

**COLLECTION OF PAPERS  
RELATING TO THE APPOINTMENT  
OF NATIVES OF INDIA**

**VOL. IV  
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COLLECTION OF PAPERS

RELATING TO

THE APPOINTMENT OF NATIVES OF INDIA

TO

HIGHER OFFICES IN THE UNCOVENANTED SERVICE.

VOLUME IV.



CALCUTTA:  
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## TABLE OF CONTENTS.

### XIII.

#### Appointment of Natives of India to higher offices in the Uncovenanted Service.

Number of paper in Volume.	From No., date, and subject of paper.	Proceedings No. and date.	Page.
I	Memorandum on the privileges and disabilities of Europeans in India.	.....	1-8
II	<p>Financial Department Notification No. 1081, dated the 16th February 1872, publishing the following correspondence with the Secretary of State about the Uncovenanted Service Absentee Rules:—</p> <p>Financial Despatch to the Secretary of State, No. 4, dated the 7th January 1868.</p> <p>Financial Despatch from the Secretary of State, No. 221, dated the 16th May 1868.</p> <p>Financial Despatch to the Secretary of State, No. 220, dated the 28th August 1868.</p> <p>Financial Despatch from the Secretary of State, No. 604, dated the 8th December 1868.</p> <p>Letter from the Uncovenanted Service Furlough Committee, to the Government of India in the Finance Department, dated the 15th March 1869.</p> <p>Financial Despatch to the Secretary of State, No. 74, dated the 23rd March 1869.</p> <p>Financial Despatch from the Secretary of State, No. 84, dated 10th March 1870.</p> <p>Financial Despatch to the Secretary of State, No. 227, dated the 4th October 1870, and enclosure.</p> <p>Financial Despatch from the Secretary of State, No. 451, dated 6th December 1871.</p>	.....	8-27
III	To the Government of Bengal, No. 977, dated 9th November 1875, enquiring whether the appointments of Messrs. Gencoe and Spry were in accordance with the instructions of the Secretary of State.	Estab. B., Nov. 1875, No. 6	27
IV	From the Government of Bengal, No. 2213CS, dated 22nd November 1875, stating that the Lieutenant-Governor does not consider that the appointments of Messrs. Gencoe and Spry are opposed to the instructions issued by the Secretary of State, in despatch No. 452, dated 6th December 1871.	Estab. B., Dec. 1875, No. 137	27-28
V	To the Government of Bengal, No. 1165, dated 21st December 1875, acknowledging the receipt of the foregoing letter, and requesting that no more Europeans may be appointed or engagements made for appointing them to the Subordinate Executive Service until the general question, which is one of some difficulty, regarding the admission of Europeans into higher branches of the Uncovenanted Civil Service has been considered and a further communication addressed to the Government of Bengal on the subject.	Ditto, No. 138	28

Number of paper in Volume.	From No., date, and subject of paper.	Proceedings No., and date.	Page.
VI	To the Government of Bengal, No. 340, dated 22nd May 1876, requesting, for the reasons mentioned, the submission of a list showing the number of administrative appointments in Bengal and Assam which in His Honor the Lieutenant-Governor's opinion should be held by European British officers.	Establ., May 1876, No. 108	29
VII	To the Chief Commissioner of Assam, No. 341, dated 22nd May 1876, requesting, for the reasons mentioned, the submission of a list showing the number of administrative appointments in Assam which in his opinion should be held by European British officers.	Ditto, No. 109	29
VIII	From the Chief Commissioner of Assam, to the Finance Department, No. 810, dated 18th March 1876, stating that until some increase is made to the sanctioned number of Extra Assistant Commissioners at his disposal, it will be necessary to fill up temporary vacancies by acting appointments in order to enable him to carry on the administration of the Province.	Establ., Oct. 1877, No. 88	29-30
	From the Chief Commissioner of Assam, No. 1769, dated 26th May 1876, on the above subject.	Ditto, No. 89	30-32
IX	To the Government of Bengal, No. 357, dated 30th May 1876, enquiring, with reference to the foregoing letter from the Chief Commissioner of Assam, whether previous to the separation of Assam from Bengal, and where there were 53 Extra Assistant Commissioners at the disposal of the Bengal Government for employment in the non-regulation districts, it was the practice to fill up temporary vacancies by the appointment of acting officers or to provide for such vacancies from existing resources.	Ditto, No. 90	33
X	From the Government of Bengal, No. 776J, dated 12th June 1876, submitting with remarks a tabular statement shewing the number of Extra Assistant Commissioners absent on leave or special duty, the number of acting appointments made, and the number of temporary vacancies left unfilled on the 1st day of each quarter of the years 1872 and 1873 and of the 1st quarter of 1874.	Ditto, Nos. 91 & 92.	33
XI	From the Chief Commissioner of Assam, No. 2159, dated 17th July 1876, intimating that he has taken the matter into his most careful consideration, and submitting statements of the sanctioned sub-divisional staff now employed and the required staff as now proposed.	Ditto, Nos. 93 & 94.	34-37
XII	From the Chief Commissioner of Assam, No. 2224, dated 27th July 1876, stating that through an inadvertence no mention was made about certain sub-divisions in his letter No. 2159, dated the 17th July 1876.	Ditto, No. 95	38
XIII	To the Chief Commissioner of Assam, No. 507, dated 9th June 1877, acknowledging the foregoing letters Nos. 810, 2159, and 2224, dated respectively the 18th March and 17th and 27th July 1876, and expressing regret that the Government of India are unable, for the reasons mentioned, at present to entertain proposals for any increase over the sanctioned establishment in Assam, and existing vacancies should be filled up as heretofore.	Ditto, No. 96	38
XIV	From the Government of Bengal, No. 1283T, dated 7th July 1876, submitting list of all the minor administrative appointments which, in the opinion of the Lieutenant-Governor, should be held by European British officers.	Pub., April 1879, No. 173	39

Number of paper in Volume.	From No., date, and subject of paper.	Proceedings No. and date.	Page.
XV	To the Government of Bengal, No. 584, dated 9th July 1877, referring to the correspondence noted regarding the minor administrative appointments in Bengal which should be held by European officers, and enquiring whether, in view to the orders contained in the Financial Department Resolution No. 1709, dated 22nd March last, His Honor the Lieutenant-Governor has any further recommendation to make, or whether he wishes the letters from the Bengal Government of the 22nd November 1876 and 7th July 1876 to stand.	Pub., April 1879, No. 174	39
XVI	From the Government of Bengal, No. 4361, dated 18th August 1877, stating that the Lieutenant-Governor has no further recommendations to make in connection with the minor administrative appointments in Bengal, and that he wishes that the letters from the Bengal Government of the 22nd November 1876 and 7th July 1876 to stand.	Ditto, No. 175	39
XVII	Circular to Local Governments and Administrations in the Bengal Presidency, Nos. 21-746 to 753, dated 18th April 1879, conveying the orders and observations of the Government of India on the question of the increased employment of natives of India to higher posts in the Uncovenanted Service. Nos. 754 to 759. Copy forwarded to the several Departments of the Government of India for information.	Ditto, No. 176	40-41
XVIII	To the Secretary of State, No. 29, dated 24th April 1879, submitting copy of circular orders issued to several Provinces in the Bengal Presidency regarding the increased employment of natives of India to higher posts in the Uncovenanted Service, &c., and solicits approval to the issue of similar orders to the Governments of Madras and Bombay.	Ditto, No. 177	41-42
XIX	From the Secretary of State, No. 66, dated 10th July 1879, approving the instructions issued by the Government of India, with a view of giving full 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.	Pub., Sept. 1879, No. 31	42-43
XX	Enclosure to above { From the Secretary of State, to the Governments of Bombay & Madras, Nos. 7 & 8, dated 10th July 1879. Nos. 42-1631 to 1638, dated 5th September 1879. Copy forwarded to the Local Governments and Administrations noted for information, in continuation of the circular from the Home Department, Nos. 21-746 to 753, dated 18th April 1879. Nos. 42-1639 to 1643. Copy forwarded to the several Departments of the Government of India noted for information, in continuation of the endorsement from the Home Department Nos. 21-754 to 759, dated 18th April 1879.	Ditto, No. 32	43
XXI	Despatch from the Secretary of State, to the Government of Madras, No. 9 (Public), dated the 10th July 1879, forwarding, for information and guidance, copy of a circular of April 1879, issued by the Government of India.	Pub. B., Aug. 1879, No. 67	43-44
XXII	Despatch from the Secretary of State, to the Government of Bombay, No. 7, dated 10th July 1879, forwarding, for information and guidance, copy of a circular of April 1879, issued by the Government of India.	Ditto, No. 69.	44

Number of paper in Volume.	From No., date, and subject of paper.	Proceedings No. and date.	Page.
XXIII	Despatch from the Government of Bombay, to the Secretary of State, No. 31 (General Department), dated 29th August 1879, sending a reply to the above despatch.	Pub. B., Sept. 1879, No. 196	44-45
XXIV	<p>From the Secretary of State, No. 107, dated 6th November 1879, referring to a suggestion made by the Government of Bombay that special famine officers should be included in the list of exceptions to the general rule regulating the appointment of natives of India to an increasing majority of higher offices in the Uncovenanted Service; stating that his orders, with respect to the employment of Natives, were intended to comprise temporary, as well as permanent, appointments; and observing, with respect to special famine officers, that experience has shown that Natives may be employed as fitly as Europeans.</p> <p>No. 41. Copy forwarded to the Government of Bombay for information, with reference to the despatch from that Government to the Secretary of State, No. 31, dated 29th August 1879.</p> <p>No. 42. Copy, with copy of the despatch noted, forwarded to the Government of Madras for information, with reference to the despatch addressed to that Government by Her Majesty's Secretary of State, No. 9, dated 10th July 1879.</p> <p>Nos. 1-43 to 55. Copy, with copy of the despatch noted, forwarded to the other Local Governments and Administrations, and to the several Departments of the Government of India for information, in continuation of endorsement Nos. 42-1631 to 1643, dated 5th September last.</p>	Pub., Jan. 1880, No. 66	45
XXV	From the Government of Bengal, No. 2350A., dated 13th April last, recommending that that Government be permitted to appoint Europeans to the Subordinate Executive Service so long as the total number of Europeans does not exceed 16 per cent. of the whole strength of the service.	Estab., Aug. 1880, No. 43	45-47
XXVI	To the Government of Bengal, No. 352, dated 24th August 1880, acknowledging the receipt of the foregoing letter, and conveying the orders of the Government of India thereon.	Ditto, No. 44	47-48
XXVII	<p>From the Secretary of State, No. 89, dated 14th October 1880, forwarding, for information, copy of a despatch addressed to the Government of Bombay on the subject of certain appointments made by that Government contrary to the instructions contained in Lord Cranbrook's despatch of the 10th July 1879.</p> <p>Nos. 2-46 to 55. Extract, paragraphs 3 to 6, of the despatch to the Government of Bombay, No. 10, dated the 14th October last, forwarded to the Government of Madras for information and guidance, with reference to the despatch from the Secretary of State to that Government, No. 9, dated the 10th July 1879, and to the Local Governments and Administrations noted for information and guidance, with reference to Home Department Circular Nos. 21-746 to 753, dated the 18th April 1879.</p>	Pub., Jan. 1881, Nos. 63 & 64	48-50
XXVIII	From the Military Department, No. 1146S.-D., dated 5th August 1880, forwarding copy of a communication from the Government of Madras, and enclosure, and enquiring whether the orders contained in this Department No. 21-746-53, dated 18th April 1879, and No. 42-1631-42, dated 5th September 1879, prohibiting the appointment of persons other than natives of India to offices which carry salaries of Rs. 200 and upwards, apply to the Uncovenanted Service generally, or only to gazetted appointments.	Pub., July 1881, No. 76	50

Number of papers in Volume.	From No., date, and subject of paper.	Proceedings No. and date.	Page.
XXIX	From the Military Department, No. 14778-D., dated 12th September 1880, requesting, for the reasons urged, that some more definite rules should be laid down in regard to the appointments mentioned in the above letter.  <b>Appointment of Natives of Afghanistan, and neighbouring countries to offices in British India.</b>	Pub., July 1881, No. 77	50-51
XXX	From the Foreign Department, No. 57 G.P., dated 23rd February 1882, forwarding, for information, a copy of correspondence with the Secretary of State for India on the subject of the appointment of natives of Afghanistan and neighbouring countries to offices in British India.	Pub., March 1882, No. 164	51-52
XXXI	Enclosures to above. { To the Secretary of State, No. 137, dated 30th October 1881. From the Government of the Punjab, to the Foreign Department, No. 84, dated 31st January 1881.	Ditto, Nos. 165 & 166.	52-53
XXXII	Resolution recorded in this Department, No. 12-441, dated 20th March 1882, intimating that the Government of India will be prepared to consider favourably cases in which, for special reasons, it is proposed to employ in the Government service natives of Afghanistan, Persia, or other countries immediately contiguous to British India.  Nos. 12-442-457. Copy of the foregoing Resolution forwarded to the Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and Punjab, Chief Commissioners of the Central Provinces, British Burma, Coorg, and Assam, and Resident at Hyderabad, for information and guidance; and a copy communicated to the several Departments of the Government of India for information.	Ditto, No. 167	53-54
XXXIII	From the Government of the Punjab, No. 783, dated 3rd April 1882, making certain enquiries in regard to the orders for the employment of natives of Afghanistan to posts in British India.	Pub., April 1882, No. 220	54
XXXIV	To the Government of the Punjab, No. 621, dated 24th April 1882, stating that the intention of the orders contained in paragraph 2 of this Department Resolution No. 12-441-457, dated the 20th March 1882, is that each case in which it is proposed to appoint a native of Afghanistan, Persia, or other countries contiguous to British India to an office carrying a salary of Rs. 200 a month, or upwards, should, as it arises, be referred for the orders of the Government of India.  No. 622. Copy of correspondence forwarded to the Foreign Department for information. <b>Appointment of Mr. Pringle as first Assistant in the Madras Secretariat.</b>	Ditto, No. 221	54
XXXV	From the Officiating Accountant General, Madras, to the Government of India, Finance Department, No. 846, dated 3rd March 1881, and enclosures, objecting to the appointment of Mr. Pringle.	Pub., April 1881, Nos. 16 & 17.	54-55
XXXVI	To the Government of Madras, No. 509, dated 6th April 1881, requesting to be furnished with further particulars of the appointment.	Ditto, No. 18	55
XXXVII	From the Government of Madras, No. 567, dated 22nd April 1881, supplying the information called for by the Government of India in connection with Mr. Pringle's appointment.	Pub., May 1881, No. 116	55-56

Number of paper in Volume.	From	No., date, and subject of paper.	Proceedings No. and date.	Page.
XXXVIII		To the Government of Madras, No. 709, dated the 23rd May 1881, informing that Government that Mr. Pringle's appointment is unobjectionable.	Pub., May 1881, No. 117	56
		<b>Proposed appointment of Mr. W. H. Edmunds as an Extra Assistant Commissioner in Oudh.</b>		
XXXIX		From the Government of the North-Western Provinces and Oudh, No. 610, dated the 25th February 1881. Requests sanction to the appointment of Mr. Edmunds as an Extra Assistant Commissioner in Oudh, on the occurrence of a suitable vacancy.	Estab., April 1881, No. 31	56-57
XL		To the Government of the North-Western Provinces and Oudh, No. 155, dated the 13th April 1881. Informed in reply that the Government of India are not justified to set aside the rules in this case.	Ditto, No. 32	57
		<b>Proposal for the appointment of a European to the Subordinate Executive service in the North-Western Provinces and Oudh.</b>		
XLI		From the Government of the North-Western Provinces and Oudh, No. 413—II-386-16-3, dated 18th February 1885, soliciting sanction to the appointment of a European, not being a statutory native of British India, to the Uncovenanted Civil Service of those Provinces, in the class of Deputy Collector and Extra Assistant Commissioner.	Pub., March 1885, No. 31	57-59
XLII		To the Government of the North-Western Provinces and Oudh, No. 362, dated 7th March 1885, stating that, before passing orders on the proposal, the Government of India may be furnished with full particulars as to the qualifications, including the past history and education, of the person whom it is proposed to appoint, as required by paragraph 5 of this Department Circular No. 21—746-753, dated the 18th April 1879.	Ditto, No. 32	59
XLIII		From the Government of the North-Western Provinces and Oudh, No. 1156—II-386-43-3, dated 15th April 1885, furnishing particulars regarding Mr. G. F. Greene, whom His Honour the Lieutenant-Governor recommends for appointment in the Uncovenanted Civil Service in those Provinces in the class of Deputy Collectors and Extra Assistant Commissioners.	Pub., May 1885, No. 315	59-60
XLIV		To the Government of the North-Western Provinces and Oudh, No. 926, dated 28th May 1885, acknowledging the receipt of the foregoing letter, and conveying the orders of the Government of India thereon.	Ditto, No. 316	60
		<b>Memorial from Mr. WHITE, President of the Eurasian and Anglo-Indian Association, Southern India, regarding the employment of Eurasians and domiciled Europeans in the Public Service.</b>		
XLV		From the Government of Fort St. George, No. 1794 (Miscellaneous), dated 12th September 1883, transmitting to the Secretary of State for India a despatch, giving cover to a memorial addressed to His Lordship by Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association, Southern India, on the subject of the grievances of Eurasians and domiciled Europeans.	Pub., Oct. 1884, No. 199	60
		<b>Memorial of David Emmanuel Starckenburgh White, Life-President of the Eurasian and Anglo-Indian Association of Southern India, to the Secretary of State for India.</b>	Ditto, No. 200	61-72
XLVI		Enclosure to above		



Number of paper in Volume.	From No., date, and subject of paper.	Proceedings No. and date.	Page.
XLVII	From the Government of Bengal, No. 1180 T.—B., dated 12th October 1883, submitting, at the instance of the Council of the European and Anglo-Indian Defence Association, a letter addressed by them to this Government on the subject of the admission and training of candidates for the appointment of Forest Rangers at the Forest School, Dehra Dun.	Pub., Oct. 1884, No. 201	72
XLVIII	Enclosure to above	Ditto, No. 202	72—73
XLIX	From the President of the Eurasian and Anglo-Indian Association, No. 89, dated 1st September 1884, submitting, for consideration with remarks, copy of the Proceedings of a Public Meeting held in Calcutta on the 8th ultimo, containing Resolutions regarding the exclusion of Englishmen and their descendants from the Indian Public Service.	Ditto, No. 203	73—75
L	Enclosure to above.	Ditto, No. 204	75—76
LI	From Mr. F. T. Atkins, Allahabad, dated 8th September 1884, forwarding for submission copies of Resolutions passed at a Public Meeting held at Jubbulpore on the above subject.	Ditto, No. 205	76
LII	Enclosure to above	Ditto, No. 206	76—77
LIII	To the Secretary of State, No. 55, dated the 19th October 1884, forwarding, for consideration and orders, copy of a letter from the Government of Madras, giving cover to a memorial from Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association, Southern India, on the subject of the more extended employment of Eurasians and domiciled Europeans in the Public Service, together with copies of other papers bearing on the same subject.	Ditto, No. 208	77—80
LIV	Nos. 1741 to 1744, dated 17th October 1884. Copy forwarded to the Department of Finance and Commerce, Military (Marine) Department, Public Works Department, and Revenue and Agricultural Department for information.  From the Secretary of State, to the Government of Madras, No. 2, dated 29th January 1885, replying to despatch No. 16, dated 11th September 1883, covering a memorial from Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association of Southern India, on the subject of the more extended employment of Eurasians and domiciled Europeans in the public service, and forwarding copy of a despatch to the Government of India containing his orders in the matter.	Pub., March 1885, No. 29	80

Number of paper in Volume.	From No., date, and subject of paper.	Proceedings No. and date.	Page.
LV	<p>From the Secretary of State, No. 8, dated 29th January 1885, replying to despatch No. 55, dated 18th October 1884, with which was transmitted a letter from the Government of Madras, giving cover to a memorial from Mr. D. S. White, President of the Eurasian and Anglo-Indian Association of Southern India, on the subject of the more extended employment of Europeans and Eurasians in the public service.</p> <p>No. 346, dated 6th March 1885. Copy forwarded to the Government of Madras, with a request that the orders of the Secretary of State may be communicated to Mr. D. S. White.</p> <p>Nos. 9—347-355. Copy forwarded to other Local Governments and Administrations for information.</p> <p>Nos. 9—356-361. Copy forwarded to all Departments of the Government of India for information.</p>	Pub., March 1885, No. 90	81—82
LVI	<p>From the Government of Madras, No. 1297, dated 21st June 1886, submitting the question whether Mrs. McIntyre, the Acting Matron Superintendent of the Madras General Hospital, can be regarded as a "Native of India" within the meaning of section 6 of the Statute 33 Vic., Cap. 3, and if not, whether the previous sanction of the Secretary of State is necessary to that lady being confirmed in the appointment in which she is at present acting, and suggesting the desirability of laying down a ruling to the effect that any European may become a Statutory Native by making a formal declaration under Section 11 of the Indian Succession Act (No. X of 1865).</p>	Medl., Sept. 1886, No. 55	82—83
LVII	<p>To the Government of Madras, No. 475, dated 17th September 1886, stating that Mrs. McIntyre cannot be regarded as a "Native of India", suggesting that it might be well if the question of appointing Mrs. McIntyre were referred for the consideration and orders of the Secretary of State and adding that it is beyond the powers of the Government of India to extend the Statutory definition of the term "Native of India" in the manner proposed.</p> <p>No. 476. Copy forwarded to the Legislative Department.</p>	Ditto, No. 56	83—84

For the use of the Commission only.

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THE APPOINTMENT OF NATIVES OF INDIA  
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HIGHER OFFICES IN THE UNCOVENANTED SERVICE.

**XIII.**

**I.**

*Memorandum on the privileges and disabilities of Europeans in India.*

The Charter Act, 1833 (3 & 4 Will. IV., cap. 85, section 87), and the Proclamation by Her Majesty the Queen in Council, dated the 1st November 1858, lay down the broad policy of equality of all Her Majesty's subjects in India for holding any place, office or employment; and assert the power of the Governor General in Council to make Laws and Regulations for all persons, whether British-born subjects or natives of India or foreigners.

All enactments and rules conferring special privileges or imposing special disabilities in departure from the principles thus laid down are exceptions made in deference to political exigencies.

2. The existing rules may be grouped under the two heads of—

I.—Jurisdiction and legal procedure.

II.—Eligibility for office and employment.

I.—JURISDICTION AND LEGAL PROCEDURE.

3. The present state of the law is as follows:

(a) *Ordinary Civil Law.*

There is no distinction between European British subjects and others. Section 10 of the Civil Procedure Code re-enacts a provision which has been in force since the year 1836 (Act XI of that year).

\* Page 186 of Legislative Proceed- On this point the Hon'ble Mr. Ilbert in ings for the year 1888 (Volume XXI). his speech\* of 9th March 1883 on the Criminal Procedure Code Amendment Bill observed as follows:

First then, as to the jurisdiction exercisable over European British subjects in civil cases. That jurisdiction is precisely the same as that which is exercisable in the case of persons not being European British subjects. Section 10 of the Civil Procedure Code enacts that—

“No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of the Courts.”

No person is exempted from that jurisdiction by reason of his being a European British subject; no person is disqualified for exercising that jurisdiction by reason of his not being a European British subject. A Native Judge has the same civil jurisdiction over a European British subject as any other Judge, and may exercise that jurisdiction in such a way as to affect not only his property but his reputation and his person. He can give judgment against him in a suit for fraud or libel; he can send him to prison for debt, can punish him for contempt of court and can issue a warrant for his arrest in case of his non-attendance as a witness.

(b) *Ordinary Criminal Law.*

4. The term "European British subject" is defined by the Criminal Procedure Code, 1862 (section 4), to mean—

- (1) any subject of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain or Ireland, or in any of the European, American or Australian Colonies or possessions of Her Majesty, or in the Colony of New Zealand or in the Colony of the Cape of Good Hope or Natal;
- (2) any child or grandchild of any such person by legitimate descent.

This definition the Hon'ble the Law Member observed in the speech above referred to was somewhat arbitrary and artificial. It includes persons who are neither European nor British, while it excludes persons who may be in all essential characteristics Englishmen, but are not of legitimate descent.

As to jurisdiction in criminal cases, the Hon'ble Mr. Ilbert remarked :

I will deal first with the jurisdiction of High Courts, including in that expression, not only the High Courts at the Presidency Towns of Calcutta, Madras and Bombay, but the High Court at Allahabad and the Chief Court of the Punjab at Lahore. The criminal jurisdiction of these Courts is unlimited. No person is exempted from it by reason of race or place of birth. No person is disqualified for exercising it by reason of race or place of birth.

Any person may exercise the jurisdiction, whether he is a European British subject or a native of India. And a Judge of the High Court, whether he is a European British subject or not, is by virtue of his office a Justice of the Peace within and for the whole of British India.

Then as to Presidency Magistrates. Here, again, there is no exemption, no disqualification, based on race or place of birth. Any Presidency Magistrate, whether a native of India or not, can try or commit for trial any European British subject, and can pass any of the following sentences :

- (1) Imprisonment for a term not exceeding two years, including solitary imprisonment.
- (2) Fine not exceeding one thousand rupees.
- (3) Whipping.

Lastly, as to the criminal jurisdiction of ordinary Magistrates and Judges in the mufassal. Here there are distinctions between cases affecting European British subjects and other cases, both as to the extent of the jurisdiction which may be exercised, as to the privileges of persons subject to that jurisdiction, and as to the persons qualified to exercise the jurisdiction.

As to the extent of the jurisdiction. A Magistrate cannot sentence a European British subject to more than three months' imprisonment or Rs. 1,000 fine, or both. A Court of Session cannot sentence a European British subject to more than a year's imprisonment or fine or both. And neither Magistrate nor a Court of Session can sentence him to the punishment of whipping.

Then the European British subject has certain special privileges as to the mode of trial, the right of appeal, and the right to apply for release from custody.

He may claim to be tried by a mixed jury or a mixed set of assessors, not less than half the number of jurors or assessors being either Europeans or Americans, or both Europeans and Americans.

If he is convicted on a trial held by an Assistant Sessions Judge or a Magistrate, he may appeal either to the High Court or to the Court of Session at his option. He can appeal against small sentences of fine or imprisonment from which there is no right of appeal in ordinary cases; and if he is unlawfully detained in custody, he can appeal to the High Court for an order directing the person detaining him to bring him before the High Court.

And, lastly, he cannot be tried by any Magistrate unless the Magistrate is a Justice of the Peace, a Magistrate of the first class, and a European British subject; he cannot be tried by any Sessions Judge unless the Judge is a European British subject; and he cannot be tried by any Assistant Sessions Judge unless the Judge is a European British subject, has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered by the Local Government to try European British subjects.

The privilege of being tried by a mixed jury or mixed assessors belongs to all Europeans and Americans; the privilege of being tried by a European British subject belongs to the European British subject alone.

The change made by the Criminal Procedure Amendment Act (III of 1884), so far as it related to European British subjects, was explained as follows in the Honourable the Law Member's speech of the 25th January 1884 :—

- (a) The power of appointing Justices of the Peace will remain on its present footing ;
- (b) All District Magistrates and Sessions Judges will be *ex-officio* Justices of the Peace, and will have power to try European British subjects ;
- (c) District Magistrates will be empowered to pass upon a European British subject a sentence extending to six months' imprisonment or two thousand rupees fine or both, that is to say, a sentence twice as severe as they are empowered to pass at present ; but any European British subject charged before a District Magistrate will have a right to require that he shall be tried by a jury of which not less than half the number shall be Europeans or Americans or both ; and
- (d) A European British subject committed for trial before a Court of Session will have a similar right even in those districts where trials before the Court of Session are not ordinarily by jury.

When a jury is claimed before a District Magistrate and the Magistrate has reason to believe that a jury composed in the manner required by the law cannot conveniently be constituted to try the case before himself, he may transfer it to another District Magistrate or Sessions Judge. The question as to the particular Court to which the case should be transferred is one which must obviously be determined with reference to administrative considerations and to the varying circumstances of different districts. Accordingly it is left to general rules, which are to be framed by the High Court with the approval of the Local Government. But there is power for the High Court to make special orders in exceptional cases. The Court to which a case is thus transferred is to try it with all convenient speed, and with the same powers and according to the same procedure as the Magistrate from whose Court it is transferred.

(c)—*Military Law.*

5. The state of the Military Law upon this subject is involved in much uncertainty. 3 & 4 Will. IV., cap. 85 (The Charter Act, 1833), section 73, empowered the Governor General in Council "to make articles of war for the government of the Native officers and soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers;" and enacted that these articles of war "shall prevail and be in force, and shall be of exclusive authority over all the Native officers and soldiers in the said military service, to whatever Presidency such officers and soldiers may belong, or wheresoever they may be serving."

The Indian Councils Act, 1861 (24 and 25 Vic., cap. 67, section 22), precludes the Indian Legislature from repealing or affecting the Acts for punishing mutiny and desertion, but contains a saving clause for the provision of the Act of 1833, "respecting the Indian Articles of War."

The existing articles of war for the government of Her Majesty's Native Indian Forces were enacted in 1869. They purport to apply to the Native officers, soldiers, and other persons in Her Majesty's Indian Army. They do not, however, attempt to define the term "Native" or "native of India;" but after stating in Part I (d) the different classes of military servants to which they are to apply, they add the following proviso :

Provided that nothing in the said Part (other than article 123) shall render any British-born subject of Her Majesty, or any legitimate Christian lineal descendant of such subject, whether in the paternal or maternal line, triable or punishable under the said Part ; but all such persons belonging to Her Majesty's Indian Army shall be triable and punishable as if they belonged to Her Majesty's British Forces.

And that nothing in the said Part shall render any American or any Christian European not being British-born or any Christian legitimate lineal descendant of such American or European, whether in the paternal or maternal line, triable by a

court-martial composed of Native Commissioned Officers; but all such persons belonging to Her Majesty's Indian Army shall be triable by courts-martial composed of European officers only. Save as aforesaid, such persons shall be subject to this Act as if they were natives of British India.

The English Army Act, 1881 [44 & 45 Vic., cap. 58, section 180 (2) (a)], provides that:

Nothing in this Act shall prejudice or affect the Indian Military Law respecting officers or soldiers or followers in Her Majesty's Indian Forces, being natives of India; and on the trial of all offences committed by any such Native officer, soldier, or follower, reference shall be had to the Indian Military Law for such Native officers, soldiers, or followers and to the established usages of the service \* \* \*; and [section 180 (2) (b)] declares that:

For the purposes of this Act the expression "Indian Military Law" means the articles of war or other matters made, enacted, or in force, or which may hereafter be made, enacted or in force under the authority of the Government of India; and such articles or other matters shall extend to such Native officers, soldiers, and followers wherever they are serving.

And finally it defines [section 190 (22)]:

The expression "native of India" means a person triable and punishable under Indian Military Law as defined by this Act.

Thus the English Act defines by reference to the Indian Act, and the meaning of the Indian Act is to be extracted from the language of the preamble and from a couple of very puzzling provisos. There is an obvious intention to exempt one class of persons altogether from the operation of the Native Articles of War, and to exempt another class of persons from liability to be tried by Native officers; but the general result is to leave great uncertainty as to the military jurisdiction exercisable over persons of mixed descent. Under existing circumstances, the number of such persons in the Army is not large, but the enrolment of Eurasians and East Indians in large numbers might raise very difficult questions.

(d) *Special Vagrancy Law.*

6. Under this Act (IX of 1874, section 3) "a person of European extraction" is defined to include—

(a) persons born in Europe, America, the West Indies, Australia, Tasmania, New Zealand, Natal, or the Cape Colony; and

(b) the sons and grandsons of such persons,

but does not include persons commonly called Eurasians or East Indians:

and a "vagrant" is defined to mean a "person of European extraction found asking for alms or wandering about without any employment or visible means of subsistence."

