

# COLLECTION OF PAPERS

RELATING TO

## THE APPOINTMENT OF NATIVES OF INDIA,

BY VIRTUE OF RULES FRAMED UNDER THE PROVISIONS OF SECTION 6  
OF THE STATUTE 33 VICTORIA, CAP. 3,

TO

OFFICES ORDINARILY RESERVED FOR MEMBERS OF THE COVENANTED  
CIVIL SERVICE.

VOLUME I.



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CXX	Enclosures to above	Letter from the Commissioner of the Irrawaddy Division, to the Chief Commissioner of British Burma, dated the 30th May 1884.	Ditto, No. 181	225—226
CXXI	Rules for admission to the Subordinate Civil Service of British Burma.	Ditto, No. 182	226—229	
CXXII	From the Chief Commissioner of Assam, No. 3657, dated 27th June 1884, submitting his Note on the appointment of Statutory Civilians.	Ditto, No. 183	229	
CXXIII	Note by the Chief Commissioner on the letter from the Government of India, Home Department, No. 19—720A., dated the 30th April 1884.	Ditto, No. 184	229—232	
CXXIV	Enclosures to above	Note by Mr. H. Lottman-Johnson, Officiating Commissioner of the Assam Valley Districts, dated 14th June 1884.	Ditto, No. 185	232—233
CXXV	Note by Mr. E. Stack, Secretary to the Chief Commissioner of Assam.	Ditto, No. 186	233	

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CXXVI	From the Chief Commissioner of Coorg, No. 306—1.43 (Confidential), dated the 3rd June 1884, submitting his opinion on the above subject.	Pub., Sept., 1884, No. 187	233—236
CXXVII	From the Officiating Resident at Hyderabad, No. 175G., dated the 2nd June 1884, forwarding his opinion on the subject of the foregoing correspondence.	Ditto, No. 188	236
CXXVIII	From Lala Kunhya Lal, Pleader, Chief Court, Punjab, dated the 28th May 1884, forwarding a copy of a memorial addressed to the Secretary of State by the inhabitants of Amritsar, praying that the maximum limit of age for the Civil Service of India be raised to 21 years.	Ditto, No. 189	236
CXXIX	Enclosure to above { Memorial referred to above.	Ditto, No. 190	236—239
CXXX	To Lala Kunhya Lal, Pleader, Chief Court, Punjab, No. 948, dated the 12th June 1884, acknowledging the receipt of the above memorial.	Ditto, No. 190½	239
CXXXI	From the Government of the North-Western Provinces and Oudh, No. 299—III-199-5, dated the 17th June 1884, forwarding, for orders, a memorial to the Secretary of State from the inhabitants of Cawnpore, praying that the maximum limit of age for the open competitive examination for the Civil Service of India be raised from 19 to 21 years.	Ditto, No. 191	239
CXXXII	From the Government of Bombay, No. 5155, dated the 26th June 1884, forwarding a memorial addressed to the Secretary of State from the Anjuman-i-Islam of Bombay praying as above.	Ditto, No. 192	239
CXXXIII	Enclosure to above { Memorial referred to in the foregoing letter.	Ditto, No. 193	240—241
CXXXIV	From the Government of Bombay, No. 5524, dated the 10th July 1884, forwarding a memorial addressed to the Secretary of State from the Sind Sabha praying as above.	Ditto, No. 194	241
CXXXV	Memorial from the Nasik Sarvajanic Sabha, dated the 4th July 1884, on the above subject.	Ditto, No. 195	241
CXXXVI	From the Resident in Mysore, No. 946—132, dated the 24th July 1884, forwarding a petition addressed to the Secretary of State from the inhabitants of Bangalore on the question of raising the age of candidates for admission to the Covenanted Civil Service of India.	Ditto, No. 196	241
CXXXVII	From the President of the Public Meeting held at Satara, dated the 18th July 1884, forwarding a memorial from the inhabitants at Satara on the above subject.	Ditto, No. 197	242
CXXXVIII	From the Government of the Punjab, No. 2116, dated the 25th August 1884, submitting a letter from Jhinda Ram, Pleader, Chief Court, forwarding a memorial from the inhabitants of Mooltan praying as above.	Ditto, No. 198	242
CXXXIX	Enclosure to above { Letter from Jhinda Ram, dated the 30th July 1884.	Ditto, No. 199	242
CXL	Petition from the members of the Arya Samaj and others, Moradabad, No. 243, dated the 1st August 1884, submitting a memorial praying that the limit of age for the Indian Civil Service examination be raised to 23 years.	Ditto, No. 200	242
CXLI	Petition from the inhabitants of Belgaum, dated the 5th August 1884, praying as above.	Ditto, No. 201	242

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CXLII	Petition from the Literary Association, Coccnada, dated the 18th August 1884, on the above subject.	Pub., Sept. 1884, No. 202	243
CXLIII	Petition from the Secretary, Sarvajanic Sabha, Poona, dated the 13th August 1884, forwarding a memorial from the Sarvajanic Sabha and the people of Poona on the above subject.	Ditto, No. 203	243
CXLIV	Enclosure to above { Letter from the Secretary, Sarvajanic Sabha, Poona, to the Editor of the <i>Bombay Gazette</i> , dated the 27th June 1884.	Ditto, No. 204	243—245
CXLV	Minute by His Excellency the Viceroy of India, dated 10th September 1884.	Ditto, No. 205	245—265
CXLVI	From the Secretaries of a Public Meeting held at Sholapur, dated the 12th August 1884, forwarding a memorial from the inhabitants of Sholapur regarding the limit of age for the Indian Civil Service examination.	Ditto, No. 206	265
CXLVII	Enclosure to above { Memorial referred to in the above letter.	Ditto, No. 207	265—267
CXLVIII	From the Secretary, Eurasian and Anglo-Indian Association, No. 70, dated the 8th July 1884, submitting, for consideration, a representation on the subject of the selection of "Statutory Civilians."	Ditto, No. 208	267—269
CXLIX	To the Secretary, Eurasian and Anglo-Indian Association, No. 1132, dated the 17th July 1884, acknowledging the receipt of the above letter.	Ditto, No. 209	269
CL	Despatch to the Secretary of State, No. 51, dated 12th September 1884, forwarding papers connected with the reference made to the Local Governments on the subject of improving the working of the Statutory Rules regulating the admission of natives of India to Her Majesty's Covenanted Civil Service, and communicating the views of the Government of India on the subject.	Ditto, No. 210	269—274
CLI	From the Government of the North-Western Provinces and Oudh, No. 259—III-199-2, dated 6th June 1884, forwarding, with remarks, a letter from Sayyid Ahmad Khan, c.s.i., together with the memorial of the inhabitants of Aligarh, praying that the maximum limit of age for the open competitive examination for the Indian Civil Service be raised from 19 to 21 years.	Pub., Oct. 1884, No. 36	274—275
CLII	Enclosure to above { From Sayyad Ahmad Khan, c.s.i., Chairman of Public Meeting of the inhabitants of Aligarh, to the Secretary to the Government of India, Home Department, dated 18th May 1884.	Ditto, No. 37	275—276
CLIII	From Honorary Joint Secretary, Bombay Branch of the East India Association, Bombay, No. 16, dated 10th September 1884, forwarding, for information, with a remark, copy of a memorial to the Secretary of State from the native inhabitants of Bombay regarding the limit of age for the Indian Civil Service examination.	Ditto, No. 38	276
CLIV	To the Secretary of State, No. 52, dated the 6th October 1884, transmitting, for information, memorials from the inhabitants of Aligarh and the native inhabitants of Bombay on the subject of the limit of age for candidates of the Indian Civil Service, with copies of connected papers.	Ditto, No. 39	276

Number of paper in Volume.	From, No., date, and subject of paper.	Proceedings No. and date.	Page.
CLV	From the Secretary of State, No. 1 (Public), dated 8th January 1885, replying to despatch No. 51, dated 12th September last, proposing certain changes in the system under which natives of India are admitted either to the Covenanted Civil Service of Her Majesty under Statute 21 and 22 Vic., Cap. 106, section 32, or under Statute 33 Vic., Cap. 3, section 6, to offices formerly reserved exclusively to members of that service.	Pub., Mar. 1885, No. 165	276—282
CLVI	From the Secretary of State, No. 14 (Public), dated 12th February 1885, replying to despatch No. 80, dated 30th December 1884, transmitting a memorial from the residents of Lucknow on the subject of raising the maximum limit of age for admission of candidates for the Civil Service of India, and of holding the annual competitive examinations in India as well as in England, and requesting that a reply similar to that given in his despatch of 8th January 1885, No. 1, may be communicated to the memorialists.	Ditto, No. 166	282—283
CLVII	To the Government of Madras, No. 454, dated 23rd March 1885, requesting to inform the memorialists of the Literary Association of Coconada that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service cannot be altered; but that the Secretary of State has expressed a hope that the mode of advancing natives of India to higher employment in public service, provided by Parliament in 1870, may be so used as to do full justice to their claims.	Ditto, No. 167	283
CLVIII	To the Government of Bombay, No. 455, dated 23rd March 1885, requesting to inform the memorialists in that presidency that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service cannot be altered; but that the Secretary of State has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims.	Ditto, No. 168	283
CLIX	To the Government of the North-Western Provinces and Oudh, No. 456, dated 23rd March 1885, requesting to inform the memorialists of Aligarh, Cawnpore, and Lucknow that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service cannot be altered; but that the Secretary of State has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims.	Ditto, No. 169	284
CLX	To the Government of the Punjab, No. 457, dated 23rd March 1885, requesting to inform the memorialists of certain districts in that province that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service cannot be altered; but that the Secretary of State has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims.	Ditto, No. 170	284

