		
General minimum		
General minimum		
		90

Remarks.

1. There is no Lower Grade in this examination.
2. The examination will be in English, except in the case of candidates allowed to pass in the Vernacular, by special order of Government.
3. This test may be taken up with Test VIII, but not in conjunction with any other test.
4. Examinations in this test will be held at the same time as the annual examination referred to in General Rule 4, but only when occasion may require, and will be open only to persons qualified under General Rule 4 who may produce certificates from the Collectors of the districts, in which they seek employment, recommending them for examination.
5. Candidates should submit with their applications for admission to the examination, a certificate from the Collector of Sea Customs or other competent officer testifying to their knowledge of the use of hydrometers. When such certificates are granted by Sea Customs Superintendents, they should be countersigned by a Revenue Officer of rank not lower than that of a Deputy Collector.

VI.—ACCOUNT TEST.

Offices.

1. Accountant in the Board's Office.
2. Accountant in the English Department of Collector's Offices drawing salaries of Rs. 50 and upwards.
3. Accountant, Marine Office.*
4. Accountant in the Sea Customs Office.*
5. Accountant in the Stamp Office.*
6. Accountant in the office of Conservator of Forests.*

Examination fee—Rs. 5.

Nature of Test.

	Min. Marks.	Max. Marks.
(a) Book-keeping by single and double entry	30	60
(b) Civil Account Code	30	60
General minimum	60	

Remarks.

1. Chapters 1 to 5, 9, 10, 11, 14, 15 and 17, Volume I, 4th Edition, are prescribed for the post of accountants in all offices other than Collectors, and Volume I of the Code for the post of accountants in the Treasury and Account Departments of Collectors' establishments. Book-keeping forms a part of the test in both cases, but candidates for the full test are not required to pass in book-keeping again if they have once been declared to have passed that test. Under G.O., 29th October 1879, Financial Department, No. 2065, the Account Test will not be applied to candidates for admission into the Accountant-General's office, Madras.
2. Candidates for this test may pass in Translation Test and Précis-writing at the same examination, but in no other test.
3. The examination in this test will be held at the same time as the annual examination referred to in General Rule 4, but only when occasion may require, and will be open only to persons qualified under General Rule 4, who may produce certificates from the heads of the departments, in which they seek employment, recommending them for examination.

* For these offices the test comprises book-keeping only.

VII-A.—TRANSLATION TEST—HIGHER GRADE.

Offices.

1. Translators and Interpreters in the High Court and District Courts.
2. Interpreters in the Court of Small Causes, Madras, Office of the Commissioner of Police, and Police Courts.

Examination fee—Rs. 6.

<i>Nature of Test.</i>	Min. Marks.	Max. Marks.
Ability to translate an ordinary official paper from Vernacular into English	30	60
Ability to translate an ordinary official paper from English into Vernacular	30	60
Total ...	60	120
Ability to translate a paper of greater difficulty from Vernacular into English	40	80
Ability to translate a paper of greater difficulty from English into Vernacular	40	80
Total ...	80	160
Interpretation <i>vis à voce</i> from Vernacular into English	25	50
Interpretation <i>vis à voce</i> from English into Vernacular	25	50
Total ...	50	100

Remarks.

1. Accuracy and rapidity of translation will be required in the Higher Grade.
2. A separate certificate of proficiency will be given for each of the following Vernaculars in which the candidate may pass:—

- | | |
|----------------|---------------|
| 1. Telugu. | 5. Malayalam. |
| 2. Tamil. | 6. Uriya. |
| 3. Hindustani. | 7. Tulu. |
| 4. Kanarese. | |

3. Candidates for the offices of translator and interpreter in the High Court are required to pass in one Vernacular language only, and candidates for the office of translator of a district and Sessions Court are required to pass in the language or languages of the district in which they seek employment as under—

<i>Districts.</i>	<i>Languages.</i>
Ganjam	Telugu and Uriya.
Vizagapatam, Godavari, Kistna, Nellore, Cuddapah, Kurnool	Telugu.
Bellary, Anantapur	Telugu and Kanarese.
Chingleput, North Arcot, Salem	Tamil and Telugu.
Coimbatore	Tamil and Kanarese.
North and South Malabar	Malayalam.
South Arcot, Trichinopoly, Tanjore, Madura, Tinnevely	Tamil.
South Canara	Kanarese and Tulu.

4. In sending in applications for examination, candidates must specify the language or languages in which they desire to obtain certificates.

5. This test cannot be taken up with any other test except Précis-writing.

6. Examinations in this test will be held at the same time as the annual examination, or from time to time as occasion may require. Applications for examination must in all cases be accompanied by certificates from the heads of departments, in which employment is sought, recommending the applicants for examination.

VII-B.—TRANSLATION TEST—LOWER GRADE.

Offices.

1. Subordinate Judge.
2. District Munsif.
3. Deputy Collector and Magistrate.
4. Translators in Offices of Government, Board of Revenue, Office of the Director, of Revenue Settlement, and Collector's Offices.
5. English Record-keeper in Collector's Offices.
6. Sub-Collector's Sheristadar.
7. Head Assistant's Head Clerk.
8. Head Writers, District and Sessions Courts, and Subordinate Judges' Courts.
9. Head Clerks, Small Cause Courts.
10. Head Clerks in Police Courts and Assistant Head Clerk, Egmore Police Court.
11. All the other offices designated under I-B, II-A, II-B, III-A, III-B, and V, and Registrar, Deputy Registrar, Examiner, Record-keeper, or Clerk in the Correspondence Department of any Court other than the High Court, drawing salaries of Rs. 50 and upwards in case the candidate has not passed in the Vernacular language of the district in which he seeks employment in the examination of the Madras or other University.

Examination fee—Rs. 4.

Nature of Test.	Min.	Max.
	Marks.	Marks.
Ability to translate an ordinary official paper from Vernacular into English	30	60
Ability to translate an ordinary official paper from English into Vernacular	30	60
Total	60	120

Remarks.

1. Candidates for this test can pass in one language only at the same examination.
2. Candidates for offices designated under II-B and III-B, who execute their papers in the language of their districts, will not be required to pass this test, as also Bachelors of Arts of the Madras University whose optional language in the B.A. Degree Examination was the Vernacular of the district in which they seek employment.

VIII-A.—PRECIS-WRITING—HIGHER GRADE.

I.—General.

First, Second, and Third Assistants, Registrar, Record-keeper, Head Examiner in the Press Department, Deputy Registrar, Indexer, Examiner, Head Clerk of the Reference Branch, Head Clerk of the Petition Department, and Head Clerk of the Pension Department in the Government Office.

II.—Judicial.

Subordinate Judge.
 District Munsif.
 Sheristadar.
 Manager.
 Record-keeper.
 Examiner of Correspondence.
 Indexer.

} High Court, Appellate Side.

Sheristadar in District and Sessions Courts and Subordinate Judges' Courts.
 Head Writer in District and Sessions Courts and Subordinate Judges' Courts.
 Manager, Record-keeper, and Examiner, Madras Small Cause Court.
 Head Clerks in Small Cause Courts.
 Examiner and Record-keeper in all the Courts.
 Book-keepers and Head Auditor in the Office of the Inspector-General of Police.
 Manager in the Office of the Commissioner of Police.
 Manager, Egmore Police Court, Madras.
 Record-keepers in the Police Courts, Presidency.
 Manager, Government Agency, Visagapatam.

III.—REVENUE.

Head Sheristadar, Uncovenanted Assistants, Registrar, Deputy Registrar, Local Fund Manager, Manager of the Forest Department, First, Second, Third and Fourth Accountants, Record-keeper, Indexer, Head Translator, and Head Accountant in the Local Fund Department in the Office of the Board of Revenue.
 Manager, Indexer, Examiner, and Record-keepers in the Office of the Director of Revenue Settlement.
 Deputy Collector and Magistrate.
 Huzur Sheristadar.

Sub-Collector's Sheristadar.
 Tahsildars.
 Sub-Magistrates.
 Abkari Superintendent, Madras.
 Manager and Accountants drawing salaries of Rs. 80 per mensem and upwards in the Sea Customs Office, Madras.
 Accountant, English Department, Collector's Office.
 English Record-keeper in Collector's Office.
 Accountants in the Stamp Office, Madras, and Forest Conservancy Department drawing salaries of Rs. 80 per mensem and upwards.

IV.—MISCELLANEOUS.

Superintendents and Accountants drawing salaries of Rs. 80 and upwards per mensem in the Accountant-General's Office.
 Manager, Office of the Commissioner for the U. C. S. Examinations.
 Manager, Office of the Director of Public Instruction.
 Manager, Examiner, Deputy Examiner, Record-keeper, and Accountants drawing Rs. 80 and upwards in the Marine Office, Madras.
 Manager and Record-keeper in the Office of the Chepauk Agent and Paymaster of Carnatic Stipends.

All Clerks drawing a salary of Rs. 80 and upwards per mensem.

Examination fee—Rs. 4.

Nature of Test.

	Min. Marks.	Max. Marks.
Writing a précis of a set of official papers	50	100

Remarks.

1. This examination will be conducted in English.
2. Graduates of an English or Indian University are exempt from this test.
3. Accountants in the Accountant-General's Office and in other offices in the Presidency and Provinces, whose salaries do not exceed Rs. 75 per mensem, are exempted from passing this test.

VIII-B.—PRECIS-WRITING—LOWER GRADE.

Offices.

1. For list of offices for which this test is prescribed, see under the corresponding heading under VIII-A.

Examination fee—Rs.

Nature of Test.

	Min. Marks.	Max. Marks.
Writing a précis of a set of official papers	50	100

Remarks.

This examination will be in the Vernacular and will be confined to the cases of those persons who, having been continuously in the public service since 1st January 1859, may apply for examination in the Vernacular, and of those who have been permitted by special order of Government to pass I, II, or III in the Vernacular. All persons not coming within these descriptions, must pass the higher test.

GENERAL RULES.

1. Candidates will be permitted to take up any or all of Tests I, II, VII-B, and VIII, or Tests III, VII-B, and VIII at the same examination. A separate certificate will be granted for each test successfully passed, and no candidate will be required to pass in the same test twice.
2. Candidates will not be permitted to appear for examination in both the lower and the higher standards of any test at the same examination.
3. Candidates will not, under any circumstances whatever, be permitted to come up for examination in a part only of the subjects prescribed for a test.
4. There will be an annual examination in the tests aforesaid open to all servants who have been continuously in the permanent employ of Government since the 1st January 1859, to graduates and under-graduates of an Indian University, and to men who have passed the late General Test Examination or the Middle School Examination in the First Class, on production of a vaccination certificate and payment of the prescribed fees.

5. Graduates in Law of an Indian University may be appointed to any of the posts specified under I-A, II-A, and II-B without passing those tests; but, if they are candidates for the posts specified under I-B, that test must be passed. The exemption here given extends only to the tests named, and not to any other tests which may be prescribed for the same posts.

6. Persons in public employ on the 1st January 1859, but who may subsequently have resigned their appointments, cannot be admitted to any of the Special Tests unless they have passed either the late General Test or the Middle School Examination in the First Class or the University Entrance Examination, with the Hand-writing Test in the case of those who have matriculated after 1875, or been specially exempted from passing the Middle School Examination by Government.

7. Special exemption from passing the late General Test or the Middle School Examination includes permission to appear for the Special Tests unless such permission is specially withheld.

8. No persons will be permitted to appear for Test III-A, Revenue General, Higher Grade, who have not passed the First in Arts Examination (or who are not graduates of an Indian University) except those now in the service of Government, who will be allowed to appear for examination in the Revenue Test, Higher Grade, up to and including the year 1889.

9. The concession made in the preceding rule is extended to persons in the service of the Pudukótta State, who, when submitting their application for admission to the examination, must produce a certificate from the Sirkele testifying to their service in that State; and also to persons in the service of the Court of Wards, or of District or Municipal Boards. — *Gazette* page 157, 24th February 1886.

The examinations will as far as possible be conducted in the order of time and subjects shown below.

SPECIAL TESTS.

Date.	Hour.	Subject.	Test.
First day.	10 A.M. to 12 noon	Indian Contract Act	I-A.
		Law relating to Sea Customs and Conservancy of Ports.	V.
		Equity	I-A.
		Muhammadan Law	I-A.
Second day.	2½ P.M. to 5 P.M.	Sea Customs Rules, &c.	V.
	10 A.M. to 12 noon.	Law of Torts	I-A.
		Stamp Act	I-B.
	10 A.M. to 1 P.M.	Revenue Law and Regulations	III-A., III-B.
	2 P.M. to 4½ P.M.	Hindu Law	I-A.
	2 P.M. to 3½ P.M.	Limitation Act	I-B.
2 P.M. to 5 P.M.	Circular Orders of the Board of Revenue.	III-A., III-B.	
Third day.	10 A.M. to 1 P.M.	Code of Civil Procedure	I-A., I-B.
	10 A.M. to 12 noon	Civil Account Code	III-A., III-B., VI.
	2 P.M. to 5 P.M.	Indian Evidence Act	I-A., II-A., I-B., II-B., IX.
		Book-keeping	VI.
Fourth day.	2 P.M. to 3½ P.M.	Stamp Rules	III-A.
		Translation, Higher Grade. First or more difficult paper. English into Vernacular.	VII-A.
	10 A.M. to 1 P.M.	Penal Code	II-A., II-B., IX.
		Code of Criminal Procedure	II-A., II-B., IX.
2 P.M. to 4½ P.M.	Translation, Higher Grade. First or more difficult paper. Vernacular into English.	VII-A.	
	Translation, Lower Grade. English into Vernacular.	VII-B.	
Fifth day.	10 A.M. to 12 noon.	Translation, Lower Grade. Vernacular into English.	VII-B.
	2 P.M. to 4 P.M.	Translation, Lower Grade. Vernacular into English.	VII-B.
Sixth day.	10 A.M. to 1 P.M.	Precis-writing, Higher and Lower Grades.	VIII-A., VIII-B.

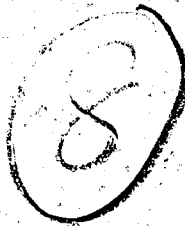
SALT TEST.