Any Magistrate of Police or Justice of the Peace exercising the powers of a Magistrate of the 1st class under the Criminal Procedure Code is vested with power to commit a vagrant to a Government Workhouse, or, if he is likely to obtain employment in any place, to send him to such place in charge of the police. The jurisdiction possessed by a Justice of the Peace with powers as above can be conferred (section 10) by a Local Government on any Justice of the Peace, District Superintendent of Police, or Assistant Superintendent of Police. If, after the lapse of a reasonable time, no suitable employment is obtainable for a vagrant, he is removed from India under the orders of the Local Government concerned, the cost of such removal being paid by Government. The definition of "persons of European extraction," it will thus be seen, differs materially from the definition of "European British subject" in the Criminal Procedure Code, but gives an extensive meaning to the term "European."

II.—ELIGIBILITY FOR OFFICE OR EMPLOYMENT.

I.—Civil Service.

(a) *Covenanted Service.*

7. The Act for the better Government of India (21 & 22 Vic., cap. 106) required the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, to make regulations for admitting all persons being natural-born subjects of Her Majesty (subject to prescribed conditions as to age and qualifications) who may be desirous of becoming candidates for appointment in the Civil Service of India to be examined as candidates accordingly.

Under this Statute a native of India could not as such be excluded from competition, but a native of a protected State, such as Mysore, could not be admitted unless he was a natural-born British subject.

Statute 24 & 25 Vic., cap 54, reserves certain scheduled offices to members of the Covenanted Civil Service, but saves a power of appointing other persons to such offices under special circumstances. Any person so appointed must have resided at least seven years in India.

(b) *Statutory Service.*

8. The Statute 33 Vic., cap. 3, section 6, empowers the Governor General in Council to make rules, subject to the sanction of the Secretary of State in Council, with the concurrence of a majority of Members present, for regulating the appointment of natives of India, not being members of the Covenanted Civil Service of Her Majesty in India, to offices, places, and employments reserved for members of the said Civil Service. For the purposes of the Statute, the section went on to say that "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." The Government of India felt great doubt as to the nature of the powers conferred upon it by this clause. In a despatch\* to the Secretary of State, No. 6, dated the 23rd January 1874, the Government of India remarked as follows:

The Act does not in terms contain any definition of the words "natives of India," but only directs that certain classes shall be included in the expression. But these classes would be included in the plain grammatical sense of the expression. It therefore becomes difficult not to take the direction to include some as a direction to exclude others: and upon this rendering the direction to include would amount to a definition. The effect would be that only Natives who come under this definition could be appointed under this Act to the Civil Service of the British Government in India. On the other hand, we think it possible that the object and intention of the direction that the words 'natives of India' shall include "any person born and domiciled within the dominions of Her Majesty in India," &c., &c., may have been only to guard against the exclusion of persons of European extraction who might not be accounted "natives of India" in the popular sense, though they would be in the grammatical sense, of the words. If this view is right, the "qualification" which may be defined and limited from time to time is that qualification of the popular sense of the words which is expressed in the direction to include. In this case the words "natives of India" may be taken in their full grammatical sense.

It may also be considered that the Legislature, feeling itself likely to err in an attempt to define the expression "natives of India," intended to enable the Executive to do so from time to time; and that the words "qualification thus expressed" must be taken as equivalent to "the definition herein given." This, however, would attribute an unusual sense to the language, which is of a peculiar character, and would seem to have been carefully selected for some purpose.

\* See page 20, Vol. 1.

The Secretary of State replied that he had no power to give an authoritative interpretation of the clause. The Government of

India again referred the point for the consideration of the Secretary of State in connection with the question of the legality of certain probationary appointments made under the Statutory Rules of 1879. The Secretary of State then decided\* that the

\* Despatch to Secretary of State, No. 10, dated the 10th March 1885.

appointment of natives of the Feudatory States of India has not been provided for by the Statute 33 Vic., cap. 3. The Government of India, in sending the revised draft rules recently framed to the Secretary of State, has remarked that, if any opportunity of amending the law offered itself, it would be glad to see this restriction removed.

† Despatch to the Secretary of State, No. 11, dated the 9th February 1886 (paragraph 5).

In connection with these revised draft rules this matter was again considered, and another possible construction of the section was said to be the following.

Section 6 of the Statute provided a means by which persons *being Natives of India and natural-born subjects of Her Majesty* may be appointed to certain offices otherwise than under 21 & 22 Vic., cap. 106, section 32. Such appointments are to be made subject to such rules as to age and qualification as may be prescribed by the Governor General in Council with the sanction of the Secretary of State. Then "native of India" being popularly understood to be a person of pure Asiatic descent, the expression *native of India* is declared to include Eurasians and other persons "born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India": and then the Statute goes on to empower the Governor General in Council to define and limit the sort of people, of the class not popularly known as natives of India, who are for the purposes of the Act to be deemed to be Natives of India; this power to define and limit being a power to declare what shall be deemed to be "habitual residence," and the like.

On this construction the word "include," it was held, was used by Parliament advisedly, and was "used by way of extension and not as giving a definition by which other things are to be excluded." Giving, then, this meaning to the word "include," and looking at the context, it was further held that a natural-born British subject of pure Indian origin, even though he were born in London, Goa, Pondicherry, Ceylon, or the Mauritius, is a "native of India" within the meaning of section 6.

(c) *Uncovenanted Service.*

9. There is no Statute or Act giving preference to or disqualifying "European British subjects" or "natives of India" in respect of this branch of the service; but having regard to the directions of Her Majesty's Government—

- (1) that offices to which it is desirable to appoint persons not natives of India should be, as far as practicable, filled from the ranks of the Covenanted Civil Service or from the Staff Corps;
- (2) that, so far as may be possible and consistent with the requirements of the public service, all offices other than those reserved for the Covenanted Civil Service, and those for which technical or professional qualifications are desirable, should be held by natives of India; and
- (3) that, as a rule, persons with special qualifications, not being Natives of India, should be engaged at home, through Her Majesty's Secretary of State, for such branches of the service as the Educational or the Public Works Department, and should not be enlisted in India,

\* Not printed.

† See page 322, Vol 1.



the Government of India ruled,\* on the 18th April 1879, that no person other than a native of India, within the statutory definition of the term, shall be appointed to an office carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Governor General in Council in each case unless the proposed appointment fell under one or other of the following conditions, viz.—

- (a) that the person to be appointed belongs to the Covenanted Civil Service, or to the Staff Corps;
- (b) that the person to be appointed was originally nominated to the—
- (1) Financial Department by the Governor General after examination;
  - (2) Forest Department by the Secretary of State, or by the Governor General, after examination; or
  - (3) Educational Department by the Secretary of State;
- (c) that the person to be appointed entered the branch of the Department, in which he is now to be promoted, before the 1st January 1879:
- (d) that the office to which appointment is to be made belongs to—
- (1) the Opium Department,
  - (2) the Salt or Customs Department,
  - (3) the Survey Department,
  - (4) the Mint Department,
  - (5) the Public Works Department,
  - (6) the Police Department.

When sanction was desired to the appointment of any one other than a native of India to any of the non-exempted branches of the service, it was directed that the application for such sanction should show—

- (a) the education and past history of the person whom it is proposed to appoint; and
- (b) the reason why a native of India cannot conveniently be appointed to the vacant office.

As regards the Opium and Survey Departments, the Government of India has recently decided that in future one appointment in every four shall be filled by a Native.

In connection with this point, it might be noticed that when the question of a larger employment of Native agency in the Public Works Department was pressed upon the Government of India by the Secretary of State, the Government of India in (Public Works) Despatch† No. 38, dated the 8th July 1882, paragraph 5, remarked that it felt considerable doubt as to the exact meaning which should be attached to the word "Natives" as used in the despatches from the Secretary of State, viz., whether the word should be taken in the sense in which it was defined in Statute 33 Vic., cap. 3, or in the more restricted sense of persons of purely Asiatic origin. The Government of India observed that, if taken in the statutory sense, the term would include persons of European or mixed descent, and that while it was desirous of providing every opportunity of education for this class of person, still having regard to the object which, it was understood, the Secretary of State had in view, viz., the employment of persons of pure Asiatic origin, it had determined that with the limited means at its disposal—means that could not possibly satisfy the desire of all classes for employment—the guaranteed appointments to be offered to students of the several Engineering Colleges in India should be confined to Natives of pure Asiatic blood.

\* See page 40.

† Not printed.

The Secretary of State in reply (Despatch\* No. 52 P. W., dated the 28th September 1882) said that the Government of India had "rightly interpreted the expression 'Native' in its application to Roorkee students to mean persons of pure Asiatic origin."

A Resolution\* (No. 1516—28 G., dated the 11th November 1882) was thereupon issued, reserving to persons of pure Asiatic origin the appointments to the Engineer Establishment guaranteed to students of the Thomason College, Roorkee. Several representations having been submitted by associations of domiciled Europeans and Eurasians against these orders, the Secretary of State was again addressed on the 28th July 1883, Despatch\* No. 36 P.W. The point upon which the memorialists insisted was that the orders\* of the 11th November 1882 created a distinction between classes of persons who were all comprised under the definition of "natives of India" as laid down in section 6 of 33 Vic., cap. 3, and that the reservation of a privilege to one class of such persons to the exclusion of another class was contrary to the spirit of the Queen's Proclamation, and inconsistent with the policy which had been pursued in regard to the employment in the public service of persons other than those who are engaged in England. After a careful consideration of the whole question, the Government of India, recommended that all natives of India, in the statutory sense of the expression, should be permitted to compete for the guaranteed appointments, all obstacles which hitherto deterred pure Natives from entering the service being at the same time removed.

The Secretary of State at first declined to accede to the proposal of the Government of India, but after further discussion on the subject, which need not be detailed in this note, His Lordship agreed that the guaranteed appointments in the Public Works Department should be thrown open to all students coming under the statutory definition of natives of India. This decision was given effect to in Public Works Department Resolution\* No. 1443G., dated the 13th December 1884.

## II.—Military Service.

10. The conditions of eligibility for enlistment in the British Army are contained in paragraph 3, section 19, of the Bengal Army Regulations. The paragraph is as follows:

Men whose fathers and maternal grandfathers, or whose mothers and paternal grandfathers, were of pure European origin are considered to be of pure European parentage and eligible accordingly for enlistment in British corps; the children of intermarriages between persons of this lineage are equally eligible to be so enlisted.

## II.

*Financial Department Notification No. 1061, dated the 16th February 1872.*

### LEAVE AND ALLOWANCES.

The Acting Governor General in Council is pleased to direct the publication of the following papers. Orders in conformity therewith will shortly issue:

Despatch from the Government of India in the Financial Department, to the SECRETARY OF STATE for India,—No. 4, dated the 7th January 1868.

In continuation of our despatch\* No. 276 of 1867, dated the 21st ultimo, we have the honour to forward herewith the second report\* of the Committee appointed by us to examine the Leave Rules as they apply to all branches of the service, and to propose such alterations as might seem to them just and proper. This report refers to the Leave Rules of the Chaplains and the Members of the

\* Not printed.

Uncovenanted Service, and with it the labours of the Committee conclude.

2. You will observe that the changes proposed for the Uncovenanted Service have been based upon the principle of assimilating their rules, as nearly as possible, to those proposed for the Covenanted Civil Service.

\* \* \* \* \*

5. In our despatch\* No. 276 of 1867 we so fully entered into the general reasons which in our opinion render the alteration of the Leave Rules in all branches of the service eminently desirable, that we consider it unnecessary now to do more than solicit attention to the arguments by which our recommendations were then supported. Those arguments apply as much to the members of the Uncovenanted Service\*\* as to the Civil and Military Services. It would, we consider, be in the highest degree impolitic to confer the boon on one class and to withhold it from the other. It is on this account that we have prepared, and that we recommend to your favourable consideration, rules for all branches, based upon principles which are uniform, and which in their application will benefit all alike. We confidently believe that the State itself will not be the least gainer from a measure which will so greatly add to the contentment of its servants.

Financial despatch from the SECRETARY OF STATE for India, to the Government of India,—No. 221 dated the 15th May 1868.

I have considered very carefully in Council the Furlough Rules for members of the Uncovenanted Service, transmitted with your Financial letter†, dated the 7th January 1868, No. 4.

2. You are already aware of the views of Her Majesty's Government as to the policy to be adopted in admitting the natives of India to higher posts under Government, and the Uncovenanted Service evidently offers the most ready access to them. I am of opinion, therefore, that any rules which may be adopted for leave of absence and furlough to uncovenanted servants should be framed with general reference to this consideration.

3. The principle which I consider should guide you is that there should not be different rules of leave of absence for persons of different nationalities holding similar offices, but that the rules of each class of appointments should be uniform.

4. Different rules may, however, be properly adopted for different branches of the Uncovenanted Service. There are some classes of appointments the holders of which are in a position very nearly analogous to that of the covenanted civilian, and for which special arrangements should be made. Such, for instance, may be some of the appointments in the Engineering and in the Educational Service.

5. Generally speaking, I am of opinion that the rules for those branches of the service to which it is possible to appoint a considerable portion of Natives should be framed with a view to the circumstances of Natives rather than of Europeans. The observance of this

\* Not printed.

† See page 6.

principle will render it necessary carefully to restrict the cases in which long absences can be permitted with retention of appointment.

6. The limitations with reference to duration and repetition of absence, and to proportions of salary to be drawn by the absentees, prescribed for the Covenanted Civil Service, must not be exceeded, and no period of absence, to an uncovenanted servant, with the exception of preparatory and privilege leave, should count as service for pension.

7. Subject to these observations I desire to leave the framing of such rules as you may consider expedient to Your Excellency's Government.

*Order of the Government of India in the Financial Department,—No. 647, dated the 29th June 1868.*

Ordered, that with reference to their letter\* No. 2, dated 4th January 1868, a copy of the above be sent to the Furlough Committee with the request that the proposed Furlough Rules for uncovenanted servants may be re-considered, and a report thereon submitted with reference to the views expressed by the Right Honourable the Secretary of State.

*Despatch from the Government of India in the Financial Department, to the SECRETARY OF STATE for India,—No. 220, dated the 28th August 1868.*

We have the honour to acknowledge the receipt of your despatch† No. 221, dated the 15th May last, on the subject of the Furlough Rules for the members of the Uncovenanted Service. We referred the despatch to the Furlough Committee, among whom there arose considerable difference of opinion as to the method in which your instructions could best be carried out.

2. The principle laid down in the 3rd paragraph of your despatch—"that there should not be different rules of leave of absence for persons of different nationalities holding similar offices"—seems to us unexceptionable. But it was argued that, in carrying out your suggestion in paragraph 4, for making different rules for different branches of the service, anomalies will arise in practice, which would be extremely inconvenient.

3. Supposing, for instance, it were determined to make rules for the Educational Department adapted to the requirements of Europeans who at present fill the majority of posts in that Department, it would be necessary to provide for comparatively long periods of leave to enable such officers to proceed to England. But in this Department there are many Natives, and, as education progresses, their number will increase, as indeed is indicated in the 2nd paragraph of your despatch. It is unnecessary to provide that long periods of leave shall ordinarily be granted to Natives, for such periods could only be required with the object of enabling them to proceed to Europe. It would be inexpedient to allow a Native to proceed to his own home, perhaps in the vicinity of his Office, and remain there for, say, two years. At the same time we think it highly desirable that facilities should be given to Natives for visiting Europe when they wish to do so.

\* Not printed.

† See page 9.

4. On the other hand, in Departments chiefly filled by Natives, there are at present a large number of European and Eurasian officers. Were the rules drawn out to meet only the leave requirements of Natives, these officers would not be allowed the opportunity of going to England. If it be the policy of Government to limit the number of Europeans and Eurasians from service in these Departments, that policy can best be carried out by the direct action of Government in making appointments, and it does not seem right to have recourse to the indirect pressure of unfavourable leave rules.

5. Agreeing with a majority of the Committee we would propose to extend the principle inculcated in paragraph 3 of your despatch, and in drawing out the rules, make no difference for Natives, Eurasians and Europeans in whatever Department they may be employed.

6. By a simple plan we can arrange the rules, so that persons who do not require to leave India shall obtain shorter periods of leave than those who wish to visit England, while all, whether Europeans, Eurasians or Natives, who wish to proceed to Europe, will have the opportunity of doing so.

7. This is effected by prescribing that only half the whole period of furlough claimable under the rules shall be spent in India, and that the periods in which furlough is taken in India shall be half those in which furlough is taken out of India.

8. On this plan we have caused to be drawn out the accompanying draft rules\* for your approval. They are mainly based on the rules for the Covenanted Civil Service.

9. If, however, an uncovenanted officer by taking leave were to lose his appointment as is provided in certain cases for the Covenanted Civil Service, he would, under the standing rules, forfeit all his past service for pension, and might find some difficulty in getting a new post. We have therefore provided that no leave under the rules shall involve forfeiture of appointment. In view of this advantage to the Uncovenanted Service, we have made a few modifications in the Rules for Furlough. We have abolished the distinction between long and short furlough, which obtains in the rules for the Covenanted Civil Service, and have provided that furlough can in no case be repeated, except under medical certificate, or on urgent private affairs until after intervals of three years.

10. We have made the special leave on urgent private affairs a part of the furlough instead of being in excess of it.

11. There is no scale of subsistence allowance for uncovenanted servants out of employ. We have therefore provided that when the furlough of such servants is under medical certificate extended beyond two years, or taken before the lapse of three years from previous furlough, or before furlough is at credit, the furlough allowances shall be reduced one-half with a maximum of Rs. 400 per mensem, which is the maximum subsistence allowance for covenanted civil servants. We believe this will be found to provide a scale as nearly as possible analogous to the subsistence allowance under similar circumstances of the Covenanted Service.

12. If these rules meet with your approval, we request that you will inform us by telegraph.

13. We shall address you separately regarding a limited class of offices held by barristers in connection with the subject of leave of absence for High Court Judges.

From the SECRETARY OF STATE for India, to the Government of India,—No. 504 (Financial), dated the 8th December 1868.

I have given full consideration in Council to your despatch\* No. 220 (Financial) of the 28th August on the subject of the Furlough Rules for the Uncovenanted Service.

2. In my despatch† of the 15th May on this subject I conveyed to you my desire that, in order to give full effect to the policy of reserving the Uncovenanted Service as far as possible to the natives of India, Furlough Rules for that service should be framed, with a view to the circumstances of Natives rather than of Europeans. I desired that the rules for each class of appointments should be uniform, and should not vary according to the nationality of the persons to whom they might be applied. Considering, however, that there are some classes of appointments for which it would be desirable to establish Furlough Rules analogous to those adopted for the Covenanted Service (which are framed with a view to the circumstances of Europeans rather than of Natives), I suggested that different rules might be adopted for different branches of the service.

3. In the despatch under reply you state that to adopt this suggestion would lead to very inconvenient anomalies which, however, are not described. It is, in my opinion, of the utmost importance to good government to prevent the springing up of an Uncovenanted Service in which all the higher appointments shall be appropriated to Englishmen, such as the rules now submitted to me, which principally keep English interests in view, have clearly a tendency to encourage.

4. I must therefore adhere to my opinion that the Furlough Rules should be framed, with a view to the circumstances of Natives rather than of Europeans; and I must decline to confirm the rules which you have submitted because in my judgment they do not fulfil this condition. The rules are so drawn as to give to Europeans the most liberal terms of furlough—terms which are in some respects proportionately more liberal even than those given to the members of the Covenanted Service—subject to a restriction which will be, and is meant to be, inoperative as against Europeans, and operative only as against Natives. I consider that the imposition of this restriction is, in spirit if not in the letter, inconsistent with the principle laid down in my former despatch† “that there should not be different rules of leave of absence for persons of different nationalities holding similar offices,” and I must withhold my assent from the distinction.

5. With reference to my observation that the terms you propose are proportionately more liberal than those granted to the Covenanted Service, I must draw your attention to the fact that you have fixed the same maximum, £1,200 a year, for the furlough allowance for both services. In the case of the Covenanted Service, this limitation

\* See page 10.

† See page 2.

will affect a considerable number of officers. In the case of the uncovenanted, it will, on account of the inferiority of the salaries, be practically inoperative, while the difference which exists between the amount of retiring allowance or annuity in the one and in the other service tends to aggravate the objection to the arrangement, since it obviously makes it more desirable for the worn-out covenanted servant than for the covenanted civilian to come home on furlough instead of retiring from the service.

6. I regret, therefore, that I feel myself under the necessity of returning these rules to you and of requesting you to revise them in conformity with my despatch\* of the 15th May and the present despatch.

*Order of the Government of India in the Financial Department,—No. 703, dated the 30th January 1869.*

Ordered, that a copy of the above despatch be forwarded to the Furlough Committee, with the request that they will either submit revised rules framed in precise accordance with the orders of the Secretary of State, or state in detail the reasons for their inability to do so, or for preferring the rules they have already proposed.

*From the Uncovenanted Service Furlough Committee, to the Secretary to the Government of India in the Financial Department,—dated the 15th March 1869.*

In accordance with the instructions conveyed in your communication† No. 703, dated the 30th January 1869, forwarding a copy of the Secretary of State's Financial despatch‡ No. 504, dated the 8th December 1868, we have carefully re-considered the question of the Uncovenanted Service Leave Rules.

2. The Right Honourable the Secretary of State, having on various grounds rejected the rules which our Committee had prepared in August last, requests that they may be revised in conformity with the despatch\* of the 15th May last, and with the present despatch.

3. In the despatch of the 15th May it was desired that any rules which may be adopted should be framed with reference to the consideration of the policy of Her Majesty's Government as to the admission of the natives of India to higher posts under Government, and the circumstance that the Uncovenanted Service evidently offers the most ready access to them. The rules for those branches of the service to which it is possible to appoint a considerable proportion of Natives were to be framed with a view to the circumstances of Natives rather than Europeans. While desiring that there should not be different rules for persons of different nationalities holding similar offices, but that the rules for each class of appointments should be uniform, the Secretary of State observed that different rules might be properly adopted for different branches of the Uncovenanted Service. Some of the appointments in the Engineering and in the Educational Service were instanced as those for which special arrangements might be made on the ground that the holders are in a position very nearly analogous to that of covenanted civilians. Lastly, it was desired that the limitations as to duration and repetition of leave, and proportion of salary to be drawn during leave, should not exceed those prescribed for the Covenanted Civil Service.

4. With these instructions before them our Committee, last August, could not come to an agreement as to what were the classes of appointments for which special arrangements should be made. On examination these classes appeared very numerous, and it was found difficult to draw a definite line between appointments the holders of which are in a position very nearly analogous to that of covenanted civilians and other appointments.

5. It seemed to us that the necessity for different rules for different classes of appointments arose from the fact that in some classes the great majority of holders required comparatively long periods of leave in order to visit their homes, owing to the length and expense of the voyage to Europe; and that in others the majority of the holders did not require long periods of leave, as they would not leave India. Different rules might easily be framed to suit the majority in each of these categories, but these rules would be quite unsuitable to the minority. In the first category would be some officers who would never wish to leave India, yet they would find themselves entitled to long periods of leave, merely on the ground that the majority of their fellows wished to spend their leave out of India; in the second

\* See page 9.

† *Vide Supra.*

‡ See page 12.

category would be found some who could practically never visit their homes in Europe, merely because the homes of the majority of their fellow officers were in India. Influenced by these considerations, we drafted rules which allowed longer leave out of India than in India, as we saw no other practical way out of the difficulty.

6. The same difficulties again present themselves to us, but we think it right to do the best we can to follow the instructions now conveyed to us.

7. In the margin of the annexed rules is a list of those classes of appointments for which we are of opinion that special arrangements are necessary. The great majority—in fact nearly all—of the holders of these appointments are, and must for a very long time to come be, English gentlemen of an education and social status which necessitates their recruitment from the same classes as furnish the members of the Civil Service, and who require as liberal leave as is granted to the members of that service. A great number of these appointments have been created within the last few years, and it is most probable that others will come into existence from time to time. It will be necessary when new offices are made for the Government to state to what leave rules they will be subject.

8. For the classes in the list we recommend the annexed rules which are founded on those of the Covenanted Civil Service.

9. For all other classes of the Uncovenanted Service, we think the leave rules of 1863, as at present in force, will suffice, with an alteration in regard to the absentee allowances.

10. The Right Honourable the Secretary of State, in the 4th paragraph of his despatch\* of the 8th December, has observed that the terms for furlough proposed by us "are in some respects proportionately more liberal even than those given to the members of the Covenanted Service," and in the next paragraph he has explained that this observation is founded partly on the fact that the limitation of the maximum furlough allowance to £1,200 per annum will be practically inoperative. We have given our best consideration to this objection, and we beg respectfully to represent that we do not see how we can alter the proposal without injustice to the Uncovenanted Service. The rule for the Covenanted Service is, that all officers whose average salary for three years prior to furlough did not exceed Rs. 2,000 per mensem receive while on furlough half that salary, while those officers whose average salary for the said three years did exceed Rs. 2,000 per mensem receive a furlough allowance of £1,200 per annum.

11. We proposed precisely the same rule for the Uncovenanted Service. The fact that, as compared to the Covenanted Civil Service, there are in the Uncovenanted Service proportionately more officers whose salaries are less than Rs. 2,000 per mensem does not seem to us to affect the justice of the rule. On the other hand, any alteration of the rule would what the very class of uncovenanted officers who are most deserving of indulgent consideration. It was one of the instructions originally communicated to the Committee that officers serving together, to whatever service they may belong, should be placed upon an equality as regards leave and allowances while on leave. It was considered as evidently unfair, as well as in some respects inconvenient to the public service, that officers who, when actually present at their duty, performed precisely similar duties and received exactly the same salaries, should, while on leave, be very differently treated. Thus, for example, it seems to us that if an uncovenanted officer should attain (as is very probable at the present moment) a Commissionership in the Non-Regulation Provinces, he ought to receive the same emoluments while on leave which are allowed to Commissioners who may belong to the Military or to the Covenanted Civil Service. If his allowances were limited to the amount prescribed under present rules, he would draw less than any other officer in the Commission above the rank of an Assistant Commissioner of the lowest grade, and would lose one main advantage of the promotion conferred upon him. The same thing may happen in the Public Works Department, in which Uncovenanted Engineers already hold appointments in the grade of Superintending Engineers, and may not improbably be still further advanced. We cannot but think that uncovenanted officers who have won their way to positions of such importance are, so long as they are in the service, entitled to expect the same advantages as are allowed to other officers performing the same duties.

12. The Secretary of State further observes that the great difference between the retiring allowances of uncovenanted officers, and the allowances proposed for them while on leave, make it obviously more desirable for the worn-out uncovenanted servant than for the covenanted civilian to take furlough instead of at once retiring from the service. But we would respectfully remark that even the Covenanted Civil Service furlough allowances are frequently better than their retiring allowances, and the case of Military officers is still stronger. Instances may easily arise of Military officers entitled to retire on no higher pension than that of a Captain or of a Major, who may yet claim to proceed on leave on the maximum absentee

\* See page 12.



allowances. Moreover, the Secretary of State's objection applies only to uncovenanted officers holding exceptionally high appointment; as a matter of fact, very few such officers would be in a position to take leave on allowances much in excess of any pension to which they may be entitled, and the probability of abuse may therefore be considered as reduced to a minimum.

13. On these grounds we beg, with all respect, to adhere to our recommendation that the same rule for furlough allowances shall apply to all branches of the Uncovenanted Service that now applies to the Covenanted Civil Service.

14. We would also urge that the rules\* prepared by us in August last are still, in our opinion, the best that can be devised to meet the peculiar difficulties of the case.

\* A copy is enclosed. A few modifications have been made in the rules originally proposed.

*Proposed Rules for Leave of Absence to officers in the Uncovenanted Civil Service holding certain classes of appointments.*

- I.—All officers holding appointments of the classes usually held by Covenanted Civil Servants, or by Commissioned Military Officers.
- II.—FINANCIAL DEPARTMENT.—Officers of the 6th grade and upwards.  
Sub-Deputy Opium Agents.  
Commissioner, Deputy Commissioner, and Collectors of Land Customs (North-Western Provinces).
- III.—DEPUTY AND ASSISTANT COMMISSIONERS OF SEA CUSTOMS.  
Presidency Post Masters and Civil Inspectors, and upwards.
- III.—PUBLIC WORKS DEPARTMENT.—Assistant Engineers of the 3rd grade, and upwards.
- IV.—ASSISTANT CONTROLLERS OF ACCOUNTS, and upwards.  
Assistant Conservators of Forests, and upwards.
- IV.—HOME DEPARTMENT.—Director of Public Instruction and all officers of the graded lists of the Educational Department.
- OFFICERS of the settlement Department above the rank of Deputy Collectors or Extra Assistant Commissioners.
- V.—OFFICERS of Police of the rank of District Superintendents, and upwards.  
Officers of the Trigonometrical, Topographical, or Revenue Surveys of the grade of Assistant Surveyor, and upwards.
- VI.—UNCOVENANTED MEDICAL OFFICERS as graded in the Notification of the Financial Department, No. 225, dated 26th April 1887.  
Officers in the graded list of the Geological Survey.  
Such of the following officers as may not be, and until they are declared, entitled to leave under the High Court Leave Rules, viz.—  
Judges of the High Court, Punjab.  
Secretary to the Council of the Governor General for making Laws and Regulations.  
Recorders of Sessions and Magistrates.
- VII.—JUDGES and Recorders of the Presidency Town Small Cause Courts.  
Magistrates of Police in Presidency Towns.  
Civil Judge, Oudh.  
Registrars of High Courts.  
Registrars General of Assurances.  
Clerks of the Crown.
- VIII.—POSTAL DEPARTMENT.—Officers of the Telegraph Department of the rank of Assistant Superintendent, and upwards.
- IX.—ASSISTANT POLITICAL AGENTS.
- X.—JUDICIAL ASSISTANTS.—Assistant Secretaries to Government.  
Master Attendants.  
Deputy and Assistant Master Attendants.  
Superintendents of Government Printing.

Under the sanction of the Right Honourable the Secretary of State, the Governor General in Council is pleased to promulgate the following rules regarding leave of absence to officers of the Uncovenanted Civil Service holding appointments in the classes noted in the margin in supersession of all previous rules and orders on the subject.

The rules will take effect from the

*Definitions.*

I.—In the following rules "Actual Service" includes the period during which an officer is on duty in any appointment belonging to the classes above specified, also periods spent on privilege and subsidiary leave.

"Extraordinary Leave" means any leave granted otherwise than under these rules.

"Salary" includes acting allowances.

An officer's "Station" means that station to which he stands appointed, or such other place as the Government may determine.

CHAPTER I.

*Furlough.*

II.—Furlough shall be placed at the credit of each officer at the rate of one-fourth of his actual service.

III.—Except under Rules VIII and IX, no furlough shall be granted unless at credit under Rule II, or before the completion of eight years' actual service.

IV.—Except under Rules VIII (b) and IX, furlough shall not be repeated until the completion of three years' actual service from the date of the last return from furlough or extraordinary leave.

V.—The maximum term of furlough to be taken at any one time shall be two years.

VI.—Except under Rule VIII (b) and (c), an officer when on furlough shall be granted allowances at the rate of 50 per cent. of his average salary for the previous three years.

In calculating such average, the time spent, and the allowances drawn under any leave or absence from duty, excepting privilege leave under Chapter II, shall be omitted.

Provided that no officer on furlough shall draw more than £1,200 per annum.

VII.—Subject to the above conditions, and to the conditions in Rules X and XIII, furlough may be granted when at credit under Rule II.