Number of paper in Volume.	From, No., date, and subject of paper.	Proceedings No. and date.	Page.
CLXI	<p>To the Resident in Mysore, No. 458, dated 23rd March 1885, requesting to inform the memorialists of Bangalore that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service cannot be altered; but that the Secretary of State has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims.</p> <p>No. 459. Copy forwarded to the Foreign Department for information.</p>	Pub., Mar. 1885, No. 171	284—285
CLXII	<p>To all Local Governments and Administrations, No. 25—1074-83, dated 18th June 1885, forwarding a draft set of revised Statutory Rules relative to the appointments of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, and requesting to be favoured with their opinion upon those rules.</p>	Pub., June 1885, No. 205	285—287
CLXIII	Enclosure to above (draft Rules)	Ditto, No. 206	287
CLXIV	<p>From the Government of Madras, No. 1903, dated 12th August 1885, approving of the draft set of revised Statutory Rules framed by the Government of India, and forwarding, for consideration, a draft set of subsidiary regulation drawn up under Rule 3 of the draft Statutory Rules.</p>	Pub., Feb. 1886, No. 121	288
CLV	Enclosure to above, (draft Regulations)	Ditto, No. 122	288—289
CLVI	<p>From the Government of Bombay, No. 4656, dated 28th July 1885, replying to this Department letter No. 25—1035 (Confidential), dated 18th June 1885, on the subject of the appointment of natives to offices reserved to the Covenanted Civil Service by Statute 24 and 25 Vic., Cap. 54.</p>	Ditto, No. 123	289—291
CLVII	Enclosure to the above, (Subsidiary Rules)	Ditto, No. 124	292
CLVIII	<p>From the Government of Bengal, No. 2610A., dated 21st July 1885, communicating the Lieutenant-Governor's opinion upon the draft Statutory Rules to regulate the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.</p>	Ditto, No. 125	292—294
CLIX	<p>Telegram to the Government of Bengal, dated 5th August 1885: "Your No. 2610, dated 21st July. Please submit at once subsidiary regulation for admission of untried candidates to Statutory Service; any method of selection, competitive or other, is allowable."</p>	Ditto, No. 126	294
CLXX	<p>From the Government of Bengal, No. 1359A.D., dated 15th August 1885, submitting the draft of the subsidiary regulations for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service which the Lieutenant-Governor proposes to lay down for the Lower Provinces.</p>	Ditto, No. 127	294
CLXXI	Enclosure to above { Draft of subsidiary Regulations.	Ditto, No. 128	294
CLXXII	<p>To the Government of Bengal, No. 1507A., dated 8th September 1885, conveying remarks on the Lieutenant-Governor's comments upon the draft revised Statutory Rules.</p>	Ditto, No. 129	295—297
CLXXIII	<p>From the Government of Bengal No. 2132 A.D., dated 7th October 1885, forwarding a copy of the subsidiary regulations framed by the Lieutenant-Governor for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, and requesting that these regulations may be submitted for those submitted with its letter No. 1359A.D., dated the 15th August 1885.</p>	Ditto, No. 130	297
CLXXIV	Enclosure to above (Subsidiary Regulations)	Ditto, No. 131	297



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CLXXV	From the Government of the North-Western Provinces and Oudh, No. 15, dated 10th July 1885, submitting the opinion of that Government on the draft set of revised rules for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.	Pub., Feb. 1886, No. 132	298—301
CLXXVI	To the Government of the North-Western Provinces and Oudh, No. 1457, dated 24th August 1885, referring to the foregoing letter, and conveying certain observations.	Ditto, No. 133	301—303
CLXXVII	From the Government of the North-Western Provinces and Oudh, No. 17, dated 2nd October 1885, replying to the above letter.	Ditto, No. 134	303—304
CLXXVIII	From the Government of the Punjab, No. 2554, dated 7th November 1885, conveying the opinion of that Government regarding the revision of rules for the appointment of natives of India under the Statutory Rules.	Ditto, No. 135	304—306
CLXXIX	Enclosures to above { Opinions of certain officers who were consulted by the Government of the Punjab.	Ditto, No. 136	307—313
CLXXX	To the Government of the Punjab, No. 2039, dated 8th December 1885, conveying remarks on the comments of the Punjab Government upon the draft revised Statutory Rules.	Ditto, No. 137	313—316
CLXXXI	From the Government of the Punjab, No. 144, dated 19th January 1886, forwarding draft of local subsidiary regulations for appointment of natives of India to offices ordinarily reserved for the Covenanted Civil Service.	Ditto, No. 138	316
CLXXXII	Enclosures to the above { Draft of local Subsidiary Regulations.	Ditto, No. 139	316—317
CLXXXIII	From the Chief Commissioner of the Central Provinces, No. 235C., dated 1st July 1885, communicating remarks regarding the draft set of revised Statutory Rules forwarded with this office confidential letter No. 25—1079, dated the 18th June 1885.	Ditto, No. 140	317—318
CLXXXIV	Enclosure to the above { Draft Subsidiary Regulations.	Ditto, No. 141	318
CLXXXV	From the Chief Commissioner of British Burma, No. 152, dated 7th July 1885, stating that in his opinion the draft set of revised Statutory Rules forwarded with this Department letter No. 25—1080, dated 18th June 1885, is well adapted to meet the purpose in view, and forwarding a draft of subsidiary regulations.	Ditto, No. 142	318
CLXXXVI	Enclosures to the above. { Draft Subsidiary Regulations under rule 3 of the draft statutory rules.	Ditto, No. 143	319
CLXXXVII	From the Chief Commissioner of Assam, No. 4397, dated 11th July 1885, stating that he sees nothing to take exception to the draft Statutory Rules for regulating the appointments of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service forwarded with this Department letter No. 25—1081, dated 18th June 1885.	Ditto, No. 144	319—320
CLXXXVIII	From the Chief Commissioner of Coorg, No. 2, dated 21st July 1885, submitting opinion on the rules for the admission of natives of India to the Statutory Civil Service.	Ditto, No. 145	320

Number of paper in Volume.	From No., date and subject of paper.	Proceedings, No. and date.	Page.
CLXXXIX	From the Resident at Hyderabad, No. 260G., dated 3rd July 1885, submitting opinion on a set of revised Statutory Rules for regulating the future appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.	Pub., Feb., 1886, No. 146	321
CXC	From the Government of Madras, No. 2169, dated 18th September 1885, forwarding with remarks a memorial from the Mahajana Sabha, to the Secretary of State, suggesting certain modifications in the rules relating to the nomination of candidates to the Statutory Civil Service.	Ditto, No. 147	321
CXC I	To the Secretary of State, No. 11, dated 9th February 1886, forwarding, with remarks, a draft of the amended Rules to regulate, under the provisions of the Statute 33 Vic., Cap. 3, Section 6, the appointment of natives of India to offices ordinarily reserved for members of the Covenanted Civil Service, together with copy of the correspondence which has taken place with the Local Governments and Administrations on the subject.	Ditto, No. 148	322—339
CXCII	Enclosure to above { Draft Rules as finally amended.	Ditto, No. 149	339—340
CXCIII	Minute by the Honourable T. C. Hope, dated 9th February 1886.	Ditto, No. 149½	340
CXCIV	From the Secretary of State, No. 65 Public, dated 15th July 1886, regarding the appointment of natives of India under Statute 33 Vic., Cap. 3, to offices formerly reserved for members of the Covenanted Civil Service.		340—343

## COLLECTION OF PAPERS

RELATING TO

### THE APPOINTMENT OF NATIVES OF INDIA,

(BY VIRTUE OF RULES FRAMED UNDER THE PROVISIONS OF SECTION 6 OF THE STATUTE 33 VICTORIA, CAP. 3,)

TO

OFFICES ORDINARILY RESERVED FOR MEMBERS OF THE COVENANTED CIVIL SERVICE.

#### I

Correspondence connected with (1) The framing of the Statutory Rules issued under Section 6 of Statute 33 Vic., Cap. 3, Section 6, for the nomination of Natives to appointments ordinarily reserved for members of the Covenanted Civil Service; and (2) Certain nominations made thereunder in the year 1879.

#### EDUCATION PROCEEDINGS, MAY 21, 1870, No. 13.

##### I.

From Her Majesty's SECRETARY OF STATE for India, to the Government of India,—No. 4, dated No. 13. India Office, London, the 31st March 1870.

The despatch\* of Your Excellency in Council dated the 25th January, No. 1 of 1870, on the subject of the suspension of the scholarships founded for the purpose of enabling natives of India to complete their education in England, has been considered by me in Council.

2. The history of the case is briefly as follows.

3. Mr. Davies, the Financial Commissioner of Oudh, quoted in his report\* for 1865-66 certain remarks by Mr. St. George Tucker regarding the objections to shutting out Native officers of ability from high administrative preferment, and the Government of India in reply inquired of Mr. Davies if he could suggest a remedy.

4. Perceiving this, the Secretary of State expressed to the Government of India, in his despatch\* in the Revenue Department of the 31st May 1867, his opinion of the importance of the subject, and desired that it might be carefully considered; and this led to a Resolution\* by the Government of India dated 19th August 1867, which recognised the eligibility of Natives for higher administrative and judicial office than they had yet generally reached, but looked to the Non-Regulation Provinces as their chief if not only field.

5. Sir Stafford Northcote approved of this Resolution, but thought it did not go far enough.

"This is a step in the right direction, of which I cordially approve, but it appears to me that there is room for carrying out the principle to a considerable extent in the Regulation Provinces also. The legislature has determined that the more important and responsible appointments in those provinces shall be administered exclusively by those who are now admitted to the Public Service solely by competition; but there is a large class of appointments in the Regulation, as well as in the Non-Regulation Provinces; some of them scarcely less honourable and lucrative than those reserved by law for the Covenanted Civil Service, to which the natives of India have certainly a preferential claim, but which, as you seem to admit, have up to this time been too exclusively conferred upon Europeans. These persons, however competent, not having entered the service by the prescribed channel, can have no claim upon the patronage of the Government, none at least that ought to be allowed to override the inherent rights of the natives of the country: and, therefore, while all due consideration should be shown to well-deserving incumbents, both as regards their present position and their promotion, there can be no valid reason why the class of appointments which they now hold should not be filled in future by Natives of ability and high character."