Date.	Hour.	Subjects.	Test.	Remarks.
First day.	10 A.M. to 1 P.M. ...	Indian Penal Code ...	A-I (Higher & Lower).	Recess.
	1 P.M. to 2 P.M. ...	.....	.....
	2 P.M. to 5 P.M. ...	Indian Evidence Act ...	A-II (Higher & Lower).	
Second day.	10 A.M. to 1 P.M.	Criminal Procedure Code ...	A-III (Higher & Lower).	Recess.
	1 P.M. to 1½ P.M.	.....	.....
	1½ P.M. to 3½ P.M.	The Salt Law and Rules ...	B-I (Higher & Lower).	
	3½ P.M. to 5 P.M.	The Report of the Salt-Commission.	B-III (Higher).	
Third day.	10 A.M. to 1 P.M.	The Standing Orders of the Board of Revenue.	B-II (Higher & Lower).	Recess.
	1 P.M. to 2 P.M.	Dr. Ratton's Hand Book of Common Salt.	B-IV (Higher).	
	2 P.M. to 2½ P.M.	.....	.....
	2½ P.M. to 3 P.M.	The Manufacture and Chemistry of Saltpetre.	B-V (Higher).	
	3 P.M. to 5 P.M.	The Financial Codes, &c. ...	C-I (Higher).	
Fourth day.	10 A.M. to 1 P.M.	The Method of keeping Accounts, &c.	C-II (Higher & Lower).	Recess.
	1 P.M. to 1½ P.M.	.....	.....
	1½ P.M. to 3 P.M.	Surveying with Chain and Compass, &c.	D-I (Higher & Lower).	
	3 P.M. to 5 P.M.	The Theory and Practice of Levelling, &c.	D-II (Higher).	
Fifth day.	10 to 11 A.M. ...	Mensuration of Planes and Solids.	D-III (Higher & Lower).	
	11 A.M. to 2 P.M. ...	The preparation of Plans and Estimates, &c.	D-IV (Higher & Lower).	

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PUBLIC WORKS DEPARTMENT.



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5 Category under which the subject falls, viz.:-	6	7	8
I. Matters which are of wholly provincial concern. II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the Provincial Government may be necessary. III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of Government of India. IV. Matters which are wholly Imperial.	Intra-provincial classification into Reserved and Transferred.	Nature and extent of the relaxation of the control of the Government of India entailed by the classification of each subject.	Remarks.
I. (Matters which are of wholly provincial concern). Do. do. Do. do. Do. do. Do. do. Do. do.			

1	2	3	4
<p>Head of business, i. e., subjects.</p> <p>5. Remission of rent on account of water-supply, sanitary and electric installations.</p> <p>6. Local purchase of stores—</p> <p>a) Purchase of articles of foreign manufacture which are not already actually in the country at the time of order from local agents or firms in India.</p> <p>b) Purchase of articles of foreign manufacture which are already in India at the time of order and the price and quality of which are not unfavourable as compared with those at which similar articles could be obtained through the India Office.</p> <p>Establishment and Tools and Plant.</p> <p>Remission of Establishment and Tools and Plant charges on works carried out by the Public Works Department for Local Boards, Municipalities, etc.</p> <p>Project estimates for—</p> <p>Productive Irrigation Works</p>	<p>Budget head under which revenue and expenditure falls.</p> <p>Expenditure— 45 Civil Works— Provincial. Revenue—XXXI, Civil Works— Provincial.</p> <p>The heads of revenue and expenditure will be the same as those of the works for which the stores are required.</p> <p>Do.</p> <p>Expenditure— 45, Civil Works— Provincial. Revenue—XXXI, Civil Works— Provincial.</p> <p>Capital expenditure—Under the head "49, Irrigation Works"; Maintenance and repairs—Under the head "49, Major Works—Working expenses". Revenue— "XXIX, Major Works".</p>	<p>Law, Code of Regulations or rules or instructions of the Government of India under which the business is conducted. Brief explanations of the sections of such law or articles of the Code under which the Government of India have power to regulate or control the action of the Local Government.</p> <p>Public Works Department Code. Paragraph 931 of the Public Works Department Code, Volume I, and letters from the Government of India Nos. 232-B. I. and I. P. W., dated the 22nd June 1917 and 25th April 1918, respectively. Also vide circular letter from the Government of India, No. 2-P. W., dated 2nd September 1918.</p> <p>Under these orders the sanction of the Government of India is necessary to the remission of rent on electric installations except in the cases of officers drawing Rs. 500 and Rs. 100, when the salaries are chargeable to Provincial and Imperial Revenues, respectively. The sanction of that Government is also required to the remission of rent on water-supply and sanitary installations in the cases of residences occupied by officers drawing more than Rs. 500 when the salary is charged wholly or partly to Provincial Revenues and more than Rs. 100 when the salary is charged wholly to Imperial Revenues unless (1) the installations existed prior to the date of the issue of the orders contained in Government of India letter No. 232-B. I., dated the 22nd June 1917, and (2) the installations are newly made, but the occupant is required to live in the particular quarters in the interests of Government.</p> <p>Public Works Department Code. Rules 3 (a) and 5 of Appendix 30, Public Works Department Code, Volume III. Under these rules the sanction of the Government of India is necessary to the local purchase of articles of foreign manufacture which are not already actually in the country at the time of order.</p> <p>Do. Public Works Department Code. Rule 3 (a), Appendix 30, Public Works Department Code, Volume III. Under this rule the power of the Local Government to sanction purchases of the nature in question is limited to Rs. 8,000, vide rule 13, Appendix 30, Public Works Department Code, Volume III.</p> <p>Letter from the Government of India, Finance Department, No. 57-A, dated the 9th February 1918. Under the orders contained in paragraph 9 of the letter above referred to, the power of the Local Government to sanction the remission of Establishment and Tools and Plant charges is restricted to works costing less than Rs. 1,000.</p> <p>No expenditure upon the construction of a productive work can at present be incurred except with the previous sanction of the Government of India. Public Works Code, paragraphs 1899 (c), 1890 and also 1892 seq.</p>	<p>Memorandum dealing with the method of recruitment, leave, disciplinary control, suspension, dismissal and pension of the service and the control exercised over it by the Government of India.</p>

<p style="text-align: center;">5</p> <p style="text-align: center;">Category under which the subject falls, viz. :—</p> <p>I. Matters which are of wholly provincial concern.</p> <p>II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the provincial Government may be necessary.</p> <p>III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of Government of India.</p> <p>IV. Matters which are wholly Imperial.</p>	<p style="text-align: center;">6</p> <p style="text-align: center;">Intra-provincial classification into Reserved and Transferred.</p>	<p style="text-align: center;">7</p> <p style="text-align: center;">Nature and extent of the relaxation of the control of the Government of India entailed by the classification of each subject.</p>	<p style="text-align: center;">8</p> <p style="text-align: center;">Remarks</p>
<p>(Matters which are of wholly provincial concern.)</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p>			

1	2	3	4
<p>Head of business, i. e., subjects.</p>	<p>Budget head under which revenue and expenditure falls.</p>	<p>Law, Code of Regulations or rules or instructions of the Government of India under which the business is conducted. Brief explanations of the sections of such law or articles of the Code under which the Government of India have power to regulate or control the action of the Local Government.</p>	<p>Memorandum dealing with the method of recruitment, leave, disciplinary control, suspension, dismissal and pension of the service and the control exercised over it by the Government of India.</p>
<p><i>Project estimates for—continued.</i></p>			
<p>(ii) Protective Irrigation Works ...</p>	<p><i>Capital expenditure</i>—Under the head "35, Construction of Protective Irrigation Works". <i>Maintenance and repairs</i>—Under the head "43, Major Works—Working expenses". <i>Revenue</i>—"XXIX, Major Works".</p>	<p>No expenditure upon the construction of Protective Irrigation Works can at present be incurred except with the previous sanction of the Government of India. Public Works Code, paragraphs 1959, 1960 and 1961.</p>	
<p>(iii) Minor Works and Navigation...</p>	<p><i>Expenditure</i>—Head "43, Minor Works and Navigation". <i>Revenue</i>—XXX, Minor Works and Navigation".</p>	<p>The sanction of the Government of India is at present required to expenditure on an irrigation project of which the estimate of cost chargeable to general revenues exceeds Rs. 16 lakhs for works alone and Rs. 30 lakhs including provision for establishment, tools and plant. When the estimate has been sanctioned by the Secretary of State or the Government of India, the Local Government can sanction outlay in excess up to 10 per cent. of the original sanctioned amount of estimate and up to 12½ lakhs including establishment, tools and plant. No excess over a revised estimate sanctioned by the Secretary of State or the Government of India can be sanctioned by the Local Government. Rule 10 (18) of annexure to the Government of India, Finance Department, Resolution No. 361-E.A., dated 24th July 1916.</p>	
<p>9. Estimates for additional works which it may be necessary to construct after the closing of the construction estimate of irrigation projects, to be sanctioned against the open capital Account.</p>			
<p>(i) <i>Productive Works.</i></p>			
<p>(a) Works which are directly remunerative in themselves.</p>	<p><i>Expenditure</i>—"49, Irrigation Works". <i>Revenue</i>—"XXIX, Major Works".</p>	<p>(a) The Local Government can sanction up to the limit of Rs. 35,000 for works alone. Public Works Code, paragraph 1919—V (b).</p>	
<p>(b) Works which are not directly remunerative in themselves but necessary for the full development of the project.</p>	<p>.....</p>	<p>(b) The Local Government can sanction up to the limit of Rs. 15,000 for works alone. Public Works Code, paragraph 1919—V (a).</p>	
<p>(ii) <i>Protective Works.</i></p>	<p><i>Expenditure</i>—"35, Construction of Protective Works". <i>Revenue</i>—"XXIX, Major Works".</p>	<p>The Local Government can sanction up to the limit of Rs. 2 lakhs for works alone or Rs. 2½ lakhs including establishment, tools and plant charges. Public Works Code, paragraphs 1969—IV and 1925.</p>	
<p>(iii) Classification of Irrigation Minor Works estimated to cost over Rs. 50,000 under the heads "Works for which only Revenue Accounts are kept" or "Works for which neither Capital nor Revenue Accounts are kept."</p>	<p><i>Expenditure</i>—"43, Minor Works and Navigation".</p>	<p>Government of India's sanction is necessary when the outlay is over Rs. 50,000. Public Works Code, paragraph 1967.</p>	
<p>10. Sale or demolition of Irrigation buildings.</p>	<p><i>Expenditure</i> charged to the Imperial Irrigation head "35" or "49".</p>	<p>The powers of sanction of the Local Government are limited to the case of those buildings whose book value does not exceed Rs. 1,000, vide Public Works Code, paragraph 908.</p>	

<p style="text-align: center;">5</p> <p style="text-align: center;">Category under which the subject falls, viz. :-</p> <p>I. Matters which are of wholly provincial concern.</p> <p>II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the provincial Government may be necessary.</p> <p>III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of Government of India.</p> <p>IV. Matters which are wholly Imperial.</p>	<p style="text-align: center;">6</p> <p style="text-align: center;">Intra-provincial classification into Reserved and Transferred.</p>	<p style="text-align: center;">7</p> <p style="text-align: center;">Nature and extent of the relaxation of the control of the Government of India entailed by the classification of each subject.</p>	<p style="text-align: center;">8</p> <p style="text-align: center;">Remarks.</p>
<p>I. Matters which are of wholly provincial concern.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p>			

1 Head of business, <i>i. e.</i> , subjects.	2 Budget head under which revenue and expenditure falls,	3 Law, Code of Regulations or rules or instructions of the Government of India under which the business is conducted. Brief explanations of the sections of such law or articles of the Code under which the Government of India have power to regulate or control the action of the Local Government.	4 Memorandum dealing with the method of recruitment, leave, disciplinary control, suspension, dismissal and pension of the service and the control exercised over it by the Government of India.
11. Grant of powers under the Indian Telegraph Act, 1885 (<i>viz.</i> , XIII of 1885) for the erection of overhead lines.	.....	Section 51 of the Indian Electricity Act, 1910. Under this section the Governor General in Council is alone competent to confer upon any public officer or licensee, for the placing of appliances and apparatus for the transmission of energy, any of the powers which the Telegraph authority possesses under the I. T. Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by Government or to be so established or maintained.	
12. Grant of power to make rules under the I. E. Act, 1910.	.....	Section 37 of the I. E. Act, 1910 ... Under this section the power to make rules to regulate the generation, transmission, supply and use of energy solely vests in the Governor-General in Council.	
13. (a) Railways	<i>Expenditure.</i>	(i) Indian Railways Act (ii) Government of India, Department of Commerce and Industry, Resolution No. 8699-8738 dated 11th October 1907. (iii) Railway Board's Circular No. 2029-R. E., dated 1st November 1907. <i>Note.</i> —The Government of Bombay do not exercise any control over Railway matters. They are only consulted by the Government of India (Railway Board) or Railway Administrations on all questions affecting local and commercial interests, such as construction of new Railway lines, over-bridges across Railways, Railway terminal arrangements, Railway rates, Railway Board's programme of Railway construction, etc.	
(b) Light and feeder railways.	38.—State Railways. 40.—Subsidized Companies. 41.—Miscellaneous Railway Expenditure—Imperial. 44.—Construction of Railways—Provincial. <i>(Note.</i> —Provincial expenditure under the last 3 heads is permitted only under the special orders of the Government of India.)		
(c) Tramways. (So far as they lie outside Municipal limits and constructed under the Indian Tramways Act, 1886.)	The existing tramways are owned by private companies.	Section 4 of the Indian Tramways Act, 1886.	
14. Administrative approval to Provincial Civil Works estimated to cost over 16 lakhs exclusive of Establishment and Tools and Plant charges.	<i>Revenue.</i> XXXI.—Civil Works, Provincial. <i>Expenditure.</i> 45.—Civil Works, Provincial.	Paragraphs 648 and 649 of the Public Works Department Code, Volume I, as modified by the Government of India, Public Works Department, Resolution No. 41-A.G., dated 19th January 1918, printed in the preamble of Public Works Department Resolution No. G.W.-9090, dated 23rd February 1918, and Government of India, Finance Department, Resolution No. 361-E.A., dated 24th July 1916, printed as an accompaniment to Financial Department Order No. 2952, dated 11th October 1916. Under the paragraphs quoted above and the orders of the Government of India the local Government can accord administrative approval to Provincial Civil Works up to Rs. 16 lakhs exclusive of Establishment	

5 Category under which the subject falls, viz. :- I. Matters which are of wholly provincial concern. II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the Provincial Government may be necessary. III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of the Government of India. IV. Matters which are wholly Imperial.	6 Intra-provincial classification into Reserved and Transferred.	7 Nature and extent of the relaxation of the control of the Government of India entailed by the classification of each subject.	8 Remarks.
<p>III.—Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of the Government of India.</p> <p>Do. do.</p>			
<p>IV.—Matters which are wholly Imperial ...</p>			<p>In list I showing Provincial subjects attached to Report on Constitutional Reforms it is proposed to give certain powers to the Local Government. In this connection it may be stated that the question of empowering Local Governments to utilize Provincial Funds on feeder lines was taken with the Government of India but the proposal was practically negative by that Government. It was finally intimated that every project for which Government desired to sanction assistance should be referred to the Government of India.</p> <p>The proposal submitted to the Government of India was that any feeder line to be constructed would be a line "little better than a street tramway with light cheap permanent travelling at low speeds, with a maximum of 12 miles an hour"; the length of the line to be 50 miles, costing say Rs. 80,000 a mile and with the Local Government proposed to contribute a limit of total cost to Provincial Revenues of 15 lakhs.</p> <p>It was explained to the Government of India that the object in view was not the construction or purchase of these local lines but the encouragement of private enterprise by contribution of capital cost and that a contribution of one-tenth of the capital would generally be the amount required, so that in a project or projects costing 80 lakhs, that is to say, for a hundred and fifty miles of line, the Local Government share would not exceed five lakhs.</p>
<p>I.—Matters which are of wholly provincial concern.</p>			
<p>I.—Matters which are of wholly provincial concern.</p>			