VIII.—Under medical certificate—

(a).—Furlough may be granted on the above-mentioned conditions, without reference to the amount at credit under Rule II.

(b).—When less than three years have elapsed since the last return from furlough or extraordinary leave, or since the commencement of service, furlough may be granted for a period not exceeding one year. When on furlough under this clause, an officer shall be entitled to only one-half the allowances mentioned in Rule VI, subject to a maximum of Rs. 400 per mensem or £480 per annum. Provided that, if he has completed six months' actual service since his last return from furlough or extraordinary leave, or since the commencement of his service, as the case may be, the officer shall draw the full allowances mentioned under Rule VI, until the leave at his credit, if any, be exhausted, but in no case for a period exceeding one year. Leave under this clause shall not be repeated within three years.

(c).—Furlough taken under Rule VII or under clause (a) of this rule, may be extended beyond two years for a period not exceeding one year. During the extension of leave under this clause, the rate of allowance shall be reduced by one-half, and be subject to a maximum of Rs. 400 per mensem, or £480 per annum.

IX.—For urgent private affairs, if furlough is not available under the above rules, it may nevertheless be granted for a period not exceeding six months on the allowances mentioned in Rule VI.—Furlough under this rule may be repeated, but without allowances, at intervals of not less than six years of actual service.

X.—The aggregate amount of all furlough which can be granted to an officer during the whole period of his service shall not exceed six years, exclusive of furlough without allowances under Rule IX.

XI.—Furlough taken in India shall be reckoned from the date of the officer quitting his station to the date of his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

In the event of the furlough being taken partly in India and partly out of India, the commencement and termination of the furlough shall be respectively determined by the above rules, according as the furlough begins or ends in or out of India.

XII.—For the interval elapsing between departure from his station and the commencement of furlough out of India, and between the termination of furlough out of India and the re-arrival at his station, an officer may be allowed subsidiary leave not ordinarily exceeding in each case thirty days, which in special cases may be extended. During such subsidiary leave his allowances shall be the same as during the period of furlough which the said leave immediately precedes or follows.

If an officer granted furlough out of India shall not have embarked by the date on which his subsidiary leave with extensions expires, his furlough shall be reckoned from that date, unless, before his embarkation more than thirty days have elapsed from that date, in which case the furlough shall be reckoned to have commenced from the beginning of his subsidiary leave.

XIII.—Except under medical certificate the number of furloughs to be granted at any one time, and the grant of furloughs to individual officers, shall be subject to, and be limited by, the exigencies of the service, of which exigencies the authority granting the furlough shall be exclusively the judge.

## CHAPTER II.

### *Privilege Leave.*

XIV.—Subject to the exigencies of the service, an officer who has completed eleven months' continuous duty may be granted privilege leave for one month without deduction from his salary, retaining a lien on his appointment, whether substantive or officiating. Provided that, in the case of an officiating appointment, such lien and the acting allowance shall cease on the assumption of charge by the officer holding the substantive appointment.

XV.—In the same manner and under the same conditions, an additional month of privilege leave shall be held to accrue to an officer after each further period of eleven months' continuous duty.

XVI.—Privilege leave, whether of one month or accumulated, may at the discretion of the Government, be taken in separate instalments. No second instalments

shall be taken until after the completion of six months' continuous duty from the expiry of the first instalment. In this case the eleven months qualifying for fresh privilege leave shall be reckoned from the expiry of the first instalment, the period of the second instalment being omitted from the calculation.

Privilege leave of one month or accumulated shall not be taken in more than two instalments; but if any balance remains untaken when additional privilege leave accrues, such balance shall be added to the new leave, and the whole shall be reckoned accumulated privilege leave.

Provided that the whole privilege leave taken at any one time shall not exceed three months, and that any accumulation of privilege leave beyond that period shall be forfeited.

### CHAPTER III.

#### General.

XVII.—Furlough and privilege leave shall not be taken as such in continuation of each other; but if an officer absent on one of these classes of leave be allowed to change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

XVIII.—Applications for leave, or for extension of leave, shall in all cases be submitted in such manner as the Government may from time to time prescribe.

XIX.—Leave allowance shall be payable monthly, if payment is taken in India, and quarterly, if payment is taken in England. To secure the return of officers to duty after the expiry of their leave, the Government may prescribe the conditions under which the leave allowances shall be payable.

XX.—No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

XXI.—If an officer shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent; and if he shall so continue absent for more than one week, his office shall, at the discretion of the Government, be liable to become vacant.

XXII.—Furlough, and all leave on private affairs or under medical certificate, taken under previous rules, shall be reckoned as furlough taken under these rules.

XXIII.—If any officer appointed to a class subjected to these rules has immediately previous to his appointment served in any other branch of the Uncovenanted Service, he shall, on being so appointed, be credited with furlough at the rate of one-eighth of his previous actual service, and be debited with the amount of furlough and leave on private affairs or medical certificate which he may have already taken.

*Proposed amendment of paragraph 20 of the Rules for Absentee Pay, published in accordance with a despatch from the Secretary of State, No. 205, dated the 8th December 1862.*

20. Absentee pay shall be calculated on the average salary for the three years previous to the leave being granted, and shall not exceed Rs. 12,000 or £1,200 per annum if at half salary, or Rs. 4,800 or £480 if at one-fourth salary. Within these limitations absentee pay will be given as follows :

I and II (as at present).

III.—To an officer proceeding on furlough, one-half of his salary.

IV and V (as at present).

Despatch from the Government of India in the Financial Department, to the SECRETARY OF STATE for India,—No. 74, dated the 23rd March 1869.

On receipt of Sir Stafford Northcote's Financial despatch\* No. 504, dated the 8th December 1868, on the subject of the proposed Leave Rules for the Uncovenanted Service, we desired the Furlough Committee to take that despatch into their consideration, and to prepare revised rules framed in precise accordance with the instructions therein contained, or to state in detail their reasons for their inability to do so.

2. We have now the honour to forward copy of the report† of the Committee with its enclosures. It will be seen that the Committee have endeavoured to carry out their instructions to the best of their power. They prepared a set of rules which they propose shall be

\* See page 12.

† See page 13.

applicable to the holders of certain specified offices, who, they say, "are, and must for a very long time to come be, English gentlemen of education and social status which necessitates their recruitment from the same classes as furnish the members of that Service, and who require as liberal leave as is granted to the members of that Service." For all other classes of the Uncovenanted Service they think the rules as at present in force, with a modification as to the leave allowances, will suffice.

3. At the same time the Committee point out the objections to having two different sets of rules for different classes of the service. These objections go to show that though the rules may suit the majority, yet there will be persons who, under one set of rules, will get more leave than is necessary for them, and under the other less leave than they might fairly claim.

We have carefully considered the arguments adduced, and we are of opinion that the views of the Committee are correct. The existence of two sets of rules for the Uncovenanted Service will of itself lead to difficulties. Officers frequently rise from one class of appointment to another. The result would be that the leave rules applicable to them would be changed in the course of their service. As pointed out by the Committee, it will be necessary for the Government, in creating new offices, to declare under what Leave Rules these offices should be regulated. If such officers are excluded from the more favourable rules, discontent and discussion will arise. On these grounds we would respectfully urge that the Leave Rules previously prepared by the Committee, as now modified by them, may be sanctioned, in preference to those annexed to their report. Your Grace may be assured that we shall take care not to lose sight of the policy of employing the natives of India in all such posts as they are, or shall be capable of filling, but we think, nevertheless, that it would be inconvenient to embody in the Leave Rules restrictions intended to discourage the appointment of Europeans.

Financial despatch from the SECRETARY OF STATE for India, to the Government of India,—No. 64, dated the 10th March 1870.

I have considered in Council your Financial letters, dated the 23rd\* March and 7th† June last, Nos. 74 and 133, and the papers forwarded therewith, relative to the proposed alterations in the Uncovenanted Service Absentee Rules.

2. I am not insensible to the objections that may be offered to the introduction of two sets of rules for uncovenanted servants whose services were obtained in India; but after full consideration of the subject, I am not aware of any better mode of meeting at present the difficulties of the case.

3. As the offices filled by the general body of European uncovenanted servants, who are not appointed from this country, are open to, and will be filled in a greater proportion every year by, natives of India, the rules regulating furloughs should be framed to meet the circumstances of Native Officers. I see no reason to doubt that the existing Uncovenanted Absentee Rules, with the alterations you have suggested, are fully sufficient for that purpose.

\* See page 17.

† Not printed.

4. In the revised rules, as prepared by the Committee, a long list of highly paid appointments is placed in the margin, as to which it is stated that the great "majority,—in fact, nearly all,—of the holders of these appointments are, and must for a long time to come be, English gentlemen of an education and social status which necessitates their recruitment from the same classes as furnish the members of the Civil Service." But I am desirous that appointments such as these should hereafter, as far as practicable, be filled by covenanted civil servants, and that your future indents for civilians should be raised accordingly.

5. Exceptional cases will, however, still exist, such as Educational officers, who must be selected in and appointed from this country on account of special qualifications, and it appears to be right that the Furlough Rules for them should be similar generally to those framed for the Covenanted Civil Service.

6. I therefore assent to the rules now framed by the Committee in India, with the following modifications :

In the first set of rules—those proposed for holders of offices now held by English gentlemen, I desire that the maximum allowance on furlough be reduced to £800 per annum, and that they be declared applicable from this date only to officers of the Educational Department appointed from England, and to such others of those now actually in the service as you may think fit to include in a nominal list for that purpose to be submitted for my approval.

In the second set of rules proposed "for all other classes of the Uncovenanted Service," I desire that the maximum allowance be reduced to £600 per annum. These rules will, for the present, apply to all uncovenanted servants not entitled to the benefit of the first set of rules, and hereafter to all uncovenanted servants who may not have been appointed from England.

7. The principle which Her Majesty's Government have steadily kept in view throughout the discussion on these Furlough Rules is, that the Uncovenanted Service should be principally reserved for the Natives of the country, and that superior appointments, which require English training and experience, should be made, as heretofore, from England, and they look with great disfavour on the system which appears to be growing up in India of appointing Englishmen in India to situations that ought only, as a rule, to be filled by civilians who have gained their position by open competition. I trust that the views I have now expressed will put a stop to the above practice.

Despatch from the Government of India in the Financial Department, to the SECRETARY OF STATE for India,—No. 227, dated the 4th October 1870.

We have the honour to acknowledge Your Grace's despatch\* No. 84, dated 18th March 1870, upon the subject of the proposed alterations in the Uncovenanted Service Absentee Rules.

2. Your Grace is pleased to assent to the rules which we have proposed for holders of offices now for the most part filled by English gentlemen, with the modification that the maximum allowance on furlough be reduced to £800 per annum, and that the rules be applied only to officers of the Education Department appointed from England, and to such others of those now actually in the service as we may

\* See page 13.

think fit to include in a nominal list to be submitted for your approval.

3. We infer from the concluding sentence of the 6th paragraph of the despatch that Your Grace is willing that the same rules should apply *hereafter* to all uncovenanted servants who may be appointed from England, although it is difficult to reconcile with this concession the limitation of the *present* operation of the rules prescribed in the earlier clause of the paragraph to "officers of the Education Department" so appointed.

4. In respect to all other uncovenanted servants, Your Grace assents to the second set of rules proposed by our Government, which are, in fact, the existing rules slightly modified.

5. We fully accept the principles upon which the orders of Her Majesty's Government are based, *viz.*, that, on the one hand, all offices to which it is desirable to appoint persons not natives of India should be, as far as practicable, filled from the ranks of the Covenanted Civil Service, or from the Staff Corps; and that, on the other hand, so far as may be possible and consistent with the requirements of the public service, all offices other than those reserved for the Covenanted Civil Service, and those for which, as explained below, technical or professional qualifications are desirable, should be held by natives of India.

6. Further, we agree with Your Grace in thinking that, as a rule, it is desirable, as far as practicable, to engage in Great Britain the services of such natives of that country or of the Continent of Europe, or of America, as it may be deemed proper to enlist in the junior branches of the Uncovenanted Service of India. And we cordially share the disfavour with which Her Majesty's Government look on the appointment in India of Englishmen to situations that ought only, as a rule, to be filled by members of the Covenanted Civil and Military Services. We are not aware, indeed, that any such *system* is growing up in India as is supposed by Her Majesty's Government. We append to this despatch two statements (A and B) shewing the manner in which, at a recent date, offices in India were in this respect filled, from which, we think, Your Grace will see that there has not hitherto been any important departure from law and rule in the manner in which appointments have been made. There are at this moment very few uncovenanted officers holding offices usually filled from the Covenanted Service; and we believe that completely satisfactory reasons can be given in the case of almost all of these few exceptions.

7. At the same time we are not prepared to deny that if vigilance be not exercised, there might arise some danger of unconstitutional irregularities. It is obvious that, under the existing system of recruitment for the Covenanted Civil Service of India by open competition, no Englishman who has not succeeded in that competition can (as a rule, and except under the provisions of 24 and 25 Vic., Cap. 54, Sec. 3) be appointed to any of the reserved offices without injustice to those successful competitors who are eligible thereto. And apart from this, it is most desirable, in the interests of economy,

that suitable employment should be found for the numerous junior covenanted civilians and officers of the Staff Corps at present in our service, and that appointments for which they are fitted should generally be filled from their ranks.

8. We are quite prepared, with Your Grace's approval, to take, *as a general rule*, for our own guidance, that whenever any office can with due regard to the public interests, and to the claims of uncovenanted officers already in the service, be filled by a covenanted civil servant or by an officer of the Staff Corps, no other person, not a native of India, shall be appointed to it. We should be glad, indeed, to see some such rule prescribed by Her Majesty's Government for general observance by every Government in India. It would not of course be understood to prohibit the appointment of persons possessing special professional qualifications to offices in which such qualifications are necessary, or of any person whatever to any office which he can legally fill, and which it is clearly for the interests of the public service that he *should* hold.

9. We have entered fully into these important matters lest any misapprehension of our policy regarding them should prevent Her Majesty's Government from assenting to the rules for regulating the leave of absence of our uncovenanted servants which we have now so often recommended. For we venture to represent to Your Grace that the instructions which we have now received impose upon us a duty which we cannot satisfactorily perform, and which might, if obeyed, lead, in the future, to grave injustice to deserving members of the Uncovenanted Service, and cause some inconvenience to our administration.

10. However carefully we may endeavour to act upon the principles we have above described, there must, for many years to come, and probably always, be many offices to which it will be expedient to appoint persons who are neither natives of India nor members of the Covenanted Civil and Military Services. It is no disparagement of the natives of India to say that, as a rule, they do not, at present, possess, and perhaps never will possess in as great a degree as natives of some other countries, the professional skill, strength, and endurance necessary for the due performance of the duties of many of the offices detailed in the margin of the preamble to the rules submitted for your approval with our despatch\* No. 74, dated 22nd March 1869. Nor do we think that the interests of India require that there should be any hesitation about the employment of persons not born in India, even in the Uncovenanted Civil Service of the State, in offices for which they are decidedly more qualified than natives of the country. The appointment of such persons to such offices is not, in our opinion, at all inconsistent with the principle that natives of India have a preferential right to employment in the service of their own country so far as they are qualified for it.

11. For many of the offices specified in the list above referred to, natives of India are not at present qualified.

12. And in regard to the employment of members of the Covenanted Civil Service or of the Staff Corps in those offices, if the list.

\* See page 17.

be examined, it will be found that sometimes for the offices contained in it special professional acquirements are necessary, which are not possessed by members of the Covenanted Civil and Military Services,—as, for instance, for the Marine Department, for the Telegraph Department, for the Public Works Department, for the Forest Department, for the various offices filled by barristers-at-law, for the Geological Department, and in a less degree, perhaps, for the Educational Department. Sometimes, again, it will be found, as in the case of the Financial Department and the Police Department, that the scale of remuneration fixed is far too low to attract members of the Covenanted Civil Service except in the higher posts, from which, if the uncovenanted departmental officers were excluded, either the pay of the lower posts must be greatly raised, or the efficiency of the administration must be greatly impaired.

13. We venture to think that on re-examining the list, Your Grace will find that to most of the offices specified therein neither gentlemen of the Covenanted Civil Service, or the Staff Corps, nor natives of India, could, as a rule, be appointed; either because they are not at all likely to be possessed of the needful professional acquirements, or because the emoluments are insufficient to attract them.

14. It being then established that the many important offices cannot ordinarily be filled either by natives of India, or by officers of the Covenanted Civil Service, or the Staff Corps, it is obviously most important that suitable rules for leave of absence to the officers who *must* fill them should be passed. Not only have the officers themselves a strong claim to liberal treatment in this respect, but it is most important, in the interests of the public service, to facilitate by every legitimate concession periodical visits to Europe or America by every native of those continents in our service, uncovenanted as well as covenanted. And this is, perhaps, especially true in respect to the officers of what may be called the professional departments.

15. We cannot suppose that it was Your Grace's intention, *prima facie*, to exclude from the benefit of the more liberal rules to which you have assented the many meritorious uncovenanted officers who are now in our service, with the exception of the comparatively small number of "officers of the Education Department who have been appointed from England." We are fully sensible of the merits of these officers. But some of the most deserving and highest officers in the Educational Department itself would not come within the narrow category stated in Your Grace's despatch; and we could name many officers of distinction in other branches of the service who would not be under Your Grace's present orders admitted to the benefit of the proposed rules as of right, but only by the comparatively invidious process of having their names included in a special list. Your Grace will probably be pleased, at any rate, to extend the benefits of the more favourable rules to every uncovenanted officer, holding any of the offices in the list attached to our last despatch, *already* appointed from England; as, indeed, we understand you to intend to do to all officers who may *hereafter* be so appointed.

16. But we desire to deprecate being compelled to submit at all the nominal roll for which Your Grace calls. Such a roll must, in



all probability, simply contain the names of the incumbents of all the offices in the list attached to our proposed rules; at least, we can conceive of no ground upon which we could make any distinction between two gentlemen, not natives of India, of equal rank, or holding the same office, in our service. We are so sure that if we invite the Local Governments to compile the nominal lists desired by Your Grace, we shall be met with urgent remonstrances that we have resolved to take no further steps in the matter until we shall be favoured with fresh instructions from Your Grace. We desire strongly to recommend that whatever may be decided for the future, every officer now in our service in any of the appointments mentioned in the list attached to our draft rules may be admitted to the benefits of the more liberal rules which have now been approved by Her Majesty's Government.

17. And for the future we would submit, for the consideration of Her Majesty's Government, that we shall be placed in an unfair position if the fact of an officer being appointed in India shall, *ipso facto*, place him in an unfavourable position as compared with officers not more than his equals, and perhaps his inferiors, only because they have been appointed in England. We have already stated our opinion that, *as a rule*, it is advisable to engage in England persons not natives of India required for our service in India; but to this rule there must be many exceptions. There can be no good reason why barristers, engineers, and other professional or scientific men should be held disqualified, or partially disqualified, for service in India, merely because they are possessed of the special advantage of Indian experience. Some of our most distinguished officers have been thus engaged in India after acquiring valuable practical experience before entering the Government service. We have appointed some engineers to high posts in the Department Public Works for the construction of State Railways, for the very reason that they were on the spot, and that they had had extended experience of the people and the mode of conducting work in India. We have also taken over several engineers of experience from the East India Irrigation Company, with reference to whom and to those specified above we have already said (Public Works Department despatch\* No. 157, dated 24th November 1869) that the improved rules will properly be applicable. It can hardly be Your Grace's intention to fetter the discretion of the Government of India in respect to the employment of such men by restrictions in respect to leave of absence. It would doubtless be possible for the Government of India to obtain, in the case of each individual among such officers, the special sanction of the Secretary of State to his admission to the benefit of the leave rules of his class; but the necessity for such a reference would not, perhaps, be in keeping with the status of the Government of India.

18. Again, it is doubtful how far anything would be gained by recruiting in England for some of the Departments of which the service is limited, and the pay in the subordinate grades very low. Thus it is our intention to select officers for the service of the Financial Department by a system of nominated competitive examination in India: there would probably not, on an average, be more

\* Not printed.

than two such admissions in a year. Thus again, students trained in the Roorkee College are admitted to the service of the Public Works Department, and may rise, in fact have risen, to distinction in that service. We do not suppose that it can seem desirable to Your Grace to insist upon the application of unfavourable leave rules to officers who have entered our service by such avenues.

19. Upon the whole, we must express our decided opinion that, however expedient it may be to engage in England such young men not natives of India as we require for our service, it is not desirable that we should be deprived of a free discretion to admit to our service persons already in India; but that, if Her Majesty's Government think fit to limit our discretion in any way, it should be effected by some direct regulation, and not by distinctions in regard to leave privileges.

20. We desire also to press again upon Your Grace's consideration our strong sense of the injustice that will be done if the furlough allowances of our uncovenanted officers be subjected to a lower maximum limit than that (£1,000 a year) fixed for the Civil and Military Services. The number of uncovenanted servants that will be affected by a maximum limit of even £600 a year is very small, and those who would be entitled to a maximum limit of more than £800 a year will probably never much exceed fifty, of whom it is very unlikely that more than six or eight would ever be absent on furlough simultaneously. The financial gain, therefore, of treating the Uncovenanted Service less liberally in this respect than the rest of our officers would not in any way compensate for the sense of wrong caused by making an invidious distinction between officers doing perhaps the same duty, and at any rate receiving the same salaries, merely because they belong to different classes. A main object of the changes made in 1868 in the Furlough Rules was to get rid of such invidious and inequitable distinctions. It may reasonably be presumed that, as a rule, no uncovenanted officer can attain to such emoluments as would entitle him, under the rules which we have proposed, to absentee allowances in excess of even £600 unless he be distinguished by special merits or special professional acquirements. It cannot be desirable to stigmatize such officers by treating them, upon the ground of a class distinction, less liberally than their fellows of the rank to which they have honourably attained.

21. In conclusion, we desire again to press upon Your Grace's consideration our decided opinion that the best and, indeed, the only satisfactory method of dealing with this somewhat difficult subject is that suggested in our despatch\* No. 220, dated 28th August 1868. Our Uncovenanted Service is composed of natives of India and natives of other countries. It is very undesirable to give any advantages to one class which are not given to the other. Yet, inevitably, rules that may be very liberal for natives of India are totally unsuited for natives of other countries, and *vice versa*. The solution proposed by the Committee of 1868, *viz.*, to give the same leave indiscriminately to all our officers, but longer leave out of India than in India, appears to us still to be the true and the only thoroughly satisfactory method of disposing of the question.

\* See page 10.

Abstract of Appendix A referred to in the 6th paragraph of the above despatch, being a statement of the number of offices in India which were filled in 1869 by Uncovenanted Servants, but which might have been filled by Covenanted Civil Servants or Military Officers.

SECTIONS.	SUB-DIVISIONS OR DEPARTMENTS.	NUMBER OF OFFICERS.		
		Filled by Uncovenanted Servants who are not Natives of India.	Filled by Native Uncovenanted Servants.	TOTAL.
I.—Appointments usually filled from the Covenanted Civil or Military Service; also Judgeships in the High Courts and the Presidency small Courts for which Covenanted Officers are eligible.	Sub-Division A.—Judgeships in the High Courts in the Presidency small Courts.	21	4	25
	Sub-Division B.—Officers in the Ordinary Civil Administration of the Non-Regulation Provinces and in the Settlement Department in Bengal and the N.W. P.	81	30	111
II.—Appointments usually filled by Uncovenanted Officers, (including those in Departments such as the Police and Forest, in which Covenanted Officers are employed in a few instances or to improve the status of the Department; also miscellaneous appointments which are held indifferently by Uncovenanted and Military Officers.	Account Department	30	5	35
	Customs and Salt do.	37	3	40
	Opium do.	20	...	20
	Education do.	107	32	139
	Forest do.	46	...	46
	Police do.	106	7	203
	Postal do.	6	...	6
	Telegraph do.	3	...	3
	Miscellaneous do.	19	1	14
			484	38
III.—Appointments in the Public Works Department, the Great Trigonometrical, Topographical, and Revenue Surveys, and the Medical Department; also some miscellaneous appointments filled by scientific or practical men.	Public Works Department	447	34	481
	Great Trigonometrical Survey	6	...	6
	Topographical Survey	4	...	4
	Revenue Survey	69	...	69
	Medical Department	69	5	74
	Miscellaneous	6	...	6
		590	30	620
IV.—Appointments held exclusively by Uncovenanted Officers, of which from their small value or from other cause do not attract officers from the Covenanted Service.	Geological Survey	18	...	18
	Emigration Department	1	...	1
	Judicial do.	31	...	31
	Law Department (appointments usually filled by Barristers and Attorneys)	25	100	125
	Marine Department	43	...	43
	Yacht	1	...	1
	Political Department	5	...	5
	Printing do.	3	...	3
	Revenue do.	8	...	8
	Secretariats	10	...	10
	Translators	4	...	4
	Miscellaneous	2	...	2
		146	110	256
<b>GRAND TOTAL</b>		1,302	221	1,523

Appendix B referred to in the 6th paragraph of the above despatch, being a statement shewing the number of Natives of India in the service of the Government in 1868 receiving Rs. 100 a month or more.

MONTHLY SALARIES.	NUMBERS.									
	Government of India (General and Punjab).	Bengal.	North-Western Provinces.	Bombay.	Madrás.	Punjab.	Central Provinces.	Oudh.	British Burma.	TOTAL.
Rs. 100 to 200	173	647	418	448	356	257	125	120	100	2,618
" 200 to 300	38	239	151	147	215	61	23	25	15	923
" 300 to 400	17	93	22	65	29	4	13	25	2	294
" 400 to 500	5	61	34	8	19	3	5	8	1	125
" 500 to 600	6	15	9	14	14	2	...	...	...	60
" 600 to 700	8	17	9	3	5	...	...	...	...	47
" 700 to 800	...	11	1	1	...	...	...	...	...	14
" 800 to 900	...	...	4	1	...	...	...	...	...	5
" 900 to 1,000	...	...	...	...	...	...	...	...	...	...
" 1,000 to 1,100	...	...	...	...	...	...	...	...	...	11
" 1,100 to 1,200	...	1	...	...	...	...	...	...	...	1
" 1,200 to 1,300	...	1	...	...	...	...	...	...	...	1
" 1,300 to 1,400	...	...	...	...	...	...	...	...	...	...
" 1,400 to 1,500	...	...	...	...	...	...	...	...	...	...
" 1,500 to 1,600	...	...	...	...	...	...	...	...	...	1
<b>TOTAL</b>	<b>243</b>	<b>1,065</b>	<b>646</b>	<b>675</b>	<b>614</b>	<b>335</b>	<b>165</b>	<b>177</b>	<b>118</b>	<b>4,334</b>
										One Native Judge of the Bengal High Court, at Rs. 4,108-10-6 per mensem.
										1
										4,335

From the SECRETARY OF STATE for India, to the Government of India,—No. 431, dated the 6th December 1871.

I have considered in Council your Financial letter,\* dated the 4th October 1870, No. 227, on the subject of the proposed alterations in the rules for the grant of leave of absence to the Uncovenanted Service.

2. I am glad to find that you concur in the principle that natives of India should be more generally appointed to offices the duties of which they are competent to discharge, and that offices to which it is desirable to appoint persons not natives of India, and for which special technical and professional qualifications are not required, should be, as far as practicable, held by covenanted civil servants or officers of the Staff Corps.

3. It is obviously desirable that an increasing proportion of uncovenanted officers should be natives of India, and also that the principle which has been hitherto so eminently successful in operation should be, as far as possible, maintained, of vesting the first appointment of such Europeans as may be destined for the higher branches of the service, whether covenanted or uncovenanted, in the authorities in England, leaving all promotions to be made by the authorities in India. It would be a violation of these principles to encourage the creation of a highly paid English service in India, the first appointments to which would be vested in the Local Governments.

4. As regards the list requested in my Financial despatch† of the 10th March 1870, No. 84, you deprecate being required to submit a nominal roll of officers now actually in the service, to whom the proposed more favourable provisions should apply, assigning as your reason that "such a roll must in all probability simply contain the names of the incumbents of all the offices in the list" forwarded with your Financial letter,‡ dated the 23rd March 1869, No. 74, and that you "can conceive of no ground on which" you "could make any distinction between two gentlemen not natives of India of equal rank or holding the same office" in the service. You add that "the solution proposed by the Committee of 1868, *viz.*, to give the same leave indiscriminately to all" officers, but "no longer leave out of India than in India, appears to" you "still to be the true and the only thoroughly satisfactory method of disposing of the question."

5. It is with regret that I find you have not been able to frame leave rules for the Uncovenanted Service in conformity with the instructions conveyed to your Government in Financial despatch,§ dated the 15th May 1868, No. 221.

6. It is no doubt difficult to devise rules to meet all the cases of European and Eurasian uncovenanted servants who have obtained their first appointments in India. Saving such reasonable concessions as I am willing to grant to actual incumbents, I desire that it may be regarded as a general principle, not hereafter to be departed from, that all Europeans appointed in India to offices which could be fitly held by Natives should receive no greater advantages of any kind, furlough of course included, than would be enjoyed by Natives holding such posts or offices.

7. With regard to those uncovenanted servants who are appointed in England to offices for which they have special qualifications, the case is different, and I have already expressed my willingness to allow them the benefit of more favourable rules. This benefit is also due to those Europeans who, for special reasons, may have been, or, with my sanction, may be hereafter appointed in India to certain exceptional posts.

8. But in order to confine these privileges within reasonable limits, I must again request that you will furnish me with a nominal

\* See page 19.

† See page 18.

‡ See page 17.

§ See page 9.

list of the officers who appear to you to come within the description referred to in paragraph 6 of my Financial despatch,\* dated the 10th March 1870, No. 84, and with a statement shewing the first appointment of each officer to the service, by what authority and at what date the appointment was made, and of the offices subsequently held by him. I shall then be able to determine what officers should be admitted to the benefits of the more favourable furlough rules.

ESTABLISHMENTS B. PROCEEDINGS, NOVEMBER 1875, No. 8.

III.

From A. P. HOWELL, Esq., Officiating Secretary to the Government of India, Home Department, to the Secretary to the Government of Bengal, General Department,—No. 977, dated the 9th November 1875. No. 8.

With reference to the Notifications published in the *Calcutta Gazette* of the 6th ultimo, appointing Messrs. C. A. C. Gennoe and H. C. Spry, to act as Deputy Magistrates and Deputy Collectors, I am directed to enquire whether the appointments of these two gentlemen are in accordance with the instructions contained in the Secretary of State's despatch† No. 451, dated the 6th December 1871, published in the *Gazette of India*, and specially communicated to the Government of Bengal in Home Department letter‡ No. 660, dated the 23rd July last.

\* Dated 17th February 1872.

ESTABLISHMENTS PROCEEDINGS, DECEMBER 1875, Nos. 137 & 138.

IV.

From R. L. MANGLES, Esq., Officiating Secretary to the Government of Bengal, General Department, to the Officiating Secretary to the Government of India, Home Department,—No. 2218CS, dated Calcutta, the 22nd November 1875. No. 137.

I am directed to acknowledge the receipt of your letter§ No. 977, dated 9th November 1875, enquiring whether the appointments of Messrs. Gennoe and Spry to the sub-executive service are in accordance with the instructions contained in the Secretary of State's despatch† No. 451, dated the 6th December 1871.

2. In reply I am to state, for the information of the Government of India, that the Lieutenant-Governor does not consider that the appointments of Messrs. Gennoe and Spry are opposed to the instructions issued by the Secretary of State.