His observations on this point (paragraph 3 of despatch,\* Revenue, No. 10, dated 8th February 1868) are quoted in the margin; and he concluded by expressing his expectation that higher and better paid employment would hereafter be found for Natives in

the Regulation, as well as in the Non-Regulation, Provinces.

6. This was followed by a proposition for Government scholarships, submitted by the Government of India in a despatch\* (Educational) No. 9, dated 7th July 1868; but as that scheme did not, in my opinion, sufficiently provide for the great object in view, I desired that it might be considered experimental only, pending my intention to carry through Parliament a more complete measure.

7. I have now to inform Your Excellency in Council that a Bill has been passed by Parliament during the present session, the provisions of which will effectually carry out my desire that natives of India should be appointed to such high offices under Government as they may be fitted for by their qualifications.

## II.

### 33 VICTORIA, CHAPTER 3.

A. D. 1870. *An Act to make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto.—[25th March 1870].*

Whereas it is expedient that provision should be made to enable the Governor General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making laws and regulations held under the provisions of The Indian Council's Act, 1861, and also for certain other purposes connected with the Government of India:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Executive Government of British India to make regulations for certain parts thereof.

1. Every Governor of a Presidency in Council, Lieutenant-Governor, or Chief Commissioner, whether the Governorship, or Lieutenant-Governorship, or Chief Commissionership be now in existence or may hereafter be established, shall have power to propose to the Governor General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of State for India shall from time to time by resolution in Council declare the provisions of this section to be applicable from any date to be fixed in such resolution.

And the Governor General in Council shall take such drafts and reasons into consideration; and when any such drafts shall have been approved of by the Governor General in Council, and shall have received the Governor General's assent, it shall be published in the "Gazette of India," and in the Local "Gazette" and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any Governor, Lieutenant-Governor, or Chief Commissioner, on whom it has been conferred, and may from time to time restore the same as he shall think fit.

Copies of regulations to be sent to Secretary of State. Subsequent enactments to control regulations.

2. The Governor General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulations in any wise repugnant thereto which shall have been made under the same provisions.

Lieutenant-Governors and Chief Commissioners to be Members ex-officio of the Governor General's Council for the purpose of making laws and regulations.

3. Whenever the Governor General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter placed under the administration of a Lieutenant-Governor or a Chief Commissioner, the Lieutenant-Governor or Chief Commissioner respectively shall be ex-officio an additional member of the Council of the Governor General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

4. Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby repealed. Sect. 49 of 3 & 4 W. 4, c. 85, repealed.

5. Whenever any measure shall be proposed before the Governor General of India in Council whereby the safety, tranquility, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in Council then present shall dissent from such opinion, the Governor General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the Minutes (if any) which the Members of the Council shall have recorded on the subject. Procedure in case of difference between the Governor General and the majority of his Council.

6. 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 purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament. Power to appoint natives of India to certain offices without certificate from the Civil Service Commission.

**PUBLIC PROCEEDINGS, DECEMBER 1873. Nos. 26 to 29.**

**III.**

From Her Majesty's SECRETARY OF STATE for India, to the Government of India,—No. 34, dated India Office, London, the 18th April 1872.

No. 26.

Referring to the 6th Section of the 33rd Victoria, Cap. 3, I desire to be informed whether Your Excellency in Council has prescribed the rules, which that Act contemplates, for the regulation of the admission of Natives to appointments in the Covenanted Civil Service who have not been admitted to that Service in accordance with the provisions of the 32nd Section of the 21st and 22nd Victoria, Cap. 106.

**IV.**

From Her Majesty's SECRETARY OF STATE for India, to the Government of India,—No. 113, dated India Office, London, the 22nd October 1872.

No. 27.

In my despatch,\* in the Educational Department, of 31st March 1870, to your predecessor in Council, I pointed out that I had carried through Parliament a Bill to give greater facilities and a larger discretion to the Government of India in the appointment of Natives to high office.

2. By that Act (33 Vic., Cap. 3) the authorities in India are enabled, notwithstanding any previous law, to appoint natives of India

\* See page 1.

to any office in the Civil Service, but subject to such rules as may from time to time be prescribed by the Governor General in Council and sanctioned by the Secretary of State.

3. I have not received any subsequent communication from Your Excellency's Government on the subject, and, therefore, conclude that nothing has been done, although I addressed\* your Government on the subject on the 18th April last.

4. Nevertheless, the intention of the Imperial Legislature that additional facilities should be given for the employment of Natives in higher positions than they have usually filled must not be lost sight of, and the best mode of giving effect to it demands the immediate consideration of your Government.

5. It may be taken that the policy of the Act distinctly recognizes that the selection of Natives for high office may, under certain conditions, be safely left to the governing authorities in India. Various considerations, no doubt, will determine the choice, and it will be for your Government to define the requisite qualifications which shall be required for admission to office.

6. In considering the question as a whole, there are three points that will specially call for your attention,—1st, whether any proportion should be established between Europeans and Natives in the tenure of the higher offices; 2nd, whether all civil appointments should be freely thrown open; 3rd, whether the rate of pay should be regulated on the scale of remuneration to the English in India, or on that which Englishmen receive in their own country.

7. With regard to the first point, it is to be observed that, in the full belief of the beneficial character of our administration in India, and of the great probability that on its cessation anarchy and misrule would re-appear, the maintenance and stability of our rule must ever be kept in view as the basis of our policy, and to this end a large proportion of British functionaries in the more important posts seems essential.

8. As to the selection of Natives for all offices under the Crown, it will be remembered that policy hitherto has debarred them from obtaining commands in the Army. With respect to civil appointments, experience seems to show that educated Natives have very great aptitude for judicial office; but speaking generally, they are not so well adapted for the executive offices of Collector and Magistrate. It will probably, therefore, only be in exceptional cases that such appointments will be made. But whether any restrictions should be imposed *in limine* to restrict the selection of the Local Governments will have to be carefully considered by you.

9. With respect to the pay and allowances of Native civil servants, it would seem that the temptations required to allure Englishmen to accept office in a distant land and (to them distasteful) climate cannot be necessary for Natives of the country. On the other hand, every Native who is elevated to high position has so many claims made upon him, and the ties of kindred are so very generally acknowledged, that high emoluments in high office are almost

\* See page 3.

indispensable. It is obvious, however, that the demands of good government require a continually increasing class of superior officials, and that the revenues of the State will not be found to increase in the like proportion. No. 27.

10. On the various topics I have indicated, I desire to be furnished, as speedily as possible, with the mature views of Your Excellency in Council.

## V.

From A. C. LYALL, Esq., Secretary to the Government of India, Home Department, to the Secretaries to the Governments of Madras, Bombay, Bedgal, the North-Western Provinces, the Punjab, to the Chief Commissioners of Oudh, the Central Provinces, British Burma, Mysore, and Coorg, and to the Resident at Hyderabad,—Nos. 64—3612 to 3621, dated Fort William, the 3rd December 1873. No. 23.

Under Section 6 of 33 Victoria, Chapter 3, the authorities in India are empowered to appoint natives of India of proved merit and ability to offices in the Civil Service of the Government, notwithstanding any restraints imposed by preceding Acts, but subject to such rules as may be from time to time prescribed. I am now directed by His Excellency the Governor General in Council to inclose to you a draft copy of the rules which it is proposed to submit to the Secretary of State for sanction under that section; and I am to ask the opinion of your Government upon them.

2. The declared intention of this section of the Act is to give additional facilities for the employment of Natives in the civil offices under Government, while it distinctly recognizes the policy of leaving the selection to the governing authorities in India. The Government of India have now to fulfil this intention of the Imperial Legislature and to carry out the policy indicated; and for this end there remains only to determine the qualifications which the rules shall require for admission to office under the Act. I am here to point out that the Act 24 and 25 Victoria, Section 3, has already opened appointments in the Covenanted Civil Service to resident natives of India and others under special circumstances to be recorded in the case of each appointment, but that the rules to be prescribed under this later Act (33 Victoria) will lay down a regular and systematic procedure for the ordinary admission to certain appointments (not to the Covenanted Civil Service generally) of natives of India whose merit and ability shall have been previously established.

3. It has appeared to His Excellency the Governor General in Council that this procedure should be framed upon the principle of careful and cautious selection for each appointment, but that any detailed or positive restrictions upon the exercise by Government of the power conferred by this Act should be, as far as possible, avoided. The preliminary condition of proved merit and ability anticipates to a very great degree the necessity for special tests or regulations; and the draft Rules herewith sent prescribe that these qualities must have been proved during a certain precedent term of service (civil or military) in the higher ranks of subordinate Government employ, or, in the case of judicial officers, during practice before the courts of British India. The nomination to an appointment will be made by the authority which ordinarily nominates or appoints to the particular office; but when the appointment is made under this Act, the previous sanction of the Government of India will be requisite, and the appointment will be probationary. For certain appointments a knowledge of English may be held necessary.

4. It will be very convenient if the Government of India can be favoured with an early reply to this letter since the draft Rules have now to be submitted for sanction to the Secretary of State for India in Council with the least possible delay.

## VI.

*Draft of Rules under Statute 33 Victoria, Chapter 3, Section 6.*

No. 29.

I. Any native of India, as defined in the said Statute, of proved merit and ability, may 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, if

- (a) he has served in some employment under the British Government in India, upon a salary not less than Rs. 100 monthly, for a period not less than *five* years; or
- (b) in the case of an office of which the functions are not executive, but wholly judicial, he has served in some judicial office under the British Government in India for a period not less than *five* years; or has practised as a Barrister, Advocate, or Certified Pleader, in a Court of Justice in British India for a period not less than *ten* years.