1 Head of business, i. e., subjects.	2 Budget head under which revenue and expenditure falls.	3 Law, Code of Regulations or rules or instructions of the Government of India under which the business is conducted, Brief explanations of the sections of such law or articles of the Code under which the Government of India have power to regulate or control the action of the Local Government.	4 Memorandum dealing with the method of recruitment, leave, disciplinary control, suspension and dismissal of the service and the control exercised over it by the Government of India.
15. Technical sanction to Provincial Civil Works estimated to cost over Rs. 16 lakhs exclusive of Establishment and Tools and Plant charges.	<p><i>Revenue.</i></p> <p>XXXI—Civil Works, Provincial.</p> <p><i>Expenditure.</i></p> <p>45—Civil Works, Provincial.</p>	<p>Paragraph 1925 of the Public Works Department Code, Volume II, as amended by the Government of India, Public Works Department, Resolution No. 41-A.G., dated 19th January 1918, printed in the preamble of Public Works Department Resolution No. C.W. 2090, dated 23rd February 1918. Under the paragraph quoted above and the Government of India Orders, this Government can sanction technically works estimated to cost Rs. 16 lakhs exclusive of Establishment and Tools and Plant charges.</p>	.....
16. Proposal for expenditure in excess of Rs. 45,000 on the three buildings at Bombay, Poona and Mahabaleswar occupied by the Head of the Local Government.	<p><i>Revenue.</i></p> <p>XXXI—Civil Works, Provincial.</p> <p><i>Expenditure.</i></p> <p>45—Civil Works, Provincial.</p>	<p>Paragraph 1932 (1) of the Public Works Department Code, Volume II.</p> <p>Under this paragraph as subsequently modified by the recent orders of the Government of India the Local Government can sanction expenditure on the three Government Houses within the limit of Rs. 45,000 in the aggregate.</p>	.....
17. Additions and alterations to Government House, Karachi, or the Commissioner in Sind's residence.	Do.	<p>Paragraph 2 of the letter from the Government of India, Public Works Department, No. 446-C.W.B., dated 19th April 1902, embodied in the preamble of Government Resolution No. C. W.-1185, dated 10th May 1902.</p> <p>Under the above orders this Government can sanction expenditure on additions and alterations to Government House, Karachi, up to a limit of Rs. 1,000.</p>	.....
18. Revisions of Permanent Establishments. (The expenditure in connection with which is wholly Provincial or is charged to a divided head.)	<p>45—Civil Works.</p> <p>42—Irrigation Major Works.</p> <p>48—Irrigation—Minor Works and Navigation.</p>	<p>Government of India, Finance Department, Resolution No. 861-E. A., dated the 24th July 1916.</p> <p>Rule 10 (5) of Part III of the Annexure to the Resolution quoted above.</p> <p>Under this rule the sanction of the Government of India is required to revisions of the kind described in column 1, if they involve additional expenditure, exceeding Rs. 50,000 a year. Further, the orders involving either (a) the revision of the rates of substantive pay of any one branch of the public service at a cost of more than Rs. 25,000 a year, or (b) the raising of the average pay of a service of which the maximum pay exceeds Rs. 500 a month, above the average rate approved at the revision last sanctioned by the Secretary of State or the Government of India, must be submitted in draft to the Government of India and if no orders are received from them within three months from the date of their receipt by the Government of India, the scheme may then be brought into effect forthwith.</p>	The details regarding the three main services of the Public Works Department (viz., the ginner, Upper Subordinate and Lower Subordinate Establishments) are given in the accompanying Memorandum prepared by this Department for the Public Services Commission.
19. Revisions of Permanent Establishments. (The expenditure in connection with which is wholly Imperial.)	<p>85—Protective Irrigation Works.</p> <p>49—Productive Irrigation Works.</p>	<p>Government of India, Finance Department, Resolution No. 861-E. A., dated the 24th July 1916.</p> <p>Rule 13 (2), of Part IV of the Annexure to the Resolution quoted above.</p> <p>The sanction of the Government of India is required at present to revisions of the kind shown in column 1, when the additional expenditure involved exceeds Rs. 6,000 per year.</p>	Do. do.

<p style="text-align: center;">5</p> <p>Category under which the subject falls, viz. :—</p> <p>I. Matters which are of wholly provincial concern.</p> <p>II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the provincial Government may be necessary.</p> <p>III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of Government of India.</p> <p>IV. Matters which are wholly Imperial.</p>	<p style="text-align: center;">6</p> <p>Intra-provincial classification into Reserved and Transferred.</p>	<p style="text-align: center;">7</p> <p>Nature and extent of the relaxation of the control of the Government of India, entailed by the classification of each subject.</p>	<p style="text-align: center;">8</p> <p>Remarks.</p>
<p>I.—(Matters which are of wholly provincial concern.)</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p style="text-align: center;">Do. do.</p> <p>II. (Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the Provincial Government may be necessary.)</p>			

1	2	3	4
<p>Head of business, i. e., subjects.</p>	<p>Budget head under which revenue and expenditure falls.</p>	<p>Law, Code of Regulations or rules or instructions of the Government of India under which the business is conducted. Brief explanations of the sections of such law or articles of the Code under which the Government of India have power to regulate or control the action of the Local Government.</p>	<p>Memorandum dealing with the method of recruitment, leave, disciplinary control, suspension, dismissal and pension of the service and the control exercised over it by the Government of India.</p>
<p>20. Allowances—Deputation. Grant of—to Imperial Engineers at a rate exceeding that ordinarily admissible under Article 81 of the Civil Service Regulations.)</p>	<p>This will be debited to the Budget head to which the expenditure on the work to which the deputation relates, is debitable.</p>	<p>Civil Service Regulations and Government of India, Finance Department, Resolution No. 361 E. A., dated 24th July 1916. Article 81 of the Civil Service Regulations and Rule 10 (5) (b) of Part III of the Annexure to the Resolution quoted above. At present the sanction of the Government of India is necessary to grant an officer of the Imperial service (as defined by Article 29-B of the Civil Service Regulations) deputation allowance exceeding that ordinarily admissible under Article 81 of the Civil Service Regulations.</p>	<p>The details regarding the three main services of the Public Works Department (<i>viz.</i>, the Engineer, Upper Subordinate and Lower Subordinate Establishments) are given in the accompanying memorandum prepared by this Government for the Public Services Commission.</p>
<p>21. Honoraria. Grant of—under Article 72 of the Civil Service Regulations.)</p>	<p>(a) When the honorarium is granted from the General Revenues it is debited to the Budget head to which the expenditure on the work concerned is debitable. (b) In other cases honorarium is paid from a local fund or the revenues of a Native State.</p>	<p>Civil Service Regulations. Article 72 (d) of the Civil Service Regulations. At present the powers of sanction of this Government under this article are limited to Rs. 500.</p>	<p>Do. do.</p>
<p>22. Allowances, permanent Convoys. To officers of the Imperial Engineer service who have a large amount of travelling at or within a short distance from head quarters.)</p>	<p>This will be debited to the Budget head to which the Officer's pay is debitable.</p>	<p>Civil Service Regulations Articles 1074 and 1077 of the Civil Service Regulations. At present local Governments have the power to grant such allowances to officers of the Provincial Engineer service and the sanction of the Government of India is necessary in the case of Imperial Engineer Officers. It may be noted that the Government of India have recently sanctioned the grant of a permanent conveyance allowance of Rs. 50 in the case of Imperial Assistant Engineers employed as Sub-divisional Officers at Poona, Karachi and Bombay. (Vide Government Order No. E.-5242, dated 21st May 1917.)</p>	<p>Do. do.</p>
<p>23. Deputations. Of officers and subordinates, the cost of which is wholly Imperial.)</p>	<p>35—Protective Irrigation Works. 49—Productive Irrigation Works.</p>	<p>Government of India, Finance Department, Resolution No. 361.E.A., dated 24th July 1916. Rule 15, Part IV of the Annexure to the Resolution quoted above. Under this rule, local Governments can sanction deputations in India, for any period, involving expenditure chargeable wholly to Imperial funds, provided the pay and allowances (including deputation allowance) do not exceed Rs. 250 per mensem.</p>	<p>Do. do.</p>
<p>24. Provident Fund. Admission of temporary Engineers under covenant to the benefit of the special contributory Provident Fund on the lines of the State</p>	<p>.....</p>	<p>At present the sanction of the Secretary of State has to be obtained in such cases, through the Government of India.</p>	<p>Do. do.</p>

<p style="text-align: center;">5</p> <p>Category under which the subject falls, viz. :—</p> <p>I. Matters which are of wholly provincial concern.</p> <p>II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the provincial Government may be necessary.</p> <p>III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of Government of India.</p> <p>IV. Matters which are wholly Imperial.</p>	<p style="text-align: center;">6</p> <p>Intra-provincial classification into Reserved and Transferred.</p>	<p style="text-align: center;">7</p> <p>Nature and extent of the relaxation of the control of the Government of India entailed by the classification of each subject.</p>	<p style="text-align: center;">8</p> <p>Remarks.</p>
<p>II. (Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the Provincial Government may be necessary.)</p>			
<p>Do. do.</p>			
<p>Do. do.</p>			
<p>Do. do.</p>			
<p>Do. do.</p>			

1	2	3	4
Head of business, i. e., subjects.	Budget head under which revenue and expenditure falls.	Law, Code of Regulations or rules or instructions of the Government of India under which the business is conducted. Brief explanations of the sections of such law or articles of the Code under which the Government of India have power to regulate or control the action of the Local Government.	Memorandum dealing with the method of recruitment, leave, disciplinary control, suspension, dismissal and pension of the service and the control exercised over it by the Government of India.
25. Leave. (Admission of temporary Engineers under covenant to the benefits of the European Service Leave Rules.)	.....	Civil Service Regulations ... At present the sanction of the Secretary of State has to be obtained through the Government of India.	The details regarding the three main services the Public Works Department (viz., the Engineer, Upper Subordinate and Lower Subordinate Establishments) are given in the accompanying memorandum prepared by the Government for the Public Services Commission.
26. Pensions. (Power to allow temporary service to count towards pension.)	.....	Civil Service Regulations ... Under Article 423 (2) of the Civil Service Regulations this Government has power to allow temporary service not exceeding one year to count towards pension but when the pension does not exceed Rs. 50 per mensem, this Government can allow temporary service to count, without any limit whatsoever, (vide Article 368 of the Civil Service Regulations.)	Do. do.

5 Category under which the subject falls, viz.— I. Matters which are of wholly provincial concern. II. Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the provincial Government may be necessary. III. Matters provincial in character in point of administration but as to which it is advisable that the right of legislation should be in the hands of Government of India. IV. Matters which are wholly Imperial.	6 Intra-provincial classification into Reserved and Transferred.	7 Nature and extent of the relaxation of the control of the Government of India entailed by the classification of each subject.	8 Remarks.
II. (Matters which are primarily provincial but in respect of which some statutory restriction on the discretion of the Provincial Government may be necessary.) Do. do.			

GOVERNMENT OF BOMBAY.

**MEMORANDUM ON THE PUBLIC WORKS
DEPARTMENT**

PREPARED FOR THE
ROYAL COMMISSION ON THE PUBLIC SERVICES IN INDIA,
1913.

9

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PART I.

The Establishment of the Public Works Department, excluding Railways, consists of four classes:—

The Engineer Establishment,
The Upper Subordinate Establishment,
The Lower Subordinate Establishment, and
The Clerical Establishment.

Note.—The Accounts Establishment is under the Accountant General and is not subject to the orders of the Local Government. It is, therefore, not dealt with in this note.

It is proposed to deal with each of these four classes separately.

(A) *Engineer Establishment.*

2. Precise information is not available as to the history and constitution of the Department prior to the year 1858. There was no separate appointment of Secretary to Government in the Public Works Department, the charge of that Department being held by the Secretary to Government, General and Ecclesiastical Departments. In that year, the maximum strength sanctioned by the Government of India for the Bombay Presidency, was:—

	Rs.
1 Chief Engineer at the Presidency	... 2,250
1 Chief Engineer in Sind	... 1,400
3 Superintending Engineers in charge Northern, Central and Southern Circles (now called Divisions)	... 1,200
1 Superintendent of Canals in Sind	... 1,000
1 Civil Architect at the Presidency	... 1,000
1 Garrison and Dockyard Engineer	... 700
1 Executive Engineer at Aden	... 600
29 Executive Engineers	{ 8—1st Class ... 900
	{ 9—2nd Class ... 750
	{ 10—3rd Class ... 600
	{ 2—4th Class ... 500
30 Assistant Engineers including Probationary Second Class, First Class, and Special Assistants	... 100—500
68 Total.	

The number of Executive Charges appears to have been 27 inclusive of six under the Sind Canal Department which were to be constituted as required.

3. In 1860 the Government of India brought to the notice of the Secretary of State for India, in the case of the Administrations of Bengal, North-Western Provinces, and the Punjab, the great inconvenience arising from the interposition of an unprofessional Secretary between the Lieutenant-Governor and the professional chief of the Public Works Department and suggested that the office of the Chief Engineer and that of the departmental Secretary to the Local Government should be united in the person of the same individual, who would be able in the one capacity to dispose, as before, of a great mass of detail without further reference while, in the other, he would be ready to assist with his technical knowledge and experience in the consideration of the more important questions which it would be incumbent upon him to submit to the head of the Government. The Secretary of State sanctioned the proposal and the Government of India forwarded copies of the correspondence to the Government of Bombay for information. The Government of Bombay, after full consideration, decided to adopt a similar measure in the Bombay Secretariat. The Chief Engineer at the Presidency was accordingly made the Secretary to Government, Public Works Department, and the charge of that Department

transferred to him. The Educational Department was transferred to the Secretary in charge of the Political and Judicial Departments, the Ecclesiastical Department to the Secretary in charge of the Military Department and the remaining duties of the General Department were transferred to the Secretary in charge of the Revenue and Financial Departments. It was thus found possible to reduce the number of Civilian Secretaries (which was formerly three) by one. A portion of the saving, effected by this reduction and the reduction in the office establishment, was devoted to the creation of a post of Under Secretary on Rs. 1,250 to assist the remaining two Civilian Secretaries whose work had been increased by the transfer of the abovementioned work. From 1860 to 1886, the date of the last Public Service Commission, various changes took place in the strength of the Department which for the present purpose it is unnecessary to detail.