3. The table in the margin shows the number of officers holding appointments in the sub-executive service on the 30th of June each year since 1871, and the number of European officers among them. Since the 30th of June last, however, three European officers have been appointed to officiating appointments in the Uncovenanted Service, inclusive of Messrs. Gennoe and Spry. There are, therefore, now 40 European officers in this service, or 19 per cent. The percentage of European officers in the Uncovenanted Service during each of the past five years has been as follows:—

1871	...	20 per cent.
1872	...	18 "
1873	...	20 "
1874	...	18 "
1875	...	19 "

4. Since the commencement of 1871 and up to date 70 natives of India have been appointed to either permanent or acting appointments in the sub-executive service, and ten Europeans only, that is to

\* See page 18.

† See page 26.

‡ Not printed.

§ Vide Supra.

say, 14 per cent. only of the appointments during the past five years No. 137. have been given to Europeans. It will thus be observed from the above figures that the appointments in the Uncovenanted Service have been *principally* reserved for the natives of India in accordance with the directions of the Secretary of State, and that, as compared with the procedure of previous years, there has been a marked decrease in the number of European officers appointed to the service since the receipt of the instructions issued by the Secretary of State.

5. In his letter\* of the 21st August 1871, No. 896G., to the address of the Government of India in the Home Department, it was pointed out by Sir George Campbell that, under the existing arrangements made for supplying covenanted civilians to Bengal, there was not a sufficient number of such officers to enable him to appoint covenanted officers to many of the sub-divisional stations where, owing to the presence of European planters or for other reasons, it had been found necessary or desirable to appoint European officers, and that, owing to the large number of European settlers in Bengal who were engaged in industrial and other enterprizes, a larger proportion of European officers was required in these Provinces than elsewhere.

6. Since that letter was written there has been no increase in the average number of covenanted civilians annually appointed to this Province, and consequently it has been necessary to keep up the proportion of European officers in the Uncovenanted Service; and as the proportion of European officers had lately fallen off in this service owing to deaths and retirements, and as several Natives also had been lately appointed to the Covenanted Service, the Lieutenant-Governor considered it advisable to provide for these contingencies by making the two appointments to which this reference relates.

7. I am, however, to remark that, irrespective of the above consideration, both Messrs. Gennoe and Spry had strong claims on this Government. Mr. Spry rendered very good service during the famine when he was temporarily employed in Behar, and Mr. Gennoe had qualified himself by passing the examination for an appointment under the rules for the Native Civil Service Examination.

8. There are at present 80 sub-divisional stations in Bengal, and five more will be shortly opened. In 39 of these 80 sub-divisional stations, owing to the presence of European planters and residents, it has always been found necessary to employ European officers. As the requisite number of such officers to fill these minor appointments and others, as for instance in the Sonthal Pergunnahs and in the Hill Tracts of Chittagong, where the appointment of Europeans has always been deemed necessary, cannot be supplied from the ranks of the Covenanted Civil Service, the Lieutenant-Governor is of opinion that, judging from past experience, it will be advisable to maintain the proportion of 20 per cent. of European officers in the Uncovenanted Service as has been the case within the last few years.

V.

From A. P. HOWELL Esq., Officiating Secretary to the Government of India, Home Department, to the Secretary to the Government of Bengal, General Department, — No. 1155, dated Fort William, the 21st December 1875. No. 138.

I am directed to acknowledge your letter† No. 2213 C. S., dated the 22nd ultimo, and in reply to request that no more Europeans may be appointed to the subordinate executive service until the general question, which is one of some difficulty, regarding the admission of Europeans into the higher branches of the Uncovenanted Civil Service has been considered, and a farther communication addressed to the Government of Bengal on the subject.

\* Not printed.

† See page 27

ESTABLISHMENTS PROCEEDINGS, MAY 1876, Nos. 108 & 109.

VI.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department, No. 108, to the Secretary to the Government of Bengal,—No. 340, dated Simla, the 22nd May 1876.

The Government of India have under consideration proposals for fixing the number of covenanted civilians to be employed under the Government of Bengal in proportion to the number of higher appointments reserved for officers of this class, a margin being allowed to provide for absentees, and to admit of civilians undergoing a period of preliminary training before being eligible for employment in one of the higher appointments. But it has been questioned whether a service so constituted, together with the subordinate executive service which consists principally of natives of India, will afford a sufficient number of European British officers to fill those minor administrative appointments which owing to local circumstances—such, for instance, as the presence of a local European community—it may be desirable that Europeans should hold. I am therefore to request the submission of a list showing all the appointments of the above description in Bengal which, in His Honor the Lieutenant-Governor's opinion, should be held by European British officers.

VII.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department, to No. 109, the Chief Commissioner of Assam,—No. 341, dated Simla, the 22nd May 1876.

The Government of India have under consideration proposals for fixing the strength of the Assam Commission in proportion to the number of appointments included in the cadre of the Commission, a margin being allowed to provide for absentees and to admit of junior officers undergoing a period of preliminary training before being eligible for employment in one of the higher appointments. But it has been questioned whether a service so constituted, together with the subordinate executive service which consists principally of natives of India, will afford a sufficient number of European British officers to fill those minor administrative appointments which owing to local circumstances—such, for instance, as the presence of a local European community—it is desirable that Europeans should hold. I am therefore to request the submission of a list showing all the appointments of the above description in the Assam Chief Commissionership which, in your opinion, should be held by European British officers.

ESTABLISHMENTS PROCEEDINGS, OCTOBER 1877, Nos. 88 to 96. No. 88.

VIII.

From Captain H. J. PEAR, Offg. Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Financial Department,—No. 810, dated Shillong, the 18th March 1876.

I am directed to acknowledge receipt of your letter\* No. 412, dated 22nd January 1876, forwarding copy of a letter\* to your address from the Deputy Accountant General, Assam, No. 89—3466, dated the 12th December last, on the subject of the pay of Officiating Extra Assistant Commissioners.

2. With reference to the remark in your 2nd paragraph that the staff of Extra Assistant Commissioners allotted at present includes a reserve to supply the places of absentees, and that, therefore, there ought to be no Officiating Extra Assistant Commissioners in this Province, I am to say that this does not appear to be the case. I am to refer you to the Resolution\* in the Home Department No. 805 dated 12th May 1874, which you quote. From the concluding portion of paragraph 4 of the Resolution it will be seen that the question of raising the sanctioned complement of the Assam Commission so as to enable the Governor General in Council to fill up temporary vacancies from local resources, was left for future consideration. It is understood that this reservation applies to the whole gazetted establishment, Extra Assistant Commissioners as well as Deputy and Assistant Commissioners. Since the promulgation of the Resolution of May no addition has been made to the staff except that a certain establishment has been sanctioned for Sylhet, which, in May 1874, did not form part of Assam.

\* Not printed.

3. The Chief Commissioner in his letter\* No. 1769, dated 26th May 1875, to No. 88. the Home Department (copy annexed), on the subject of the gazetted police service of Assam, has made certain proposals which involve an increase of the staff, but final orders on that letter have not yet been received. In paragraph 12 it was pointed out that the Chief Commissioner had been obliged to appoint three Officiating Extra Assistant Commissioners, and the Government of India have raised no objection to that step hitherto. I am to say that until the staff is increased it is absolutely necessary to provide for filling up temporary vacancies by acting appointments to enable the administration of the Province to be carried on.

From H. LUTTMAN-JOHNSON, Esq., Secretary to the Chief Commissioner of Assam, to the Officiating No. 89. Secretary to the Government of India, Home Department,—No. 1769, dated Shillong, the 26th May 1875.

The Chief Commissioner has hitherto refrained from offering an opinion, as to the form which the gazetted police service of this Province should take. He has given the subject much consideration, and after a year's experience feels that he is in a position to make a definite proposal regarding it.

2. To maintain a separate service of police officers in so small a Province would, in the Chief Commissioner's opinion, be impossible. Such a service would not consist of more than twelve members, and could not be made to attract competent men. The members of such a service would not be liable to be called upon to perform duties other than police duties. In his No.\* 35, dated 23rd September 1874, when discussing the question of the subordinate judicial service, the Chief Commissioner took occasion to show how necessary it was in a small Province that officers should be liable to any duties which occasion may require of them. Again, the Chief Commissioner has himself undertaken the duties of an Inspector General of Police, so that the members of a separate police service could not look forward to the prize of the Inspector Generalship.

3. It might be possible to officer the Assam Police from the Bengal Police, that is, to make the present provisional system permanent; but service in Assam is so unpopular owing to the heavy expenses of living, that officers of the Bengal Police would always avoid it as much as possible, and, with the best intentions on the part of the Bengal Government, we should probably get inferior men.

4. The only other plan which suggests itself to the Chief Commissioner is to amalgamate the police with the subordinate executive service. Such an amalgamated service would be sufficiently large to attract competent men. It would, perhaps, be possible to fix the pay of the highest grades in it on a higher scale than would be possible in a separate police service. The members of such an amalgamated service would be liable, at the discretion of the Chief Commissioner, to perform any duties, whether police, revenue, criminal-judicial or civil-judicial. The Chief Commissioner is specially desirous of having them available for forest duties. The members of such a service would perhaps be more ready than the members of a separate police service would be, to submit to the supervision of the Deputy Commissioner in police matters, to which, in the absence of any Inspector General, the Chief Commissioner has to trust much.

5. I am to say very distinctly that, though the Chief Commissioner would hold the members of the new service liable to perform any duties which he may call upon them to perform, he has no intention of departing from the principle laid down in Act V of 1861, section 6, that the magisterial powers of any officer who at the same time exercises police powers shall be exercised only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension and the detention of offenders.

6. I am now to remark upon the proportion which the European should bear to the purely Native element in such an amalgamated service. Colonel Keatinge, both in the Central Provinces and again

\* Not printed.



on his appointment to be Chief Commissioner of Assam, cordially No. 89. accepted the view laid down by the Secretary of State that subordinate services should be confined to natives of the country. But he is reluctantly compelled to propose that this view may be modified in respect to the Province of Assam. In the first place it would be impossible, in his opinion, to carry on the administration if the European element were restricted to the covenanted commission. That commission consists of eleven Deputy Commissioners and eighteen Assistant Commissioners. The Chief Commissioner has under him eight ordinary civil and three political districts, without including the political charge of Manipur, for which separate provision is made. The eight ordinary districts are now sub-divided into sixteen sub-districts, which will be raised to nineteen when the Sylhet sub-divisions are opened, while one of the political districts is sub-divided into two sub-districts. There are, therefore, or will shortly be, under the Chief Commissioner twenty-three separate executive charges, nineteen ordinary civil and four political—a number which certainly cannot be reduced.

7. The following considerations make it impossible, in the Chief Commissioner's view, to place many of these twenty-three charges

Garó Hills.  
Khasi and Jaintia Hills Sadr Sub-Division.  
Jowai Sub-Division.  
Sylhet Sadr Sub-Division.  
Kamrup Sadr Sub-Division.

under Native officers. They are all, with the exceptions named in the margin, frontier charges. The officers holding them are, therefore, constantly brought in contact with people who are not British subjects. These people are generally mere savages, who much require the presence of a European officer to influence them. Even in some of the charges above named, which are not absolutely on our frontier, savage or semi-savage tribes are found whom it would not be politic to control through a Native officer.

8. It is said that the presence of a European planting community rendered it necessary to split up the enormous districts of Bengal into sub-districts. The sub-division of the districts of this Province probably took place on the same principle. In the present state of the law and society it follows that European officers must, where there is a European community, be placed in charge of sub-districts which were constituted because of the existence of that European community. The time, the Chief Commissioner hopes, may not be far distant when a Native Magistrate may safely be made a Justice of the Peace and

Dhubri.  
Goalpara Sadr Sub-Division.  
Burdutta.  
Two Sylhet Sub-Divisions.

left to deal with Europeans; but until that time comes he thinks that, with the exceptions noted on the margin, all the sub-districts of the eight regular districts of this Province must be officered by Europeans because they contain European communities whose numbers are yearly increasing.

9. From paragraphs 7 and 8 it is apparent that out of twenty-three charges thirteen must be officered by Europeans, because they are frontier charges and contain a European community; five must be officered by Europeans because, though they do not contain Europeans, they are frontier charges; two must be officered by Europeans because, though they are not frontier charges, they contain a European community; while the remaining three, viz., Garó Hills, Khasi, and Jaintia Hills Sadr Sub-District, and Jowai Sub-District, must be officered by Europeans because, though neither frontier charges nor containing a European population, their inhabitants are just on the outer borders of civilization, and exactly in the condition which renders the control of a European most necessary.

10. For the reasons mentioned in the preceding paragraphs, the Chief Commissioner thinks that all the sub-districts of this Province should be officered by a European. But there are administrative necessities which make it impossible that one European officer should

suffice for each sub-district. In the first place the officer in charge must exercise all magisterial powers; but he cannot exercise such powers and police powers at the same time. The reasons which make it imperative that the officer in charge of a sub-district should be a European apply with equal force to the police officer and to the Magistrate in charge of it. Again, most sub-districts require the presence of a European officer when the Deputy Commissioner is away, as he should be, for weeks together. Of course if these administrative necessities could be removed or reduced, a smaller number of European officers would suffice.

No. 53.

11. Colonel Keatinge is well aware that the appointment of Europeans to the subordinate services is against the present policy of Government. He would not have submitted the present scheme had he thought it possible to carry on the administration without some new measure. The only other expedient which presents itself to him is to incorporate some of the police officers with the grade of Assistant Commissioner, and to increase somewhat the number of the latter. This scheme has been already negatived, and its great cost is an additional bar to its adoption.

12. The present permanent establishment of Native Extra Assistant Commissioners is sixteen, and this the Chief Commissioner considers to be sufficient for all purposes. In the case of absentees he has been allowed to appoint three Native officers to act as Extra Assistant Commissioners. In order to give a more permanent character to the service, he would provide enough officers to fill absentee vacancies, or a total of eighteen Native officers.

13. The addition, then, proposed by the Chief Commissioner to the permanent establishment at present entertained, is three European and two Native officers. But I am to point out that this is no real addition as, in the first place, the share of Deputy Collectors due to this Province on account of Sylhet has not yet been allotted to it; and, in the second place, as the Chief Commissioner's scheme makes provision for absentees, officiating appointments will no longer be necessary.

14. I am to annex a statement showing in tabular form the Chief Commissioner's proposals:—

1	2	3	4	5	6	7	8	9
	Present Extra Assistant Commissioners.	Proposed Extra Assistant Commissioners.	Present police officers.	Proposed police officers.	Total of present Extra Assistant Commissioners and police officers.	Proposed amalgamated list.	Present expenditure per mensem.	Proposed expenditure per mensem.
Rs.							Rs.	Rs.
600	Nil	2	Nil	Nil	Nil	2	Nil	1,000
700	1	2	Nil	1	1	3	700	2,100
800	2	3	2	1	4	4	2,400	2,100
500	Nil	3	4	2	4	5	2,000	2,900
400	3	4	2	2	5	6	2,000	2,400
300	5	5	2	2	7	7	2,000	3,100
250	11	9	1	3	12	12	3,000	3,000
300	1	Nil	Nil	Nil	1	Nil	300	Nil
Total ...	23	23	11	11	34	39	12,400	16,100
	Of whom 7 are Europeans.	Of whom 19 are to be Europeans	of whom all are Europeans.	...	Of whom 15 are Europeans.	Of whom 21 are to be Europeans.	Annual increase, Rs. 44,000.	

## IX.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department, No. 30, to the Secretary to the Government of Bengal,—No. 357, dated Simla, the 30th May 1876.

The Chief Commissioner of Assam has represented\* that until some increase is made to the sanctioned number of Extra Assistant Commissioners at his disposal, it will be necessary to fill up temporary vacancies by acting appointments in order to enable him to carry on the administration of the Province. Before passing orders on this representation, the Governor General in Council directs me to enquire whether previous to the separation of Assam from Bengal, and when there were 53 Extra Assistant Commissioners at the disposal of the Bengal Government for employment in the non-regulation districts, it was the practice to fill up temporary vacancies by the appointment of acting officers, or to provide for such vacancies from existing resources.

## X.

From R. L. MANGLES, Esq., Officiating Secretary to the Government of Bengal, Appointment Department, to the Officiating Secretary to the Government of India, Home Department,—No. 776 J., dated Darjeeling, the 12th June 1876. No. 91.

I am directed to acknowledge the receipt of your letter† No. 357, dated the 30th ultimo, and in reply to state that, previous to the separation of Assam from Bengal, it was generally the practice to fill temporary vacancies amongst Extra Assistant Commissioners by the appointment of acting officers, but that when it was possible to arrange for the conduct of the duties of officers absent on privilege or other short leave with the aid of the existing staff, no acting appointments were made.

2. A tabular statement showing the number of Extra Assistant Commissioners absent on leave or special duty, the number of acting appointments made, and the number of temporary vacancies left unfilled on the first day of each quarter of the years 1872 and 1873 and of the first quarter of 1874 is herewith submitted :—

Quarter beginning with	Number of Extra Assistant Commissioners absent on				Number of substantive vacancies in the lowest grade.	Total number of vacancies available.	Number of acting appointments made.	Number of vacancies, if any, kept open.	REMARKS.
	Privilege leave.	Other long leave or furlough.	Special duty.	Total.					
1st January 1872	1	1	2	4	2	6	5	1	One officer was absent on privilege leave.
1st April 1872	1	4	2	7	2	9	8	1	Ditto.
1st July 1872	1	3	2	6	7	13	9	4	
1st October 1872	3	5	2	10	3	18	8	5	
1st January 1873	...	5	2	7	3	10	9	1	
1st April 1873	...	5	2	7	2	9	9	...	No vacancy kept open.
1st July 1873	2	5	2	9	...	9	8	1	
1st October 1873	2	4	1	7	...	7	7	...	Ditto.
1st January 1874	...	2	5	7	...	7	7	...	Ditto.

\* See page 29.

† Vide Supra.

XI.

From S. O. B. BIRDAL, Esq., Secretary to the Chief Commissioner of Assam; to the Officiating Secretary to the Government of India, Home Department.—No. 2159, dated Shillong, the 17th July 1876.

I am directed to acknowledge receipt of your letter No. 341,\* dated 22nd May, and No. 397,† dated 14th June, on the subject of the gazetted staff of the Assam Commission.

In the first of the above letters you desire the submission of a list showing all the minor administrative appointments which, in the Chief Commissioner's opinion, should be held by European British officers. In the second you request a definite proposal as to the number of Assistant and Extra Assistant Commissioners which the Chief Commissioner considers absolutely necessary for the administration of the Province, including the officering of the sub-divisions established or sanctioned, together with the grades into which they should be divided.

2. In reply I am desired to state that the Chief Commissioner has taken the whole matter into his most careful consideration; and after weighing the requirements of each individual district, both in respect to its head-quarters and sub-divisions, has fixed for each the staff which he considers absolutely necessary for its effective administration, bearing in mind, moreover, the peculiar local circumstances of each with reference to the necessity of the employment of European officers.

3. The appended Table I. shows for each district and sanctioned sub-division the actual staff now employed and the required staff as now proposed.

It will be seen that the effective staff required to be constantly at their posts for the due administration of the districts should, in the Chief Commissioner's opinion, consist of—

Fifteen Assistant Commissioners.

Thirty-four Extra Assistant Commissioners, of whom eight should be Europeans.

Eleven police officers, all Europeans.

Besides these additional officers have to be provided in each class to supply the places of those absent on leave, and, in the case of Assistant Commissioners, a further addition has to be made to supply the officiating vacancies among the eleven Deputy Commissioners.

Three Assistant Commissioners must be added for this latter account, raising the number to eighteen, and five more must be added to supply leave-vacancies among these eighteen, making the total number of Assistant Commissioners required to be borne on the list of the Province twenty-three.

The sanctioned staff at present consists of eighteen Assistant Commissioners, but, including three officers\* whose appointments are not yet sanctioned, there are actually twenty-one Assistant Commissioners

in employ—two below the required strength.

Of these twenty-one two are officiating as Deputy Commissioners, four are on furlough, and two on privilege leave, leaving an effective staff of thirteen—two below requirements.

4. Among the Extra Assistant Commissioners eight European officers are required as the constant effective strength; and adding

\* See page 20.

† Not printed.

two to supply leave-vacancies, the staff should amount to ten. The present total number of European Extra Assistant Commissioners is seven, of whom one is absent on furlough. No. 93.

5. Of Native Extra Assistant Commissioners the constant effective staff required is twenty-six, to which four should be added to supply leave-vacancies, giving a total strength of thirty.

The present total number of Native Extra Assistant Commissioners, including sub-division Collectors, is twenty-three—a deficiency of seven.

Among these twenty-three, four temporary vacancies have occurred, three of which have been filled up by acting appointments and one remains undisposed of, leaving an effective strength of twenty-two.

6. For the police appointments eleven officers are required as the constant effective staff—all Europeans—to which a reserve of two must be added to supply leave-vacancies, making the total number of police appointments required thirteen. Ten only are at present on the list, showing a deficiency of three.

Of these ten one is on furlough and two are on privilege leave, giving an effective strength of only seven—four below requirements.

7. In the columns showing the present effective staff now actually in employ, no account has been taken of the recent exceptional diminution of the staff of Assistant Commissioners by two officers, owing to the enquiry ordered by His Excellency the Viceroy into affairs at Manipur, one Assistant Commissioner having been deputed to take over charge of the duties of Political Agent there, and another having to replace the Deputy Commissioner who has been deputed to conduct the inquiry.

In the table appended both these officers are shown as if still at their ordinary posts.

8. I am further desired to point out that in the present proposals provision is only made, as desired, for officering the existing and sanctioned sub-divisions, but that very shortly it will become a necessity to establish another sub-division in the Cachar District to provide for the administration of North Cachar—a point which Colonel Keatinge considers it incumbent on him to bring to the notice of His Excellency the Viceroy, in order that it may not be lost sight of in fixing permanently the strength of the Commission.

9. In Table No. II. will be seen the grades into which the Chief Commissioner would propose to divide the officers of each class in the Commission, the grades as they at present exist being added for purposes of comparison.

10. In addition to the full effective strength of the Commission, as proposed in the above scheme, it would appear to be the wish of the Government of India, as expressed in your letter\* No. 341, now under reply, that a further margin should be allowed of probationary appointments, "to admit of junior officers undergoing a preliminary training before being eligible for employment in one of the higher appointments;" but as the Chief Commissioner is not quite sure whether he has rightly apprehended the wishes of the Government of India on this point, he has omitted for the present making any additions to his scheme on this account, and would beg to be favoured with some further explanations of the wishes of His Excellency the Viceroy on the subject.

\* See page 22.

TABLE I.

No. 94.

Showing present and proposed strength of the Assam Commission.

Districts and Sub-Divisions.	Present effective staff.				Proposed effective staff.				REMARKS.
	Assistant Commissioners.	Extra Assistant Commissioners.		Police officers.	Assistant Commissioners.	Extra Assistant Commissioners.		Police officers.	
		European.	Native.			European.	Native.		
1. Goalpara . . .	...	...	2	...	1	...	2	1	
Dhubri . . .	...	...	1	...	...	1	1	...	
2. Kamrup . . .	2	...	2	...	1	...	2	1	
Barpeta . . .	...	...	1	...	...	...	1	...	
3. Nowgong . . .	1	...	2	...	1	...	2	1	
4. Darrang . . .	1	...	1	1	1	...	1	1	
Mangaldi . . .	...	1	...	...	...	1	1	...	
5. Sibsagar . . .	1	1	1	1	1	1	1	1	
Golaghat . . .	1	...	...	...	1	...	1	...	
Jorhat . . .	...	...	1	...	...	1	1	...	
6. Lakhimpur . . .	...	1	2	1	1	...	2	1	
North Lakhimpur	1	...	...	...	1	...	1	...	
Jaipur . . .	...	...	...	...	...	1	...	...	
7. Cachar . . .	1	...	2	1	1	...	2	1	
Hailakandi . . .	2	1	...	...	...	1	...	...	
8. Sylhet . . .	1	1	3	2	2	...	3	2	
Sub-Divisions sanctioned. <sup>(1)</sup> <sub>(2)</sub> <sub>(3)</sub>	1	...	2	...	2	1	3	...	
9. Khasi Hills . . .	...	1	...	...	...	1	...	...	
Jowai . . .	1	...	...	...	1	...	...	...	
10. Garo Hills . . .	...	...	...	1	...	...	...	1	
11. Naga Hills . . .	...	...	...	...	...	...	...	1	
Settlement Department.	1	...	2	...	1	...	2	...	
Total . . .	18	6	22	7	15	8	26	11	
Officiating in higher appointments.	2	...	...	...	3	...	...	...	To officiate in higher appointments.
On furlough . . .	4	1	...	1	6	2	4	2	To supply leave-vacancies.
On privilege leave, deputation, &c.	2	...	(8) two places supplied.	2	...	...	...	...	
Total . . .	21*	7	23	10	28	10	30	13	

\* Sanctioned number . . . . . 18

Supernumeraries . . . . . 3

21

TABLE II.

No. 94.

Showing present and proposed grades of appointments.

Appointment.	PRESENT.			PROPOSED.		
	Grade.	Pay.	Number.	Grade.	Pay.	Number.
		Rs.			Rs.	
Assistant Commissioner	1st	800	5	1st	800	6
	2nd	700	6	2nd	700	8
	3rd	600	7	3rd	500	9
Total	...	...	18	...	...	23
Extra Assistant Commissioner	1st	700	1	1st	800	2
	2nd	600	2	2nd	700	2
	3rd	400	8	3rd	600	2
	4th	300	5	4th	400	4
	5th	250	12	5th	800	4
	6th	200	2	6th	250	8
	Special	150	2	7th	200	12
	Sub-Deputy	150	3	Special	150	3
			Sub-Deputy	150	3	
Total	...	...	80	...	...	40
<b>POLICE—</b>						
District Superintendent	3rd	700	2	3rd	700	2
	4th	600	2	4th	600	2
	5th	600	2	5th	500	2
Assistant Superintendent	1st	400	2	1st	400	2
	2nd	300	1	2nd	300	2
	3rd	250	1	3rd	250	3
Total	...	...	10	...	...	13

XII.

From S. O. B. RIDSDALE, Esq., Secretary to the Chief Commissioner of Assam, to the Officiating Secretary to the Government of India, Home Department,—No. 2224, dated Shillong, the 27th July 1876. No. 95.

In continuation of my letter\* No. 2159, dated the 17th July 1876, I am desired to observe that, through an inadvertence, no mention was made in the scheme therein submitted of three additional Sub-Divisions, viz. :—

- (1) Nulbari in Kamrup,
- (2) Bishnath in Darrang,
- (3) Sadiya in Lakhimpur,

which appear to have been sanctioned before the separation of this Province from Bengal, but have never been established.

2. The Chief Commissioner is of opinion that although it may ultimately be found expedient to open these sub-divisions, there is no immediate and urgent necessity for them as for the sub-divisions in Sylhet; and that the question of officering them may, therefore, if thought advisable, be deferred for future consideration.

XIII.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department to the Chief Commissioner of Assam,—No. 507, dated Simla, the 9th June 1877. No. 96.

I am directed to acknowledge your letters noted on the margin regarding the staff of Assistant Commissioners, Extra Assistant Commissioners and gazetted police officers which you consider necessary for the proper administration of the Province.

No. 810† dated 18th March 1876, to Financial Department of the Government of India.  
No. 2159,\* dated 17th July 1876.  
No. 2224,‡ dated 27th ditto.

2. Your proposals involve—

(a) An increase to the sanctioned grades of Assistant Commissioners as under—

	Existing.	Proposed.	Pay per mensem.
			Ra.
1st grade . . . . .	5	6	800
2nd do. . . . .	6	8	700
3rd do. . . . .	7	9	500

This represents an increase of Rs. 3,200 a month; but as there were on the date of your letter\* of the 17th July last three Assistant Commissioners in excess of the sanctioned scale, the actual increased cost would be about Rs. 1,700 a month.

(b) The addition of three additional police appointments at an aggregate cost of Rs. 800 per mensem.

(c) To increase the cost of the subordinate executive service from Rs. 8,750 to Rs. 12,300, or by Rs. 3,550 a month.

3. The Government of India regret that they are unable at present to entertain proposals for any increase over the sanctioned establishments in Assam, and existing vacancies should be filled up as heretofore.

4. The scheme submitted is a costly one, and looking to the unsatisfactory state of the finances and to the fact that the surplus revenues of Assam are steadily falling off, the Governor General in Council is sorry that he cannot at present sanction any scheme involving extra expenditure in the civil administration.

\* See page 34.

† See page 29.

‡ Vide Supra.



## PUBLIC PROCEEDINGS, APRIL 1879, Nos. 173 to 177.

## XIV.

From R. L. MANGLES, Esq., Officiating Secretary to the Government of Bengal, Appointment Department, to the Officiating Secretary to the Government of India, Home Department,—No. 1293 T., dated Darjeeling, the 7th July 1876. No. 173.

I am directed to acknowledge the receipt of your letter\* No. 340, dated the 22nd May 1876, calling for a list of all the minor administrative appointments which, in the opinion of the Lieutenant-Governor, should be held by European British officers.

1. Soolpore.	23. Meherpore.
2. Moudheypora.	24. Choudasagah.
3. Begoweral.	25. Nemi.
4. Jinnova.	26. Jendah.
5. Rajmehal.	27. Magorah.
6. Gudda.	28. Goalundo.
7. Behar.	29. Atea.
8. Barb.	30. Cox Bazaar.
9. Sewan.	31. Sungoo.
10. Sassorah.	32. Kendraparah.
11. Buzar.	33. Bhaddruck.
12. Hajepore.	34. Khoorda.
13. Mudjobunsee.	35. Buss.
14. Teipora.	36. Darjeeling.
15. City Moorshedabad.	37. Kisengunge.
16. Jungypora.	38. Khoosia.
17. Serajung.	39. Nattore.
18. Feetamurhee.	40. Pachumba.
19. Rauegunge.	41. Palamew.
20. Serampore.	42. Deoghur.
21. Contai.	43. Doomka.
22. Ramporehaut.	44. Bettiah.

2. In reply I am to state, for the information of the Government of India, that in addition to a European officer as Joint Magistrate at the headquarters of each district, it is very desirable, with reference to local circumstances, such, for instance, as the presence of European settlers or planters, that European officers should be appointed to the charge of the 44 sub-divisional stations named in the margin.

3. I am at the same time to solicit the attention of the Government of India to my letter† No. 2213 C.S., dated the 22nd November 1875, and to add that, as therein stated, the Lieutenant-Governor recommends that at least 20 per cent. of the officers appointed to the subordinate executive service should be Europeans, so as to provide available officers for the above-named sub-divisional appointments, and to avoid the necessity of indenting for a larger number of covenanted civil servants than should be sent out annually for employment under this Government, with reference to the number of higher appointments reserved for officers in that service.

## XV.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Department, to the Secretary to the Government of Bengal,—No. 584, dated Simla, the 9th July 1877. No. 174.

With reference to the correspondence noted on the margin, regarding the minor administrative appointments in Bengal which should be held by European officers, I am directed, to enquire whether, in view to the orders contained in the Financial Department Resolution‡ No. 1709, dated 22nd March last, and in the letter‡ from that Department to your address, No. 1899 of the 29th idem, His Honour the Lieutenant-Governor has any further recommendations to make, or whether he wishes your letters of the 22nd November† 1875 and 7th‡ July 1876 to stand.

## XVI.

From HORACE A. COCKWELL, Esq., Officiating Secretary to the Government of Bengal, Appointment Department, to the Officiating Secretary to the Government of India, Home Department,—No. 4961, dated Calcutta, the 18th August 1877. No. 175.

I am directed to acknowledge the receipt of your letter§ No. 584, dated the 9th ultimo, and in reply to say that the Lieutenant-Governor has no further recommendations to make in connection with the minor administrative appointments in Bengal, and that he wishes the letters from this office noted in the margin to stand.

No. 2213 C.S.,† dated 22nd November 1875.  
No. 1293 T.,‡ dated 7th July 1876.