II. Every such appointment shall be probationary for the first year, and the Governor General in Council may at any time within the year of probation cancel the appointment without assigning any reason.

III. All appointments under the said Statute, whether permanent or probationary, shall be made with the previous sanction of the Governor General in Council.

IV. The appointment shall be made upon the condition that the person appointed shall pass the departmental examinations prescribed by the Rules of the Service, within a certain period after his appointment, unless in any case the Governor General in Council shall see fit to grant special exemption; and in addition to such examinations the person appointed may be required to pass such tests of proficiency in the English language as may be from time to time fixed by the Governor General in Council.

In the event of the person appointed failing to pass the prescribed examinations and tests within the period allowed, he shall be liable to be removed.

V. Persons appointed under these Rules shall be subject to such conditions as to pension and leave as the Government of India, with the sanction of the Secretary of State in Council, may hereafter lay down.

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PUBLIC PROCEEDINGS, MARCH 1875, Nos. 255 to 276.

## VII.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 125 Public, dated India Office, London, the 16th October 1873. No. 255.

I forward herewith copy of a letter\* from the Acting Honorary Secretary of the East India Association relative to the provisions of Section 6 of the 33rd Victoria, Cap. 3, and with reference to previous correspondence, would draw the attention of Your Excellency in Council to the expediency of framing, at an early date, the rules contemplated by the Act for the admission of Natives to the Covenanted Civil Service.

\* Dated 2nd October 1873.

## VIII.

From Captain W. C. PALMER, Acting Honorary Secretary of the East India Association, to the UNDER SECRETARY OF STATE for India,—Dated 20, Great George Street, Westminster, London, the 2nd October 1873. No. 256.

By the direction of the Council of the East India Association I have to request you to submit this letter for the kind consideration of His Grace the Secretary of State for India.

On the 21st August 1867 this Association applied to Sir Stafford Northcote the then Secretary of State for India, asking that the competitive examination for a portion of the appointments to the Indian Civil Service should be held in India under such rules and arrangements as he might think proper, and expressing an opinion that after the selection had been made in India by the first examination, it was essential that the selected candidates should be required to come to England to pass their further examinations with the selected candidates for this country.



Sir Stafford Northcote soon after introduced a clause in the Bill he submitted No. 256 to Parliament entitled "The Governor General of India Bill."

The enactment of this Bill continued in abeyance, until, under the auspices of His Grace the present Secretary of State, it became law on the 25th March 1870 as "East India (Laws and Regulations) Act." Moving the second reading of the Bill on the 11th March 1869, His Grace, in commenting upon Clause 6, in a candid and generous manner made an unreserved acknowledgment of past failures of promises, non-fulfilment of duty, and held out hopes of their future complete fulfilment to an adequate extent, as follows:

"I now come to a clause—the 6th—which is one of very great importance involving some modification in our practice and in the principles of our legislation as regards the Civil Service in India. Its object is to set free the hands of the Governor General, under such restrictions and regulations as may be agreed to by the Government at home, to select for the Covenanted Service of India natives of that country, although they may not have gone through the competitive examination in this country. It may be asked how far this provision is consistent with the measures adopted by Parliament for securing efficiency in that service; but there is a previous and, in my opinion, a much more important question which I trust will be considered—How far this provision is essential to enable us to perform our duties and fulfil our pledges and professions towards the people of India?"

"With regard, however, to the employment of Natives in the government of their country, in the Covenanted Service formerly of the Company and now of the Crown, I must say that we have not fulfilled our duty, or the promises and engagements which we have made.

"In the Act of 1833 this declaration was solemnly put forth by the Parliament of England:

"And be it enacted, That no Native of the said Territories, nor any natural born Subject of His Majesty resident therein, shall, by reason only of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled from holding any Place, Office, or Employment, under the said Company."

"Now I well remember that in the Debates in this House in 1853, when the renewal of the Charter was under the consideration of Lord Aberdeen's Government, my late noble friend Lord Monteagle complained, and I think with great force, that while professing to open every office of profit and employment under the Company or the Crown to the natives of India, we practically excluded them by laying down regulations as to fitness which, we know, Natives could never fulfil. If the only door of admission to the Civil Service of India is a competitive examination carried on in London, what chance or what possibility is there of natives of India acquiring that fair share in the administration of their own country which their education and abilities would enable them to fulfil, and therefore entitle them to possess? I have always felt that the Regulations laid down for the competitive examination rendered nugatory the declaration of the Act of 1833; and so strongly has this been felt of late years by the Government of India, that various suggestions have been made to remedy the evil. One of the very last—which, however, has not yet been finally sanctioned at home, and respecting which I must say there are serious doubts—has been suggested by Sir John Lawrence, who is now about to approach our shores, and who is certainly one of the most distinguished men who have ever wielded the destinies of our Indian Empire. The palliative which he proposes is that nine scholarships—nine scholarships for a Government of upwards of 180,000,000 of people!—should be annually at the disposal for certain Natives, selected partly by competition and partly with reference to their social rank and position, and that these nine scholars should be sent home with a salary of £200 a year each to compete with the whole force of the British population seeking admission through the competitive examinations. Now, in the first place, I would point out the utter inadequacy of the scheme to the ends of the case. To speak of nine scholarships distributed over the whole of India as any fulfilment of our pledges or obligations to the Natives, would be a farce. I will not go into the details of the scheme, as they are still under consideration; but I think it is by no means expedient to lay down as a principle that it is wholly useless to require Natives seeking employment in our Civil Service to see something of English society and manners. It is true that in the new schools and colleges they pass most distinguished examinations, and as far as books can teach them, are familiar with the history and constitution of this country; but there are some offices with regard to which it would be a most important, if not an essential, qualification, that the young men appointed to them should

have seen something of the actual working of the English constitution, No. 256. and should have been impressed by its working, as any one must be who resides for any time in this great political society. Under any new regulations which may be made under this clause it will, therefore, be expedient to provide that Natives appointed to certain places shall have some personal knowledge of the working of English institutions. I would, however, by no means make this a general condition, for there are many places in the Covenanted Service of India for which Natives are perfectly competent, without the necessity of visiting this country; and I believe that by competitive examinations conducted at Calcutta, or even by pure selection, it will be quite possible for the Indian Government to secure able, excellent, and efficient administrators."

The clause thus introduced in a manner worthy of an English generous-minded nobleman and passed into law is as follows :

"6. 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 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; and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament."

It is now more than three years since this clause has been passed, but the Council regret to find that no steps have apparently yet been taken by His Excellency the Viceroy to frame the rules required by it, so that the Natives may obtain the due fulfilment of the liberal promise made by His Grace.

The Natives complain that had the enactment referred to the interests of the English community, no such long and unreasonable delay would have taken place, but effect would have been given to the Act as quickly as possible, and they further express a fear that this promise may also be a dead letter.

The Council, however, fully hope that further loss of time will not be allowed to take place in promulgating the rules required by the Act. The Natives, after the noble and generous language used by His Grace, naturally expect that they will not be again doomed to disappointment, and most anxiously look forward to the promulgation of the rules—to give them in some systematic manner "that fair share in the administration of their own country which their education and abilities would enable them to fulfil, and therefore entitle them to possess," not only as a political justice, but also as a national necessity, for the advancement of the material and moral condition of the country.

## IX.

From L. C. ABBOTT, Esq., Additional Under Secretary to the Government of Bengal, General, Department, to the Secretary to the Government of India, Home Department,—No. 2040 C. S., dated Calcutta, the 15th December 1873. No. 257.

I am directed to acknowledge the receipt of your letter\* No. 64—3614, dated 3rd December 1873, and in reply to say that the Lieutenant-Governor approves of the rules therewith forwarded and cannot suggest any amendment.

\* See page 5.

## X.

From C. A. ELLIOTT, Esq., Secretary to the Government of the North-Western Provinces, to the Secretary to the Government of India, Home Department,—No. 2960, dated Camp Kuchla, the 18th December 1873. No. 258.

I am directed to acknowledge the receipt of your letter\* No. 64—3615, dated the 3rd December, requesting an expression of the Lieutenant-Governor's opinion on the draft Rules under Statute 33 Vic., Cap. 3, Section 6, for the admission of natives of India as defined in the said Statute to the Civil Service of Government.

2. In reply I am to say that His Honour sees no objection to the proposed Rules and has no remarks to offer.

## XI.

From T. H. THORNTON, Esq., D.C.L., Secretary to the Government of the Punjab, to the Secretary to the Government of India, Home Department,—No. 8 C., dated Camp, the 29th December 1873. No. 259.

I have the honour to acknowledge the receipt of your letter\* No. 64—3616, dated the 3rd December 1873, forwarding for opinion a draft copy of Rules which it is proposed to submit for the approval of the Secretary of State for regulating the appointment of natives of India to offices in the Civil Service of Government, and also of your telegram of the 22nd idem, requesting that the reply be forwarded by the first week in January.

2. In reply I am desired by the Honourable the Lieutenant-Governor to express his regret that he is unable to furnish within the limited time allowed a detailed opinion upon the draft Rules referred to, as in a matter of so great importance he deems it essential to consult, in the first instance, the superior officers of the Province, who in their turn require some time for consideration.

3. But the Lieutenant-Governor permits me to intimate, for the information of His Excellency the Governor General in Council, that the rules, so far as he has been able to form an opinion regarding them, do not commend themselves to his judgment.

## XII.

From H. J. SPARKS, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to the Secretary to the Government of India, Home Department,—No. 5802, dated Lucknow, the 10th December 1873. No. 260.