4. The first important change in the constitution of the Bombay Public Works Department was the reduction and re-organization of the Department carried out in 1888-1889. Before the re-organization, the Superior establishment in the Bombay Public Works Department with the rates of pay then prevailing was as follows:—

	Rs.
1 Chief Engineer, 1st Class, and Secretary .	2,500
1 Chief Engineer, 2nd or 3rd Class, Chief Engineer for Irrigation, and Joint Secretary ...	1,900
1 Superintending Engineer, 1st Class, and Superintending Engineer of a Division ...	1,600
1 Do. do. ...	1,600
1 Superintending Engineer, 2nd Class, and Superintending Engineer of a Division ...	1,350
1 Superintending Engineer, 3rd Class, and Superintending Engineer of a Division ...	1,100
1 Under Secretary ...	950
1 Assistant Secretary ...	600
8	Total ... 11,600

The re-organization modified this scale as under:—

	Rs.
1 Chief Engineer, 1st Class, and Superintending Engineer of a Division ...	2,500
1 Chief Engineer, 2nd Class or 3rd Class, and Superintending Engineer of a Division.	1,900
1 Superintending Engineer, 1st Class, and Superintending Engineer of a Division ...	1,600
1 Superintending Engineer, 2nd Class, and Superintending Engineer of a Division ...	1,350
1 Under Secretary ...	1,200
1 Secretary ...	1,700
6	Total ... 10,250

The principal feature of the re-organization was the amalgamation of the Irrigation and General Branches of the Department and the abolition of the appointments of Chief Engineer to Government, Chief Engineer for Irrigation and Joint Secretary to Government and the Assistant Secretary, the Chief and Superintending Engineers of Divisions being held in all matters of professional detail to be the advisers of Government on questions arising within their respective Divisions. The administrative portion of the duties attached to the posts thus abolished was entrusted to the Secretary and the Under Secretary, the former of whom was to be selected from the Engineer establishment, with special reference to his qualifications and irrespective of the permanent rank he held.

5. Four years later, however, *i.e.*, in 1892, the above system was modified. The officer who was appointed Secretary to Government in that year, being the Senior Chief Engineer on the list, was given the powers of Chief Engineer to Government, and the Second Chief Engineer and the three Superintending Engineers those of Superintending Engineers of Divisions. That is to say, the post of Chief Engineer to Government was resuscitated. Those of Chief Engineer for Irrigation and Joint Secretary to Government and his Assistant were not however revived.

6. The important changes which have taken place since 1892 affecting the whole of India have been detailed and briefly described by the Government of India in paragraphs 1—9 of their printed Memorandum, and in this note only features specially relating to the Bombay Public Works Department are dealt with.

7. The first of these changes was the creation of a Provincial Service of Engineers in 1892, as a result of the recommendations of the Public Service Commission of 1886 "with a view to securing economy by increasing the number of Engineers recruited in India and paying them at lower rates than those paid formerly." The scheme was sanctioned in 1892 but came into operation in 1896, the first appointment being made in the Bombay Public Works Department in that year from amongst the candidates who passed out of the Poona College of Science (now College of Engineering) in December 1895. The main features of this scheme have been described by the Government of India in their Memorandum but a few further remarks will be found in paragraphs 13 and 14 below.

8. The next change of importance was made in 1893 when the rates of salary of Imperial Executive and Assistant Engineers and the rate of promotion for officers of both services were improved. The details recited by the Government of India need not be amplified here as further modifications were made in 1908 and subsequently.

9. In 1899, the administrative appointments of Chief and Superintending Engineers of Railway and Civil Works Branches, which were formerly on one list for purposes of promotion, were placed on two separate lists. The pay of Superintending Engineers, 3rd and 2nd Classes, was raised from Rs. 1,100 and Rs. 1,350 to Rs. 1,250 and Rs. 1,400, respectively.

10. In 1903, the post of Chief Engineer and Joint Secretary to Government was revived and an additional post of Superintending Engineer, to hold charge of a Division vacated by the transfer to the Secretariat of the Chief Engineer formerly in charge, was sanctioned, together with an additional post of Executive Engineer as Second Under Secretary (for Irrigation). This was done on the ground of the work—Irrigation and Roads and Buildings—being too much for one officer to deal with.

11. In 1905, the rates of pay of both Chief and Superintending Engineers were revised and the post of Chief Engineer, 3rd Class, was abolished for the reasons given in Appendix IV to the Government of India Memorandum. The present rates are as follows:—

Chief Engineer, 1st Class	...	Rs. 2,750 + Rs. 250 as Secretary to Government, Bombay, Public Works Department.
Chief Engineer, 2nd Class	...	Rs. 2,500 + Rs. 250 as Joint Secretary to Government, Bombay, Public Works Department.
Superintending Engineer, 1st Class	...	Rs. 2,000.
Superintending Engineer, 2nd Class	...	„ 1,750.
Superintending Engineer, 3rd Class	...	„ 1,500.

12. A third post of Chief Engineer, 2nd Class, has been sanctioned for the Bombay Public Works Department substantively *pro tempore* for a period of three

years for the supervision of certain works in Sind and the officer holding it is styled Chief Engineer in Sind, having, in addition, direct charge of the office of the Secretary, Indus River Commission. A reference has been made* to the Government of India requesting them to obtain the sanction of the Secretary of State to this additional post being permanently added to the Bombay List. When the post of Chief Engineer was sanctioned substantively *pro tempore*, one of the posts of Superintending Engineers, 2nd Class, was ordered to be held in abeyance, and this Government has now informed the Government of India that when the additional post of Chief Engineer, 2nd Class, is sanctioned permanently for Bombay, this Government has no objection to the post of Superintending Engineer, 2nd Class, held in abeyance being permanently reduced.

13. In 1908, an important change in constitution was inaugurated by the separation of the cadres of Imperial and Provincial Engineers. This step had been the subject of discussion since 1901 when the Government of India addressed the Local Governments pointing out that, owing to certain practical difficulties during the initial stages in the maintenance of two separate lists, effect had not yet been given in the Public Works Department to the recommendations in this direction of the Public Service Commission, which had been adopted in most of the other Departments. The general features of the scheme then propounded were approved by this Government. Final orders for reconstruction on this basis were not issued till 1908. These orders are contained in Government of India Resolution No. 675—694, dated 24th April 1908 (Appendix V to the Government of India Memorandum). The former graded system of promotion based upon a time-limit scale and cadre number ordered in 1893 (paragraph 8 above) was superseded in favour of an incremental scale of pay, Provincial and Imperial. Officers were ordered to be shown on separate lists instead of on one list as before and the rates of pay were improved, option being left to the Provincial Service Officers to continue upon the old conditions if they so preferred.

14. The members of the Provincial Service were not satisfied with the alterations ordered. They contended—

(1) That the orders by which they ceased to be graded in their proper order of seniority on the same list as that of their Imperial contemporaries were opposed to the definite and specific declarations of Government under which they were induced to enter service.

(2) That the new orders affected their periodical promotions to different classes in a manner detrimental to their future prospects, and, in particular, prevented their appointment as Executive Engineers after 8 years' service, *i.e.*, side by side, with their Imperial confrères as was also guaranteed by the above declarations.

(3) That the new scale of pay did not give them two-thirds of the salary (as increased by the new orders) of Imperial Engineers, which was, they urged, a contravention of the distinct understanding subsisting when they entered Government service.

These contentions were supported by the Government of Bombay, who considered that the abolition of Cooper's Hill College and other important changes in the situation rendered necessary a revision of the views expressed by His Excellency Lord Northcote's Government in 1902. As the result of a comprehensive re-examination of the case, the Government of India were pleased, with the sanction of the Secretary of State, to modify their previous orders in a sense favourable to the main contentions of the Provincial Engineers. The members of the two branches of the service were ordered to be borne on a combined list as before, and the period of promotion to the rank of Executive Engineer was made the same for both, *viz.*, after 10 years as Assistant Engineer instead of 8 years and 15 years, respectively; but for the Imperial Officers in service on 31st March 1911 the period of 8 years is to be retained. Similarly Provincial Officers in service on the same date are to be promoted after the same period. These final orders took effect from April 1st, 1911.

* The Government of India have since telegraphed to the effect that the Secretary of State has sanctioned the permanent retention of this additional appointment of Chief Engineer, Second Class.

15. The case of the Royal Engineer Officers of the Public Works Department has been explained by the Government of India in paragraph 6 of their printed Memorandum. No special remarks are necessary; particularly as there are very few officers (4) of that class now employed on the Bombay Establishment.

16. Up to the end of 1907, there was a separate regularly constituted department of the Bombay Secretariat (paid for from Imperial Funds) for the control and supervision of the working of the Railways which were placed by the Government of India under the control of the Bombay Government. This railway system comprised about one-third of the entire railway system of the Indian Empire and extended to Ferozpur, Delhi and Cawnpore on the north, Jubbulpore, Nagpur and Raichur on the east and south-east, and Mysore on the south.

The Department was abolished with effect from the 1st January 1908, the date on which the Railway Board took over in their own hands the executive control of all the Indian Railways. And the Bombay Government (like other Local Governments) were left to make their own arrangements for the disposal of such general work, concerning the Presidency, as would have to be disposed of by them. This Government decided that this railway work should thenceforward be dealt with in the Public Works Department, Secretariat, and, as the scale of the ministerial establishment of that Department had not been framed to cope with this additional work, they resolved to retain as an addition to the staff of the Public Works Department, Secretariat, the ministerial officer who held the post of Assistant Secretary to Government in the late Railway Department and certain clerks (also of the latter Department), the scale being as under:—

	Average cost per mensum.		
	Rs.	s.	p.
1 Assistant Secretary to Government, Rs. 450—25—600 ...	560	0	0
1 Superintendent on Rs. 160—8—200 ...	190	0	0
1 Assistant Superintendent on Rs. 110— 10—160 ...	147	0	0
1 Clerk, 1st Grade, Rs. 75—5—100 ...	93	12	0
2 Clerks, 2nd Grade, Rs. 55—3—70 each.	132	8	0
2 Clerks, 3rd Grade, Rs. 40—2—50 each.	95	0	0
1 Clerk, 4th Grade ...	30	0	0
1 Draftsman, Rs. 65—5—90 ...	83	12	0
Total	1,332	0	0

The Government of India were at first averse from sanctioning the additional post of Assistant Secretary on the Bombay Public Works Department Establishment, but, on this Government strongly pointing out that it was not for Railway work alone that the second Assistant Secretary was required, but that a portion of the work of the Public Works Department proper was also proposed to be transferred to him in addition to railway work, the Government of India were pleased to sanction it on the condition that the cost on its account was borne by the Government of Bombay as a Provincial charge. The rest of the establishment was sanctioned by the Financial Department as an addition to Public Works Department, *vide* that Department Government Resolution, No. 2508, dated 26th July 1910. By the transfer of the railway work, the number of branches in the Public Works Department, Secretariat, has been raised from four to five and the Second Assistant Secretary looks after two of them (*viz.*, the Irrigation and Railway Branches).

17. The Engineer Establishment is recruited from the following sources:—

- (1) Selected candidates appointed in England by the Secretary of State.
- (2) Officers of the Corps of Royal Engineers on the Indian Establishment.
- (3) Passed students of the Indian Civil Engineering Colleges, and
- (4) Promoted Upper Subordinates.

The candidates of the first named class were, up till 1907, selected from the Cooper's Hill College. They are now appointed by the Secretary of State, with the advice of a Committee of Selection, from amongst applicants in possession of certain specified University degrees or other approximately equivalent qualifications. Ten per cent. of the appointments thus made are reserved for duly qualified natives of India, but only one such appointment has as yet been made on the Bombay establishment. A candidate who has not had sufficient practical experience may be required to undergo, after arrival in India, a year's probation in charge of works, his final appointment being made dependent upon the result of such probation. A report is to be submitted to the Government of India on such officers at the end of the year. The rules will be found in Appendix VIII to the Government of India's printed memorandum. The usual rate of recruitment from England for Bombay is two per year, though this rate has been increased at times to meet heavy pressure of work. Two Royal Engineer officers were appointed in 1909. Appointments from that Corps are seldom made now-a-days. The rate of recruitment from the Poona College of Engineering is one candidate per year, and, from the Upper Subordinate class, one every alternate year, or $1\frac{1}{2}$ per year on an average.

18. Up till 1891, two appointments, one as Assistant Engineer, and the other as Apprentice Engineer—were allowed for this Presidency from the Poona College. In 1891 the Government of India at the request of the Government of Bombay agreed to take the Apprentices on to their list (*vide* Government Resolution No. 180—E.-829, dated 19th May 1891) and since then only one appointment is made from the Poona College. In 1892, as stated above, the Provincial Engineer service was established and it took effect from the year 1896. Under the rules governing this service, the appointment from the Poona College abovementioned has been continued but on somewhat less favourable terms, the student eligible being appointed as an Apprentice Engineer in the first instance and promoted to the Assistant Engineer, 3rd grade, after one year of approved service instead of being appointed as Assistant Engineer at once. Under the pre-existing arrangement, the candidate for appointment as Assistant Engineer was required to have passed (First in the First Class) the L.C.E examination of the Bombay University and the candidate next to him in order of merit was appointed an Apprentice. The present practice is to make an appointment (as Apprentice Engineer) by selection from among graduates in the First Class. Men promoted from the Upper Subordinate class are appointed Assistant Engineers at once.

19. The recruits from England and those from the Poona College are borne on the same list and their positions are determined according to the dates on which they reach the rank of Assistant Engineer. The appointments of the former take effect from 1st October and that of the latter is made between February and March. The order of seniority, therefore, of these officers is fixed as follows:—

- Recruit from England of, say, October 1912, then
- Poona College Recruit of March 1912, then
- Recruit from Upper Subordinate Class, if appointed later than March 1913, and then
- Recruit from England of 1913.

20. The following orders regarding a practical course of training for the recruits from the College of Engineering (Poona) have been issued by the Government of Bombay:—

“After a passed student is appointed Apprentice Engineer he must be placed on some large Engineering work to undergo a year's course of practical work under an Executive Engineer. During the period of apprenticeship he will be required to maintain a note-book fully illustrated with neat sketches showing all details connected with the work, including manufacture of materials. He should record, from actual measurement, what quantities of fuel and lime-stone or kankar are required for 100 cubic feet of lime, and when these vary try to explain the cause, what quantity of different classes of work a brick-layer or stone-mason can lay in a day, and what assistance he requires, what quantities of lime, sand or *sarkhi*

and stone or brick are required per 100 cubic feet of masonry, etc., etc. He should also record the difficulties encountered and how they have been overcome. The note-book should be submitted every month to the Principal, College of Engineering, Poona, through the Executive Engineer and the Superintending Engineer who will pass it on without delay, making such remarks as may be called for. It should be returned by the Principal direct to the Apprentice, his remarks being communicated to the Superintending Engineer. If at any time during the period of apprenticeship, it appears to the Principal that the Apprentice is not receiving sufficient attention or not obtaining sufficiently varied experience, he should draw the attention of the Superintending Engineer to the fact and make suggestions. Towards the end of the 12 months the Executive Engineer should report to the Superintending Engineer through the Principal his general opinion on the manner in which the Apprentice Engineer had used his opportunities of acquiring practical knowledge. When passing on the report, the Principal in consideration of the manner in which the note-book has been maintained should report to the Superintending Engineer whether the Apprentice had done creditably. The Superintending Engineer should submit the reports to Government with his own observations."