\* See page 29. † See page 27. ‡ Not printed. § Vide Supra. || See page 28.

XVII.

From C. BERNARD, Esq., C.S.I., Officiating Secretary to the Government of India, Home Department, No. 176.  
to Local Governments and Administrations in the Bengal Presidency,—Nos. 21-748 to 753  
dated Simla, the 18th April 1879.

On the 16th February 1872 was published in the *Gazette of India* correspondence, in which Her Majesty's Government had directed—

- (1) that offices to which it is desirable to appoint persons not natives of India should be, as far as practicable, filled from the ranks of the Covenanted Civil Service or from the Staff Corps;
- (2) that so far as may be possible, and consistent with the requirements of the public service, all offices, other than those reserved for the Covenanted Civil Service, and those for which technical or professional qualifications are desirable, should be held by natives of India; and
- (3) that as a rule, persons with special qualifications, not being natives of India, should be engaged at home, through Her Majesty's Secretary of State, for such branches of the service as the Educational or the Public Works Department, and should not be enlisted in India.

2. Those orders have been in the main obeyed. But still from time to time Europeans have been appointed to posts for which natives are eligible; and the Governor General in Council deems it necessary to lay down a somewhat stricter rule, and to distinguish the branches of the service which should be, as far as possible, reserved for natives of India. It may be well to cite here the definition of "natives of India" framed by Act of Parliament. Section 6 of 33 Victoria, Chapter 3, says—"For the purposes 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." The section goes on to say 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," &c. For the purposes of the present orders, the foregoing definition of "natives of India" is adopted, with the proviso that "persons born and domiciled," &c., within the territories of Indian Princes tributary to, or in alliance with, Her Majesty, shall also be considered to be "natives of India."

3. For the future, no persons, other than a native of India, shall be appointed to an office carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Governor General in Council in each case, unless the proposed appointment falls under one or other of the following conditions, namely:—

- (a) that the person to be appointed belongs to the Covenanted Civil Service, or to the Staff Corps;
- (b) that the person to be appointed was originally nominated to the—
  - (1) Financial Department by the Governor General after examination,
  - (2) Forest Department by the Secretary of State, or by the Governor General, after examination, or
  - (3) Educational Department by the Secretary of State;
- (c) that the person to be appointed entered the branch of the department, in which he is now to be promoted, before the 1st January 1879;

(d) that the office to which appointment is to be made belongs No. 176.  
to—

- (1) the Opium Department,
- (2) the Salt or Customs Department,
- (3) the Survey Department,
- (4) the Mint Department,
- (5) the Public Works Department, or
- (6) the Police Department.

4. No person, other than a member of the Covenanted Civil Service, shall be appointed for the first time to any office, which is usually reserved for the members of that service, without the previous sanction of the Governor General in Council. For the appointment of Natives to such posts, regulations will, with the sanction of Her Majesty's Secretary of State, shortly be issued.

5. When sanction is sought to a proposed appointment under either of the two foregoing paragraphs, the application for such sanction should show—

- (a) the education and past history of the person whom it is proposed to appoint; and
- (b) the reason why a native of India (or, in the case of appointments under paragraph 4, a member of the Covenanted Civil Service) cannot conveniently be appointed to the vacant office.

6. Though the six departments named under clause (d) of paragraph 3 above are excluded from the operation of the present orders, the Governor General in Council does not wish that offices in these departments should be in any way reserved for Europeans. The duties of the Opium and Customs Departments are not more technical or arduous than those of the land revenue and settlements branches of the service wherein natives of India do excellent work. Men of the same race as Colonel Montgomerie's Native trans-Himalayan explorers can surely be entrusted with responsible offices in the survey of the plains of India. The Governor General in Council has been glad to see that, in one most important branch of the Public Works Department of Bengal, the Lieutenant-Governor has decided that Native Engineers should be employed much more largely than heretofore. The annual police reports for the various Provinces show that Native police officers when advanced to positions of trust do their work zealously and honestly. And the Governor General in Council hopes that it may be possible to appoint natives of India more and more freely to the higher offices in these departments. But for the present His Excellency in Council is not prepared to take special steps for restricting the employment of Europeans in the six departments mentioned at clause (d) above.

Nos. 754 to 759.

Copy forwarded to the several Departments of the Government of India for information.

#### XVIII.

From the Government of India, to Her Majesty's Secretary of State for India.—No. 29, dated Simla, the 24th April 1879. No. 177.

We have recently had under consideration the best means of securing that full effect be given to the orders of Her Majesty's Government on the subject of—

- (1) appointing natives of India to an increasing majority of higher offices in the Uncovenanted Service: and

(2) reserving the offices to which it is not desirable to appoint No. 177. natives of India, as far as practicable, for covenanted civil servants, officers of the Staff Corps, or persons appointed by the Home Government.

2. The series of despatches which ended with your predecessor's despatch\* No. 451, dated 6th December 1871, were circulated to the several Local Governments for their guidance in the year 1872. We

\* Government of India's despatch† No. 85, dated 2nd May 1873.  
Secretary of State's reply‡ No. 125, dated 7th November 1873.

have recently been awaiting Your Lordship's instructions on our proposals regarding the Native Civil Service\* before issuing further orders in the matter. We have now received an expression of your views on that important question. There is, therefore, no necessity for further delay in enforcing the instructions of Her Majesty's Government, to which we have above adverted. And we

have issued the enclosed circular<sup>b</sup>§ instructions to the Governments and Administrations of the Bengal Presidency. We consider it would be advisable that similar instructions should be issued to the Governments of Madras and Bombay. But on this point we solicit Your Lordship's orders.

<sup>b</sup> Nos. 21—746 to 753, dated 18th April 1879.

3. It will be seen that the Police, Customs, and Opium Departments are the chief civil departments of the service to which the Local Governments will, under our proposed orders, be able to appoint Europeans to important offices without the previous sanction of the Governor General in Council. We do not wish in any way to prevent or discourage the appointment of natives of India to high posts in these departments; but, for the present, we do not feel able to take special steps for excluding Europeans from employment in these departments.

PUBLIC PROCEEDINGS, SEPTEMBER 1879, Nos. 31 & 32.

XIX.

From Her Majesty's Secretary of State for India, to the Government of India,—No. 86 (Public), dated India Office, London, the 10th July 1879.

No. 31.

I have considered in Council the despatch|| of Your Excellency in Council, dated 24th April last, No. 29, forwarding circular instructions which you have issued to the Governments and Administrations of the Bengal Presidency, with the view of giving full 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, and that the offices to which it is not desirable to appoint Natives should be reserved, as far as practicable, for covenanted civil servants, officers of the Staff Corps, or persons appointed by the Home Government.

2. You state that, although you do not wish to prevent or discourage the appointment of Natives to high posts in the Police, Customs, and Opium Departments, you do not for the present feel able to exclude Europeans from employment in these Departments.

See page 26. † See page 99, Vol. 1. ‡ See page 109, Vol. 1. § See page 40. || See page 41.

3. I cordially approve the instructions you have issued in the Bengal Presidency, which will, it may be expected, if carefully observed, lead to the appointment of natives of India to fill a larger number of the higher posts in the Uncovenanted Service, and I have issued corresponding instructions to the Governments of Madras and Bombay, of which I enclose a copy. No. 31.

XX.

From Her Majesty's SECRETARY OF STATE for India, to the Governments of Bombay and Madras,— Nos. 7 and 9, dated London, the 10th July 1879. No. 32.

I forward herewith, for your information and guidance, a copy of a circular\* which has been issued by the Government of India to the Governments and Administrations of the Bengal Presidency, containing instructions on the subject of appointing natives of India to an increasing majority of higher offices in the Uncovenanted Service, and of reserving the offices to which it is not desirable to appoint natives of India, as far as is practicable, for covenanted civil servants, officers of the Staff Corps, or persons appointed by the Home Government.

2. I request that the principles laid down in this circular may be applied also in the <sup>Madras</sup><sub>Bombay</sub> Presidency, and that, with the exceptions therein contained, no person, other than a native of India, may in future be appointed to an office carrying a salary of Rs. 200 a month or upwards unless the sanction of the Secretary of State in Council to such appointment shall have been previously obtained.

Endorsement of the Home, Revenue and Agricultural Department,—Nos. 42—1631 to 1638, dated Simla, the 6th September 1879.

Copy forwarded to the Local Governments and Administrations noted in the margin for information, in continuation of the circular\* from the Home Department, Nos. 21—746 to 753, dated the 18th April 1879.

Bengal. | Central Provinces.  
North-Western Provinces | British Burma.  
and Oudh. | Mysore and Coorg.  
Punjab. | Assam.  
Hyderabad.

Nos. 42—1639 to 1643.

Copy forwarded to the several Departments of the Government of India noted in the margin for information, in continuation of the endorsement† from the Home Department, Nos. 21—754 to 759, dated the 18th April 1879.

Foreign. | Public Works.  
Finance and Commerce | Military.  
Legislative.

PUBLIC B. PROCEEDINGS, AUGUST 1879, Nos. 67 & 68.

XXI.

From Her Majesty's SECRETARY OF STATE for India, to the Government of Madras,—No. 9 (Public), No. 67. dated India Office, London, the 10th July 1879.

I forward herewith, for your information and guidance, a copy of a circular\* which has been issued by the Government of India to the Governments and Administrations of the Bengal Presidency, containing instructions on the subject of appointing natives of India to an increasing majority of higher offices in the Uncovenanted

\* See page 40.

† See page 41.

Service, and of reserving the offices to which it is not desirable to appoint natives of India, as far as is practicable, for covenanted civil servants, officers of the Staff Corps, or persons appointed by the Home Government. No. 67.

2. I request that the principles laid down in this Circular may be applied also in the Madras Presidency, and that, with the exceptions therein contained, no person, other than a native of India, may in future be appointed to an office carrying a salary of Rs. 200 a month or upwards, unless the sanction of the Secretary of State in Council to such appointment shall have been previously obtained.

XXII.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Honourable the GOVERNOR in Council, Bombay,—No. 7 (Public), dated India Office, London, the 10th July 1879. No. 68.

I forward herewith, for your information and guidance, a copy of a Circular which has been issued by the Government of India to the Governments and Administrations of the Bengal Presidency, containing instructions on the subject of appointing natives of India to an increasing majority of higher offices in the Uncovenanted Service, and of reserving the offices to which it is not desirable to appoint natives of India, as far as is practicable, for covenanted civil servants, officers of the Staff Corps, or persons appointed by the Home Government.

2. I request that the principles laid down in this Circular may be applied also in the Bombay Presidency, and that, with the exceptions therein contained, no person, other than a native of India, may in future be appointed to an office carrying a salary of Rs. 200 a month or upwards, unless the sanction of the Secretary of State in Council to such appointment shall have been previously obtained.

PUBLIC B. PROCEEDINGS, SEPTEMBER 1879, No. 196.

XXIII.

From the Government of Bombay, to Her Majesty's Principal SECRETARY OF STATE for India in Council, London,—No. 31, dated Bombay Castle, the 29th August 1879. No. 196.

With reference to Your Lordship's despatch\* No. 7 (Public), No. 21—746-53, dated the 18th April 1879, addressed to the Local Governments and Administrations in the Bengal Presidency, and containing instructions on the subject of appointing natives of India to an increasing majority of higher offices in the Uncovenanted Service and of reserving the offices to which it is not desirable to appoint natives of India, as far as is practicable, for covenanted civil servants, officers of the Staff Corps or persons appointed by the Home Government. dated 10th ultimo, forwarding† a copy of the Government of India's Circular noted in the margin, and requesting that the principles therein laid down may be applied also to this Presidency, and that, with the exceptions therein contained, no person other than a native of India may in future be appointed to an office carrying a salary of Rs. 200 a month or upwards, unless Your Lordship's sanction shall have been previously obtained, we have the honour to submit to Your Lordship's consideration that (unless the orders about the appointment of natives of India are not intended to apply to temporary appointments, which does not seem to be anywhere expressly stated), it would apparently have been well if special famine

\* See page 48.

† See page 40.

relief officers had been included under the exceptions to the general No. 196. rule laid down in the 3rd paragraph of the Circular of the Government of India, referred to in paragraph 2 of Your Lordship's despatch under reply.

PUBLIC PROCEEDINGS, JANUARY 1880, No. 66.

XXIV.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 107 (Public), dated India Office, London, the 6th November 1879. No. 66.

In a despatch\* dated the 29th of August last, No. 31, the Government of Bombay call my attention to the fact that the orders regarding the appointment of natives of India to an increasing majority of higher offices in the Uncovenanted Service do not specify whether *temporary* appointments are to be governed by the principles laid down in the circular† of your Government, dated the 18th of April last, Nos. 21—746 to 753; and they suggest that special famine relief officers should be included in the list of exceptions to the general rule.

2. My orders with respect to the employment of Natives were intended to comprise temporary as well as permanent appointments. But with respect to special famine officers, experience has shown that Natives may be as fitly employed as Europeans. In emergent cases the relaxation of the rule must rest with the Local Governments.

Endorsement by Home, Revenue and Agricultural Department,—No. 41, dated Fort William, the 9th January 1880.

Copy forwarded to the Government of Bombay for information, with reference to the despatch\* from that Government to Her Majesty's Secretary of State, No. 31, dated 29th August last.

No. 42.

Copy, with copy of the despatch\* marginally noted, forwarded to the Government of Madras for information, with reference to the despatch‡ addressed to that Government by Her Majesty's Secretary of State, No. 9, dated 10th July 1879.

Nos. 1—43 to 55.

Copy, with copy of the despatch\* marginally noted forwarded to the other Local Governments and Administrations, and to the several Departments of the Government of India, for information, in continuation of endorsement‡ Nos. 42—1631 to 1643, dated 5th September last.

ESTABLISHMENTS PROCEEDINGS, AUGUST 1880, Nos. 43 & 44.

XXV.

From HORACE A. COCKERELL, Esq., Secretary to the Government of Bengal, Judicial, Political and Appointment Departments, to the Offg. Secretary to the Government of India, Home Department,—No. 2350 A., dated Calcutta, the 18th April 1880. No. 43.

I am directed to acknowledge the receipt of your letter§ No. 124, dated the 13th ultimo, inviting an expression of the views of the Lieutenant-Governor regarding the retention of a certain proportion

\* See page 44.

† See page 40.

‡ See page 43.

§ Not printed.

of Deputy Collectorships for Europeans, and in reply I am to submit No. 43. the following representation.

2. The Lieutenant-Governor considers that except in the districts

Bankoora.	Chumparun.
Beerbhoom.	Singbhoom.
Bogra.	Manbhoom.
Pubna.	Maldah.
Noukholly.	Balasure.

marginally noted, a European officer is required at the head-quarters of every district in Bengal in addition to the District Officer. To supply this want, 34 European Joint or Assistant Magistrates,

Assistant Commissioners and Deputy Collectors are required. These officers should be fit to take charge of the station in the District Officer's absence, and should be qualified by law to try or enquire into charges against Europeans. Besides the 34 European officers required for the head-quarters of districts, European officers should,

1. Soopool.
2. Mudheypoora.
3. Begoo Seria.
4. Jamui.
5. Rajmehal.
6. Godda.
7. Behar.
8. Barh.
9. Sewan.
10. Basseram.
11. Buzar.
12. Hajepora.
13. Medhoolani.
14. Tajpore.
15. Jungypore.
16. Serajungsa.
17. Seetamurhee.
18. Raeserungsa.
19. Serampore.
20. Bampore Hat.

21. Meherpore.
22. Choosdanga.
23. Narsil.
24. Jhenidah.
25. Magoora.
26. Goalundo.
27. Cox's Bazar.
28. Sungoo.
29. Kendrapara.
30. Bhadruck.
31. Khoorda.
32. Bura.
33. Darjeeling.
34. Koochka.
35. Nattore.
36. Pachamba.
37. Palamow.
38. Deoghur.
39. Bettiah.

in the Lieutenant-Governor's opinion, be stationed at the 39 sub-divisions noted in the margin, and at Pakour and Jamtara in the Sonthal Pergunnahs. In all these sub-divisions, it is most desirable, owing either to the presence of a large number of Europeans or to the existence of some disturbing element, that the sub-division officer should be a European, and in many of the sub-divisions a European officer has been found to be absolutely necessary.

3. The Europeans for the stations and sub-divisions named above should be men who are sufficiently experienced to be able

either to hold a sub-division or to take charge of a station on an emergency and to have first class Magisterial powers and the powers of a Justice of the Peace. They should be covenanted officers (Civilian or Military) of not less than one year's service, or Deputy Collectors of not less than three years' service the previous training of a covenanted officers being taken as equivalent to two years' service of an uncovenanted officer.

4. From the above statement it will be seen that there should be 75 European officers available as Assistants to the Magistrates and Collectors in Bengal, and that they must consist of covenanted officers of at least one year's standing and uncovenanted officers of at least three years' standing. Allowing a margin of 20 per cent. for officers on leave, the number of Europeans of the standing stated above must be 90. Of covenanted officers (Civil and Military) and European uncovenanted officers in the Non-Regulation Commission actually under the Government of Bengal and available for employment as Joint-Magistrates or Assistant Magistrates and Assistant Commissioners, there are at present 66 above one year's standing. The Uncovenanted Service should therefore furnish 24 Europeans of not less than three years' standing since their first officiating appointment. The total number of members of the Uncovenanted Subordinate Executive Service above three years' standing is 158. The proportion of Europeans above three years' service to the total number of officers should therefore be 15.2 per cent., and the same percentage will be required among those of less than three years' service, in order to maintain the supply. Of the whole Subordinate Executive Service 15.2 per cent. should therefore be Europeans, and the total number of European permanent and officiating Deputy Collectors should therefore be 43. At present there are 31 Deputy Collectors who do not come within the definition of 'native of India,' as given in the Resolution\* of the Government of India, dated the 18th April 1879.

5. The number (43) arrived at by the process detailed above is the smallest number of European Deputy Collectors with which it

\* See page 40.



appears at present to be possible to meet satisfactorily the requirements of the province. Hereafter, when the effect of the reduction in the indents for covenanted civilians is felt, there will no longer be 66 Joint and Assistant Magistrates and Assistant Commissioners above one year's standing, and it may be necessary to increase the number of European Deputy Collectors, in order to compensate for the deficiency in the number of covenanted officers of the lower grades. No. 43.

6. On referring to the letter\* from this office, No. 1233 T of the 7th July 1876, it will be seen that it was then estimated that at least 20 per cent. of the officers of the Subordinate Executive Service should be Europeans. Since then there has, as shown in my letter† No. 4478 A., dated the 14th October last, been a decrease of 24 in the number of covenanted officers serving under this Government, and since the date of that letter there has been a further decrease of 9 covenanted officers. According to the principles adopted in framing the estimate made in 1876, a much larger proportion of the Subordinate Executive Service than 20 per cent. should consist of Europeans; but in order to give effect to the wishes of the Government of India that Natives should be employed, as far as possible, in the administration of the country, the estimate given above has been based on the principle that European officers should only be placed as Assistant to the Magistrates and Collectors at those stations and subdivisions where it has been found from experience that it is either absolutely necessary, or extremely desirable, that a European should be available. For no station has more than one European Assistant been allotted in the estimate.

7. The large number of covenanted officers at present available for the work of Joint and Assistant Magistrates is due to the reduction in the number of high appointments formerly held by the Covenanted Service having retarded promotion, while the compensating measure—the reduction in the Home indents—has not yet had full effect. At present an officer does not ordinarily obtain his first permanent promotion (to the position of a 2nd grade Joint-Magistrate) until after 11 or 12 years' service and 10 or 11 years' residence in India. This state of things, however, cannot last; the reduction in the Home indents is already beginning to have effect; and it is certain that there will be hereafter fewer covenanted civilians than at present available for employment as Assistant Magistrates.

8. Under these circumstances, the Lieutenant-Governor trusts that the Government of India will permit the Local Government to appoint Europeans to the Subordinate Executive Service so long as the total number of Europeans does not exceed 16 per cent. of the whole strength of the Service.

#### XXVI.

From the Honourable C. GRANT, Officiating Secretary to the Government of India, Home Department, to the Secretary to the Government of Bengal,—No. 352, dated Simla, the 24th August 1880. No. 44.

I am directed to acknowledge the receipt of your letter‡ No. 2350 A, dated the 13th April last, recommending that the Government of Bengal be permitted to appoint Europeans to the Subordinate Executive Service so long as the total number of Europeans does not exceed 16 per cent. of the whole strength of the service.

2. In reply I am to say that, after full consideration of the representation made by His Honour the Lieutenant-Governor, the Governor General in Council, as at present advised, thinks it undesirable to make any general departure from the orders contained in this Department Circular§ Nos. 21—746 to 753, dated 18th April 1879. Those orders were in accordance with the policy adopted by the Imperial Parliament and Her Majesty's Government, and have been specially approved and confirmed by the Home authorities.

\* See page 39.

† Not printed.

‡ See page 45.

§ See page 40.

3. With reference to the argument of the Government of Bengal that in certain places it is necessary to employ Europeans, as they only can be invested with the powers of a Justice of the Peace in the mofussil, the Legislative Department will be moved to re-consider the existing law, in order to determine whether Natives may not be invested with the powers of a Justice of the Peace. Before, however, taking action in this direction the Governor General in Council would be glad to be furnished with a statement showing the number of criminal cases, in which European British subjects were concerned, which have been tried in each district of the Lower Provinces during the last two years, together with the results of the trials. No. 44.

PUBLIC PROCEEDINGS, JANUARY 1881, Nos. 63 & 64.

XXVII.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the most Honourable the GOVERNOR GENERAL of India in Council,—No. 89 (Public), dated India Office, London, the 14th October 1880. No. 63.

I forward, for the information of Your Excellency in Council, copy of a despatch\* which I have this day addressed to the Governor of Bombay on the subject of certain appointments made contrary to the instructions contained in Lord Cranbrook's despatch\* of the 10th of July 1879.

\* No. 10.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR in Council, Bombay,—No. 10 (Public), dated India Office, London, the 14th October 1880. No. 64.

I have considered in Council the despatch† of Your Excellency in Council in the Political Department, No. 35 of the 17th of July 1880, on the subject of certain appointments made contrary to the instructions‡ of Lord Cranbrook, dated the 10th of July 1879.

2. I am unable, after full consideration of your present communication, to modify the instructions given in my despatch† to your Government on this subject dated 3rd of June last, No. 5; but I am glad of the opportunity of assuring Your Excellency in Council that I attribute the mistakes that have been made regarding the appointments in question to no want of loyalty on the part of the Bombay Government, but rather to what may have been an imperfect appreciation of the meaning and object of the rule laid down by Her Majesty's Government as to the making of such appointments by the Governments in India.

3. It has been thought by Her Majesty's Government in a high degree expedient, for political and financial reasons, of which Your Excellency will readily apprehend the importance, to employ, as far as possible, the services of qualified natives of India in the civil administration of their country, even though, in some instances, and in the earlier stages of the undertaking, such services may appear not so certainly efficient or satisfactory as the services of English candidates for office.

4. Actual experience has shown that where Englishmen compete before their own countrymen with natives of India for official patronage, they are apt to prevail in the competition more generally than

\* See page 42.

† Not printed.

‡ See page 43.

is consistent, not perhaps always, with their relative fitness, but certainly with the possibility of such a complete adoption as could be wished of the policy of preferring competent Natives. It is most true, as Your Excellency represents, that of the sons of civil and military officers, for whom their parents have found a difficulty in providing, there is always in India an abundant supply, incessantly solicitous for patronage, sometimes very fit for it, and usually very powerfully backed and recommended, whether fit or not. To these local claimants are not unfrequently added others as pressing, and as difficult to set aside, but recommended chiefly by personal, and sometimes by political, interest, such as can never be entirely excluded, and is sometimes difficult to resist. The result, in practice, has been that, with the best intentions, the dispensers of local patronage find themselves liable to be turned aside from the duties they had prescribed to themselves, and thus the strict observance of the declared policy is often impaired and obstructed. It was to remove more completely the obstacles which had been shown to exist to the complete application of this policy, and thus to assist the Local Governments in this, not the easiest part of their duties, that Her Majesty's Government thought it advisable to insist, in appointments to the higher offices in the Uncovenanted Service, on the observance of the principle above mentioned, and to extend it to all offices of that class carrying a salary higher than Rs. 200 a month, with certain specified exceptions. No. 64.

5. There are doubtless, as Your Excellency remarks, occasions where the strictness of this rule may properly be waived in consideration of special circumstances. But these are provided for by the opportunity given for reference, in exceptional cases, to the Secretary of State in Council, so that on this head no difficulty need occur.

6. I may add that, antecedently altogether to any policy of employing Natives in preference to Europeans, and quite independently of that policy, it had been a long established constitutional maxim of Anglo-Indian government to discourage and prevent the initial selection of Europeans by the Governments in India for admission into the more important offices in their service, reserving that selection, always for the authorities in England, but leaving the location, distribution and promotion of such Europeans, when once admitted into the service, to the entire discretion of the Local Governments. It is an historical fact that the observance of this wholesome rule has more than anything else, conduced to the purity of Indian patronage, and to its general freedom from party and political bias. It is my opinion, and I do not doubt it will be also that of Your Excellency in Council, that this valuable principle should be applied as widely as possible.

7. I regret that I am unable, on the principles above stated, to approve of Mr. Mackay's appointment. It is not contended that the duties he performs cannot be fitly performed by a Native functionary; and I do not think that the reasons you have assigned are sufficient in this case for setting aside a wholesome administrative rule.

Endorsement by the Home, Revenue and Agricultural Department,—Nos. 2—46 to 56, dated Fort William, the 14th January 1881. No. 64.

Extract, paragraphs 3 to 6, of the despatch\* from Her Majesty's Secretary of State for India, to the Government of Bombay, No. 10, dated the 14th October last, forwarded to the Government of Madras for information and guidance, with reference to the despatch† from the Secretary of State to that Government No. 9, dated the 10th July 1879.

Bengal.	British Burma.	Secretary of State for
North-Western Provinces and Oudh.	Coorg.	India, to the Govern-
Punjab.	Assam.	ment of Bombay, No.
Central Provinces.	Hyderabad.	10, dated the 14th

October last, forwarded to the Local Governments and Administrations noted on the margin for information and guidance, with reference to Home Department Circular‡ Nos. 21—746 to 753, dated the 18th April 1879.

Copy forwarded to the Foreign Department for information.

**PUBLIC PROCEEDINGS, JULY 1881, Nos. 76 & 77.**

**XXVIII.**

Office Memorandum No. 1146 S.—D. (Establishments—Departmental), dated Simla, the 5th August 1880. No. 76.

In forwarding the marginally noted communication§ from the Government of Madras, the undersigned is desired to enquire whether the orders contained in Home Department No. 21—746-53,† dated 18th April 1879, and No. 42—1631-42,\* dated 5th September 1879, prohibiting the appointment of persons other than natives of India to offices which carry salaries of Rs. 200 and upwards, apply to the Uncovenanted Service generally or only to gazetted appointments.

J. DAVIDSON, Major,  
*Offg. Asst. Secretary to the Government of India,  
Military Department.*

To the Home, Revenue and Agricultural Department.

**XXIX.**

Office Memorandum No. 1477 S.—D (Establishments—Departmental), dated Simla, the 18th September 1880. No. 77.

In returning herewith the file of papers received unofficially from the Home Department with No. 319,§ dated 19th August 1880, regarding the applicability to the Uncovenanted Service generally, or only to gazetted appointments, of the orders prohibiting the appointment of other than "natives of India" to posts carrying salaries of Rs. 200 per mensem and upwards, the undersigned is directed to remark that it is considered by the Military Department very desirable, in order to prevent constant references and misapprehension, that some more definite rules should be laid down in regard to the appointments under discussion, for example, whether all but "natives of India" are barred from appointment to the clerical staff of the Military Department, admission to which is obtained by competition.

2. It is observed moreover that, although the departments under the Commander-in-Chief (as not being civil departments) are exempt

\* See page 48. † See page 48. ‡ See page 40. § Not printed.

from the operations of the existing rule, many of the Departments which are connected as closely with the Army as those under His Excellency are technically civil departments, such as the Commissariat, Ordnance, Army Clothing, Army Remount, and would, therefore, be bound by them. No. 77.

3. The undersigned is directed to say that, in the opinion of the Military Department (which, it is regretted, was not consulted prior to the issue of Home Department Resolution\* No. 755, dated 18th April 1879), the requirements would be best met by a broad ruling that the previous restrictions shall not apply to any one borne on the military estimates. This would not bar "natives of India" from employment, but would merely remove the prohibition to the employment of other than "natives of India" in military offices and factories, where their employment is a matter of public policy.

ALLEN JOHNSON, Colonel,  
*Secretary to the Government of India,*  
*Military Department.*

To the Home, Revenue and Agricultural Department.

PUBLIC PROCEEDINGS, MARCH 1882, Nos. 164 to 167.

XXX.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Most Honourable the GOVERNOR GENERAL of India in Council,—No. 3 (Political), dated India Office, London, the 19th January 1882. No. 164

I have to acknowledge the receipt of Political letter† of Your Excellency's Government, No. 137, dated the 30th October last, on the subject of the appointment of natives of Afghanistan and neighbouring countries to offices in British India.

2. Your Excellency in Council points out that, by the terms of a circular\* addressed by the Government of India to the Local Governments and Administrations in the Bengal Presidency in April 1879, which was approved by my predecessor in Council in his Public despatch‡ No. 66 of the 10th July following, restrictions have been placed upon the appointment of persons other than natives of India to any office in that country carrying a salary of Rs. 200 a month or upwards, and that obstacles are thereby opposed to the employment in your service of persons of Afghan extraction, which you consider it politically desirable should be removed.

3. In this opinion I concur. The restrictions imposed in the circular in question were not intended to apply to the class of persons to whom Your Excellency in Council refers, and it is open to you to issue to the local authorities to whom it was addressed such instructions in the matter as may be deemed requisite. The use, however, of so general an expression as "persons of pure Oriental race" had perhaps better be avoided, as that description would apply not only to natives of Afghanistan, Persia, and countries immediately contiguous to British India, but to others, as for instance, Chinese and natives of Asiatic Russia, not, I apprehend, within the scope of your recommendation.

\* See page 40.

† See page 62.

‡ See page 42.

Endorsement by the Foreign Department,—No. 57G.P., dated Fort William, the 23rd February 1882. No. 164.

Copy of the foregoing, with copy of the despatch to which it is a reply, forwarded to the Home Department for information.

XXXI.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 137, dated No. 165. Simla, the 30th October 1881.

We have the honour to forward, for the consideration and orders of Her Majesty's Government, a copy of the marginally-noted letter\* regarding the employment of natives of Afghanistan and neighbouring countries to appointments in British India.

2. The rules which guide the Government in appointing Natives to highly-paid offices in India are contained in a circular,† dated 18th April 1879, a copy of which is enclosed to facilitate reference. It is therein laid down that no person other than a native of India shall be appointed to an office carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Governor General in Council in each case, unless the proposed appointment falls under one or other of certain specified conditions. These rules were reported to Her Majesty's Government in our despatch‡ No. 29, dated 24th April 1879, and were cordially approved in Lord Cranbrook's letter§ No. 66, dated 10th July 1879.

3. A definition of "natives of India" is contained in section 6 of Statute 33 Vic., cap. 3, and it is adopted in the circular mentioned above. This section enacts that 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." A proviso is added that persons "born and domiciled" within the territories of Indian Princes tributary to, or in alliance with, Her Majesty shall also be considered to be "natives of India."