I am directed to acknowledge the receipt of your letter\* No. 64—3617, dated 3rd instant, forwarding, for the Chief Commissioner's opinion, draft Rules under Section 6 of 33 Victoria, Chapter 3, which it is proposed to submit for the sanction of the Secretary of State, and to state in reply that the rules seem to the Chief Commissioner to meet the objects with which they have been framed.

## XIII.

From J. W. CHISHOLM, Esq., Officiating Secretary to the Chief Commissioner of the Central Provinces, to the Secretary to the Government of India, Home Department,—No. 3995, dated Nagpur, the 16th December 1873. No. 261.

In reply to your letter\* No. 64—3618, dated 3rd instant, I am directed to state that the Chief Commissioner approves of the Rules it is proposed to issue for appointing natives of India of proved merit and ability to offices in the Civil Service of the Government under Section 6 of 33 Victoria, Cap. 3. The only remark the Chief Commissioner has to make on the Rules has reference to the limit of salary prescribed in Rule I. (a), which Mr. Morris considers too low. He would be inclined to raise the limit to at least Rs. 200 monthly.

## XIV.

From C. B. COOKE, Esq., Assistant Secretary to the Chief Commissioner of British Burmah, to the Secretary to the Government of India, Home Department,—No. 1899—469, dated Rangoon, the 20th December 1873. No. 262.

I am directed to acknowledge the receipt of your letter\* No. 64—3619, dated the 3rd instant, forwarding a draft of the Rules under Statute 33 Victoria, Chapter 3, Section 6, under which it is

\* See page 5.

proposed to appoint natives of India, of proved merit and ability, No. 262. to offices in the Civil Service of Government, and calling for an expression of the Chief Commissioner's opinion thereon.

2. In reply I am to say that the Chief Commissioner approves of the rules generally, except that he is of opinion that the limit of previous salary under condition (a) should be Rs. 300 and not as proposed Rs. 100 per mensem. Mr. Eden apprehends that it is intended to place in the Civil Service only officers who have shown singular and marked capacity and reliability, and who have been thoroughly tried and proved. It can seldom, the Chief Commissioner thinks, happen that an officer answering this description will have not risen to a higher position than that indicated by a salary of Rs. 100 a month, and indeed an appointment paid by that salary can hardly have attached to it such duties and responsibilities as will really establish the reputation of the incumbent; it is the ordinary salary of subordinate clerks.

3. While the Chief Commissioner entirely agrees that the object of the Legislature, as he understands it, is most likely to be realized by an avoidance of too strictly defined rules or absolute restriction, there is no doubt that great care will have to be exercised in accepting the nominations of Local Governments to these appointments. Some Heads of Departments have a more exaggerated idea of a comparative value of their immediate subordinates than others, and are apt to proceed into extremes of eulogy regarding those who have served them with ordinary ability and zeal; and to avoid this the Chief Commissioner would place the limit of salary so high as to prevent any person being nominated who had not been in a position for some years to be fairly judged by the public in respect of his fitness for the higher position of the regular Civil Service.

4. Unless it is clearly understood that nominations under these rules are to be very rare and exceptional, Mr. Eden is of opinion that the publication of the proposed rules will lead to a flood of applications, and therefore thinks it should be made manifest that they are not to be held to bar the ordinary channel for entry into the Civil Service.

#### XV.

From H. W. WELLESLEY, Esq., Officiating Secretary to the Chief Commissioner of Mysore, to the Secretary to the Government of India, Home Department,—No. 5331—37, dated Bangalore, the 20th December 1873. No. 263.

In reply to your letter\* No. 64—3620 of the 3rd instant, calling for the opinion of the Chief Commissioner on the draft Rules framed under Statute 33 Victoria, Chapter 3, Section 6, for the employment of natives of India, of proved merit and ability, in the civil offices under Government, which it is proposed to submit for the sanction of

" Provided also that the number of Natives appointed under these Rules shall at no time exceed ten per cent. of the total number of civilians serving under each Local Government."

the Secretary of State, I am directed to state that, while concurring generally in the rules in question, the Officiating Chief Commissioner would venture to propose the addition to Rule I. of the clause marginally noted, and to recommend that the term of probation provided for in Rule II. be fixed at two years instead of one. He would, moreover, urge the expediency of a very gradual application of the proposed rules. Natives, he observes, can now enter the Covenanted Civil Service by competition; some have already been admitted, and many more doubtless will succeed in passing the competitive examination.

2. Mr. Gordon thinks that it could not fail to have a very baneful effect upon a service constituted as the Civil Service now is, if the higher appointments to which civilians fairly aspire were to be bestowed freely upon Natives who have not entered the service

\* See page 5.

by the recognized channel of competition. Specially would this be the case at a time like the present when in parts of India great stagnancy of promotion exists in a service abounding with men of ability and training. No. 263.

3. That the natives of India have a claim to a larger share of responsible employment under Government than they now enjoy may, Mr. Gordon thinks, be conceded, but it will not, in his opinion, be unjust to let this extension be gradual. In the interests of the Natives themselves this is desirable, for experience has shown that no public benefit results from the too rapid advancement of Natives to positions of administrative responsibility for which they are scarcely ripe.

#### XVI.

From Captain G. H. TREVOR, Second Assistant Resident, Hyderabad, to the Secretary to the Government of India, Home Department,—No. 132, dated Hyderabad, the 24th December 1873. No. 264.

The Resident has the honour to acknowledge the receipt of your despatch\* No. 64—3621 of the 3rd instant, giving cover to a draft of proposed Rules relative to the appointment of natives of India, of proved merit and ability, to offices in the Civil Service of Government.

2. Mr. Saunders, I am to state, concurs generally in the Rules in question; but considering that the advantages held out to the Natives who may be nominated are so great and substantial as to place them, to all intents and purposes, on an equality with the officers of the Covenanted Civil Service and to render them eligible to hold any of the appointments hitherto exclusively reserved to the latter, the Resident is of opinion that it would be desirable to have a longer period of probation fixed than one year.

3. He is inclined to think also that a competent knowledge of English might advantageously be demanded of candidates as a *sine qua non* prior to their nomination as probationary civil servants, in addition to requiring them, as detailed in Rule IV, to pass afterwards such tests in the English language as may from time to time be fixed by the Governor General in Council.

4. It may also well be deemed a matter for consideration whether it would not be advisable to introduce into the rules which may finally be passed by the Government having for their object the giving practical effect to the provisions of Statute 33 Victoria, Chapter 3, Section 6, a condition that all Native officials who may, by virtue thereof, become endowed with all the privileges enjoyed by the members of the Covenanted Civil Service should, on the completion of their term of probationary service, be required to enter into a similar covenant to that to which all other civil servants, whether European or Native, who have obtained their appointments to the Covenanted Civil Service by virtue of having passed the ordeal of a competitive examination in England, whether under the existing rules or after a lengthened training with periodical examinations at Haileybury College, are required to subscribe.

5. If Native candidates should be allowed to obtain on such easy terms as are contemplated by the draft rules under present reference all the privileges which are now enjoyed by their more highly trained brethren of the present Covenanted Service, without having any obligation imposed upon them of subscribing to a covenant agreement and thereby affording the Government a special guarantee for their respectability, integrity and high character, it must, the Resident considers, be conceded that the officers of the present service might very equitably be relieved from the special obligations imposed upon them by the covenants into which they have been required to enter.

6. Mr. Saunders, however, would not possibly advocate any such equitable relief being afforded to the members of the Cove-

\* See page 5.

nanted Civil Service, as he considers nothing would prove more likely to lower the prestige and high character which the members of the Service have hitherto acquired and maintained, and as a consequence to lower the tone and impair the general efficiency of the administration of India. No. 264.

## XVII.

From the Honourable F. S. CHAPMAN, Chief Secretary to the Government of Bombay, to the Secretary to the Government of India, Home Department,—No. 24—2 G., dated Bombay Castle, the 5th January 1874. No. 265.

With reference to my demi-official note\* to your address forwarding a copy of a Minute by the Honourable Mr. Tucker on the draft Rules for the admission of Natives to appointments in the Civil Service, I am directed to state that that Minute may be considered to represent the views of this Government on the subject.

2. I am at the same time to explain that His Excellency the Governor has not had an opportunity of personally expressing his opinion.

## XVIII.

*Minute by the Honourable H. P. St. G. TUCKER,—dated Bombay, the 30th December 1873.* No. 266.

The Honourable Mr. Rogers has misapprehended, I think, the precise purport of the question we are called upon to decide. The Statute 24 and 25 Victoria, Cap. LIV., provides for the exceptional appointment, under prescribed conditions, of persons other than covenanted civilians to offices ordinarily reserved for the members of the Covenanted Service, and the description of Native gentlemen for whom my Honourable Colleague more particularly desires to provide can be admitted to the highest offices under that Act of Parliament.

Statute 33 Victoria, Cap. 3, provides for the more extended admission of the natives of India who are defined to be persons born and domiciled within the dominions of Her Majesty in India of parents habitually resident to the offices reserved for the Covenanted Civil Service, and it is under this Act alone that the rules referred for our opinion are about to be framed.

With reference to the rules I would remark, in the first instance, with respect to Rule I., Clause a, that the amount of salary specified has been fixed much too low. I would substitute Rupees 500 monthly for Rupees 100. There would seem to be no good reason to promote any Native uncovenanted officers to offices reserved for covenanted civil servants till they have been tried in some of the more responsible offices now open to uncovenanted service, and in fact there can be no proved merit or ability till they have been tested by such employment. To rule that a clerk on Rs. 100 monthly is eligible to such posts would raise a number of false hopes which must hereafter be disappointed, and give a facility for the introduction of unqualified persons to the highest offices which ought to be carefully avoided.