21. The course for the final examination in Engineering in the Poona College has been made more comprehensive. The old degree of Licentiate of Civil Engineering has been converted into Bachelor of Engineering.

22. The following table shows how the rates of pay for the various classes and grades of Engineer Officers were revised from time to time since the date of the last Commission :—

	1886.	1893.	1899.	1905.	1908.	1911.
1	2	3	4	5	6	7
Chief Engineer, 1st Class ...	2,500	2,500	2,500	2,750‡	2,750	2,750
Do. 2nd Class ...	2,000	2,000	2,000	2,500‡	2,500	2,500
Do. 3rd Class ...	1,800	1,800	1,800	Abolished.	Do.	Do.
Superintending Engineer, 1st Class.	1,600	1,600	1,600	2,000	2,000	2,000
Superintending Engineer, 2nd Class.	1,350	1,050	1,050	1,050	1,600	1,600
Superintending Engineer, 3rd Class.	1,100	1,350	1,400	1,750	1,750	1,750
Executive Engineer, 1st Grade.	950	900	900	900	1,400	1,400
Executive Engineer, 2nd Grade.	800	1,100	1,250	1,500	1,500	1,500
Executive Engineer, 3rd Grade.	700	750	750	750	1,200	1,200
Executive Engineer, 4th Grade.	600	Abolished.	1,000	1,000	708-50-1,250	800-50-1,250
Assistant Engineer, 1st Grade.	500	650	650	650	(biennial)	
Assistant Engineer, 2nd Grade.	400	850	850	850	650-50-900	535-35-850‡
Assistant Engineer, 3rd Grade.	350	550	550	550		
Assistant Engineer, 4th Grade.	250	400	400	400	380-40-660	330-40-708
Assistant Engineer, 5th Grade.	250	450	450	450	250-50-550	250-25-475
Assistant Engineer, 6th Grade.	250	350	350	350	(biennial)	
Assistant Engineer, 7th Grade.	250	350	350	350	with one additional year on	
Assistant Engineer, 8th Grade (old).†	100	250	250	250	Rs. 550	
Apprentice	100	100	100	100	Nil.	Nil.
		100‡	100‡	100‡	100	100‡

Note—Black figures show the rates for Provincial Engineer Service. This service was introduced in 1892 but was given effect to from 1895 (i.e., for appointments made in 1896 (vide Government of India Resolution No. 3112-G., dated 19th July 1899 (Appendix I to Government of India printed memorandum).

* Can draw Rs. 400 after 3 years' service if recommended for the increase of Rs. 50.

† Was given to the Poona College recruits (before the introduction of the Provincial Engineer service) who were appointed to the Imperial List. They had to remain in that grade until they passed the Professional examination when they were promoted to Assistant Engineer, 3rd Grade proper on Rs. 850 per mensem.

‡ Draw a local allowance of Rs. 250 in addition if the officers are holding the posts of Secretary to Government and Joint Secretary to Government.

§ Apprentice Engineers may, after six months' satisfactory service, receive Rs. 150 a month.

¶ A special increment of Rs. 50 may be granted by the Local Government to a deserving Executive Engineer, who, after completion of 5 years' service on the maximum pay of Rs. 850, is not promoted to administrative rank.

It will be seen that there has been a substantial improvement in the rates of pay since 1886. The rates of pay of members of the Provincial Engineer

service are generally two-thirds of those of Imperial officers and a corresponding improvement has been effected in their case also.

(B) Upper Subordinate Establishment.

23. The first important departure affecting this class of establishment since the last Public Service Commission relates to the rules for the promotion of European and Indian Subordinates. This question was under the consideration of the Government of Bombay at a much earlier date, *viz.*, in 1865, when orders were passed with the object of securing the interests of the latter. This question also attracted the notice of the last Public Service Commission of 1886-1887, *vide* the latter portion of paragraph 10 at page 125 of the Report. Attention is here called to the complaints made by witnesses respecting the inequality of pay and rank and the unequal chances of promotion in the case of military men and civilians respectively, entering the Upper Subordinate Establishment with similar technical qualifications, and it is remarked that the complaints appeared to deserve consideration. The system of promotion according to the rule of proportion fixed in 1865 continued till 1909-1910 with further special rules. The demands of the Indian subordinates then formulated were that Europeans should be appointed to the same grades as themselves; that they might, if Government saw fit, be given extra allowances, but that they should not gain in seniority as well as in emoluments. After careful consideration the Government of Bombay issued a Resolution fixing, in the case of European subordinates, a time limit qualification for their promotion upto and including the rank of Sub-Engineer, 3rd Grade.

24. In 1893, rules regarding the promotions of Overseers from Rs. 60 to Rs. 100 were made.

25. The Military Works Establishment which was originally combined with the Public Works Department establishment was separated in 1888, leaving only a very few Military Subordinates on the latter establishment.

26. The rates of pay for the members of this class of establishment are as follows :—

Sub-Engineer, 1st Grade	...	400	with two increments of Rs. 50 each after 5 years' exceptionally meritorious service for each increment.
Sub-Engineer, 2nd Grade	...	300	
Sub-Engineer, 3rd Grade	...	250	
Supervisor, 1st Grade	...	200	
Supervisor, 2nd Grade	...	150	
Overseer, 1st Grade	...	100	
Overseer, 2nd Grade	...	80	
Overseer, 3rd Grade	...	60	

These rates have not been revised for a number of years and were in force on the date of the last Commission.

27. At present a scheme for the revision of the scale of pay of the Upper Subordinate Establishment is under consideration. In 1910 the members of the Upper Subordinate Establishment submitted memorials praying that their designations, scales of pay, travelling allowance and promotions might be as follows :—

Designations.	Starting pay of grade.	Biennial increment.	Maximum pay of grade.	Total period in grade.	Daily travelling allowance.	Remarks.
1	2	3	4	5	6	7
Assistant Deputy Engineer, 2nd Grade.	Rs. 100	Rs. 25	Rs. 150	Years. 6	Rs. 2	The maximum pay is to be drawn in the 20th year, and Deputy Engineers of both the first and second grades to hold the rank of gazetted officers.
Assistant Deputy Engineer, 1st Grade.	180	30	300	10	2	
Deputy Engineer, 2nd Grade.	340	40	500	10	3	
Deputy Engineer, 1st Grade.	550	50	600	2	4	

The Government of Bombay submitted the memorials to the Government of India and stated that no action need be taken in regard to the Memorialists' request for a change in the designation and in the rates of travelling allowance. In regard to promotion, this Government recommended a system of biennial increments* up to and including Supervisor, 1st Grade. No increase was considered necessary in the sanctioned rates of pay. The Government of India have informed the Government of Bombay that under the authority recently conferred the latter can deal with the memorials *suo motu* and have made certain suggestions. This question is still under the consideration of Government.

28. The main sources of recruitment of this class of establishment are the Poona College of Engineering, the Engineering Class attached to the Dayaram Jethamal Sind College, Karachi, and the Thomason College at Roorkee. The rate of recruitment is three students from the College of Engineering, Poona, one from the Engineering Class at the Dayaram Jethamal Sind College, Karachi, if qualified by the necessary percentage of marks, and one Military student from the Thomason College. The last-mentioned rate is to be reduced to 1 every second year from 1915. In addition to these, as vacancies permit, appointments are made to the Upper Subordinate Establishment from amongst temporary men in the Department by promoting deserving permanent Lower Subordinates, or by appointment of outsiders, if qualified.

29. The three students to be appointed from the Poona College of Engineering, under the guarantee given to that College, are graduates standing in order of merit next below the candidate selected for the post of Apprentice Engineer. They are to be on probation for one year and are not to be confirmed in their appointments till they have satisfactorily passed through their probationary course and have been recommended by their superiors.

30. The appointment from the Engineering Class in Sind is allotted to the student securing the highest number of marks in the final examination subject to a minimum of 60 per cent. He also is kept on probation for one year and confirmed at the end of that period if favourably reported on by his superiors.

31. As members of the Upper Subordinate Establishment are now for the most part graduates from the Poona College, they also participate in the improvement in training referred to in paragraph 21 above.

(C).—*Lower Subordinate Establishment.*

32. The Public Service Commission, 1886, do not appear to have passed remarks on this class of establishment. The establishment is divided into 3 grades, but the numerical strength of each grade has not been prescribed. The Local Government have been authorised to fix the money grant necessary for the purpose of maintaining the total number required and variations are permissible subject to this limitation. In 1887 a grant of Rs. 7,000 per mensem was considered sufficient, the numerical strength then maintained within this grant being as follows:—

	Grades.		
	1st.	2nd.	3rd.
On the 31st March 1887	...	137	(83 + 42 + 12)
On the 30th June 1887	...	139	(83 + 41 + 15)
On 30th September 1887	...	138	(82 + 41 + 15)
On 31st December 1887	...	137	(81 + 41 + 15)

The grant was subsequently raised to Rs. 8,000 and now it is Rs. 15,360. It was considered desirable that all men on the temporary establishment who were needed practically permanently for normal requirements should be permanently employed, temporary men being engaged for purely temporary work. The increase in the number of permanent men thus entailed necessitated a corresponding increase in the monthly grant, but this increase was counterbalanced to a certain extent by the saving on the temporary establishment.

* Rs. 60—10 (biennial)—100. Rs. 100—90 (biennial)—200. At present an Overseer on Rs. 60 takes 3 years to reach Rs. 90 and 5 years more to attain Rs. 100. Promotion above Rs. 100 depends on vacancies.

33. The following table shows the scale of pay of the Lower Subordinate Establishment as it stood on the date of the last Commission:—

Sub-Overseer—	
Third Grade	Rs. 25—5 (quinquennial) 35.
Second „	Rs. 35—5 (do.) 45.
First „	Rs. 50—10 (do.) 70.

Later on, a special increment of Rs. 10 a month was allowed to Sub-Overseers, 1st Grade, after not less than twenty years' service in the Department of which fifteen years must be in the 1st Grade, and a second special increment of Rs. 10 after a further service of five years.

34. In 1902, the scale of pay of the 3rd Grade was raised to Rs. 30—5 (quinquennial)—35. There has been no change since then.

35. In 1907-1908, the members of the Lower Subordinate Establishment submitted memorials praying for an increase in their pay and travelling allowance. Their prayers were—

(1) That the pay of the 3rd Grade might be Rs. 35 rising to Rs. 45 by an annual increment of Rs. 2 instead of Rs. 30 to 35 by a quinquennial increment of Rs. 5.

(2) That the pay of the 2nd Grade might be Rs. 45 to 55 by an annual increment of Rs. 2 instead of Rs. 35 to 45 by a quinquennial increment of Rs. 5.

(3) That the pay of the 1st Grade might be Rs. 60 to 90 by an annual increment of Rs. 3 instead of Rs. 70 to 90 by a quinquennial increment of Rs. 5.

(4) That the special increments of Rs. 10 referred to in note 2 to paragraph 14 of the Public Works Department Code under Lower Subordinate Establishment might remain unaffected.

(5) That the rate of travelling allowance might be raised from Rs. 15 to Rs. 25 per mensem.

(The Government of Bombay in submitting the memorials to the Government of India recommended sanction to the increase in travelling allowance, but in regard to pay proposed the following scale:

3rd Grade	... 35—1—45 (annual).
2nd Grade	... 45—2—65 (annual).
1st Grade	... 65—2—85 (annual).

The Government of India have increased the travelling allowance to Rs. 20 but have left it to the Government of Bombay to dispose of the other details under the enhanced financial powers recently conferred. As the total cost of the revision exceeds Rs. 25,000, the Accountant General has advised that the final proposals should be submitted for the formal approval of the Government of India. The case is still under the consideration of Government.

36. In the year 1908 powers of appointment, promotion, transfer and dismissal in regard to this class of establishment were transferred to the Chief and Superintending Engineers of Divisions, the necessary grants being placed at their disposal.

37. The main sources of recruitment of this class of establishment are the Sub-Overseers' class attached to the Poona College of Engineering and the Engineering Class attached to the Dayaram Jethamal Sind College, Karachi. The rate of recruitment is three men from the former and three (or four, if the appointment above mentioned to the Upper Subordinate establishment is not made) from the latter. Appointments are sometimes made from amongst temporary employes such as Inspectors, etc.

Note.—Three appointments as Sub-Overseers have been guaranteed to the first three students in order of merit who pass a competitive examination introduced in 1905 for the purpose of recruiting Lower subordinates for Sind. It has however been decided to withdraw this guarantee from after 1915.

38. According to the guarantee given to the Sub-Overseers' class at the Poona College of Engineering, the three students are appointed as follows:—

Those getting 65 per cent. of marks are appointed 1st grade Sub-Overseers.

Those getting 50 per cent., 2nd grade.

Those getting 40 per cent., 3rd grade.

They are kept on probation for one year before confirmation. The three men from Sind Engineering Class are those who stand next below the candidate selected for the Overseer's appointment (two as 1st grade and one as 2nd grade). They too are to be on probation for a year.

(D) *Clerical Establishment.*

39. The Public Service Commission of 1886 do not appear to have touched on this class of establishment. The only important changes in its constitution ordered since the last Commission were the revision of the rates of pay for Head Clerks in each Executive office ordered in 1904 raising their pay from Rs. 50 per mensem to Rs. 60—5 (triennial)—80 and that of the remaining portion of the clerical establishment ordered in 1910.

40. The reason underlying the revision was that it was considered desirable that all clerks who were required for ordinary work of a permanent nature should be on the permanent establishment, temporary employes being engaged only when absolutely necessary for genuinely extra work of a temporary nature and paid off immediately the work was finished. A committee of experienced officers was accordingly appointed to consider the scale of clerical establishment for the office of each Executive Engineer with due regard to the above object, and on receipt of their report a revised scale of strength and pay was fixed for each office. The scale fixed for offices in Sind was, however, further revised in 1912.

41. The next change was that the clerical establishments in Sind and in the Southern Division, according to the revised scale, were allowed to be borne on one consolidated list for the purpose of promotion. The Chief Engineer in Sind and the Superintending Engineer, Southern Division, represented that it was in the interests of the men concerned to be so placed. The Superintending Engineers of other Divisions did not desire to have this change introduced into their Divisions.

42. There are two other classes of establishment which are not exactly part of the clerical establishment proper but can most conveniently be dealt with in this part of the note. The first is the class of draftsmen and the other that of temporary storekeepers in each office. The former are now on the permanent graded scale, with the exception of those temporary men who were unwilling to change their temporary appointments on a higher rate of pay for permanent appointments on a somewhat lower rate. The case of the storekeepers is under consideration.

H. V. R. KEMBALL,
Secretary to Government,
P. W. Department.

PART II.