4. The correspondence which passed before these rules were framed, and subsequently, makes it clear that one of their main objects was to restrict the appointment of Europeans other than those belonging to the covenanted civil and military services, and it is doubtful whether, at the time, the question of employing in this country Orientals of other nationalities had been directly considered. It is, however, certain that the appointment of a native of Afghanistan would be in contravention of the letter of the rules if not of their spirit. At the same time it has often been found politically desirable to employ persons of Afghan extraction in the Punjab, and appointments similar to that which has caused the present reference have several times been made.

5. At present, as Your Lordship is aware, there is a large number of Afghan refugees and exiles in this country, for most of whom we find it necessary and expedient to make provision in one form or another. It is obviously desirable that such provision should, if possible, be made by giving the recipients active employment rather

\* See page 53. † See page 40. ‡ See page 41. § See page 42.

than by supporting them in idleness. Moreover, our own border No. 165. population includes a considerable element either of Afghan descent or closely akin to the Afghan race ; and amongst these tribes Afghans from beyond the frontier cannot properly be regarded as strangers.

6. We, therefore, trust that, notwithstanding the wording of the rules, Your Lordship will not object to our appointing, from time to time, persons of pure Oriental race, not being natives of India, to offices in this country. The power is one to which no large resort is ever likely to be made ; but we think it important that we should be able to exercise it whenever we consider it politically desirable.

From W. M. Youso, Esq., Secretary to the Government of the Punjab, to the Secretary to the Government of India, Foreign Department, —No. 154, dated Lahore, the 31st January 1881. No. 166.

I am desired to reply to your letters\* Nos. 3705 and 3767 E.P., dated, respectively, the 20th and 31st of December 1880, regarding the employment in the Punjab of Sirdar Sher Ahmad Khan, Ibrahim Khan, and Nusrat Jang. It has been ascertained that the ages of the two last-named gentlemen are 47 and 45, respectively, and the Lieutenant-Governor has some hesitation in nominating them to any appointment, as their age appears to His Honour to render it unlikely that they will be able to take up any duties, to which they have hitherto been unaccustomed, with profit to the Government, or pleasure to themselves.

2. As regards Sirdar Sher Ahmad, the Lieutenant-Governor is prepared to offer him, when an opportunity occurs, an appointment as Extra Assistant Commissioner in the Punjab, but there is an obstacle to this, regarding which I am first to solicit the orders of the Government of India. Under the instructions of the Secretary of State the appointment of Extra Assistant Commissioner is one to which the Lieutenant-Governor may only appoint natives of India. Sirdar Sher Ahmad is a Kabuli, and cannot in any sense be accounted a native of India within the meaning of that term, as defined in section 6, Vic. 33, Chapter 3 ; but the Lieutenant Governor is doubtful whether the prohibition was intended to apply to persons of Oriental extraction and nationality belonging to countries immediately adjoining British India ; and as the point is one which it is desirable, not only with reference to this case, but also to other similar instances, to have definitely set at rest, I am to solicit the decision of the Government of India as to whether a Kabuli may be appointed to the post of Extra Assistant Commissioner in the Punjab. Heretofore such appointments have been made without scruple, and there are several natives of Kabul in the ranks of the Extra Assistant Commissioners, the application of the orders never having been considered in their bearing on Orientals, but only on persons of pure or mixed European extraction.

#### XXXII.

Extract from the Proceedings of the Government of India in the Home Department (Public),—No. No. 167. 12—411—457, dated Fort William, the 20th March 1882.

Read the following papers :—

Home Department Circular† Nos. 21—746 to 753, dated 18th April 1879.

Foreign Department despatch‡ to Her Majesty's Secretary of State, No. 137 (Political), dated 30th October 1881.

Despatch§ from Her Majesty's Secretary of State to Foreign Department, No. 8 (Political), dated 19th January 1882.

#### R E S O L U T I O N .

In Home Department Circular† Nos. 21—746 to 753, dated 18th April 1879, it is laid down that no person other than a native of India shall be appointed to an office carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Governor General in Council in each case, unless the proposed appointment falls under one or other of certain specified conditions, and the Government of India has ordinarily declined to sanction the appointment of persons not being natives of India to any such office.

2. The Governor General in Council, with the approval of Her Majesty's Secretary of State for India, is now, however, pleased to intimate that the Government of India will be prepared to consider

\* Not printed.

† See page 40.

‡ See page 52.

§ See page 51.

favourably cases in which, for special reasons, it is proposed to employ No. 167. in the Government service natives of Afghanistan, Persia, or other countries immediately contiguous to British India.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Local Governments and Administrations noted on the margin for information and guidance ; and that a copy be communicated to the several Departments of the Government of India for information, in continuation of endorsement\* Nos. 754 to 759, dated 18th April 1879.

Madras.	Central Provinces.
Bombay.	British Burma.
Bengal.	Coorg.
N. W. Provs. and Oudh.	Assam.
Punjab.	Hyderabad.

the Local Governments and Administrations noted on the margin for information and guidance ;

(True Extract.)

A. MACKENZIE,

*Offg. Secretary to the Government of India.*

PUBLIC PROCEEDINGS, APRIL 1882, Nos. 220 & 221.

XXXIII.

From W. M. YOUNG, Esq., Secretary to the Government of the Punjab, to the Officiating Secretary No. 220. to the Government of India, Home Department,—No. 783, dated Lahore, the 3rd April 1882.

I am desired to acknowledge the receipt of your No. 12—441-457,† dated the 20th March, communicating a Resolution by the Governor General in Council regarding the employment in the Government service of natives of Afghanistan, Persia, or other countries immediately contiguous to British India.

2. As the Government of India is aware, several gentlemen of the above description have been appointed to be Extra Assistant Commissioners in this Province; and the appointment of others, in future, will no doubt come before this Government for consideration. The Lieutenant-Governor is not sure from the wording of the second paragraph of the Resolution, whether it will be necessary in each case to refer, for the orders of the Government of India, the appointment of such persons to offices carrying a salary of Rs. 200 per mensem or upwards; or whether the Resolution read with the communication‡ from the Secretary to Government of India, Foreign Department, No. 58, dated 23rd February last, conveys authority for such appointments without further reference; and I am to request the favour of instructions on this point.

XXXIV.

From F. C. DAUKES, Esq., Under Secretary to the Government of India, Home Department, to the Secretary to the Government of the Punjab,—No. 621, dated Simla, the 24th April 1882. No. 221.

In reply to your letter§ No. 783, dated the 3rd instant, I am directed to say that the intention of the orders contained in paragraph 2 of Home Department Resolution† No. 12—441-457, dated the 20th March 1882, is that each case in which it is proposed to appoint a native of Afghanistan, Persia, or other countries contiguous to British India to an office carrying a salary of Rs. 200 a month or upwards, should, as it arises, be referred for the orders of the Government of India.

No. 622.

Copy of correspondence forwarded to the Foreign Department for information.

PUBLIC PROCEEDINGS, APRIL 1881, Nos. 16 to 18.

XXXV.

From the Officiating Accountant General to the Government of Madras, to the Secretary to the Government of India, Finance Department,—No. 846, dated Fort St. George, the 3rd March 1881. No. 16.

I have the honour to forward, for the information of the Government of India, copy of my letter to the Madras Government, No. 4501, dated 2nd December 1880, and of their reply thereto, No. 155 (Public), dated 7th February 1881.

\* See page 41.

† See page 58.

‡ Not printed.

§ *Vide Supra.*



From W. DONALD, Esq., Officiating Accountant General to the Government of Madras, to the Secretary to the Government of Madras, Public Department,—No. 4501, dated Fort St. George, the 2nd December 1880. No. 16.

With reference to the appointment of Mr. Pringle to be First Assistant in the Chief Secretariat, I have the honour respectfully to invite attention to G. O.\* No. 1228 (Public), dated 9th August 1879, communicating, for information and guidance, Secretary of State's despatch† No. 12, dated 10th July 1879, with its enclosure, Government of India, Home Department, Circular‡ No. 21, dated 18th April 1879, and to enquire whether His Grace the Governor in Council does not consider that Mr. Pringle's appointment is one which, under paragraph 2 of the Secretary of State's despatch, requires the previous sanction of the Secretary of State, as Mr. Pringle is not a native of India, and his previous appointment was not in the branch of the Department in which he is now promoted, as required by paragraph 3 C of the Government of India Circular referred to above.

2. In the above circumstance, I have been obliged, pending the receipt of special orders from His Grace the Governor in Council, to disallow the pay claimed on account of Mr. Pringle in the establishment pay bill of the Chief Secretariat for November 1880.

Extract from the Proceedings of the Government of Madras in the Public Department,—No. 155, dated Fort St. George, the 7th February 1881. No. 17.

Read letter§ from the Accountant General, Madras, No. 4501, dated 2nd December 1880.

ORDER THEREON.

The appointment in question is of a kind that, in the opinion of the Right Honourable the Governor in Council, ought not to be governed by the provisions of the Secretary of State's despatch† of July 1879. It is a personal ungazetted appointment in the gift of the Chief Secretary, being of the nature of a Private Secretaryship, rather than a public appointment; it is not, in the opinion of the Right Honourable the Governor in Council, one of those appointments in which the Secretary of State contemplated interfering with the free choice of the individual who makes the nomination on his own responsibility.

2. The Accountant General is therefore authorized to withdraw his objection to the appointment of the present First Assistant.

(True Extract.)

R. DAVIDSON,

Chief Secretary to the Government of Madras.

To the Accountant General.

Endorsement by the Department of Finance and Commerce,—No. 1263, dated Fort William, the 19th March 1881.

Transferred to the Home, Revenue, and Agricultural Department for disposal.

XXXVI.

From F. C. DAUKES, Esq., Under Secretary to the Government of India, Home Department, to the Secretary to the Government of Madras,—No. 509, dated Simla, the 6th April 1881. No. 18.

With regard to the Proceedings§ of the Madras Government in the Public Department, No. 155, dated the 7th February 1881, I am directed to request that the Government of India may be favoured with further particulars as to the nature and duties of the office of First Assistant in the Chief Secretariat to which Mr. Pringle has been appointed. I am also to enquire whether this appointment has been given to Mr. Pringle as promotion from a lower to a higher post in the Chief Secretariat.

PUBLIC PROCEEDINGS, MAY 1881, Nos. 116 & 117.

XXXVII.

From the Honourable R. DAVIDSON, C.S.I., Chief Secretary to the Government of Madras, to the Offg. Secretary to the Government of India, Home Department,—No. 567, dated Cotaicamund, the 2nd April 1881. No. 116.

In reply to your letter§ of the 5th April 1881, No. 509, I am directed to say that the First Assistant to the Chief Secretary is a ministerial officer, his duties being to supervise the conduct of the

\* Not printed.

† See page 43.

‡ See page 40.

§ Vide supra.

office establishment and to give such assistance as he can to the Chief Secretary in preparing disposals and laying subjects before him in a complete form. As the Chief Assistant in the Government Secretariat he is necessarily a confidential officer, and, as regards the Departments immediately under the Chief Secretary, he discharges the duties of a Personal Assistant. No. 116.

2. Mr. Pringle, previous to his present appointment, was similarly an assistant in another section of the Government Secretariat, which is viewed as one and indivisible, as, although each Secretary has certain Departments specially allotted to him, the distribution may at any time be modified at the pleasure of Government, and has often been so.

3. Mr. Pringle was promoted from a lower to a higher paid Assistantship in the Government Secretariat.

4. Much importance is attached by this Government to the principle of viewing the Secretariat as a single office, as a safeguard against breaches of confidence on the part of clerks attached to any one section of the Government Office, who have unavoidably access in a measure to the records of other sections.

XXXVIII.

From F. C. DAVIES, Esq., Under Secretary to the Government of India, Home Department, to the Secretary to the Government of Madras,—No. 709, dated Simla, the 23rd May 1881. No. 117.

In reply to your letter\* No. 567, dated the 22nd ultimo, I am directed to say that the Governor General in Council agrees with the Government of Madras in considering that the several Departments of the Madras Secretariat should be treated as a single office for the purposes of recruitment and advancement. Mr. Pringle's appointment as First Assistant in the Chief Secretariat may properly be regarded in the light of a promotion, and, as such, is unobjectionable.

2. I am, however, to add that the Government of India cannot accept the view taken by the Government of Madras in their order\* of the 7th February 1881 that posts in the Madras Secretariat are not public appointments, and are, therefore, beyond the scope and operation of the general rule of 1879.

ESTABLISHMENTS PROCEEDINGS, APRIL 1881, Nos. 31 & 32.

XXXIX.

From C. ROBERTSON, Esq., Secretary to the Government of the North-Western Provinces and Oudh, to the Officiating Secretary to the Government of India, Home Department,—No. 510, dated Allahabad, the 25th February 1881. No. 31.

With reference to your letter† No. 21—747, dated 18th April 1879, I am directed to request the sanction of His Excellency the Governor General in Council to the nomination of Mr. W. H. Edmunds for appointment as an Extra Assistant Commissioner in Oudh.

2. Mr. Edmunds was born and educated in England, and is now 29 years of age. He was appointed to the post of Accountant in the Oudh Civil Secretariat in 1873, and served in that office till the amalgamation of the two provinces in 1877, when he was transferred to the establishment of this Office. Throughout his service in the Secretariat he has worked diligently and well, and has merited the promotion to the subordinate grades of the executive which Sir George Couper, with His Excellency's sanction, proposes to give him on the occurrence of a suitable vacancy.

3. His aptitude for accounts and his knowledge of details of budgets and other financial matters peculiarly fit him for employment as a Treasury Officer, for which appointments Sir George Couper has

\* See page 55.

† See page 40.

always been anxious to secure qualified men. His education and general qualifications are decidedly superior to the average of those of the class to which he belongs, and His Honour believes that his appointment to an Extra Assistant Commissionership would be in all respects for the interests of the public service. No. 31.

**XI.**

From the Honorable C. GRANT, Officiating Secretary to the Government of India, Home Department, to the Secretary to the Government of the North-Western Provinces and Oudh,—No. 155, dated Simla, the 13th April 1881. No. 32.

I am directed to acknowledge the receipt of your letter\* No. 510, dated the 25th February last, soliciting sanction to the nomination of Mr. W. H. Edmunds for appointment as an Extra Assistant Commissioner in Oudh on the occurrence of a suitable vacancy.

2. In reply I am to say that the Governor General in Council considers it of the greatest importance to carry out strictly the policy on which the orders contained in Home Department Circular† Nos. 21—746 to 753, dated 18th April 1879, were founded, and that he would be unwilling to make any departure from them save under very exceptional circumstances. In the present instance it does not appear to the Government of India that the circumstances are such as to justify them in setting aside the rules.

**PUBLIC PROCEEDINGS, MARCH 1885, Nos. 31 & 32.**

**XII.**

From J. B. REID, Esq., Chief Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 413—II-386-16-3, dated Allahabad, the 18th February 1885. No. 31.

I am directed by the Lieutenant-Governor and Chief Commissioner to submit, for the consideration and orders of His Excellency the Governor General in Council, the following proposal for the appointment of an European, not being a statutory native of British India, to the Uncovenanted Civil Service of these provinces in the class of Deputy Collector and Extra Assistant Commissioner.

2. As constituted under Resolution‡ No. 68—2024-35, dated 15th December 1881, by the Government of India in the Home Department, the service of Deputy Collectors and Extra Assistant Commissioners in these provinces should consist of 107 permanent members—the actual number at present employed is 97—who are divided into seven grades, the salaries attached to which range from Rs. 250 a month in the first or lowest grade to Rs. 800 a month in the seventh or highest.

3. In terms of the orders contained in your predecessor's letter† No. 21—747, dated 18th April 1879, no person who is not a native of British India, in the statutory sense of the term, can be appointed to be a Deputy Collector and Extra Assistant Commissioner without the sanction of the Government of India, and it was the intention of the Government of India, in issuing the orders quoted, that none except statutory natives of British India should ordinarily be appointed.

4. It is, however, in the opinion of the Lieutenant-Governor and Chief Commissioner, distinctly inadvisable that the Uncovenanted Civil Service, in the executive or administrative branch, should in these provinces become altogether destitute of members who are persons of pure European blood and of European connection, and who may have been born and brought up beyond the limits of British India. On the contrary, he thinks that it is advisable that the Service should contain a certain number of such persons.

5. In advancing this opinion the Lieutenant-Governor and Chief Commissioner is influenced mainly by considerations connected with the strength and constitution of the Covenanted Civil Service. The

\* See page 56.

† See page 40.

‡ Not printed.

number of officers of the covenanted class to be assigned to these provinces was laid down as 214 in the Resolution\* by the Government of India in the Home Department, No. 2228, dated 29th December 1881, and although the number of officers employed in these provinces has remained somewhat in excess of that number, the Lieutenant-Governor and Chief Commissioner has, during the last three years, found difficulty in arranging throughout the hot months of the year, when officers are anxious to take leave, that all the districts of the provinces should have a staff of experienced and trustworthy officers sufficient for the complete and satisfactory discharge of current district work. The arrangements made allowed little or no room for special exigencies of an executive or political kind, and had any such suddenly arisen, requiring the presence of officers of the covenanted class extreme difficulty might have been found in providing for them with the staff of covenanted officers readily available. In the case of a few districts the Magistrate and Collector has at times been the only covenanted officer in them, no other being left on the spot to take his place in case of illness or accident. The difficulty described will not be lessened should the provincial standard be reduced to its strict limit, while the substitution for Europeans of a fixed proportion of statutory Native civilians may considerably add to it.

6. In the justice and expediency of the instructions and measures for the employment of natives of India in the public service, the Lieutenant-Governor and Chief Commissioner entirely agrees. But it seems to him necessary for obvious reasons to take care that the number of Europeans employed in the executive service is not allowed to fall too low, and to recognize the possibility that the system of employing Natives in the public service, covenanted and uncovenanted, may operate towards administrative disadvantage and difficulty by bringing about the undue reduction or exclusion of the European element. It may be added that, besides the general expediency of retaining in the uncovenanted executive service a certain number of Europeans, there are certain posts which they are perhaps better fitted to fill than Natives, either permanently or on the occurrence of a sudden vacancy, to which it might be impossible to depute an officer of the covenanted class.

7. At the present time, of the 107 appointments in the grades of Deputy Collectors and Extra Assistant Commissioners in these provinces, two only are held by officers who are not statutory natives of British India, and who, from their birth and up-bringing being purely European, belong to the class of persons a few of whom ought, in the Lieutenant-Governor and Chief Commissioner's opinion, to be appointed to the Uncovenanted Service, as the employment of natives of British India gradually extends in other branches of the public service. Both of these officers now hold what may be termed special appointments, namely, the Assistant Superintendentship of the Tarai Parganas and the charge of the neighbouring Bhabar tract attached to the district of Kumaun. The present incumbent (Mr. Kilvert) of the former office was, at the time of his appointment, an Extra Assistant Commissioner, employed in ordinary district duty in the Kumaun Commission. The latter office has only lately been constituted, outside the sanctioned scale of Deputy Collectors and Extra Assistant Commissioners, under the sanction conveyed in the Government of India's letter\* in the Financial Department, No. 1684, dated 17th November 1884. In order to fill it, it was necessary to withdraw Mr. C. H. Roberts, the officer appointed, from ordinary district duty as a Deputy Collector and Extra Assistant Commissioner in Jhansi. At the present moment there is no Native officer in the ranks of the uncovenanted executive service who could with advantage be appointed either to the Bhabar or to the Assistant Superintendentship of the Tarai; and there is at present no pure European available for employment in ordinary district work.

\* Not printed.

8. Besides the two officers named above, 18 Christian Deputy Collectors and Extra Assistant Commissioners are included in the uncovenanted staff of the provinces. But all of them are, it is believed, covered by the statutory definition of native of British India, and belong to the Eurasian and Anglo-Indian class, to which the remarks made above are not intended to apply. No. 31.

9. I am therefore to request that the Government of India may be pleased to authorize the Lieutenant-Governor and Chief Commissioner to appoint an European to be a Deputy Collector and Extra Assistant Commissioner in these provinces. This officer would be regarded as taking Mr. C. H. Roberts' place for employment in ordinary district duty, but he would be appointed not in the grade in which Mr. Roberts stands (the fourth, or Rs. 500 a month), but in one of the lower grades, probably in the second, on Rs. 300 a month. In the event of sanction being accorded to this proposal, the Lieutenant-Governor and Chief Commissioner would select for appointment a person regarding whose education and past history a statement would be submitted in accordance with paragraph 5 of your predecessor's letter\* No. 21—747, dated 18th April 1879.

**XLII.**

From F. C. DAUKES, Esq., Under Secretary to the Government of India, Home Department, to the Secretary to the Government of the North-Western Provinces and Oudh,—No. 362, dated Calcutta, the 7th March 1885. No. 32.

I am directed to acknowledge the receipt of your letter† No. 413—11-386-10-3, dated the 18th ultimo, soliciting sanction to the appointment of a European, not being a statutory native of British India, to the Uncovenanted Civil Service of the North-Western Provinces, in the class of Deputy Collector and Extra Assistant Commissioner. In the event of sanction being accorded, it is said that the person selected would probably be appointed to the second grade on Rs. 300 a month.

2. In reply I am to say that, before passing orders on this proposal, the Governor General in Council would be glad to receive full particulars as to the qualifications, including the past history and education, of the person whom it is proposed to appoint, as required by paragraph 5 of the Circular\* from this Office, No. 21—746-753, dated the 18th April 1879. I am accordingly to request that, with the permission of His Honour the Lieutenant-Governor and Chief Commissioner, this information may be furnished to the Government of India.

3. I am at the same time to invite His Honour to consider whether the appointment of an outsider to a grade other than the lowest grade might not give rise to reasonable complaint on the part of the officers already in the service of Government who would be superseded thereby.

**PUBLIC PROCEEDINGS, MAY 1885, Nos. 315 & 316.**

**XLIII.**

From the Chief Secretary to the Government of the North Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 1165—11-386-46-3, dated Allahabad, the 16th April 1885. No. 315.

I am directed to acknowledge the receipt of your letter‡ No. 362, dated the 7th March 1885, regarding the proposal of this Government for the appointment of a European, not being a statutory native of British India, to the Uncovenanted Civil Service of these provinces in the class of Deputy Collectors and Extra Assistant Commissioners.

2. In reply to the inquiry in paragraph 2 of your letter, I am to say that the person whom the Lieutenant-Governor and Chief Commissioner proposes to appoint is Mr. George Percy Greene, born in

\* See page 40.

† See page 57.

‡ Vide Supra.

1861, and educated at Fettes College, Edinburgh, and son of the late H. Greene, Esq., of Bray, County Wicklow, Ireland, who has been for the last three years upon a coffee plantation in India, and who has been recommended to the Lieutenant-Governor as very well qualified for the public service. He is reported to be active and intelligent, and to be a man of much industry and good capacity for business. The Lieutenant-Governor has no personal acquaintance with him whatever, but has made references regarding him with the result as stated above.

3. In regard to the point upon which the 3rd paragraph of your letter under acknowledgment invites consideration, Sir Alfred Lyall would explain that the grade of Rs. 300 was selected because it seemed to him very improbable that any European gentleman, of the stamp which he desires to secure, would enter the Uncovenanted Service, where promotion and position are both less attractive than in the covenanted branches or in the police, upon lower initial emoluments. His Honour does not think that the appointment could or would give rise to any reasonable complaint on the part of those in the grades below; and he would observe again that the transfer of Mr. Roberts, which has given a step to the higher grades, provides a vacancy which it is quite justifiable, and in the Lieutenant-Governor's opinion essential, to fill up by another European.

4. In conclusion, the Lieutenant-Governor desires again to refer to the arguments used in the 6th paragraph of my letter\* No. 413—II-386-16-3, dated the 18th February last, and to remark that the present course and tendency of public affairs seems likely to detract in no way from their cogency.

**XLIV.**

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department, to the Secretary to the Government of the North-Western Provinces and Oudh,—No. 926, dated Simla, the 28th May 1885. No. 316.

I am directed to acknowledge the receipt of your letter† No. 1135—II-386-46-3, dated the 15th ultimo, furnishing particulars regarding Mr. G. P. Greene, whom His Honour the Lieutenant-Governor recommends for appointment in the Uncovenanted Civil Service of the North-Western Provinces in the class of Deputy-Collectors and Extra Assistant-Commissioners.

2. In reply I am to say that the Governor General in Council has given his most careful consideration to all the circumstances of the case and to the arguments brought forward in support of the Lieutenant-Governor's proposal, but does not consider them sufficient to outweigh the extreme importance of adhering strictly to the orders contained in Home Department Circular‡ No. 21—746-753, dated the 18th April 1879, the practical effect of which is to reserve appointments in the Subordinate Executive Service for natives of India as defined in Statute 33 Vie., Cap. 3. His Excellency in Council regrets that he must, therefore, decline to give effect to the Lieutenant-Governor's recommendation.

**PUBLIC PROCEEDINGS, OCTOBER 1884, Nos. 199 to 208.**

**XLV.**

From the Honourable E. F. WEBSTER, Acting Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 1794 (Miscellaneous), dated Ootacamund, the 12th September 1883. No. 199.

I am directed to forward, for transmission to the Secretary of State for India, a despatch§ No. 16, dated 11th September 1883, giving cover to a memorial\*|| addressed to His Lordship by Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association in Southern India.

\* Sent to Secretary of State.

• See page 57.  
§ See page 69.

† See page 59.  
|| See page 61.

‡ See page 40.

XLVI.

To the Right Honourable the EARL OF KIMBERLEY, Secretary of State for India. No. 200.

The humble memorial of DAVID EMMANUEL STARKENBURGH WHITE, Life President of the Eurasian and Anglo-Indian Association of Southern India.

SHREWTON.—That your Memorialist is the Representative of the Domiciled European and Eurasian Community of India, including persons belonging to these classes in Native States, British Burmah, the Central Provinces, and the Deccan, having been commissioned by the Eurasian and Anglo-Indian Associations of Calcutta, Madras, and Bombay to represent the interests of the community in this country. (Appendix I.)

2. In virtue of his position as the representative of the aforesaid Associations, your Memorialist craves Your Lordship's attention to the following statement :—

3. In the Proclamation of 1858 of Her Most Gracious Majesty the following command was delivered :—“ And it is our further will that, as 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.”

4. In pursuance of the above command, the Right Honourable Sir Stafford Northcote, when Secretary of State for India, brought in a Bill, the object of which was, “That additional facilities should be given for the employment of natives of India of proved merit and ability in the Civil Service of Her Majesty in India.”

5. The Bill became Law when His Grace the Duke of Argyll was Secretary of State for India, and is known as 33 Victoria, cap. iii. (Appendix II.)

6. From the discussion (Appendix III.) which took place in Parliament on the subject of this Bill, and especially from the speech of Mr. Grant Duff, who had charge of the Bill in the House of Commons, it seems clear that the intention was to provide for the admission to offices previously reserved by law to the Covenanted Civil Service, of natives of India who had distinguished themselves by their merit and ability in the discharge of public duties in the only branch of the Civil Department then open to them, *viz.*, the Uncovenanted Civil Service. That this was the view taken by the Duke of Argyll, who was Secretary of State when the Bill was passed, is manifest from the despatch\* addressed by His Grace to the Governor General in Council, under date 5th April 1869, where (paragraph 10) he observes :—“ A more free employment of them (natives of India) in the Uncovenanted Service, and promotion according to tried ability from that service to the Covenanted Service, must seem to be the method of providing least beset with difficulties and least open to objection. This would be indeed a competitive examination of the best kind.”

7. There was considerable delay in bringing the Act into operation. Under its provisions it was necessary that rules should be framed by the Governor General in Council, and sanctioned by the Secretary of State in Council, before any effect could be given to it. One set of rules was passed, and under these one appointment was made; the rules were revised, and under the revised rules (Appendix II.) various appointments have been made; but not one of these appointments, so far as your Memorialist is aware, has been an appointment of the nature of those contemplated by the framers of the Act. Indeed, from the wording of the rules and from the appointments which have been made under them, it seems clear that the object with which the rules were framed were entirely different from the objects contemplated by the framers of the Act. The main object of the Act, as stated by Sir Stafford Northcote (who was responsible for its introduction into Parliament), was to provide facilities for the promotion of Native officials of high standing, who by long and meritorious service had proved their fitness for offices in advance of those for which they had previously been eligible. The course actually taken has been not to promote any men of this class, but to introduce into the lowest of the appointments hitherto filled by covenanted civil servants, young Natives, in regard to most of whom it may be said that their merit and ability have yet to be established. One of the earliest appointments made was that of a youth of eighteen, whose only claim appears to have been that he was the brother of a wealthy Bengal Zemindar who gave agreeable shooting parties. Your Memorialist cannot avoid the impression that in Madras the authorities, if unfettered, would have made other nominations.

8. Your Memorialist further brings to notice that in the appointments which have been made, the claims of Eurasians, or persons of mixed descent, who have served the Government of British India with fidelity for generations, or the children of Europeans domiciled in the country, and of Native Christians have been entirely ignored, although the Act says distinctly, “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 tem-

\* Not printed.

porary purposes only;" and the rules add—"Any native of India as defined in the No. 200. said statute." In the Madras Presidency but four appointments have been made, two of Hindus and two of Muhammadans.

9. One portion of Memorialist's prayer therefore is—

I.—That the true policy of the Act under which appointments previously reserved for the Covenanted Service were to be thrown open to men who had distinguished themselves in the Uncovenanted Service, be re-affirmed.

II.—That Eurasians, Native Christians, Hindus, Muhammadans, Parsis, and the children of Europeans permanently settled in the country, all being equally natives of India, be selected impartially for such appointments.

III.—That the higher appointments in the Judicial Department, not excluding the appointment of District Judge, be conferred, as far as possible, on natives of India who may have distinguished themselves, morally as well as intellectually, at the various Local Bars.

10. Your Memorialist further desires to bring to Your Lordship's notice that the course taken in India in recruiting the higher ranks of the Uncovenanted Service, has been for several years opposed to the policy laid down by the Home Government. (Appendix III.) It has operated to the serious detriment of the Indian members of that service, and has involved needless cost to the State.

11. The policy of the Home Government has always been wise, just, and generous; but it was bound to fail, unless rigidly enforced, and it has failed, because it had to be carried out in India by persons many of whom, to use moderate language, had no sympathy with it.

12. In connection with this point, your Memorialist would draw Your Lordship's attention to a correspondence between the Duke of Argyll, as Secretary of State for India, and the Governor General in Council (with reference to the proceedings of a Furlough Committee sitting in Calcutta) published in the *Gazette of India* of 6th February 1872. Although from that portion of the correspondence which emanated from the India Office it was clear that only those Englishmen or Europeans not sent out by the Secretary of State came within the prohibited degrees of employment in the Uncovenanted Service, the matter was so misunderstood by the Furlough Committee that a general feeling of alarm, and an apprehension of broken pledges on the part of Her Majesty's Government in England, pervaded the mind of the Eurasian and domiciled European community.

13. So grave were the apprehensions felt, especially by the Eurasians in Madras and other parts of India, that Sir Alexander Arbuthnot (then acting as Governor of Madras in place of Lord Napier, who had gone to Calcutta as Governor General during the interregnum caused by the death of Lord Mayo) deemed it his duty, at a public meeting, to reassure the mind of the community; and the late Sir Henry Montgomery, then a Member of the Council of the Secretary of State, considered it necessary to write to your Memorialist explaining the objects of the Home Government in order that Memorialist should make them understood in India (Appendix IV).

14. As a further proof that the policy of the Home Government had no chance of being carried out, Memorialist has to point to the fact that no respect has been paid to the instructions issued by the Duke of Argyll.

15. On the contrary, influence was so skilfully brought to bear that the employment by the Indian authorities in certain departments and under certain restrictions, of Europeans not domiciled was sanctioned, as will be seen from the reference given in the next paragraph.