In like manner, with reference to clause b of the same Rule I. which applies to purely judicial appointments, the qualification of service for five years in a judicial office of which the salary was not less than Rs. 500 monthly should be rendered imperative. This would confine the selection to Subordinate Judges of the first class, Small Cause Court Judges and Magistrates drawing salaries higher than the above. No Native should be promoted to a District Judgeship or Assistant Judgeship, or to any higher office, till he has been tried and given satisfaction in an uncovenanted office of the above description. I am of opinion also that a certain term of service in one of the uncovenanted offices above specified should be superadded to ten years' practice as a Barrister, Advocate and certified Pleader in a court of justice in British India as a qualification for admission to one of the judicial offices now reserved to the Covenanted Civil Service, and I would substitute for the words "court of justice in British India" in "a High Court or District Court in British India." I would not allow service as a Pleader in a Subordinate Judge's Court for any length of time to be a qualification.

It may be observed with reference to this recommendation that ten years' service as a Pleader in a High Court is now a qualification for a seat in a High Court; but to this objection I would reply that a want of firmness or moral courage would do more harm in a District Judgeship than in a High Court, where a Judge ordinarily acts in association with a colleague and is assisted by a better man and

\* Not printed.

in consequence of these extraneous supports is less likely to go wrong than if No. 266. wholly dependent on himself for the exercise of a sound discretion and the exhibition of the requisite firmness. There should, therefore, be a distinction in the qualifications, and, after the new rules come into practical operation, it is not probable that a Pleader will be selected for a High Court Judgeship who has not been previously tried in a District Court.

*Rule II.*—The appointment in each case should be reported to Government of India with the reasons for making it. It should be probationary for *two* years, and should determine at the end of that time, unless expressly renewed either as a permanent appointment or for a further definite term of probation, subject to determination as before.

*Rule IV.*—The person appointed should be required to pass the examinations to which covenanted civil servants holding similar offices have to submit to in India during the currency of his two years' probation, or of the further term allowed to him. In all the places to which Natives are likely to be appointed under these rules a thorough knowledge of the English language is indispensable and should be insisted on.

*Rule V.*—The rules as to leave and pension need not differ from those of the Uncovenanted Service, to which branch of the service the appointees under these rules would belong, though they would hold offices usually reserved for the Covenanted Civil Service.

### XIX.

From the Honourable F. S. CHAPMAN, Chief Secretary to the Government of Bombay, to the Secretary to the Government of India, Home Department,—No. 169—6 G., dated Bombay Castle, the 17th January 1874. No. 267.

Referring to my telegram\* of the 14th instant, I am directed to enclose copies of the Minutes of His Excellency the Governor and of the Honourable Messrs. Tucker and Rogers on the subject of the appointment of the natives of India to posts in the Covenanted Civil Service.

### XX.

*Minute by the Honourable A. ROGERS,—dated Bombay, the 22nd December 1873.* No. 268.

I am of opinion that the spirit of the Act has not been fully understood in framing these rules. The Civil Service, as a whole, is open to all natives of India who may choose to compete at home for admission into it. This rule renders obligatory a certain residence in England, away from the cramped and comparatively debasing experience of life an entire youth spent in this country can alone afford; and this, it seems to me, is the least price that, under the present circumstances of Indian social life, a Native should, for the benefit of his country, be called upon to pay for the great boon of admission into the higher ranks of its administrative service. Their social education for the present does not, as a rule, give them that enlargement of view, that absence of selfish, personal, or otherwise interested motive, which can alone render them fit, even in the eyes of their own countrymen, to govern comparatively independently of control. The possession of such qualifications I do not think either length of service under our Government or service at any particular rate of pay can in any way guarantee; and it appears to me that what the Act contemplated was the exceptional employment of natives of India who might be found to possess such as well as other requisite qualifications in the higher administrative appointments, whether they had been trained in the service of the British Government or practised in our law courts or not. For instance, there is no reason, in my opinion, why any eminent Native banker should not become the Indian finance minister, or the dewan of a Native State resident at Hyderabad. These, I consider, are the kind of exceptional cases for which the Act was meant to provide, and not those connected with the ordinary executive administration of the country. If the criterion of a certain number of years' service at a certain rate of pay, or judicial experience for a certain term in British courts of law, were to be insisted on, we should deprive ourselves of the chance of employing on emergency those few master spirits that occasionally arise, and not only so, but those ambitious men among the Natives who happened to possess those qualifications would be incessantly intriguing for admission into the regular ranks of the Civil Service, and consider they had a grievance if they did not gain their ends. I would therefore propose to omit clauses *a* and *b* of Rule I., and modify Rule IV., so as to make the obligation to pass departmental examinations dependent on the orders of Government in each individual case. I think it would be a grave political mistake to fetter the action of the Local Government by such rules in the rare description of cases to which, I believe, the Act was really meant to apply.

*Minute by the Honourable H. P. St. G. TUCKER, —dated Bombay, the 30th December No. 268. 1873.*

The Statute 24 and 25 Victoria, Cap. LIV., provides for the exceptional appointment, under prescribed conditions, of persons other than covenanted civilians to offices ordinarily reserved for the members of the Covenanted Service and persons not in the Government service of extraordinary talent or capacity for public affairs can be admitted to the highest offices under that Act of Parliament.

Statute 33 Victoria, Cap. 3, provides for the more extended admission of the natives of India, who are defined to be persons born and domiciled within the dominions of Her Majesty in India of parents habitually resident, to the offices reserved for the Covenanted Civil Service, and it is under this Act alone that the rules referred for our opinion are about to be framed. On the subject of these rules I would remark, in the first instance, with respect to Rule I., Clause *a*, that the amount of salary specified has been fixed much too low. I would substitute Rs. 500 monthly for Rs. 100. There would seem to be no good reason to promote any Native uncovenanted officers to the offices reserved for covenanted civil servants till they have been tried in some of the more responsible offices now open to the Uncovenanted Service, and in fact there can be no proved merit or ability till they have been tested by such employment. To rule that a clerk on Rs. 100 monthly is eligible to such posts would raise a number of false hopes which must hereafter be disappointed and give a facility for the introduction of unqualified persons to the highest offices which ought to be carefully avoided.

In like manner, with reference to Clause *b* of the same Rule I. which applies to purely judicial appointments, the qualification of service for five years in a judicial office of which the salary was not less than Rs. 500 monthly should be rendered imperative. This would confine the selection to Subordinate Judges of the 1st class, Small Cause Court Judges, and Magistrates drawing salaries higher than the sum above-mentioned. No native of India should be promoted to a District Judgeship, or Assistant Judgeship, or to any higher office till he has been tried and given satisfaction in an uncovenanted office of the above description. I am of opinion also that a certain term of service in one of the uncovenanted offices above specified should be superadded to ten years' practice as a Barrister, Advocate, or certified Pleader in a court of justice in British India as a qualification for admission to one of the judicial offices now reserved to the Covenanted Civil Service; and I would substitute for the words "court of justice in British India," the words "a High Court or District Court in British India." I would not allow service as a Pleader in a Subordinate Judge's Court for any length of time to be a qualification. It may be observed, with reference to this recommendation, that ten years' service as a Pleader in a High Court is now a qualification for a seat in a High Court; but to this objection I would reply that a want of firmness or moral courage would do more harm in a District Judgeship than in a High Court, where a Judge ordinarily acts in association with a colleague and is assisted by a better bar; and in consequence of these extraneous supports is less likely to go wrong than if wholly dependent on himself for the exercise of sound discretion and the exhibition of the requisite firmness. There should, therefore, be a distinction in the qualifications, and after the new rules come into practical operation, it is not probable that a Pleader will be selected for a High Court Judgeship who has not been previously tried in a District Court.

*Rule II.*—The appointment in each case should be reported to the Government of India with the reasons for making it. It should be probationary for two years, and should determine at the end of that time, unless expressly renewed either as a permanent appointment or for a further definite term of probation, subject to determination as before.

*Rule IV.*—The person appointed should be required to pass the examinations which covenanted civil servants holding similar offices have to submit to in India during the currency of his two years' probation, or of the further term allowed him. In all the places to which Natives are likely to be appointed under these rules, a thorough knowledge of the English language is indispensable and should be insisted on.

*Rule V.*—The rules as to leave and pension need not differ from those of the Uncovenanted Service, to which branch of the service persons appointed under these rules would belong, though they would hold offices usually reserved for the Covenanted Civil Service.

*Minute by His Excellency SIR P. E. WODEHOUSE, Governor of Bombay, —dated Bombay, the 6th January 1874.*

This is the first occasion on which I have been called upon to express an official opinion on this important subject, and I am now necessitated to do so with little



time for careful preparation of such remarks as I may wish to offer. At the same No. 268. time I should regret allowing a reply to be sent to the Government of India without taking any part in the preparation of it.

The legislation to which it is proposed to give effect by the rules now under consideration tends beyond question to diminish British ascendancy in the form in which it has hitherto existed in this country; to destroy to a very serious extent the privileges which the covenanted civil servants have hitherto enjoyed under the precise terms of their covenant, and under which the British Government has been so successfully administered, and likewise to throw open to the natives of India appointments to all the offices in the Civil Service without requiring them to undergo the competitive examination which is rigidly enforced on all other candidates.

It may be too late to discuss now the general policy of this legislation, and it is, therefore, all the more desirable to scrutinize very carefully the way by which it is proposed to regulate it in detail.

But before proceeding to the examination of the rules now proposed, I am reluctant to pass without notice one feature of the Act of Parliament itself, *viz.*, the definition given of the term "Natives of India."

It is declared to "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."

I conclude that all the members of the Civil and Military Services will be held to be established here "for temporary purposes only," and I am at a loss to see why their offspring should be debarred from admission into the Civil Service on the same terms as Natives, provided they were subjected to exactly the same conditions in respect of proved merit and fitness. It may well be that their parents have rendered very valuable services to the British Crown, and that their poverty alone has prevented them from transferring their children to their native land; and it is hard to discover any good reason for imposing a disqualification on our own countrymen, as the accompaniment to the grant of a great boon to the natives of the country. A very simple alteration of the Act will remedy this injustice, and I should be glad to think I had been instrumental in obtaining it.