Comparative statement showing the cadre numbers, grades, etc., of the Engineer Establishment (Imperial and Provincial) of the Bombay Public Works Department.

1	2	As in January 1897.						As on 1st April 1912.						15
		Grades.	Number.			Pay.		Grades.	Number.			Pay.		
			Sanctioned.	Actuals.		Imperial.	Provincial.		Sanctioned.	Actuals.		Imperial.	Provincial.	
				Euro-peans.	Indians.					Total.	Euro-peans.				Indians.	Total.
3	4	5	6	7	8	9	10	11	12	13	14			
Cadre of the Department, i.e., number of posts and pay of various grades.	Chief Engineer, 1st Class .	1	1	...	1	Rs. 2,500		1	1	...	1	Rs. 2,750†	Rs. 2,750	* An additional post of Chief Engineer, 2nd Class, has been sanctioned substantially pro tem. for 8 years from 5th January 1910 and as a set off one of the three posts of Superintending Engineer, 2nd Class, has been held in abeyance. The Government of India have been addressed to make the additional post of Chief Engineer a permanent addition, the Superintending Engineers' scale being reduced by 1 in the 2nd Class permanently, but see footnote at page 4. † Plus Rs. 250 per mensem for holding the posts of Secretary and Joint Secretary to Government. ‡ Includes Mr. Belvadi who although Sanitary Engineer is not yet promoted permanently to the class of Superintending Engineer. § A special increment of Rs. 50 may be granted by the local Government to a deserving Executive Engineer, who after completion of 5 years' service on the maximum pay of Rs. 850 is not promoted
	Chief Engineer, 2nd Class.	1	1	...	1	2,000		1*	1	...	1	2,600†	2,500	
	Chief Engineer, 3rd Class .	...	...	...	...	1,800		...	...	...	...	Abolished.	Abolished.
	Superintending Engineer, 1st Class.	2	2	...	2	1,600		2	2	...	2	2,000	1,600	
	Superintending Engineer, 2nd Class.	1	1	...	1	1,350		9*	9	...	9	1,750	1,400	
	Superintending Engineer, 3rd Class.	1	1	...	1	1,100		2	1	1	2	1,500	1,500	
	Executive Engineer, 1st Grade.	12	12	...	12	950								
	Executive Engineer, 2nd Grade.	13	13	...	13	800	N&T							
	Executive Engineer, 3rd Grade.	14	11	3	14	700		4‡	25	12	37	800-50-1,250	535-35-850§	
	Executive Engineer, 4th Grade.	7	6	1	7	600								
	Assistant Engineer, 1st Grade.	30	25	11	36	500								
	Assistant Engineer, 2nd Grade.		4	1	5	350		4‡	38	22	60	380-40-700 700-50-750	250-25-475	
	Assistant Engineer, 3rd Grade.	9	...	...	...	250							
	Apprentices		...	1	1	100		1	...	1	1	.....	For 6 months Rs. 100. For 6 months Rs. 150.
Total ...	97	77	17	94			100	71	36	107				

PART II—Comparative Statement—continued.

	As in January 1887.	As on 1st April 1912.
European and non-European element, i. e., proportion of the two classes.	77 Europeans : 17 Indians out of 94 ... or 1 (E.) to 22 (I.) ...	71 Europeans : 36 Indians out of 107. or 1 (E.) to 5 (I.)
Aggregate pay of Europeans and Indians.	E. Rs. 57,150 I. 8,650 = 65,800 ...	E. Rs. 58,785 I. 23,560 = 82,345.
Method of recruitment for various grades.	For promotion from the rank of Apprentice Engineer to Assistant Engineer, 3rd Grade, one year's probation was required. For promotion from Assistant Engineer, 3rd Grade, to Assistant Engineer, 2nd Grade, an officer was required to pass Professional Examination prescribed in paragraph 9, Chapter II of the Public Works Department Code, Volume I (5th Edition). For promotion to Assistant Engineer, 1st Grade, an officer was required to pass a colloquial examination in Hindustani or in the language of the District in which he might be employed, and for promotion to Executive Engineer, 4th Grade, an examination, according to a test similar to the Lower Standard, in Marathi, Gujarathi, Kanarese and Sindhi. This was known as the Departmental Standard Examination (vide Public Works Department Code I, II, 9 and 14). No officer could be promoted to Ex. rank until he had proved his fitness to hold charge of a District. Promotion beyond Executive Engineer was by selection. Officers appointed from the Cooper's Hill College became liable to these examination tests for promotion to Assistant Engineer, 1st Grade, and Executive Engineer, 4th Grade.	An Apprentice has to remain on a year's probation as before. The Colloquial Examination has since been abolished, and the Departmental Standard substituted by the Lower Standard. The Professional Examination remains unchanged except slightly in regard to subjects. The last two examinations have to be passed within two and three years respectively of joining the appointment. An officer of under 12 years' service transferred to a District the vernacular current in which is different from the one in which he has already passed an examination is required to pass an examination in the former within two years of such transfer. Local Governments have now full discretion in dealing with questions regarding these examinations. The condition as to fitness to hold charge of a District for promotion to Executive Engineer remains unchanged.

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Mr. J. S. ... 177

DEPARTMENTAL COMMITTEE ON THE PUBLIC VETERINARY SERVICES.

REPORT

S172

OF THE

S172

DEPARTMENTAL COMMITTEE

APPOINTED BY THE

PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES



TO INQUIRE INTO THE

REQUIREMENTS OF THE PUBLIC SERVICES WITH REGARD TO OFFICERS POSSESSING VETERINARY QUALIFICATIONS.

Presented to Parliament by Command of His Majesty.



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NOTE.—The Minutes of Evidence taken before the Committee, together with Appendices and Index, will be published in a separate volume.

MINUTES APPOINTING THE COMMITTEE.

I.

I hereby appoint a Committee to inquire into the requirements of the public services with regard to the employment of officers possessing veterinary qualifications and to consider whether any further measures can with advantage be adopted for the selection and training of students with a view to such employment.

The Committee will be constituted as follows:—

SIR ALFRED HOPKINSON, K.C. (*Chairman*);
SIR THOMAS H. ELLIOTT, K.C.B.;
SIR THOMAS W. HOLDERNESS, K.C.S.I.;
MR. H. J. READ, C.M.G.;
MAJOR G. F. MACMUNN, D.S.O.

And I hereby appoint Sir Alfred Hopkinson to be Chairman of the Committee, and Mr. H. L. French, of the Board of Agriculture and Fisheries, to be its Secretary.

(Signed) WALTER RUNCIMAN,
President of the Board of Agriculture
and Fisheries.

30th August 1912.

II.

I hereby appoint Mr. Francis C. Drake to be a member of the Departmental Committee on the Public Veterinary Services appointed by my Minute of the 30th August 1912, *vice* Sir T. W. Holderness, K.C.S.I., resigned.

(Signed) WALTER RUNCIMAN,
President of the Board of Agriculture
and Fisheries.

25th October 1912.

REPORT.

TO THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES.

SIR,

THE Committee appointed by your Minute of the 30th August 1912, to inquire into the requirements of the public services with regard to the employment of officers possessing veterinary qualifications, beg to submit the following report :—

INTRODUCTORY.

1. At an early stage of our inquiry Sir Thomas W. Holderness, K.C.S.I., who had become Permanent Under-Secretary of State for India since the date of the Minute above referred to, found it necessary to resign his appointment as a Member of the Committee, and you accepted his resignation and appointed, in his place, Mr. Francis C. Drake, who had succeeded him as Secretary of the Revenue and Statistics Department of the India Office.

2. We have sat on six days for the purpose of hearing evidence and have examined 21 witnesses. Out of this number five, of whom three were members of the veterinary profession, gave evidence on behalf of the four Government Departments represented on the Committee, viz., the Colonial Office, India Office, War Office, and the Board of Agriculture and Fisheries; six of the witnesses held appointments in the five institutions engaged in the provision of veterinary education in the United Kingdom; one witness attended as the representative of the examining and diploma-granting body, the Royal College of Veterinary Surgeons; three witnesses were members of the profession not connected either with the teaching institutions or with the Government services; five witnesses were professors in British Universities; and the veterinary inspector of the Commonwealth of Australia in London also gave evidence. The 21 witnesses included 14 members of the veterinary profession.

In addition to verbal evidence, we received a number of written statements some of which we think it would be useful to publish. They will be found in the appendix to the Minutes of Evidence. A letter was addressed to the Universities in the United Kingdom inquiring whether they desired to appoint representatives to attend before us; seven Universities decided to nominate representatives, and of these one was unfortunately unable to attend owing to ill-health, another sent a written statement in lieu of verbal evidence and representatives of the other five gave evidence before us. The Colonial Office, on our behalf, sent a letter to each of the Self-Governing Dominions inquiring if there were in this country any officers who could give us information as to the requirements of those countries in regard to veterinary services. Verbal evidence, as stated above, was received from a representative of Australia, and written statements were received regarding Canada, South Africa, and New Zealand. We regret that Dr. Arnold Theiler, C.M.G., the distinguished Director of Veterinary Research in the Union of South Africa, was unable to appear before us, and we desire to express to him our indebtedness for the valuable memorandum which he sent on the subject of our inquiry.

3. In order that the rest of this report may be generally understood, it may be desirable to state that the indispensable license to practise as a veterinary surgeon within the United Kingdom is the Diploma of Membership of the Royal College of Veterinary Surgeons. The Royal College is not a teaching institution, but it recognises the following institutions for the purpose of training students to sit for its examinations :—

Royal Veterinary College, Camden Town, London, N.W.
 Royal (Dick) Veterinary College, Edinburgh.
 Royal Veterinary College of Ireland, Dublin.
 Veterinary College, Glasgow.
 Veterinary School of the University of Liverpool.

The Diploma of Membership is awarded only after attendance for four years at one of the above-named institutions, and success at the examinations conducted by the Royal College.

The primary object of each of the teaching institutions is the preparation of students for the profession. In addition, courses for those who have qualified, lasting for about two months are provided at the Royal Veterinary College in London, and a

course for the Diploma in Veterinary Hygiene is held at the University School at Liverpool. In London and in Edinburgh some students prolong their studies by a year in order to obtain a B.Sc. Degree in Veterinary Science. A course in Veterinary State Medicine lasting for six months and open only to those who have already obtained the diploma of the Royal College is provided in the University of Manchester, and a University diploma in Veterinary State Medicine is awarded after examination. Qualified veterinary surgeons also from time to time study in pathological and other laboratories in order to extend their knowledge of any branch of veterinary science in which they are specialising. It should also be stated that the Royal Veterinary College, Camden Town, has been selected as one of the research institutions for animal pathology under a scheme for the promotion of agricultural research for the purposes of which the Treasury have recently sanctioned a block grant from the Development Fund to the Board of Agriculture and Fisheries; the other institution for this purpose being the veterinary laboratory of the Board itself.

THE REQUIREMENTS OF THE PUBLIC SERVICES AND HOW THEY ARE MET AT PRESENT.

4. *Army Veterinary Service.*—We deal with the Army Veterinary Service first, as more veterinary surgeons are employed in this branch of the public service than in any other, and also because there appear to be no difficulties in obtaining suitable recruits. The total number of officers in the Army Veterinary Service is about 170; candidates for these appointments are nominated, after an interview, to sit for a competitive examination conducted by members of the Service, and, according to the number of existing vacancies, those who obtain the best places as a result of the examination are appointed. Major-General R. Pringle, C.B., D.S.O., the Director-General of the Army Veterinary Services, informed the Committee that during the last 10 years no difficulty had been experienced in finding a sufficient number of suitable candidates for the examination, and that the type of man who joined the Service was thoroughly satisfactory (Q. 372-4, 386-8). This evidence was explained and supplemented by the heads of the teaching institutions, who, almost without exception, stated that most of their best students who aim at obtaining Government appointments try first for the Army.

We are, therefore, satisfied that the requirements of the Army Service are adequately met at the present time, and that it is unnecessary for us to make any recommendations on the subject. There are, however, from the point of view of this inquiry, two important respects in which the Army Service differs from the other branches of the public veterinary services. In the first place, the duties of officers in this Service are almost entirely confined to work in connection with one class of animal, viz., horses and mules; and, secondly, and this is an important consideration, the first two years of the young officer's service, during which period he receives full pay, are devoted to the improvement of his education and to training him for his future work (Q. 394-5).

Although, as already stated, we think it unnecessary to make any recommendations with regard to the Army Veterinary Service, it must not be overlooked that the measures which we suggest later with regard to the other branches of the Government Veterinary Services will, if adopted, also affect this Service; in other words, the existence of these 170 Army appointments must not be lost sight of when considering the requirements of the other Services, for it is certain that many of the best students turned out by the Veterinary Colleges will continue to seek appointments as Army Veterinary Surgeons.

5. *Indian Civil Veterinary Department.*—Detailed information with regard to the number of officers in the Indian Civil Veterinary Department, their salaries and the qualifications required, is given in a memorandum furnished to the Committee by the India Office and printed in the Appendix to the Minutes of Evidence. The present position may be summarised as follows:—The Officers of the Department perform or supervise all official veterinary work in India, other than that of the Army. Their principal duties are concerned with (a) educational work in veterinary colleges; (b) horse and mule breeding; and (c) cattle disease and cattle breeding. In addition, there is a veterinary research station for which officers are specially selected. The number of veterinary posts in the Department, other than those of a subordinate character held by natives, is at present 32, and as vacancies occur appointments are made by the Secretary of State. The usual method employed for obtaining candidates for these appointments is, when a vacancy occurs, to ask the heads of the Veterinary

Colleges in the United Kingdom for information regarding likely candidates, and to keep in touch, through a representative of the India Office, with the Veterinary Colleges. The number of vacancies that occur, however, is very small, the total number in the last five years, 1908-12, being only six. Candidates must have a thorough knowledge of their profession as general practitioners, and preference is given to those who have made bacteriology a special study; any candidate who has not attended one of the courses provided for men who have already qualified, is required, if selected, to attend such a course at his own expense before he is appointed. The candidates selected have not in any case been found unwilling to comply with this requirement. After appointment, officers are encouraged to acquire additional scientific training and knowledge, and facilities are given under the Study Leave rules for this purpose. Many veterinary officers have taken advantage of these facilities, and in recent years two officers were placed on deputation for two years each in order that they might have the opportunity of advanced study in laboratories in this country and on the Continent and in America.

Owing to the small number of appointments that have had to be made in recent years no very great difficulty has been experienced in securing properly qualified men for the vacancies that have occurred, but Lieutenant-Colonel Queripel, late Inspector-General of the Department, who advises the India Office in regard to the selection of veterinary officers, stated in a memorandum¹⁰ which he sent to the Committee, that, in comparison with 10 years ago, there was at the present time a great difficulty in obtaining suitable candidates, and that if a larger number had been required it might have been impossible to secure men with the necessary qualifications.

6. *Colonial Veterinary Services*.—Under this head are included two distinct classes of appointments:—(a) in the Crown Colonies and Protectorates, and (b) in the self-governing Dominions. The requirements of each need to be considered separately.