16. This opening of a door, which ought to have been kept fast locked in the interests of the people of India, for it was an abandonment of the key to the whole position, has had the effect which was foreseen by those practically acquainted with Indian affairs, *viz.*, that a second expensive undomiciled European service would arise, into which Natives would have no chance of entering; and so far at least as it is within the knowledge of Memorialist not a single native of India has been able to obtain admission into the higher ranks of the following departments among others—Police, Jail, Salt, Revenue Settlement, Revenue Survey, Forest, Public Works—however meritorious his services, and although the instructions of the Home Government were clearly conveyed in the despatch\* of the Secretary of State to the Governor in Council, Fort St. George, No. 12 (Public No. 9), dated India Office, London, 10th July 1879, and in the Circular† which accompanied it. (Appendix V.)

17. Indeed, matters have gone a step further, and natives of India have been compelled to understand, and have even been told, that the appointments referred to are not intended for them, although it was stated in the Circular that they should not in any way be reserved for Europeans not domiciled. This is notoriously

\* See page 43.

† See page 40.



the case in the Police; and even to the Ministerial Service, undomiciled Europeans No. 200. are being appointed.

18. The Uncovenanted Service of India consists of two sections—one Gazetted and the other Ministerial. The Ministerial, as it implies, is a subordinate service with which natives of India of spirit, high ability, moral worth, and gentlemanly instincts can never be content. Hence, to shut out such men from gazetted appointments, as they have been, is to cause them real disappointment. But their exclusion is also a positive evil, for British government in India is gradually divorcing itself from the intellect and worth of the country, and the country itself is being flooded with expensive undomiciled Europeans (some of them without any Indian connection whatever), who have no sympathy with the general population, and whose presence among them is undesirable for several weighty reasons.

19. The position of retired covenanted civil and military officers, who, owing to the competitive system, find it difficult to provide for their sons, is no doubt one of hardship; but while, having drawn high salaries in India, the Australian and other colonial fields are open to them, the hardship is otherwise entirely self-created, for it is always within the power of the officers in question to settle in India and thus constitute their children, "natives of India," according to the definition embodied in the Act of 1870.

20. *The second portion of Memorialist's prayer, therefore, is that except in the case of persons sent out by the Secretary of State for India, the Uncovenanted Service whether Gazetted or Ministerial, may be reserved absolutely for natives of India as defined by Act of Parliament.* Nothing short of this, in the humble opinion of Memorialist, will meet an evil which is serious, and which is otherwise certain to increase. When the relaxation in the Circular was authorized it does not appear to have been seen by the Home Government that it amounted to a positive reversal of the orders of the Duke of Argyll. Excepting Revenue, the departments specified in paragraph 16 were the only departments which gave the opportunity to natives of India of rising to the Gazetted Service. Hence to permit the employment of Europeans not domiciled in those departments was tantamount to ruling that Natives should be entirely excluded. In short, the Home Government, without intending it, undid all that they had put together with care when Sir Stafford Northcote and the Duke of Argyll were Secretaries of State.

21. Memorialist, lastly, brings to your Lordship's notice that, although Act 33 Victoria, Cap. iii., section 6, has so clearly defined who a native of India is, and has further enacted that no alteration in such definition is to have effect until it has been laid for thirty days before both Houses of Parliament, the Government of India have been misled into concluding that a Native is none other than a *pure Asiatic*, and the conclusion, illegal as it is, has been acted on to the detriment of Eurasians and domiciled Europeans; and Memorialist would point out that in the following extract from an official letter this violation of a Statute of the Realm is attributed to a former Home Government:—

Government of Madras, Public Works Department, 17th October 1891. Fo. 2629. Read No. 1251 of 23rd September 1891, G. from Under-Secretary to Government of India, Public Works Department (General), to Secretary to Government of Madras, Public Works Department.

Para. 6. I am to repeat that the Secretary of State has strictly forbidden the appointment to the Engineer establishment of any but Natives and officers of Royal Engineers without his Lordship's previous sanction, and by the term Native, as his Lordship's orders at present stand, is meant, a person of pure Asiatic parentage.

22. It is hardly necessary for Memorialist to inform your Lordship that the above misapprehension has created deep disappointment in the minds of the Eurasians and domiciled Europeans in India. Two petitions have been addressed by the Associations at Calcutta and Madras to the Viceroy and Governor General. The one from Calcutta is attached, and Memorialist expects the one from Madras by early mail. Memorialist also understands that petitions from two aggrieved members of the Public Works Department, forwarded through the Madras Government, are now before your Lordship.

23. Memorialist has further heard that on the recommendation of Dr. Brandis no Eurasians are to be admitted in India into the Forest Department on the untenable grounds that they are not natives of India, not being pure Asiatics, and because they are not respectable enough ever to be fit for promotion to the higher appointments.

24. If informal legislation of this character is to be permitted in India, your Memorialist would humbly ask what is to be the fate of the Eurasian and domiciled European community for whose education the Government of India are actually providing. On the one hand they are told that they are not eligible to certain offices because they are not pure Asiatics; and yet these Eurasians and domiciled Europeans, indisputably children of Indian soil, are the descendants of the men who

won India, and they have rendered faithful and efficient service, as testified to by No. 200. many of the eminent men India has known. Moreover, when allowed the merest fair play, they have not failed to distinguish themselves in the Church, Law, Medicine, Education, and Literature. It is hard, therefore, to say the least, that a sentence of degradation, against which they have been powerless for want of representation, should be passed upon them. That they seek to enter the service of the Government is natural; but they do no more than Hindus, Muhammadans, and Parsis, whose claims are encouraged; and yet Muhammadans and Parsis, and even Hindus, have a claim upon the rulers of India far less strong. The truth is, the position of Eurasians and domiciled Europeans has to be considered officially and politically apart from that of undomiciled Europeans.

25. Your Lordship's Memorialist does not ask for special privileges for the class which he represents. His prayer is that full effect be given to the great Act of Statemanship which in 1870 placed the people of India on one common platform. He would submit that British India has arrived at a critical stage of its existence, for its people have begun to think. At such a time, therefore, everything liable to cause friction should be avoided. Above all, no second class of official undomiciled Europeans, who do not bear the stamp of the Home Government, should spring up in the country; and if by accident such a class does spring up, as it has done, an immediate counterpoise should be found by employing the people of the country in official positions of equal consideration, for no class should be dominant in India unless it possesses the highest qualities. Setting aside the special services, it is the conviction of Memorialist that justice and policy alike demand that the Uncovenanted Service, if it is not absolutely reserved for natives of India, should be one of equality as regards colour, caste, and creed in its higher ranks. To do this would be to immediately raise the people of India to a higher level, to bring out their best powers to the advantage of the State, to promote morality, to remove a grave cause of discontent, and in fact to save India.

26. In the Eurasians and domiciled Europeans Her Majesty's Government in England have had, and may still have, the truest interpreters of their desires as regards the other people of India; and the broad basis on which this Memorial has been written may be cited as proof. But through the want of consideration shown towards them, and the infliction upon them of disabilities quite undeserved, their power for good has in great measure been neutralised. What is more to be regretted is, that the distinction made between them and the other people of India has made both sides selfish and unsympathetic, though not hopelessly so.

27. *Memorialist feels that in this Memorial he has raised some questions which cannot be hastily settled: but he ventures to solicit that orders may be passed without delay, re-affirming the policy of the Act, 1870, and declaring that Eurasians and domiciled Europeans are without doubt "natives of India."*

28. Memorialist attaches to this Memorial copy of a Petition to your Lordship from the Eurasian and Anglo-Indian Association of Calcutta; and on the ground that a new and serious disability has been imposed upon the Eurasian and domiciled European community, whose position is already unfortunate enough, he humbly and earnestly joins in the prayer—that young men born and educated in India may be admitted to the Bengal Pilot Service; but that if such young men are to be excluded from the Pilot Service on the ground of want of proper training in seamanship, arrangements may be made by Government for providing the *youth of the country* with suitable training ships, as is done for the youth of England.

Humbly trusting that his representations, imperfect as they are, will receive your Lordship's careful consideration, and begging that Her Majesty's Government will see that, whether by conversion to Christianity, intermarriage, or adoption of European ideas, manners, or costume, the British civilisation of India can never get beyond what the Eurasian or, to use the broader term, the East Indian is, Memorialist, as in duty bound, will ever pray.

#### . . APPENDIX. I. . .

The Eurasian and Anglo-Indian Association, Calcutta, is a Registered Society. It was formed in 1876, and represents the interests of the Eurasian and Anglo-Indian community resident in Bengal, the North-Western Provinces, the Punjab, and a portion of British Burmah.

The Eurasian and Anglo-Indian Association of Southern India is an Association registered under the Special License of the Madras Government, and represents the interests of the Eurasian and Anglo-Indian community resident in Southern India, including Mysore, the Deccan, the Central Provinces, and the remaining portion of British Burmah. It was formed on the 7th of October 1879.

The Eurasian and Anglo-Indian Association of Western India was formed on the 7th March, 1883, and represents the interests of the Eurasian and Anglo-Indian Association resident in the Bombay Presidency. If it has not already been registered it will soon be a registered society.

The following extract conveys the authority under which Memorialist acts on behalf of the Calcutta Association :—

Extract of letter from the Board of Direction, dated the 26th February 1883 :—

“The Board cordially approve your purpose, and have instructed me to send you copies of the first six annual reports of the Association, a perusal of which at your leisure, will give you a better idea than I could possibly give in any summary, of the efforts that have engaged our energies, and the grievances that have roused our complaints on this side of the country since the organization of the Association in 1870.

“In particular, attention may well be called in England to what are known here as the Pilot Service memorial and the Roorkee Appointments Memorial—of which spare copies are sent with the reports—and from which you will see that while on the one hand Eurasians and Anglo-Indians are arbitrarily shut out of the Pilot Service in which they have always behaved creditably, on the other they are also to be unjustly excluded from the Public Works Department in order to make room for Native Students who have not been able to compete with them in open examinations.

“The good wishes of the Board and of the whole community will follow you in your worthy efforts to serve the common cause in England, and the Board trust that these efforts may be crowned with success.

“Any communication which you may, while in England, wish to make to the Board on any matter of interest and importance will receive their careful attention, and the subject of it will, when possible, be brought before the community through the proceedings of the Association.”

The following resolution is the authority under which Memorialist acts on behalf of the Eurasian and Anglo-Indian Association of Southern India :—

“Proposed by Mr. Bond, seconded by Mr. Rieley, and carried with acclamation, that Mr. D. S. White, President of the Eurasian and Anglo-Indian Association of Southern India, be deputed to represent the interests of the Association, and to advocate the claims of the community while in England.”

At the meeting in the Town Hall, Bombay, on the 7th March, 1883, the entire audience signified by acclamation that Memorialist should represent the interest of the community in England. A formal resolution of the managing committee is awaited by Memorialist.

## APPENDIX II.

### ACT OF PARLIAMENT, 33 VICTORIA OF 1870.

An Act to make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto.

Whereas it is expedient that additional facilities should be given for the employment of natives of India of proved merit and ability, in the Civil Service of Her Majesty in India: Be it enacted, that nothing in the “Act for the government of India” twenty-one and twenty-two Victoria, chapter one hundred and six, or in the “Act to confirm certain appointments in India, and to amend the law concerning the Civil Service there,” twenty-four and twenty-five Victoria, chapter fifty-four, or in any other 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 thirty-two of the first-mentioned Act 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; and 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 purposes 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.

The following rules prescribed by the Governor General in Council under No. 200, section 6 of 33 Vic., Cap. 3, and sanctioned by the Secretary of State in Council, have been laid for 30 days before Parliament, and are published for general information :

In exercise of the power conferred by the 33rd Vic., Cap. 3, section 6, the following rules have been prescribed by the Governor General in Council, and such rules have been sanctioned by the Secretary of State for India in Council with the concurrence of a majority of members present:—

1. Any native of India as defined in the said Statute, may, if of approved merit and ability, be appointed to any office, place, or employment in the Civil Service of Her Majesty in India, to which appointments may be made by the authorities in India.

2. Such appointment, if to an office, place, or employment to which appointments may be made by a Local Government, shall be made only with the previous sanction of the Governor General in Council.

3. Every such appointment, whether made by a Local Government, or by the Governor General of India in Council, shall be forthwith reported to the Secretary of State for India in Council, and shall be made subject to disallowance by the said Secretary of State in Council provided that such disallowance shall be signified to the Governor General in Council within twelve months from the date of the receipt of such report.

4. Every such appointment shall, in the first instance, be provisional only.

(a) Every person obtaining such a provisional appointment shall, within two years from the date on which he takes it up, pass the departmental examination prescribed by the rules of the service—unless he be especially exempted by the Governor General in Council from being so examined.

(b) On the expiration of the said term of two years the Governor General in Council may, upon the report of the Local Government, or on such inquiry as he thinks fit to name as to the character and qualifications of the person appointed either confirm such appointment or cancel the same.

(c) Nothing herein contained shall be deemed to preclude the cancellation of any such appointment before the expiration of the said two years, if, in the opinion of the Governor General in Council, it is established that the person provisionally appointed has been guilty of misconduct, or has failed to discharge efficiently the duties of his office.

5. Every person so appointed shall be subject to such condition as to leave and pension as the Governor General in Council, with the sanction of the Secretary of State for India in Council, may from time to time prescribe.

#### APPENDIX III.

“ Hansard,” 23rd April, 1868, pages 12-13, *et seq* :—

Sir Stafford Northcote (Secretary of State for India).—“ I am sorry I do not see the Honourable Member for Brighton (Mr. White) in his place, who has given a notice with reference to the subject—it relates to the admission of the Natives into the Civil Service of India. It was always felt by the old Court of Directors, by the Indian Council, by all the home authorities, and indeed, by the Indian authorities also, that it was desirable, as far as possible, to make provision for the employment of the natives of India; but the difficulty has been in what way could it be accomplished. When the Honourable Member for Brighton brings forward the motion for which he has given notice, that competitive examinations should be held in India, I shall feel it my duty to state the reason why I cannot assent to that proposal. I do not think it would be at all suitable to the condition of India that the Civil Service should be thrown open to anybody who can pass the best competitive examination among the natives of India; for although I am a strong advocate for competitive examinations in this country, I do not think they apply to such a country as India, where you require not the cleverest men, but various other qualifications which you are not so well able to test by competitive examinations. It was felt, however, that a great deal more might be done with respect to the admission of Natives. In the Uncovenanted Service there are a great many appointments that are of considerable value, and a return has been presented to the House showing the number of appointments in the Uncovenanted Service held by Natives and Europeans; and it is not pleasant for me to say that the proportion is, I think, about six Europeans to one Native. The impression of myself and the Council is that the Uncovenanted Service should be, as far as possible, a Native service, though, no doubt, certain appointments should be given to Englishmen. In explanation of the large proportion of Europeans in the Uncovenanted Service, I may mention that appointments were given to many Europeans who rendered services during the Mutiny, and other appointments were given to the sons and relatives of old officers. Still, I feel that the Uncovenanted

*Service is a dangerous service for Europeans, as it affords a scope for jobbing. No. 200. and we ought to confine it more to Natives than to Europeans."*

"Hansard," May 5, 1868, page 1,849 :—

Mr. G. O. Trevelyan : "Thus we should have two permanent sources of supply for the India Civil Service: one would be derived, as at present, from the competition of the youth of the whole empire; the other from a careful selection made in India itself of persons distinguished in the Uncovenanted Service and at the Native Bar."

"Hansard," June 15, 1868, page 1,601, *et seq* :—

Mr. Ayrton : "He thought it would be very much better to guarantee to the Natives that to which they were clearly entitled—namely, the Uncovenanted branches of the Civil Service. He was afraid that at present it was too much the practice for those in power to appoint their own dependents to this part of the service, and the result was that the Natives had little confidence in the manner in which public business was conducted."

Colonel Sykes : "With regard to the Uncovenanted Service, he took a similar view to that of the hon'ble and learned member for the Tower Hamlets (Mr. Ayrton). Of the civil servants in that branch, 75 per cent. were Europeans ignorant of the language of India, and usually the *protégés* of men in office."

"Hansard," March 11, 1869, page 1,077 :—

Viscount Hardinge : "He did not know whether the noble duke (the Duke of Argyll, Secretary of State for India) was aware how comparatively few Natives there were in the Uncovenanted Service. In that Service out of 2,000 officials only fifteen Natives held appointments of a salary of £1,000 a year; and in other appointments there were six Europeans to one Native. This seemed to him a very large disproportion, and either the Government of India had no disposition to encourage the employment of Natives, or there was the greatest difficulty in finding Natives capable of filling appointments."

*N. B.*—In the same debate the Marquess of Salisbury and Viscount Hardinge agreed with the principle of the Duke of Argyll's Bill, that the Covenanted Service should be partly recruited in India from men of tried merit and ability in the Uncovenanted Service.

"Hansard," February 18, 1870, page 562 :—

Mr. Grant Duff, Under-Secretary of State for India : "Young Natives who had a little means could come to England and compete with the English for appointments, and were doing so. Then again if clever young men had not means, they would be helped by the Gilchrist and Government Scholarships assuming these met to be continued—a point however, not yet settled. All that was good—nay, excellent, for the young, but it was quite inadequate even for them, and it did not meet the case of the old at all . . . . . But there were probably a very considerable number of Natives who might be employed with great advantage to the State in a judicial capacity."

#### APPENDIX IV.

*Extract from the address of SIR ALEXANDER ARBUTHNOT, Acting Governor of Madras, given at the Docton College in 1872.*

As I have alluded to the prospects of the students of this college of employment in the public service, I wish to say a few words on a topic which has doubtless engaged the attention of many of those here present during the last few weeks, and which has a direct bearing on the prospects of many of the boys and youths whom I see assembled before me. I need hardly observe that I refer to the recent despatches of the Secretary of State, with reference to which so much discussion and correspondence has taken place during the last few weeks in the newspapers, and especially in the Madras newspapers. Now, gentlemen, I am satisfied that there has been a great deal of misapprehension with reference to the meaning and intention of those despatches, and it is very desirable that that misapprehension should, if possible, be removed. The prohibition contained in those despatches—the prohibition which has given rise to so much discussion, and which has evoked so much criticism—is simply a prohibition directed against the system of appointing to offices in the public service, Europeans who have come out to this country on the chance of obtaining employment. The prohibition is in no way directed against the employment in the public service of Eurasians, or of Europeans domiciled in the country, who, according to an Act of Parliament recently passed, are regarded as natives of India. I am aware that a much wider scope has been given to the prohibition in question, and that it is believed that the prohibition will entail on the members of the Eurasian community a serious loss, and will practically exclude them from the public service. Gentlemen, so far from regarding this prohibition as a grievance to the class of persons to which I refer, and as entailing on them any

disadvantage or disabilities, I consider it to be one of the most valuable boons that has No. 200. yet been conferred upon them; for I regard it as a guarantee that persons born and educated in this country, whatever may be their creed or caste, shall not be passed over for those offices in the public service for which they are legally eligible, in favour of young men who, having failed to obtain admission into the Covenanted Civil Service, or into the India Staff Corps, or into any of those special departments the appointments to which are made in England, are sent out to India to seek their fortunes. And this brings me to the question which has more than once been raised, whether the definition of the words 'natives of India,' contained in the Act of Parliament to which I have alluded, is applicable to the case of appointments in the Uncovenanted Civil Service. This is a point on which I do not entertain a shadow of a misgiving, but in order that I may explain to you the grounds of my conviction I have brought with me the Act of Parliament in which the definition is given. Now, the first section of this Act commences as follows:—'Whereas it is expedient that additional facilities should be given for the employment of natives of India of proved merit and ability in the Civil Service of Her Majesty in India,' and towards the close it is declared that for the purposes of this Act the words, 'natives of India' shall include any person born or domiciled within the dominions of Her Majesty in India, of parents habitually resident in India and not established there for temporary purposes only. You will observe that the object of the Act is to give additional facilities for the employment, I should say the occasional and exceptional employment, of natives of India of proved merit and ability in those offices hitherto reserved to the members of the Covenanted Civil Service, and the words 'natives of India' are so defined as to include Eurasians, and also Europeans whose parents have been domiciled in the country. It must be borne in mind that two years before this Act was passed, the correspondence of which the despatches which have elicited so much discussion form a part, was commenced. That correspondence was commenced in 1868, and the Act from which I have just read to you was passed in 1870. It appears to me perfectly preposterous to suppose that, having before him an Act of Parliament passed so recently with the express object of providing additional facilities for the employment of natives of India of proved merit and ability in offices hitherto filled by members of the Covenanted Civil Service, and containing such a definition as this, the Secretary of State should have contemplated the exclusion of Eurasians or of Europeans domiciled in the country from the Uncovenanted Civil Service. The persons referred to in the Act are to be persons of proved merit and ability, and I should like to know in what sphere of work such persons can give proof of their merit, and show their ability and fitness for the higher offices of the civil administration, if they are not to be first employed in the Uncovenanted Civil Service. I have made these remarks in the hope of dispelling the misapprehension which exists with reference to the despatches to which I have alluded, and I trust that I have succeeded in doing so to some extent. I do not expect that those who have written the articles and letters to which I have referred will readily admit their mistake, for there is no virtue so rare as the admission of error; but if I have dispelled from the minds of those who hear me the baseless apprehensions which those articles have occasioned, and if I have convinced the managers and teachers, and some of the students of this College that the alarm which has been felt is entirely without foundation, and that their prospects, instead of being endangered, have been much improved by the prohibition to which I have alluded, I shall not have spoken in vain.

Gentlemen, I will add a few words with reference to the practice of sending out to India young men from England who have been unable to succeed in the competitive examinations instituted of late years. This practice, as you are aware, is of recent growth. It has arisen from a cause which we must all deplore: from the difficulty which officers of the Indian Service, Civil and Military, now experience in providing for their sons in consequence of the changes introduced in recent years. I am not going to discuss the merit or demerits of the system of competitive examinations. That system has doubtless its advantages, and it is not without its drawbacks. But the policy has been deliberately affirmed by the British Parliament, and it is not probable that it will be abandoned. And bearing this policy in mind, and keeping in view the pledges and the prospects of advancement in the public service, which for many years past have been held out to the natives of India, it appears to me that it would be in the last degree inconsistent to provide for those whom the policy of Parliament has excluded from the Indian service at the expense of those who have been invited to qualify for it, and who, having done so, have the strongest claims on our consideration. Therefore, however much I may sympathise with my friends in the difficulty which they experience in providing for their sons, I cannot agree that that difficulty ought to be met by a practical violation of the pledges which have been given to the natives of India whether of pure or of mixed birth, and holding this view, I regard the prohibition which has been so severely criticised as a just and righteous, and I may add, a most politic prohibition.

I trust that I have made it plain that that prohibition is directed against the No. 200: employment in the public service of only one class of persons, a class which is certainly deserving of our sympathy, but which is not entitled to be provided with employment at the expense of those who have greater claims on the State. I hope that what I have said will have reassured any of the students of this College who may have been desponding in regard to their future prospects.

*Extract of letter from Sir Henry Montgomery to Memorialist.*

"I hope the speech of the Acting Governor, Mr. Arbuthnot, has removed from your minds the mistaken construction placed in India on the despatch from the Secretary of State regarding the restriction of employment of Englishmen in the Uncovenanted Service. The object of that despatch was to prevent the supersession of pure Natives and of Indian born subjects by young English gentlemen, many of whom have failed in the competition in this country. There was great abuse in employing such English youths to the prejudice of covenanted civilians, Eurasians, and Natives. The Uncovenanted Service is especially designed for the two latter classes, and you have all mistaken the object of the despatch in supposing it to militate against their interests. I see a memorial on this subject is to be addressed to the Secretary of State. You are all too apt to look out for defects in all the measures of the Home Government, and to imagine harm where advantage is intended. The Home Government are truly desirous of benefiting the people of India, whatever may be their position in that great country."

APPENDIX V., PART I.

Quoting extract from the Honourable Major Baring's Budget speech, the Association asked Government to kindly give it some assurance that members of the community were not to be excluded from the Uncovenanted Service. The following is the reply from Government:—

*Proceedings of the Madras Government.*

Read letter from the President, Eurasian and Anglo-Indian Association, dated 25th April 1882.

*Order thereon, 17th May 1882, No. 262 Mis.*

Copy of G. O.,\* 9th August 1879, No. 1228, will be furnished to Mr. White, with the remark that as East-Indians clearly fall under the definition of "natives of India" given in paragraph 2 of the Government of India Circular,† dated 18th April 1879, recorded therein, there can be no doubt of their being eligible for any appointment which natives of India may hold.

(True Extract.)

C. G. MASTER,

*Acting Chief Secretary.*

APPENDIX V., PART II.

Read the following paper:—

No. 12. Despatch from the Right Honourable the SECRETARY OF STATE for India.

[For this paper see page——.]

APPENDIX V., PART III.

From C. BERNARD, Esq., C.S.I., Officiating Secretary to the Government of India, Home Department (Public), to Local Governments and Administrations in the Bengal Presidency, No. 21-746-53,† dated Simla, the 18th April 1879.

[For this paper see page——.]

From the Government of Madras, to Her Majesty's SECRETARY OF STATE for India, No. 16, dated Ootacamund, the 11th September 1883.

We have the honour to transmit, through the Government of India (the subject being one of general and not of local importance only), a memorial‡ addressed to Your Lordship by Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association, Southern India.

\* Not printed.

† See page 40.

‡ See page 61.

2. The first portion of memorialist's prayer is—

No. 200.

- (1) that the true policy of the Act of Parliament (33 Vic., Cap. III.) under which appointments, previously reserved for the Covenanted Civil Service, were to be thrown open to men who had distinguished themselves in the Uncovenanted Service, be re-affirmed;
- (2) that Eurasians, Native Christians, Hindus, Muhammadans, Parsis, and the children of Europeans permanently settled in the country, all being equally "natives of India," be selected impartially for such appointments;
- (3) that the higher appointments in the Judicial Department not excluding the appointments of District Judge, be conferred, as far as possible on natives of India who may have distinguished themselves, morally as well as intellectually, at the various local Bars.

3. The object of the Statute is clearly stated in its sixth section, *viz.*, that "additional facilities should be given for the employment of natives of India, of proved merit and ability, in the Civil Service of Her Majesty in India." To this end the Governor General in Council is empowered, from time to time, to frame rules; and when these rules shall have been sanctioned by the Secretary of State in Council, all appointments made under them shall be lawful, though the nominees shall not have obtained a certificate from the Civil Service Commissioners. The first set of rules, notified by the Government of India on the 19th August 1875, do not expressly declare that the "merit and ability," which are to be "proved," shall have been shown in the higher ranks of subordinate Government employ; but it appears from the despatch\* addressed by that Government to His Grace the Duke of Argyll under date the 23rd January 1874 (No. 6, Public Department), that they considered it impossible to devise a better course of probation for the superior appointments than is given by passing with credit through the regular gradation which leads up to them. Subsequently, however, after a correspondence with the Government of India and the Secretary of State, which this Govern-

*Vide* Proceedings Madras Government, Public, No. 626, dated 30th April 1880.

ment has not had the advantage of perusing, and the general substance only of which was communicated to us at the close of the year 1879, it would appear that the policy finally adopted as best expressing the intentions of the Act, 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." This, then, is the present rule, and, as we do not understand that Your Lordship now desires the opinion of this Government on the subject, we refrain from offering it; but we may remark that, in nominating the candidates under the rule, from

\* See page 20, Vol. 1.



whom a selection is made by the Government of India, the Local No. 200. Governments are not restricted to the choice of men of any particular section of natives of India; all candidates fulfilling the conditions laid down are plainly eligible. Mr. White's further prayer that, after the abrogation of the present rule, all the higher judicial appointments shall be conferred, as far as possible, on natives of India who may have distinguished themselves at the local Bar, appears to us singularly bold and inappropriate. Its direct conflict with his own construction of the true policy of the Act, *viz.*, the advancement of members of the Uncovenanted Service to the superior appointments in the Civil Service, is obvious. But the best answer is this, that nothing could more effectually destroy the Civil Service of India, the competition for which has now, for a quarter of a century, been thrown open with the happiest results to all Her Majesty's subjects throughout the Empire. It has, indeed, pleased Parliament subsequently to enact that competition for admissions to this service shall not be the invariable rule; but if it is next provided that civil servants shall no longer be eligible for the Judicial Bench, appointments to which shall be made by the Local Governments, selecting members of the Native Bars, the result would be simply disastrous to the highest interests of British India; men of merit would no longer compete for its Civil Service, and the compensation suggested by Mr. White, of securing members of the Native Bar for our District Judges, would, in our judgment, utterly fail to replace the loss.

4. The second portion of memorialist's prayer is that, "except in the case of persons sent out by the Secretary of State, the Uncovenanted Service, whether gazetted or ministerial, may be reserved absolutely for natives of India, as defined by Act of Parliament." We fail to see how it will consist with justice, or policy, to do more for the exclusion of Europeans from the Uncovenanted Service than is done at present. If admitted at all, no European can rise to a post of Rs. 200 a month without the express sanction of the Governor General in Council or the Secretary of State, as the case may be. The only departments to which this regulation does not extend in this Presidency are Salt, Survey, Public Works, and Police; and even as to these, they are in no way reserved for Europeans though it has been found hitherto that natives of India are better fitted, as a rule, for the Revenue and Judicial branches of the service, and generally prefer those branches for employment. There are, however, natives of India, whether pure Asiatics, or persons born and domiciled in India, of parents habitually resident in India, now serving in the upper ranks of each of the departments, mentioned at paragraph 16 of the memorial, in this Presidency; and we deny that any undomiciled European has been appointed by us, or allowed by us to be appointed, to any branch of the ministerial service, in breach of the standing orders on the subject (paragraph 17).

5. The memorialist finally points out, that, the terms of the Statute notwithstanding, the meaning of the expression "native of India" has, in regard to one important department been restricted by the Government of India and the Secretary of State to "pure Asiatic."

This is not, of course, a complaint on which it would become this No. 200. Government to offer any observations. What the memorialist states (paragraph 25), as the opinion of Dr. Brandis, regarding the admission of Eurasians into the Forest Department of this Presidency, is not correct. Dr. Brandis did express an opinion that it would be advantageous to recruit Sub-Assistant Conservators chiefly, if not exclusively, from natives of India of pure Asiatic descent. It may or may not be desirable to act on Dr. Brandis's suggestion; but, as at present advised, we have no intention of communicating any such general instruction to our Forest officers.

XLVII.

From C. W. BOLTON, Esq., Under-Secretary to the Government of Bengal, Revenue Department, to the Secretary to the Government of India, Home Department,—No. 1103T.R., dated Darjeeling, the 12th October 1888. No. 201.

I am directed to submit, at the instance of the Council of the European and Anglo-Indian Defence Association, the accompanying letter addressed by them to the Government of India on the subject of the admission and training of candidates for the appointment of Forest Rangers at the Forest School.

XLVIII.

From J. W. FURRELL, Esq., Honorary Secretary to the European and Anglo-Indian Defence Association, to the Secretary to the Government of India, Home Department,—No. 82, dated Calcutta, the 2nd October 1888. No. 202.

I am directed by the Council of the European and Anglo-Indian Defence Association, which contains amongst its members a large and increasing number of Englishmen who are domiciled in this country, to solicit the attention of the Government of India to the practical working of the existing "conditions for the admission and training of candidates for the appointment of Forest Rangers at the Forest School," as these affect this particular class of the constituents of this Association.

2. The first of the conditions specified above stands as follows:—  
"Candidates for appointment as Forest Rangers who desire to be received at the Central Forest School will be selected by Conservators of Forests, acting under such orders as may, from time to time, be given by the Local Government or Administration under which they are serving. Ordinarily only natives of India will be so admitted."