Turning to the rules themselves, I observe that Mr. Tucker suggests considerable modification of the qualifications which the candidates should be required to possess, and I concur very much in his objections to those laid down. But I would suggest, for his consideration, whether it be not desirable, looking to the special nature of the selection to be made in every case, to omit all definition of the qualifications, pecuniary or others, which are to be insisted on. The first rule speaks of "proved merit and ability"—What does that really amount to, where and what is the proof?

I would suggest, therefore, that no defined qualifications should be laid down in these rules, and that the responsibility for every such appointment, and for the selection of the individual, should rest with the authority from whom it might emanate.

The proposal that the *previous* sanction of the Governor General in Council should be obtained by any subordinate authority appears to me to be preferable to a report of an appointment actually made. In a case of such a nature a subordinate Government might be placed in a very undesirable position by the rejection of a nomination already made public.

An extension of the period of probation can be proposed if Mr. Tucker desires it; but I do not place much faith in such a provision if left discretionary.

By the fourth Section of the Act 24 and 25 Vic., Cap. 54, it is enacted that all special appointments to offices in the Civil Service shall be reported with the reasons for the approval of the Secretary of State. This is practically repealed by the later Statute, but it appears to me very desirable that in the case of every such appointment, the authority making it should be required to give a full public statement of the grounds for it.

I entirely concur with Mr. Tucker that the Natives to be selected for these special favours should be well acquainted with English. We require of our own countrymen that they shall be acquainted with the Native languages, and we may very fairly ask Natives, who are to be raised to our level, that they shall be acquainted with ours.

There may be cases in which exemption from examinations may with convenience be granted by the Governor General in Council, such exemption should be granted before the appointment; after the latter, the examinations should be strictly enforced.

The salaries which are now paid to the members of the Covenanted Civil Service were fixed on the principle that the government of the country was to be

carried on by British officers, and that it was therefore necessary to fix them at No. 268. such rates as would be sufficient, in the first instance, to induce young men of a fitting standard to come to India; and sufficient, secondly, to induce them to continue giving the benefit of their experience and abilities in the face of all the drawbacks of climate, separation from their families, expense in the maintenance of establishments both in India and in England on a scale befitting their position in society. None of these considerations have any application to the natives of India; they live and die in their Native land; they live in the climate best suited to them, and in the midst of their relations and friends. Their mode of living is far less expensive than our own is or can be made. They do not and will not pay for what they require the prices which British officers are compelled to pay. It would be unreasonable to compel the tax-payers of India to contribute the same amount for their salaries as for those of the British officers. The servants of the Crown in England who were placed in similar circumstances receive very moderate salaries, and there is no difficulty in finding candidates. I conceive, therefore, that it is the plain duty of the Government to declare distinctly that the natives of India, if admitted to high offices in their own country, will not receive salaries equal to those which have been paid to British officers, or which must be paid to them while we continue to govern the country.

I submit, for the consideration of my colleagues, a draft letter in the spirit of these remarks, together with draft of Amended Rules to be forwarded with it, and shall be glad to learn that they have been able to adopt them.

*Draft letter.*

I am directed to reply to your letter No. 64—3613, December 3, 1873, relative to the rules which it is proposed by His Excellency the Governor General in Council to submit to the Secretary of State for sanction, under Section 6, 33 Vic., Chapter 3.

2. His Excellency the Governor of Bombay in Council regrets that more time has not been allowed to this Government to express its opinion upon so important a subject. The legislation to which it is proposed to give effect in these rules tends beyond doubt to diminish British ascendancy in that form in which it has hitherto existed in this country: to destroy to a very serious extent the privileges which the covenanted civil servants have hitherto enjoyed under the precise terms of their covenant, and under which the British Government has been so successfully administered, and to throw open to the natives of India appointments to all the offices in the Civil Service without requiring them to undergo those competitive tests which are rigidly enforced on all other candidates.

3. Before scrutinizing in detail the draft rules, His Excellency in Council desires me to point out the injustice to our own countrymen, which the definition of "a Native of India" as defined in the Statute 33 Vic. involves. The expression "Native of India" is declared to 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." If members of the Civil or Military Services are held to be established in India for temporary purposes only, it may happen that their children compelled by the poverty of their parents who have rendered valuable services to the British Crown to remain in India will be excluded, however great their merit and ability, from participation in a great boon exclusively granted to their Native fellow countrymen. A very simple alteration of the Act would remedy what to His Excellency in Council seems an unnecessary injustice.

4. The opportunity afforded by the consideration of these rules seems to the Governor in Council a suitable occasion for the distinct recognition of the principle on which the salaries of appointments closed to the Civil Service were originally fixed.

The salaries which are now paid to members of the Covenanted Civil Service were fixed on the principle that the government of the country was to be carried on by British officers, and that it was, therefore, necessary to fix them at such rates as would be sufficient, in the first instance, to induce young men of a fitting standard to come to India; and sufficient, secondly, to induce them to continue giving the benefit of their experience and abilities in the face of all the drawbacks of climate, separation from their families, expense in the maintenance of establishments both in India and in England on a scale befitting their position in society. None of these considerations have any application to the natives of India—they live and die in their native land; they live in the climate best suited to them, and in the midst of their relations and friends. Their mode of living is far less expensive than our own is or can be made. They do not and will not pay for what they require the prices which British officers are compelled to pay. It would be unreasonable to compel the tax-payers of India to contribute the same amount for their salaries as for those of the British officers. The servants of the Crown in England who are placed in similar circumstances receive very moderate salaries, and

there is no difficulty in finding candidates. His Excellency conceives, therefore, No. 268. that it is the plain duty of the Government to declare distinctly that the natives of India, if admitted to high offices in their own country, will not receive salaries equal to those which have been paid to British officers, or which must be paid to them while we continue to govern the country. In His Excellency's opinion a deduction of at least 25 per cent. should be enforced.

5. With these preliminary remarks I am directed by His Excellency in Council to offer the following criticism on the draft rules under consideration. The limitations *a* and *b* appended to Rule I. seem to the Government of Bombay unnecessary if not mischievous. His Excellency considers that what the Statute contemplated was the exceptional employment in the higher administrative appointments of the British Government of natives of India who had signally distinguished themselves, whether, on the one hand, they had been trained in that service or practised in British law courts, or whether they had acquired their reputation in the service of a Native State or elsewhere. If the criterion of a fixed number of years' service at a certain rate of pay, or judicial experience for a certain term in British law courts be insisted upon, Government would deprive itself of the chance of employing upon an emergency those few master spirits for whose special benefit in the opinion of His Excellency in Council the Act of Parliament was passed. For instance, an experienced banker or a distinguished minister at a Native court would be excluded under the rules proposed. His Excellency would therefore prefer that there should be no other limitation but that of full publicity of the grounds of such selection, and in the case of an appointment by the Local Governments, the *previous* sanction of the Governor General in Council to the appointment. Should, however, the Government of India not be prepared to accept the view of this Government and to remove all limitation, the Governor of Bombay in Council would propose an increase to the salary specified in clause *a*, substituting Rs. 500 for Rs. 100, and in clause *b* adding to the words five years the words "on a salary of not less than Rs. 500 per mensem" which would confine the selection to Subordinate Judges of the 1st class, Small Cause Court Judges, and Magistrates of Police drawing a higher salary than Rs. 500. His Excellency would also propose that a certain term of office in one of the uncovenanted offices above-mentioned should be superadded to ten years' practice as a Barrister, Advocate, or certified Pleader in a High Court, or District Court in British India, narrowing the words court of justice in British India so as to exclude service as a Pleader in a Subordinate Judge's Court, in which no length of time can, in his opinion, ensure the requisite qualification for high judicial office.

6. With reference to draft Rule IV. His Excellency in Council is strongly of opinion that a thorough knowledge of English should be insisted upon. There may be cases in which exemption from the departmental examinations may with convenience be granted by the Governor General in Council. But such exemption should be granted to the individual exempted before his appointment is made, and unless this has been done the examination should be strictly enforced. Further, in the opinion of His Excellency in Council, it would be better to fix a definite time within which the examination must be passed or the appointment lost rather than adopt the vaguer phrase liable to be removed.

7. For the purpose of indicating more clearly the views of the Government of Bombay, I am directed to append a draft of Rules framed in accordance with them.

#### *Amended Rules.*

1. Any native of India [ ] of proved merit and ability may 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. In the case of every such appointment the authority making the same shall publish in the *Government Gazette* a full statement of the grounds on which such proved merit and ability may be presumed.

3. No such appointment, whether probationary or permanent, shall be made without the previous assent of the Governor General in Council.

4. Every such appointment shall be probationary for the first year, and the Governor General in Council may at any time within the year of probation cancel the appointment without assigning any reason.

5. The appointment shall be made upon the condition that the person so appointed shall be well acquainted with the English language, and shall within months pass such departmental examinations as may be fixed from time to time by the Governor General in Council or forfeit his appointment. But the Governor General in Council may, before any such appointment is notified, exempt the person proposed to be appointed from passing the said departmental examinations.

6. An abatement at the rate of 25 per cent. shall be made from the salary No. 268. attached to any of the offices mentioned in the schedule to the Act so long as such office shall be held by any Native who may have been appointed to it under the authority of the Act and of these rules.

7. Persons appointed under these rules shall be subject to such conditions as to pension and leave as the Government of India, with the sanction of the Secretary of State in Council, may hereafter lay down.