Veterinary appointments in the Crown Colonies and Protectorates, of which there are about 40 at present, are filled by the Colonial Office. A list of such appointments, showing the salary attached to each, is given in the Appendix to the Minutes of Evidence. These appointments do not form one service, like the Army or Indian Veterinary services. An officer is appointed to a post in a colony and he has no claim to promotion to superior posts outside the colony to which he has been appointed. The Colonial Office, in filling one of the more highly paid posts in one colony, would, however, in practice, consider the qualifications and experience of officers serving in other colonies at lower salaries. With a view to the improvement of their veterinary departments the Secretary of State, in February 1907, addressed a circular despatch to each of the Crown Colonies and Protectorates, outlining a scheme for the recruitment of the services. This scheme received general approval, and since that date the method adopted for recruiting this service has been as follows:—The Colonial Office keeps a list of the names of the most promising men who have applied for appointments, and particulars of vacancies, as they occur, are sent to the men on this list. Before his name is added to the list, an applicant is interviewed by a representative of the Colonial Office and also by the Chief Veterinary Officer of the Board of Agriculture and Fisheries, who has had colonial experience. Preference is given to candidates who have taken a post-graduate course, and, before appointment, candidates are required, when time permits, to pass a qualifying examination held twice yearly by the Civil Service Commissioners. This examination, which is partly professional and partly administrative, is the same as that for veterinary appointments in the Board of Agriculture and Fisheries.

In recent years there has been great difficulty in securing men of the standard required to fill these appointments. Mr. Batterbee, who gave evidence before us on behalf of the Colonial Office, stated that at times a long interval, amounting in some cases to a year, has elapsed between the occurrence of a vacancy and the selection of a suitable man to fill it (Q. 450). Such delays obviously cause serious inconvenience and loss in the colony, where, perhaps, only one veterinary officer is employed, and must tend to the appointment of men possessing lower qualifications than are desired. The work to be undertaken in some of the Crown Colonies and Protectorates is of an exceptionally difficult character; diseases, unknown in this country, have to be studied, and, if possible, suppressed; and precautions have to be taken, so far as possible, to prevent the introduction of other diseases non-existent in the colony. Such work as this, especially when, as is often the case, it has to be undertaken alone

¹⁰ Minutes of Evidence, Appendix II, 1.

without any professional advice or assistance available, requires men of initiative and sound scientific training, and the Colonial Office has experienced great difficulty in securing such men.

7. The veterinary appointments in the self-governing Dominions are, of course, made by the Dominion Governments themselves. Many of the posts have been filled by the appointment of students trained in the veterinary colleges of the United Kingdom and, although in some cases local veterinary teaching institutions have been established, it is probable that a larger number of such appointments would be made if suitable men were available. The requirements of the Dominions differ considerably. Reference to the instructive memorandum received from Dr. Theiler, Director of Veterinary Research in South Africa, which is printed in the Appendix to the Minutes of Evidence, will show what a large and highly organised veterinary service exists in the Union of South Africa. Men possessed of high scientific training, in addition to their veterinary qualifications, are required for research work at the admirably equipped Government veterinary laboratory near Pretoria. In addition, well-qualified veterinary officers are required for executive and advisory work. The supply of men available in this country for both classes of work is inadequate, and throughout Dr. Theiler's memorandum it will be seen that the greatest difficulty is found in securing good men.

From the latest report issued by the Canadian Department of Agriculture, it appears that the chief officer of the Health of Animals and Live Stock Branches of the Department is the Veterinary Director-General and Live Stock Commissioner, under whom are employed large veterinary and non-professional staffs. The veterinary staff may be grouped as follows:—Three chief inspectors (one for meat inspection), four officers in charge of different provinces, three superintendents of animals' quarantine stations, five veterinary pathologists, and about 130 veterinary inspectors. In addition there are, under the provisions of the Meat and Canned Foods Act, about 80 veterinary inspectors stationed at abattoirs and other establishments under inspection. The majority of the veterinary officers employed in the Department have received their education in the United States of America. The principal veterinary work undertaken is in connection with (a) the quarantine of animals, especially the precaution against the introduction of disease by the importation of animals entering the country both by boat from Europe and elsewhere and by rail across the international border; (b) the control of diseases already existing in Canada; and (c) meat inspection. Connected with the Health of Animals Branch is a biological laboratory for the conduct of investigations into the nature and causes of animal diseases.

In Australia and New Zealand the principal work required from the public veterinary service is in connection with meat inspection and the quarantine of live stock on importation. For this work also the supply of well-trained veterinary surgeons is insufficient, largely, no doubt, because there is not adequate provision in the United Kingdom for them to obtain special instruction in meat inspection.

8. *Board of Agriculture and Fisheries.*—The Veterinary Department of the Board of Agriculture and Fisheries consists at present of 36 veterinary officers and 106 local veterinary inspectors. The local inspectors are private practitioners to whom an annual retaining fee is paid in addition to a fee in connection with each outbreak or reported outbreak of disease visited on behalf of the Board; their duties closely resemble those of veterinary inspectors employed by local authorities and these two classes of officers are dealt with together in a later paragraph. The work of the Veterinary Department of the Board formerly consisted almost entirely of diagnosing and reporting upon the various diseases of animals which are the subject of legislation in Great Britain, but in recent years a considerable amount of attention has been given to research and experimental investigations. Mr. (*now*, Sir) Stewart Stockman, the Chief Veterinary Officer of the Board, pointed out, in his evidence before us, the necessity of research being undertaken into the nature of a disease before the adoption of administrative methods with a view to its suppression or control. He said that it had often occurred that after administrative methods had been applied with a view to control a disease about which it was thought that everything was known, problems had arisen as to its pathology and epizootiology which demanded investigation (Q. 1003, 1015). The necessity for making provision for the conduct of research in animal pathology in the veterinary laboratory of the Board of Agriculture and Fisheries has recently been recognised by the Development Commissioners and the Treasury, who have agreed to the payment of a considerable annual grant from the Development Fund for the purpose.

Sir Stewart Stockman showed that for the requirements of the Board two types of officers are needed—first, veterinary surgeons specially trained in epizootiology are required for the important work of diagnosing infectious diseases and devising preventive measures, and, secondly, men similarly trained with an additional training and aptitude for research work are required for advanced investigation and research. The method adopted for the recruitment of the Veterinary Department is as follows:—applicants for posts are interviewed and the names of the most promising ones are noted; when a vacancy occurs the most suitable men are informed and the best candidate available is appointed. On appointment he is given special training in the Board's laboratory for about a month, and is then sent to serve under an experienced officer for about the same length of time. After a probationary period of two years, officers are required to sit for written and practical examinations in advanced pathology and epizootiology, the retention of their services by the Board being conditional on the examinations being passed. Special facilities are given to officers to attend courses of study at Veterinary Colleges. The Chief Veterinary Officer keeps in touch with the heads of the Veterinary Colleges and endeavours to secure for the Department the services of promising students after they have qualified, but he informed the Committee that the supply at present available of both the types of men required is inadequate, and that the Board are obliged occasionally to appoint officers who do not possess all the qualifications that the work demands (Q. 992-3). The veterinary staff of the Board has increased considerably in recent years, and still further increase will no doubt be required; in addition to the staff employed in administrative work the staff engaged in research will need to be supplemented to enable the veterinary laboratory to undertake the duties assigned to it under the scheme for the promotion of agricultural research which has been previously referred to, but it appears to be exceedingly difficult at the present time to find a sufficient number of men, who have received the training necessary to fit them to undertake research in animal pathology.

9. *Local Veterinary Officers.*—Under this head are grouped three classes of officers. The first two classes of appointments are filled, as a rule, by veterinary surgeons engaged in private practice in the locality. First, there are the local veterinary inspectors of the Board of Agriculture and Fisheries, referred to above, who are employed, as required, in connection with outbreaks of swine-fever, and, occasionally, of other diseases.

The second class consists of the veterinary inspectors appointed by local authorities under the Diseases of Animals Act, 1894, which provides that "every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Board of Agriculture, having regard to the extent and circumstances of the district of the local authority, direct." The number of local authorities in Great Britain under the Diseases of Animals Acts at the present time is 329. The Departmental Committee appointed by the Board of Agriculture and Fisheries to inquire into the circumstances of the recent outbreaks of Foot-and-Mouth Disease* considered the question of the qualifications which should be possessed by veterinary inspectors of local authorities, and expressed the opinion that, "in view of the progress of veterinary science in its application to the control and eradication of contagious diseases, the subjects grouped under epizootiology can now only be adequately taught in post-graduate courses of a practical kind." The Committee stated that in expressing this view they had "no desire to minimise the valuable services which the veterinary profession have rendered in the suppression of contagious diseases of animals, and in this connection they recognise to the full the fact that the remuneration offered to veterinary inspectors by local authorities is insufficient to attract the services of specially qualified men. The Committee therefore strongly recommend that the appointment of all veterinary inspectors of local authorities should be in accordance with uniform rules relating to qualifications to be laid down by the Board of Agriculture and Fisheries." We concur in the opinion that inspectors employed in connection with the Diseases of Animals Acts should be required after they have qualified to attend such practical courses as above suggested.

The third class included under this head comprises a comparatively small number of officers possessing veterinary qualifications, employed by local authorities under the Public Health Acts. Witnesses of experience expressed the opinion that the number of veterinary officers employed by sanitary authorities in Great Britain should be greatly increased, and that it was extremely desirable that meat inspection and

* [Cd. 6222], 1912. Messrs. Wyman & Sons, Ltd., Fetter Lane, London, E.C. Price 1½d.

similar work should be undertaken by men possessed of veterinary qualifications (Q.1387-93, 1573). We agree with this opinion and with the view expressed by many professional witnesses that in order to fit a veterinary surgeon to undertake such work he should, after qualifying, gain practical experience of the work under the direction of a veterinary officer (Q. 1180-4, 1394-7, 1509-11, 1681-90).

10. *Veterinary Colleges.*—The staff of the veterinary teaching institutions does not strictly come within the scope of our inquiry, but the type of man required for these posts is, to some extent, the same as that required for the public services, and their existence is, therefore, of importance from our point of view.

We have received evidence that considerable difficulty is experienced in filling vacancies which occur on the staff of the Colleges and the supply of suitable men is so small that the Principal of the Royal Veterinary College of Dublin stated that he had in the past been obliged to select one of his best students and train him specially in order to fill such a vacancy (Q. 339-342). This shortage of highly qualified teachers of veterinary science is a serious matter for the public services. In this connection it is necessary to refer again to the scheme recently approved by the Development Commissioners for the promotion of agricultural research. A part of this scheme provides for the award each year of twelve research scholarships, each of the annual value of 150*l.*, and available for a period of three years. One of the subjects for which these research scholarships are offered is animal pathology, and we understand that in each of the two years during which the scholarships have been available there have been fewer applicants for scholarships in this subject than in any other of the ten subjects into which agricultural science has been divided.

11. *General.*—The demand for the public services of highly trained veterinary officers, both for administrative and research work, will almost certainly increase, and it is therefore necessary in considering the requirements of the public veterinary services not to have regard merely to the number of existing appointments. The Departmental Committee whose report is referred to above (paragraph 9) recommended that every local authority or group of local authorities under the Diseases of Animals Acts should have at their disposal the services of a chief veterinary officer with special qualifications in veterinary science and practice, who should not be engaged in private practice. A staff of specially qualified veterinary surgeons will also be required for the purposes of an official testing station which the Government has decided to establish in connection with the export of live stock. It is probable that in the near future the State will endeavour to control some diseases which are not at present scheduled, and for this work a larger number of veterinary officers will be required for administrative work. In the colonies also, increased attention is being given to those epidemics of tropical disease which have proved so destructive of animal life. The duties undertaken by the Veterinary Department in India may also be expected to expand.

12. From the foregoing paragraphs it will be seen that there is at present an inadequate supply of suitable candidates for civil veterinary appointments at home, in the colonies, and in India. This shortage may be accounted for partly by the reduction in the total number of students who have attended the colleges in recent years. During the past 10 years the demand for veterinary practitioners in urban districts has been reduced owing to the substitution of mechanical for animal transport. The average number of men entering the profession in the last five years, viz., 1907-11, was only 85, compared with an average of 140 during the five years 1892-96.* A large number of veterinary students attend college with the fixed object of eventually engaging in private practice; of the remainder, a small percentage only possess the special qualifications desirable in officers of the public services. The total number of students has during the last 15 years been reduced, as shown above, by 40 per cent., but no steps have been taken during this period to train a larger number of candidates eligible and suitable for public employment. The problem, therefore, which this Committee has had to attempt to solve may be stated as follows:—How can the number of young veterinary surgeons fitted for, and desirous of, appointments in the Government Services best be increased without causing an undue increase in the number of veterinary practitioners? We have been informed on

* Minutes of Evidence, Appendix I. 5.

good authority that the number of persons entering the profession at the present time is probably sufficient to meet the requirements of the country when regard is had to the existing register (Q. 520-523); and it has been necessary for us, therefore, in considering the requirements of the public services to be careful not to recommend any steps which would cause an undue increase in the size of the profession. •

Mr. Share-Jones, the Secretary of the Veterinary Board of the University of Liverpool, urged on the Committee the desirability of increasing the number of institutions providing veterinary education in the United Kingdom, as he was of opinion that a large number of potential students are deterred from entering the profession by reason of the distance at which the existing colleges are situated from their homes, and the cost of maintenance consequent on residence away from home for four years. He further stated that, in his opinion, the proposed additional institutions could with the greatest efficiency and economy be established as part of one or two of the modern universities, on lines similar to those of the Department at Liverpool (Q. 1292-1300). All the other witnesses who referred to the subject stated that the number of colleges was, in their opinion, sufficient and deprecated any increase, and some expressed a decided opinion that the number of existing colleges should be reduced in view of the limited requirements of the country.

13. We have been impressed by the fact that, hitherto, no specific provision has been made for the education of veterinary officers who are to be employed in research and administrative work at home and abroad beyond that required for the ordinary veterinary practitioner. At the present time the course of study pursued by all students is practically the same until they qualify; with rare exceptions no students continue their general education beyond the secondary school stage; they then proceed at the age of 17 or 18 to one of the veterinary colleges and pursue for at least four years the specific course of study required to enable them to qualify as veterinary surgeons. In some of the colleges short courses of study are provided for men who have qualified. The course for the diploma of membership of the Royal College of Veterinary Surgeons has been designed primarily for the education of private practitioners, and the further training necessary to fit men for Government employment has been obtained, if at all, at the end of the four years' veterinary course. The above remarks are not intended as a criticism of veterinary education generally. The standard of the qualifying examinations has from time to time been raised and the length of the course of study increased, and the evidence which we received goes to show that in order to qualify as a veterinary surgeon a student has to attain a knowledge of veterinary science which is quite sufficient for the purposes of private practice.