3. The Council understand the last sentence of this condition to mean that, under the orders of the Secretary of State for India, published in the *Gazette of India* of the 16th February 1872, and interpreted in the Government of India Circular\* No. 21—747, dated Simla, the 18th April 1879, nominations to the Forest Department, specially reserved for "natives" of this country, shall be open, in the terms of Section 6 of Statute 33 Victoria, Chapter 3, to "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."

4. The Council desire to express their appreciation of the view which is expressed in this declaration of the position of a large intelligent and energetic class of Her Majesty's subjects who, whether of pure European or of mixed descent, are recognised as the domiciled Anglo-Indian community; a class who, having settled here, have no other home than this country; who have always proved a source of strength to the Government, alike in times of quiet and in times of trouble; and whom, as the framers of the despatches above referred to, have evidently realised, it would be at once unjust and impolitic to

\* See page 40.

subject to any sort of proscription, and least of all, one which No. 202. deprives them of a lawful means of livelihood.

5. The Council deem it superfluous to lay before the Government the many important considerations by which the policy which the Government has apparently determined to follow in this matter can be upheld, since these considerations have doubtless already been carefully weighed, before the deliberate adoption of that policy.

6. The views of the Government on this subject have not, however, there is reason to fear, been fully understood by all its subordinate Departments. The Council have been assured on trustworthy authority—that domiciled Englishmen, applying for the admission of their sons into the Forest Department, have been met by the statement that no candidate can be admitted to the Forest School who is not of pure Asiatic descent.

7. The Council venture to ask the Government to cause its policy on the subject of the claims of domiciled Anglo-Indians to employment under the State to be made clearly known to all subordinate departments; and they are encouraged to believe that the issue of such an order will meet the full approbation of the Secretary of State inasmuch as he has recently, as pointed out in the Public Works Department Resolution\* No. 1127 G., dated 18th August 1883, approved of the proposal made by the Government of India that “the provisions of the Public Works Department Resolution\* No. 1541—57, dated 28th November 1882, for enabling Native Engineers to proceed to England for practical training should be, at the discretion of the Government of India, extended to European, Eurasian, and other members of the Engineer establishment who are natives of India in the wider statutory sense.”

#### XLIX.

From the HONOURABLE W. H. BRAY, President Chairman of the Public Meeting, of the Eurasian and Anglo-Indian Association, to the Secretary to the Government of India, Home Department,—No. 89, dated Calcutta, the 1st September 1884. No. 203.

The Board of Direction of this Association desire respectfully to submit, for the consideration of His Excellency the Viceroy and Governor General of India in Council, the accompanying copy of the Proceedings of a public meeting held in Calcutta on the 8th August, containing resolutions regarding the exclusion of Englishmen and their descendants from the Indian public services.

2. The Association felt it to be necessary to invite an expression of public sentiment on this subject in an assembly of a public character for two reasons. One was that numerous appeals previously presented through the ordinary official channels had been fruitless, either receiving no acknowledgment at all, or receiving only an answer fatal to the natural and reasonable hopes of the community. The other was that doubts had been published regarding the relations of the Association with the community whom it claims to represent, and regarding the depth and earnestness of the feeling of anxiety awakened throughout the community by successive orders or resolutions of the Government either imposing disabilities on them or depriving them of acknowledged rights. The Association humbly but sincerely conceived that the only satisfactory rejoinder to impressions of this description, on whatever grounds entertained, would be a public gathering which might speak for itself in the face of the country in accordance with the best analogies of English political life.

3. In submitting the results of the public meeting thus called to the Viceroy and Governor General in Council, the Board trust that it is not necessary to convey any special assurance that they approach the head of the Government on this occasion in an attitude of entire deference and of real hope.

\* Not printed.

4. The points on which the Board desire respectfully to put No. 203. emphasis in their present appeal are the following. Active injuries have been inflicted on the domiciled Anglo-Indian and Eurasian community in their deliberate exclusion from State employ in various departments, and passive injustice has been done to them by not admitting them to privileges to which they are entitled; and both these wrongs, for so they are univerally regarded, are in open conflict with the spirit, and even the letter, of Acts of Parliament and Proclamations of Her Most Gracious Majesty the Queen.

5. The contradiction, to which attention is here solicited, between administrative action and statutory provisions or public manifestos has been painfully accentuated, the Board humbly submit, by the circumstance that the solemn declarations, to which reference has been made, have not long lain buried and unheeded in statutes and documents which have escaped official recollection or grown out of public interest or memory, but on the contrary have frequently been before the public eye and ear, and were only recently emphatically quoted in the Indian legislature as a plain enunciation of the principles on which this country is to be governed.

6. The domiciled Anglo-Indian and Eurasian community can, the Board feel, be guilty of no disrespect to the Government when they earnestly pray that all unguarded, unauthorised or ill-advised departmental arrangements of any kind which tend to impart an insincere complexion to these solemn public declarations may at once and for ever be swept away.

7. The following are some of the more important declarations to which attention has been called. The Charter Act of 1833 (some of the most liberal concessions made in which to natives of India the Board have reason to believe to be the direct result in part at least of the East Indian Deputation to England in 1831) enacts that "no Native" of the East India Company's territories, "nor any natural-born subject of Her 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 Company" The Queen's Proclamation on the 1st November 1858 declared:—"It is our further will that, so far as it may be, our subjects of whatever race and creed be freely and impartially admitted to offices in our services, the duties of which they might be qualified by education, ability and integrity duly to discharge."

8. The domiciled Anglo-Indian and Eurasian community though convinced of the wisdom of maintaining a large English element in all grades of the public service in the best interests of the country itself and in those of the Native masses, who, they feel sure, would, if they had any choice in the matter, naturally select the best available talent for the money which the country can afford to pay, regardless of all considerations of race and creed, are nevertheless not insensible to the political arguments which the responsible Government has sometimes urged against the excessive importation of Europeans into India for humble appointments on small salaries. They do not, therefore, at present desire to raise any question on the statement contained in the Budget of 1882, to the effect that "the admission of Europeans to the general uncovenanted service has been forbidden, and they will gradually disappear from its ranks."

9. What they would, however, respectfully, but most urgently, press upon the attention of the Government is the fact that a class of the Queen's subjects already exist in this country whom Statute 33 Victoria, Cap. 3, Section 6, has carefully pronounced to be "natives of India," and as such declared eligible to all public offices, without exception, to which any natives of India may be eligible, and for which they may be qualified, and that, notwithstanding all such enactments and declarations, this class of Her Majesty's subjects have illegally been excluded from, or made ineligible for, various public

appointments for which they have disclosed special qualifications, and No. 203. in which they have actually exhibited unquestioned fitness by their "education, ability and integrity."

10. Proscription of this kind, the Board humbly but strongly urge, is not unreasonably or intemperately dealt with when it is described as "cruel and unjust," as it has been in the resolutions adopted at the public meeting. It is cruel and unjust, because it repays with serious disabilities a large and growing class of persons who are not only inoffensive, but who have in the past served the State faithfully, and have proved loyal and helpful to it in its times of political danger and need, and who, while struggling against unusual difficulties, have done more perhaps for the education of their children than any other class of the Queen's subjects thus setting an example of private enterprise to the Native populations of the country. The injustice and cruelty of the treatment of which the community complains will, the Board submit, become more apparent when it is realised that this country is their home, and that here they must for the most part live and die.

11. That it is an advantage to natives of India to be associated in friendly relations with persons of English descent capable of understanding them in a way in which Englishmen can only expect to do after more or less lengthy periods of probation passed in studying the habits of the people and acquiring their language seems hardly to admit of any question. It will thus be seen that every consideration of justice and expediency conspires with the ordinary claims of sentiment in demanding for the domiciled Anglo-Indian and Eurasian community the fair treatment which the Association, therefore, does not hesitate to claim for them, but claims with the utmost deference, at the hands of the Government.

12. In conclusion, the Board desire to explain that they have thought it unnecessary, when dealing with a question of public policy, to enter into details of the resolutions or orders in which the policy complained of has been pursued, because every such resolution or order has already formed the subject of a separate memorial from the Association. Their immediate purpose has been to present with a few observations, which will not, they trust, be considered inappropriate, the resolutions adopted at the public meeting of the 8th August.

## L.

*Proceedings of a Public Meeting called by the Eurasian and Anglo-Indian Association, by public advertisement, for the purpose of opposing by all lawful means the exclusion of Englishmen and their descendants from the public services in India, and held at the Dalhousie Institute, Calcutta, on the 8th August 1884.* No. 204.

## PRESENT.

REV. W. H. BRAY, *President of the Association, in the Chair.*

On the platform, DR. E. W. CHAMBERS, late President of the Association.

HON'BLE A. B. MILLER.  
M. P. GASPER, Esq.  
T. C. LEDLIE, Esq.  
F. T. ATKINS, Esq.  
S. E. J. CLARKE, Esq.  
L. W. D'CRUZ, Esq., and  
W. C. MADGE, Esq. *Secretary to the Association.*

*In the body of the Hall.*

J. H. BELCHAMBERS, Esq., *Vice-President of the Association.*  
T. R. MUNRO, Esq.  
T. W. BABONAU, Esq.  
A. E. BYRNE, Esq.  
A. D' B. GOMES, Esq.  
F. D. BULLW, Esq.  
L. P. D. BROUGHTON, Esq.

W. T. THURLOW, Esq.  
H. C. CHICK, Esq.  
W. H. KIRKPATRICK, Esq.  
A. W. N. JAMES, Esq.  
DR. J. G. ANDERSON.  
DR. J. R. WALLAON.  
A. LEFRANC, Esq.  
T. COUNSELL, Esq.  
T. A. MENDES, Esq.  
REV. S. B. TAYLOR.  
J. E. P. HORN, Esq.  
R. T. HOWE, Esq.  
G. W. MCGILL, Esq.  
W. MCINNIS, Esq., and others, in all from 300 to 400; ladies being included in the number.

I. The President opened the Meeting by stating that it had been convened No. 204. in no spirit of hostility to either the Government or natives of the country, but for the purpose of protesting against the unjust exclusion of members of the community from the public services, and then called on Mr. F. T. Atkins to address the meeting.

II. Mr. F. T. Atkins, after dwelling on the injustice of various resolutions of the Government excluding Englishmen and their descendants from the public services, proposed—

“That this Meeting respectfully protests against the avowed policy of the Secretary of State in regard to the exclusion of Englishmen and their descendants from the public service in India, as being unjust and cruel to Englishmen and their descendants, injurious to the best interests of the country, and opposed to the welfare and happiness of the Native masses.”

In seconding the resolution, Mr. T. C. Ledlie referred to the services rendered by the domiciled Anglo-Indian and Eurasian community in the past, and maintained that it could be no advantage to the country to exclude tried merit from its public services.

The motion was then put to the Meeting and carried unanimously.

III. Mr. M. P. Gasper moved:—“That this Meeting pledges itself to oppose this policy by all lawful means within its reach, and especially by legitimate public agitation in England and India, and to this end determines on sending copies of the resolutions now passed to the Government of India, and to all Local Governments, and to the European and Anglo-Indian Defence Association, in the hope of securing their help in bringing about a policy in harmony with the spirit and letter of existing Acts of Parliament and Proclamations of the Queen, and with the interests of all classes of the Queen’s subjects in India.”

In moving this resolution Mr. Gasper dwelt at length on the policy of the Charter Act of 1833, and on the infringement of its provisions involved in the course which this Meeting was called to oppose; and, after pointing out the inconsistency of the Government, urged the community to agitate for their wrongs until they were redressed.

In seconding the motion, Mr. L. W. D’Cruz referred to the admission made by the Secretary of State of the superior ability of members of the community and illustrated the fact from the severe standards of the new European Education Code for India.

The motion was put to the Meeting and carried unanimously.

Mr. H. C. Chick then moved:—“That this Meeting expresses its thanks to Mr. Atkins for his services to the community whom this Meeting represents.”

The motion, on being seconded by Dr. Anderson, was put to the Meeting and carried unanimously.

A vote of thanks to the Chair having been proposed by Mr. Atkins and seconded by Mr. Clarke, it was carried unanimously.

W. H. BRAY,  
*Chairman.*

LI.

From F. T. ATKINS, Esq., to the Secretary to the Government of India, Home Department,—dated No. 205. Allahabad, the 8th September 1884.

I have the honour to submit two copies of Resolutions passed at a Public Meeting at Jubbulpore, which I am requested to ask you to lay before His Excellency the Viceroy.

LII.

DISABILITIES OF ENGLISHMEN AND THE DESCENDANTS OF No. 206.  
ENGLISHMEN DOMICILED IN INDIA.

*Meeting at Jubbulpore on Tuesday, 2nd September 1884.*

CHAIRMAN’S OPENING REMARKS.

1st Resolution.—Moved by Mr. Atkins and seconded by Mr. Theobald—That this meeting condemns the policy now being pursued towards Englishmen and the descendants of Englishmen domiciled in India, as unfair, unjust, unconstitutional and opposed to the best interests of Her Majesty’s subjects in this country, therefore protests against its continuance.

*2nd Resolution.*—Moved by Mr. Ridge and seconded by Mr. Wiseman—that No. 206. this meeting pledges itself to assist in agitating both in this country and in England, until the policy now pursued towards Englishmen and the descendants of Englishmen domiciled in India is reversed, and those existing statutes and laws that are injurious to their interests are repealed, and they are allowed the same rights and privileges that Her Majesty's subjects in every other part of the British Empire enjoy.

*3rd Resolution.*—Moved by Mr. Godfrey and seconded by Mr. Walker—That copies of the preceding Resolutions be forwarded to the Secretary of State for India, the Secretary of His Excellency the Viceroy, and the President of the European and Anglo-Indian Defence Association, Calcutta.

*4th Resolution.*—Moved by Mr. J. Ridge and seconded by Mr. Osborn—That a Branch of the European and Anglo-Indian Defence Association be established in Jubbulpore, with Mr. Walker as Provisional Secretary.

*5th Resolution.*—Moved by Mr. Atkins and seconded by Mr. Hillier—That a hearty vote of thanks be given to the Reverend M. Lamert for presiding at this Meeting.

I certify the above to be correct copies of the Resolutions passed at the Meeting held at Jubbulpore on the 2nd September 1884.

M. LAMERT,

*Chairman of the Meeting.*

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 55, dated Simla, No. 208. the 13th October 1884.

We have the honour to forward for Your Lordship's consideration and orders a copy of a letter\* from the Government of Madras, No. 1794 of the 12th September 1883, covering a memorial† addressed to Your Lordship by Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association, Southern India, on the subject of the more extended employment of Eurasians and domiciled Europeans in the public service. We enclose at the same time copies of communications addressed to us by the European‡ and Anglo-Indian Defence Association, and by the President§ of the Eurasian and Anglo-Indian Association, Calcutta, bearing on the same subject. Copies of Resolutions, passed at a public meeting recently held at Allahabad, of a similar tenour to those enclosed in the last-mentioned communication, have been submitted with our despatch|| No. 50, dated 12th September 1884, and we now forward another communication¶ of the same kind from a meeting held at Jubbulpore. We observe in the public newspapers that further meetings are being held at other stations and railway centres (all convened apparently by the same person, Mr. F. T. Atkins), at which identical Resolutions were brought forward, and will probably eventually be forwarded to Government. We shall not, however, send on any more of these, unless Your Lordship desires to have them.

We might have forwarded Mr. White's memorial on receipt with a simple expression of our entire concurrence in the remarks made upon it by the Madras Government, but we thought it desirable to enquire, in the first instance, whether there were any grounds for still maintaining in their entirety the distinction drawn in the Government of India Circular\*\* of the 24th December 1879 between departments to which non-domiciled Europeans might, and those to

\* See page 60.  
|| not printed.

† See page 61.  
‡ See page 76.

‡ See page 72.  
\*\* See 1 page 147, Vol.

§ See page 73.

which they might not, be freely appointed by Local Governments. No. 208.  
We thought it probable that the time had come when some of

<sup>a</sup> viz., the Opium, Salt and Customs, Survey, Mint, Public Works Department, and Police Department.

the departments specified in paragraph 3 of the Circular,<sup>a</sup> as excluded from the operation of the rule barring the free appointment of Europeans,

<sup>b</sup> The term includes "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."

might be removed to the general category of departments ordinarily recruited by "natives of India" as defined in that circular.<sup>b</sup> Our enquiries are not yet complete; but we enclose for Your Lordship's information a copy of orders issued

by us to the Government of Bengal regarding the employment of natives of India in the Opium Department. References to Local Governments in connection with the Salt and Customs Department are still pending. In the Public Works Department the Engineering grades are, as Your Lordship is aware, filled up entirely by Royal Engineer officers, passed students from Cooper's Hill College; and successful candidates for the appointments allotted to the Indian Engineering Colleges. For recruiting the upper subordinate ranks we rely chiefly on passed students of the Indian Engineering Colleges, and no distinction of race interferes to prevent the admission of those best qualified. There are, of course, necessarily in the railway service many Europeans whose places it would at present be impossible to supply in the country, but when suitable local candidates offer themselves there is no objection made to employing them. In the Departments of the Mint and the Police we are not disposed to advocate any change in existing arrangements. As regards the Survey Department, we find that its Junior Branch is already almost exclusively recruited by Eurasians and domiciled Europeans, and we have recently had to insist on the freer admission of Asiatics. The memorialists have already had more than their fair share of the appointments available in this Department. The Superior Branch must of course continue to be recruited mainly from the Scientific Corps of the Army and from the Staff Corps; but thoroughly deserving officers from the Junior Branch are also eligible for promotion if duly qualified. No outside Europeans are ever admitted to the superior Survey service. There is no necessity for making any change in the arrangements affecting this Department.

3. We have recently addressed<sup>c</sup> Your Lordship on the subject of the Statutory Rules regulating the admission of natives of India to offices ordinarily held by covenanted civilians. There is nothing, either in the rules as they stand or in the modifications proposed by us, to bar the appointment of domiciled Europeans or Eurasians falling under the Statutory definition of natives of India; and the Local Governments are fully aware of this, the Duke of Argyll's orders, communicated in Despatch<sup>†</sup> No. 428 of the 16th October 1872, having been published at the time in the *Gazette of India*, and the intention of the Statute 33 Vic., Cap. 3, being apparent on the face of it. If the changes we have suggested in the working of the rules are approved,

<sup>c</sup> Despatch<sup>\*</sup> No. 51, dated 12th September 1884.

<sup>\*</sup> See page 269, Vol. 1.

<sup>†</sup> Not printed.



promotion of distinguished officers from the ranks of the Uncovenanted Service will be more frequent than has hitherto been the case.

4. As regards the Forest Department, to which special reference is made in the letter from the European and Anglo-Indian Defence Association, we may remind Your Lordship that for the superior grades of that service it is essential that we should have professionally trained officers, and that these can at present only be secured in Europe. There can be no objection to the occasional promotion to the controlling staff of specially deserving Sub-Assistant Conservators or upper subordinates, but anything like a general recruitment of that staff in India would, at the present stage, be fatal to the efficiency of the Department. Our Forest School at Dehra Doon is designed for the instruction and improvement of Forest Rangers; and we can only expect to have an efficient executive service for work in the Forests if its members enter in the lowest grade and receive a thorough practical training. But the pay of a Forest Ranger is only Rs. 50 monthly to start with; and although suitable Natives (in the strict sense of the term) can easily be procured on that pay, it is impossible to secure Europeans or Eurasians of respectable upbringing on those terms. To the class of persons likely to accept service at this low salary it is not by any means desirable to entrust the responsible duties attaching to these appointments.

5. The question of the recruitment of the Bengal Pilot Service has been separately discussed in our Despatch\* No. 23 (Financial) of the 7th April last. Here, again, the difficulty is entirely a practical one. We must have youths thoroughly trained in seamanship for the Hooghly Pilot Service. If Eurasians were in the habit of qualifying themselves as seamen, there would be no objection to admitting them to this service; and such admissions were occasionally made to the Licensed Pilot Service in past years. We shall, as suggested in Your Lordship's Despatch\* No. 85 of the 12th June last, bear this point in mind, and have communicated with the Government of Bengal on the subject. But candidates of this class are not now forthcoming, and it would be a clear waste of public money to establish training ships in India to meet what would under any circumstances be a very limited demand, when we can secure a thoroughly reliable recruitment through the agency of the training ships in England.

6. We sympathise with the class to which the memorialists belong; but we cannot recommend the adoption of any special measures for their benefit. It is their chief misfortune that they are disposed to look so exclusively to Government employ as the only career open to them. Their best hope would lie in turning their attention to mechanical and industrial occupations, the sphere of which is yearly enlarging in India; and it is in this conviction that we have in the new code for European schools and in the facilities offered at the Seebpore Engineering College and elsewhere sought to give all legitimate encouragement to technical and practical as distinct from a purely literary education.

\* Not printed.

7. We have no desire to see any relaxation of the restrictions No. 208. imposed upon the employment generally in India of Europeans not domiciled in the country. For those branches of State employ for which European British-born subjects are required, the recruitment is most satisfactorily effected by the system of open examinations in England already applied to various branches of the service, or through the powers of selection vested in the Secretary of State. So far as the movement, represented by the meetings of which the Resolutions have been forwarded to Your Lordship, is directed to attaining a withdrawal of these restrictions, we cannot approve of its object. The duty of the Government is to see that the service of the State in this country is confined, as far as is consistent with sound policy, to the natives of India as defined by Statute.

*List of Enclosures.*

1. From Government of Madras, No. 1794, dated 12th September 1883, and enclosures.\*
2. From Honorary Secretary, European and Anglo-Indian Defence Association, Calcutta, No. 82, dated 2nd October 1883.†
3. From President of the Eurasian and Anglo-Indian Association, Calcutta, No. 89, dated 1st September 1884, and enclosure.‡
4. From Mr. F. T. Atkins, Allahabad, dated 8th September 1884, and enclosures.§
5. To Government of Bengal, No. 2918, dated 21st August 1884.||

Endowed by the Home Department,—Nos. 1741 to 1744, dated Simla, the 17th October 1884.

Copy forwarded to the Department\* of Finance and Commerce, Military\* (Marine) Department, Public Works Department, and Revenue and Agricultural Department, for information.

\* Original papers returned.

**PUBLIC PROCEEDINGS, MARCH 1885, Nos. 29 & 30.**

**LIV.**

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR in Council, Madras,—No. 2 (Public), dated India Office, London, the 29th January 1885. No. 29.

I have considered in Council the letter¶ of Your Excellency in Council (forwarded through the Government of India), dated 11th of September 1883, No. 16, covering a memorial\*\* by Mr. D. S. White, Life-President of the Eurasian and Anglo-Indian Association of Southern India, on the subject of the more extended employment of Eurasians and domiciled Europeans in the public service.

2. I enclose, for the information of Your Excellency in Council, a copy of a despatch†† in reply which I have addressed to the Governor General in Council.

\* No. 8, dated 29th January 1885.

\* See page 80. † See page 72. ‡ See page 73. § See page 76.  
|| Not printed. ¶ See page 69. \*\* See page 61. †† See page 81.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 8 (Public), dated India Office, London, the 29th January 1885. No. 30.

I have considered in Council the letter\* of the Government of India, No. 55, dated the 13th of October last, with which is transmitted a letter† from the Government of Madras, giving cover to a memorial‡ addressed to me by Mr. D. S. White, as President of the Eurasian and Anglo-Indian Association of Southern India, on the subject of the more extended employment of Eurasians and Europeans, having an Indian domicile, in the public service.

\* No. 16, dated 11th September 1885.

2. The principal complaint made by the memorialists represented by Mr. White is that Eurasians and Europeans who have an Indian domicile do not receive their fair share of the benefits, as regards employment in the public service, which the law, and more especially the Statute 33 Vic., Chap. 3, gives to natives of India, and that there is a tendency on the part of Government to interpret the term "natives of India," used in Section 6 of that Statute, as if it included only persons of pure Asiatic blood.

3. While I entirely sympathize with the memorialists in their desire that the class of persons referred to should obtain such fair share of the higher appointments in the Government service as their merits and qualifications may entitle them to, I agree with the Government of India and the Government of Madras in thinking it undesirable to adopt any special measures for their benefit. There is nothing in the rules framed under Section 6 of Statute 33 Vic., Chap. 3, which bars the employment of Europeans or Eurasians who fall within the definition of "natives of India" given in that section: and I have every confidence that all appointments made under these rules or any other rules framed in virtue of the statute will be made with reference solely to the public good, and in no way in the interest of any particular class, whether domiciled Europeans or Eurasians, or pure Asiatics.

4. I request that an answer to this effect may be conveyed to Mr. White.

5. As the questions of the appointments made from the Indian Engineering Colleges to the Public Works Department, and of appointments to the Pilot Service have been dealt with in previous correspondence, I do not think it necessary to refer to them here.

6. I have in conclusion to acknowledge the receipt (as an enclosure in the letter of the Government of India, No. 55) of a letter addressed to me by Mr. F. T. Atkins, enclosing copies of resolutions§ adopted at a public meeting held at Jubhulpore on the 2nd of September last.

Endorsed by the Home Department,—No. 346, dated Calcutta, the 6th March 1885.

Copy forwarded to the Government of Madras, with reference to the letter|| from that Government, No. 1794, dated the 12th September 1883, and with a request that the orders of Her Majesty's Secretary of State may be communicated to Mr. D. S. White.

\* See page 77.  
‡ See page 76.

† See page 69.  
|| See page 60.

‡ See page 61.

Nos. 9—947-956.

<sup>a</sup> Bombay.  
Bengal.  
North-Western Provinces  
and Oudh.  
Panjab.

Central Provinces.  
British Burma.  
Coorg.  
Assam.  
Hyderabad.

Copy forwarded to  
other Local Govern-  
ments and Administra-  
tions for information. No. 30.

No. 9—956-961.

<sup>b</sup> Foreign.  
Finance.  
Military.

Public Works.  
Revenue and Agricultural.  
Legislative.

Copy forwarded to all  
Departments<sup>b</sup> of the  
Government of India  
for information.

MEDICAL PROCEEDINGS, SEPTEMBER 1886, Nos. 55 & 56.

LVI.

From the Honourable E. F. WILKINSON, Chief Secretary to the Government of Fort St. George, to the  
Liaising Secretary to the Government of India, Home Department,—No. 1287, dated Octace-  
mund, the 21st June 1886. No. 55.

I am directed to submit the following case for the orders of His Excellency the Governor-General in Council. In view to placing the Nursery Department of the General Hospital, Madras, on an efficient footing, it was determined in 1874 to procure the services of a thoroughly qualified Matron Superintendent and a Head Nurse from England. The Secretary of State was addressed, and Miss Martyr and Miss Pierrepont were selected and sent out for the two appointments. In 1877, on the retirement of Miss Martyr from ill-health, Miss Pierrepont succeeded to the post of Matron Superintendent, and another European, Mrs. Anderson, was sent out in the following year by the Secretary of State, at the request of this Government to fill the post of Head Nurse. Mrs. Anderson in her turn succeeded to the post of Matron Superintendent when it next became vacant in 1879, and served in that capacity until the middle of last year, when it was found necessary to dispense with her services. Temporary arrangements were made for the filling up of the post, and Mrs. McIntyre, who has been acting in the appointment and had acted once before in 1862, is now recommended for confirmation. She has special qualifications for the post, and His Excellency the Governor in Council is desirous of confirming her in it; but there is some doubt as to whether she is, or is not, a "native of India." Mrs. McIntyre claims to be a "native of India" under the definition given in section 6 of 33 Vic., Cap. 3, and cited in paragraph 2 of the circular\* letter of the Government of India, dated 18th April 1879, No. 21—746-53, on the ground that she was born on the high seas and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India and not established there for temporary purposes only. It is not quite certain whether this lady, who was born *on the high seas*, can claim to be a "native of India" under a definition which includes only "any person *born and domiciled* within the dominions of Her Majesty in India of parents, &c." If she is a native of India, this Government is competent to confirm her in the appointment she now holds; but if not, the previous sanction of the Secretary of State would appear to be necessary in accordance with Despatch† No. 9 (Public), dated 10th July 1879. His Excellency in Council is inclined to doubt, however, whether, even in the latter case, the special sanction of the Secretary of State is necessary, having in view the sanction originally accorded by the Secretary of State to the appointment of an *English* Matron in consideration of the special nature of the post and the special qualifications it requires.

2. I am to take this opportunity of drawing attention to a singular state of things resulting at present from the terms of the

\* See page 40.

† See page 43.

circular letter of 1879. An imaginary case may be taken as an example. A, the son of an Indian official, born and residing in India, applies for a post in the Forest Department to which a salary of more than Rs. 200 per mensem is attached. It is not, under the circumstances stated, competent to the Local Government to give him such an appointment. But if A's father retires a week later and settles permanently in India, the Local Government may grant A's request. A's appointment thus depends on a wholly irrelevant matter, *viz.*, his father's choice of a place of residence. It has now been brought to the notice of this Government that in paragraph 4 of their letter\* No. 40, dated 1st May 1886, the Finance Committee, referring to the proposed reduced rates of pay for natives of India, remark as follows:—

And it is perhaps open to question whether the rule should in all cases be applied to those Europeans who being domiciled in India, rank as Statutory Natives.

3. No authority for the statement underlined is quoted, but should there be any ruling to support it, there will apparently be no longer any necessity to consider whether a man's father retires in India or in England, as the man himself may acquire a domicile in India and become a Statutory Native of the country by making a formal declaration under section XI of the "Indian Succession Act," X of 1865, provided he fulfils the condition laid down in that section. It seems possible that such a ruling may have been issued, as apparently assumed by the Finance Committee, under the Statutory power conferred on the Governor General in Council "to define and limit from time to time the qualification of natives of India thus expressed." But, if this has not been done, I am to suggest the desirability of such a ruling, and to submit the matter for the orders of the Government of India.

#### LVII.

From A. P. MacDONNELL, Esq., C.S., Officiating Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Madras,—No. 475, dated Simla, the 17th September 1886. No. 56.

I am directed to acknowledge the receipt of your letter† No. 1287, dated the 21st June last, submitting for orders the question whether Mrs. McIntyre, the Acting Matron Superintendent of the Madras General Hospital, can be regarded as a "native of India" within the meaning of section 6 of the Statute 33 Vic., Cap. 3, and, if not, whether the previous sanction of Her Majesty's Secretary of State is necessary to that lady being confirmed in the appointment in which she is at present acting. It is explained that Mrs. McIntyre was born on the high seas, and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only. In connection with this case the Government of Madras suggests the desirability of laying down

a ruling to the effect that any European may become a Statutory Native by making a formal declaration under section 11\* of the Indian Succession Act (No. X of 1865), provided that he fulfils the condition laid down in that section.

2. In reply I am to say that in order to be a "native of India" for the purposes of the Statute 33 Vic., Cap. 3, Section 6, it is essential that a person of European descent should at least be 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. Accordingly, as Mrs. McIntyre was not born in India, the Governor General in Council is advised that she cannot be regarded as a "native of India" for the purposes of the Statute

\* Not printed.

† See page 82.

in question. As regards the doubt raised in the concluding sentence of paragraph 1 of your letter whether the special sanction of Her Majesty's Secretary of State is necessary to Mrs. McIntyre's appointment, if she cannot be regarded as a native of India within the statutory meaning, I am to say that in view of the circumstances of the case generally, and of the correspondence which took place between the Madras Government and the Secretary of State in connection with the creation of the post of Matron Superintendent of the Madras General Hospital, His Excellency in Council would suggest, for the consideration of the Madras Government, that it might be well if the question of appointing Mrs. McIntyre were referred for the consideration and orders of the Secretary of State. No. 56.

3. With regard to paragraphs 2 and 3 of your letter, I am to say that no such ruling as that referred to has been issued by the Governor General in Council, and I am to add that it is beyond the power of the Government of India to extend the statutory definition of the term "native of India" in the manner proposed.

No. 476.

Copy forwarded to the Legislative Department.