14. Many witnesses suggested that in order to increase the number of well qualified candidates for veterinary posts in the Government service the scales of salary authorised for these posts should be raised. We fully recognise the importance of offering adequate salaries and prospects of advancement in order to secure suitable men, but we believe that this alone is not sufficient. The most important steps which in our opinion must be taken in order to improve both in quality and quantity the candidates for Government veterinary appointments are (1) to encourage a larger number of young men who have continued their general and scientific education beyond secondary school age to enter the veterinary profession; (2) to provide for men who have qualified as veterinary surgeons increased facilities to extend their knowledge, more especially in the direction of specialisation in one branch of veterinary science; and (3) to improve the system of notifying vacancies. Each of these proposals needs to be discussed separately.

COURSE OF STUDY BEFORE QUALIFICATION.

15. The first year's course at a veterinary college is devoted almost wholly to elementary science, and this is the only instruction in pure science which the majority of veterinary surgeons receive after leaving school. Professor Sheridan Delépine, the Director of the Public Health Laboratory of the University of Manchester, in which courses in Veterinary State Medicine for qualified veterinary surgeons have been conducted during the last eight years, stated that a large number of veterinary students have spent the first three months of that course, which lasts only six months, in making themselves familiar with elementary scientific methods (Q. 1557). This cannot be regarded as satisfactory, and it is highly desirable that veterinary officers who

(and, if possible, those who are to engage in administrative work also) should obtain a thorough grounding in general science before they commence the course for the veterinary diploma.

At present, for all practical purposes, no channel exists between the university and the veterinary college, and the evidence shows that few university graduates are to be found at the colleges. (Q. 242, 556-7, 716, 1249, 1611, 1640.) The Royal College of Veterinary Surgeons prescribes a four years' course for every student without regard to any qualifications he may possess when he enters the veterinary college. The representatives of the veterinary colleges who attended before us were of opinion that, if the regulations permitted, it would be quite possible in the case of a student possessing a suitable science degree to reduce the course to three years by exempting him from attendance at classes in subjects which he had already taken for his degree. This would be a great improvement on the present position, and the statement made by Mr. Garnett, the Chairman of the Parliamentary Committee of the Royal College of Veterinary Surgeons, who attended before us as the representative of that College, that he himself would be agreeable to such exemption, suggests that there is good reason to consider that the Council of the College would give this proposal their favourable consideration (Q. 1167-72). Other members of the Council who appeared before us also expressed their personal concurrence in the suggestion. It was generally agreed that a student possessing a suitable degree would have a knowledge of the pure science subjects which form nearly the whole of the first year's course at a veterinary college far in excess of that required for the veterinary diploma, and we are of opinion that the question of recognising university courses of a shorter duration than that required for a degree as qualifying for exemption, is also worthy of the serious consideration of the Royal College.

16. We do not, however, think that this step, important though it be, will alone achieve the object we have in view. It would take at least six years for a university graduate to qualify as a veterinary surgeon counting from the time he enters the university, and most men will be deterred by the cost of so long and so expensive an education. So far as we are aware, there are no scholarships of any description available for men who desire to enter a veterinary college. But we are convinced that, from the point of view of the requirements of the State, men with a university training would prove of the greatest possible value, and that good men would avail themselves of inducements offered to enter the veterinary profession. We, therefore, recommend that the State should institute for a period of five years a certain number of scholarships tenable at approved veterinary colleges for three years and of sufficient value to attract men of sound scientific training. By the end of five years the scholars selected in the first year would have been qualified as veterinary surgeons for two years, and information would be available respecting them, so that it would be possible to form some estimate of the success of the scheme. It would not be advisable to make the offer of the scholarships for a shorter period than five years, as one of the objects we have in view is that some young men desiring to become veterinary surgeons, and knowing of the existence of these State scholarships, may be induced to go from the secondary school to the university instead of direct to a veterinary college.

In order to secure men of sufficiently high scientific training it will be necessary to restrict the scholarships to candidates who have obtained their degree in subjects cognate to their future work. We consider, however, that the possession of a degree would not be sufficient in itself, and that nomination would be necessary to ensure suitable personal qualifications; some witnesses have laid stress on the necessity of the men selected having a knowledge of and interest in country and animal life. The intention of the candidates as to their future careers would also have to be considered. The selection of scholars should be made by a Committee composed of representatives of the Government Departments concerned with such expert assistance as may be deemed necessary. The Committee might, if they thought desirable, institute a competitive examination, and all the scholarships would not be awarded unless a sufficient number of suitable men applied. The value of the scholarship should be sufficient to cover the cost of the fees and residence while attending a veterinary college. After careful consideration and having regard to present and future requirements we consider that 12 scholarships could profitably be offered each year, each scholarship to be of the annual value of 80*l.* and tenable for three years.

It would be extremely undesirable that anything in the nature of a promise of future employment in the public services should be made to the successful scholar. On

the other hand, we think that it might be advisable to issue with the forms of nomination a statement of the number of Government appointments requiring veterinary qualifications and the conditions of service, so that the student during his college course may endeavour to qualify himself for such posts.

17. In view of the fact that these scholarships would not be awarded for the benefit of any one branch of the public service, and that they would result in advantage to veterinary education generally, we are of opinion that any money that may be provided for this purpose should be administered by the Board of Agriculture and Fisheries, whose duty it would be to keep in close touch with the other Government Departments concerned and to ascertain their requirements. State recognition and the entry of a number of graduates into the veterinary colleges would no doubt have the effect of further increasing the estimation in which the veterinary profession is deservedly held.

COURSE OF STUDY AFTER QUALIFICATION.

18. It was generally agreed among the professional witnesses that the course for the qualifying diploma was not of itself sufficient training for future officers in the Government services. It was also agreed that the courses at present provided for men after they have qualified, while of great value so far as they go, are not sufficient. These courses last for about two months only, and the evidence of most witnesses led to the conclusion that students in order to fit themselves to undertake official work at home and in the colonies could with great advantage spend a year in post-graduate work and study. The heads of the teaching institutions were practically unanimous in stating that many students who have shown the ability and the desire to continue their education after obtaining their diploma would be prevented from taking such a course owing to lack of means; their parents have, in many cases, made a considerable sacrifice to enable them to enter the profession and they naturally expect their sons to begin to earn their own living immediately after they qualify. With the exception of the recently instituted Research Scholarships in Agricultural Science, of which not more than one, or occasionally two, a year can reasonably be expected to be awarded for animal pathology, there are no scholarships available for the benefit of students such as we have mentioned. All the members of the profession questioned on the subject testified that the institution of a number of scholarships available for men who have qualified would be attended with great benefit.

19. For the reasons above stated it is, in our opinion, essential that the State should provide scholarships for men who have already qualified, to enable them to continue their studies with a view to enter the public services. Each scholarship should be tenable for at least twelve months at an approved institution, or institutions, either at home or abroad, where special facilities for such studies exist. It is essential that opportunity should be given for advanced study to be carried on in the laboratories of universities and other institutions which afford adequate opportunities for study and research of the kind required, and the choice should not necessarily be confined to institutions in the United Kingdom. (Q. 285, 628, 979, 1077-80, 1115, 1176-8, 1414-21, 1531-2, 1600-4, 1657-65.)

The method of awarding these scholarships should, in our opinion, be as follows:—Candidates should be nominated by the Principals of the Veterinary Colleges as showing promise of marked capacity for advanced study or research; the candidates themselves should be asked, among other questions, to state (1) what special branch of study they desired to pursue, (2) what institutions they would wish to work at, and (3) what occupation they proposed to take up at the end of the period for which the scholarship, if awarded, would be tenable. The applications would be considered by a Selection Committee comprising representatives of the Government Departments concerned, with such expert assistance as might be required. The most likely candidates would be interviewed, and arrangements made for obtaining from their nominators or referees any additional information required. To prevent any misconception, it may be desirable to state that in our opinion these advanced scholarships should be open to any qualified veterinary surgeon. Men who had held one of the scholarships the institution of which we recommend earlier in this report would naturally be eligible for nomination. It would probably be desirable that the number of these scholarships offered should vary from time to time, and the number to be awarded each year should be settled by the Selection Committee, having regard to the supply of suitable candidates and the vacancies likely to occur.

The amount of the scholarships remains to be considered. We think that the best course would be that the Selection Committee, when recommending the award of a scholarship, should state at what institution or institutions it should be tenable, and what sum would be required to cover the cost of fees and maintenance. We think, however, that the annual value of a scholarship should not be less than 100*l.* and should not exceed 150*l.*

20. We have considered the question whether the successful candidates for these scholarships should be required, before the award of the scholarship, to enter into a contract to join at the termination of the year the branch of the public service for which his year's course of study has been designed specially to fit him. We are of opinion that, as a rule, such a contract should not be required. The selection for Government appointments should not be restricted to men who hold or have held scholarships. It would be unwise, as well as unfair, to exclude from competition those who, without such aid, may have acquired the requisite qualifications. Further, it may be advisable that in the case of certain appointments requiring qualifications of an exceptional kind—*e.g.*, in relation to tropical diseases—selection should precede special training, in order that the training may be directed into the particular course desired. In such cases it may be left to the Department concerned to decide the course of studies and to provide such financial assistance as is considered necessary.

NOTIFICATION OF VACANCIES.

21. In view of the comparatively small number of vacancies which occur annually, we have considered whether any substantial improvement could be effected by the adoption of a system by which the veterinary appointments in the different Government services could be "pooled." We have come to the conclusion that the requirements of the Departments vary so considerably that little advantage would be derived from such a system and that it would be exceedingly difficult to work. We are, however, of opinion that improvements could be made in the existing arrangements for notifying vacancies as they occur. No doubt this subject in its broad aspect is receiving the attention of the Royal Commission on the Civil Service which is now sitting. From the evidence we have received, it appears that students at the Veterinary Colleges have an opportunity of obtaining information regarding the various public and Government appointments which exist, but we think that further steps should be taken to inform the authorities of the colleges and of universities of any vacancies when they occur. The Government Departments, as a rule, keep lists of the names of the most promising men who have applied for an appointment, but we think that suitable candidates who would not, perhaps, apply to have their names added to these lists, would be glad to enter for a definite vacancy to which their attention had been called. We, therefore, recommend that, whenever such a course can possibly be adopted, particulars of Government veterinary appointments as they become vacant should be sent by the Department concerned to the heads of each of the veterinary colleges and also to universities and other institutions, with information as to the latest date on which applications will be received, and a statement that the vacancy will not be filled before that date. It is desirable that the nature of these appointments should be more generally known as an interesting and important branch of the State service.

OTHER RECOMMENDATIONS.

22. In the course of our inquiry we have had to consider a number of questions which affect, not only the public veterinary services, but the veterinary profession and veterinary education generally. Many of these do not come within the scope of our inquiry, but there are one or two points which it seems to us important to notice.

23. The Royal College of Veterinary Surgeons was constituted by Royal Charter in 1841, and its powers therein defined have been confirmed and extended by Supplementary Charters and by Acts of Parliament. The body corporate is constituted of the members of the College, all of whom must have passed the required examinations. It is not only the representative, but the disciplinary and diploma-granting body of the profession. In 1895 the College decided to extend the course of study for the diploma of membership from three to four years. There seems to be no ground for doubt that the standard of veterinary education was considerably raised by this action, but the number of candidates entering for the yearly examinations fell immediately the change came into operation and has not since risen. The

effect on the finances of the College, so we were informed, has been disastrous (Q. 1200). The reduction in the receipts from examination fees was the more so by reason of the fact that the cost of conducting the examinations was increased in 1902 owing to the recognition of two additional veterinary colleges. Under the Acts and Charters the College must conduct examinations annually in England, Scotland and Ireland, and, as a matter of fact, it holds examinations twice each year at each of the five affiliated centres. The lack of funds seriously hampers the work of the College. With a view to improve its financial position the College is seeking provision in a Bill now before Parliament to charge an annual fee of one guinea on each of its members and fellows. This Bill, we understand, has the support of the great majority of the profession, but so far little progress has been made with its consideration. We are of opinion that the College is performing work of great national importance, and that its efforts to maintain a high standard of veterinary education in this country are worthy of every encouragement.

24. The majority of the veterinary colleges are entirely self-contained so far as their teaching staff is concerned, that is, they not only provide the staff for the special veterinary subjects, but they also employ teachers for the preliminary science subjects which have to be studied in the first year. On the other hand, the veterinary school at Liverpool utilises the services of the general university staff for practically all the subjects taken in the first year. We think that it would probably be desirable on educational grounds that similar arrangements should be adopted at the other centres, and that the general scientific subjects studied during the first year should be taken at a university or college where such instruction could be afforded. Similar arrangements exist in some universities in connection with the Degree and Diploma Courses in Agriculture and appear to work satisfactorily. The Government grants now present paid to the veterinary colleges are very small, and these colleges are probably more dependent on receipts from students' fees than any other class of educational institution of the same grade. We think that the time has come when increased financial assistance should be given by the Government to institutions devoted to veterinary teaching, the efficiency of which is of great importance to the State.

SUMMARY OF PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS.

25. In the course of our inquiry we have arrived at the following conclusions:—

- (a) That the requirements of the Army Veterinary Service are adequately met at the present time. (Section 4.)
- (b) That the number of suitable candidates for appointments in the other public veterinary services is inadequate. (Sections 8-14.)
- (c) That a largely increased number of veterinary officers possessing special qualifications will be required for the public services. (Section 11.)

26. With a view to increase the number of highly-qualified veterinary surgeons available for employment in the public services, we recommend that—

- (a) Students possessing a suitable science degree should be granted exemption from one of the four years at present required for veterinary qualification and that the requisite adjustment should be made in the course at the veterinary colleges. (Section 15.)
- (b) Twelve scholarships should be offered each year of the annual value of 80*l.* each tenable at a veterinary college for three years, with a view to encourage a number of men who have received a good scientific education to enter the veterinary profession. (Section 16.)
- (c) Scholarships of an annual value of not less than 100*l.* and not exceeding 150*l.* should be offered each year to enable qualified veterinary surgeons to undertake advanced study and laboratory work at suitable institutions. (Section 19.)
- (d) The method of notifying vacancies in the public veterinary services should be improved as above suggested. (Section 21.)
- (e) Increased State aid should be given to institutions devoted to veterinary education. (Section 24.)

We believe that the adoption of these recommendations would lead to the more general recognition of the veterinary services concerned as constituting an essential part of the Government administration.

In conclusion, we desire to express our appreciation of the assistance rendered to us by our Secretary, Mr. H. L. French, both in the preparation of this Report and throughout the inquiry. He has discharged the various duties entrusted to him with tact, assiduity, and ability, and we are much indebted to him for his services.

We have the honour to be,

Sir,

Your obedient Servants,

(Signed) ALFRED HOPKINSON (*Chairman*).

T. H. ELLIOTT.

H. J. READ.

G. F. MacMUNN.

FRANCIS C. DRAKE.

H. L. FRENCH (*Secretary*).

7th January 1913.