*Minute by the Honourable H. P. St. G. TUCKER, —dated Bombay, the 14th January 1874.*

It is to be regretted that this important question should have been submitted to us at a time when His Excellency the President is absent from Bombay as we have not been able to have that personal consultation which, I think, might have reconciled the difference of opinion which now apparently exists. As the matter stands, I regret that I am not able to assent to many of the opinions expressed in His Excellency's Minute, nor can I subscribe the draft letter which he proposes to despatch to the Government of India on this subject, nor the draft set of rules which he would submit for the consideration of the Supreme Government.

Under the circumstances, as there is no time for a further reference to His Excellency, the better plan will be to print and forward our respective Minutes to the Government of India in reply to the reference made to us.

I would observe that the definition of the term "Natives of India" in Statute 33 Victoria, Cap. 3, is, in my opinion, a very proper one, and that the distinction which it has created between persons of European ancestry, born and domiciled in India, of parents habitually resident, and the children of European parents non-resident or only temporarily resident in India, is one which ought never to be lost sight of in the arrangement of the different lines of public service in India, and should be carefully preserved.

For European British subjects who do not make India their permanent home the covenanted services offer the proper field of employment, and persons of this description should enter these services by the prescribed portal of competitive examination in their own country and in no other way. In all departments of the State there should be a covenanted branch of employes who should be selected by competitive examination, special or general, in England, and the employment of Europeans not permanently domiciled in India should be limited, as far as possible, to this division of the service. To keep up the prestige of this particular agency it is necessary that it should be limited, and that a very high educational qualification should be insisted upon. The entrance of Europeans, not permanently resident, to the public service in any but the covenanted branch is not desirable, as it tends to increase the cost of the second great branch of the service which goes by the name of uncovenanted, which should be confined, as far as may be possible, to natives of India as defined by the recent Statute. Entrance to this branch of the service should be obtained by competitive examination of India conducted under rules which should be made to conform to the exigencies of the several departments. If the field of superior employment in the Government service in India were divided in this manner, and the different branches of the service were recruited in the mode suggested, the wants of the administration would be supplied in the most economical manner possible, as the same rates of pay would not be necessary for the two classes of employes, and the scale of salaries for the uncovenanted branch, which would comprise all persons whose homes are in India, need not be as high as those which are required in the covenanted branch to attract a superior class of European British subjects to an Indian career. The extension of the distinction between Covenanted and Uncovenanted Servants to all departments of the administration, and the restriction, as far as may be practicable, of the inferior line of employment to persons permanently resident in India, are, I think, requisite to prevent that increase of expenditure which is taking place in consequence of the present imperfect classification of the services, and to prevent the influx of non-domiciled Europeans who cannot get into the covenanted service, and who now, without any ascertained qualifications, through local influence and nepotism are depriving the real natives of India as defined by Act of Parliament of the good things of the Uncovenanted Service. If a strict limitation be placed on the covenanted branch, and the appointments in the Uncovenanted Service be re-arranged and fixed on a scale that will suit the permanent residents of India and afford but little encouragement to Europeans of the higher class who do not desire to settle in India, and if the entrance to this line of employment be thrown open to competition in India, the natives of India will have little cause of complaint, and it will only be necessary to open a way for them after they have given proof of conspicuous merit or ability into some of the appointments reserved for the Covenanted Service. This is the object intended to be effected by the rules which have been submitted for our opinion, and this is a far better

way of obtaining the service of the best qualified Natives in the highest offices No. 268. than can be attained by their admission in England to the Covenanted Service itself.

To swell the ranks of the Covenanted Service in India by Natives who may be successful in passing the competitive examination in London is simply to increase expenditure and to create a class of over-paid officials who will be placed in a false position, and are not at all likely to be superior to the men who have risen by distinguished service in the uncovenanted line of employment in India. We have already had proof of the truth of this assertion. To satisfy the legitimate aspirations of the inhabitants of our Indian dominions for employment, it will be quite enough to create a large chain of offices, of sufficient rank, power and emoluments, to make the holding of them afford an honourable career to natives of India, and to confine such offices to persons of that description, at the same time making a way for the best of the officials in this branch of the service into the higher and more lucrative offices which have been specially reserved to a carefully selected class of European functionaries who come to India with no idea of permanently remaining there. As the natives of India show higher qualifications and greater fitness for posts of responsibility, it will always be possible to increase the field of employment for them by diminishing the numbers of the Covenanted Service. This section of the service could at any time be exhausted in a period of thirty years without injury to individual members by the simple process of admitting no new recruits. It is a piece of administrative machinery which is essential to the maintenance of British supremacy in India, but which is completely under control, and can be readily adapted to meet the changing circumstances of the country, and can be regulated so as not to absorb too large a share of places and of power. I have given an outline of my views on the arrangement for the distribution of offices in India which appears to me to be the best calculated to ensure the stability of British rule and the general prosperity of the country. It appears to me that at the present time there is not a sufficiently wide field of respectable employment for Natives, and that difficulties are likely to arise from the large influx of undomiciled Europeans which has recently taken place into the Uncovenanted Service for whom there is little or no prospect of substantial advancement, except by means which would operate to the detriment of the Covenanted Service, and also in consequence of the rapidly increasing class of educated Natives who, under the present system, cannot find in the circle of the Uncovenanted Service that opening to which I consider them to be equitably entitled. I shall be glad if the opinions I have expressed should lead others better qualified to look at this great question in all its aspects and to decide upon a well-defined course of action which will prevent the occurrence of the evils anticipated from a continuance of the present system, and give full scope to the employment of the natives of the country in all posts for which they are as well qualified as their European competitors.

I would add that the rules for leave and pension for the two branches of the service should be different, and that the regulations on these heads for the uncovenanted Service should be framed to suit the wants of the permanent residents of India only; persons not of this description who are now in the ranks of the Uncovenanted retaining their existing privileges. Except in the case of the persons last-mentioned, all salaries, allowances and pensions to the members of the Uncovenanted Service should be payable in India and not in England; and under the conditions which I have proposed, the gradual augmentation of the uncovenanted branch of the service, which I consider to be inevitable and desirable, will have a tendency to diminish the *exchange* difficulty which of late years has assumed such serious proportions.

*Minute by the Honourable A. ROGERS,—dated Bombay, the 15th January 1874.*

The Statutes were not with me at the time to refer to, and I was led into the mistake of thinking there was only one, *viz.*, that on which my previous Minute was based. Statute 24 and 25 Victoria, Cap LIV., providing for the exceptional treatment of cases, such as those I referred to, I think that it will be necessary to fix some qualification of previous service by which to judge from actual experience of the fitness of a candidate for admission into the higher ranks of the Civil Service as a *sine qua non* for such admission under Statute 33 Vic., Cap. 3. The provisions of the former Statute could only be brought into operation on such very exceptional occasions that I fear the adoption of His Excellency the President's proposal not to insist on any such qualification in the case of those to be admitted under the latter Statute, but to trust to publicity as a safeguard against objectionable admissions under it would be tantamount to a still stricter exclusion of natives of India from the higher administrative posts than now exists. The intention of the Legislature gradually to introduce into such posts such natives of this country, including those of European extraction permanently domiciled in it, as might be found equally well qualified for them as the members of the Covenanted Service recruited from home, would thus to a great extent be frustrated.

We are not aware of the reasons which may have induced the Government of No. 268. India to fix the qualification relating to previous rank in the service at so low a pitch as that of holding an appointment with a salary of Rs. 100 a month; probably the scale of emoluments in the Uncovenanted Service on the other side of India may be generally lower than ours. It is undoubtedly the case here that no man holding an appointment on such a salary could have had an opportunity of showing what his administrative abilities might be. There are no appointments in the judicial service among the Subordinate Judges with less pay than Rs. 200 and only two Mamlutdarships in small charges in Guzerat where the pay goes down to Rs. 100. With regard to the revenue branch I think the limit of Rs. 500 proposed by my Honourable Colleague Mr. Tucker might be lowered to Rs. 400 so as to include Deputy Collectors of the 4th grade, as promotion in their ranks is so very slow that most men, unless they happen to be very young when they enter them, can hardly hope to rise beyond it before they become superannuated, and men in the 4th grade will always have had sufficient time to prove their fitness for promotion. For the judicial branch I think the conditions proposed in my Honourable Colleague's Minute of the 30th ultimo should be adopted.

I feel with His Excellency the President the apparent hardness of the definition of a native of India which would exclude from the chance of admission into the service the children of Europeans not permanently resident in India, but am fully conscious of the fact that the claims of such men have before now led to the ignoring of those of Natives equally, if not more, competent to fill subordinate posts. With the increasing number of well educated young men now including, I am glad to find, many of European extraction that our educational institutions are annually bringing forward, we must, I am convinced, be prepared sooner or later to face the obloquy of denying, as Mr. Tucker purposes, admission into the public service to sons of European parents not permanently domiciled in India except through the gates of the competitive examinations now open to them in England. This will be the more necessary now that we shall really require men whose qualifications for employment in the higher ranks of the public service we shall ourselves be able to judge of if the provisions of the Statute under discussion are to be loyally carried out.

I hardly think the present a fitting occasion on which to enter upon the question of the salaries to be paid to Europeans and Natives, respectively, and would leave the matter to time and the development of circumstances.

## XXI.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 6, dated No. 269. Fort William, the 23rd January 1874.

We have the honour to reply to Your Grace's Despatch\* No. 113, dated the 22nd October 1872, in which the best method of giving effect to the Act 33 Victoria, Chapter 3, section 6, is discussed, and Your Grace desires to be furnished with our mature views upon the topics which the despatch indicated.

2. The procedure laid down by this Act requires that appointments under its provisions shall be made subject to Rules prescribed by the Governor General in Council, and sanctioned by the Secretary of State in Council. These Rules we have now the honour to submit for Your Grace's approval. We have framed them in consultation with all the Local Governments, after careful deliberation upon the whole question, and with advertence to the points touched upon in Your Grace's despatch.

3. The declared intention of the Act under which these Rules are made is to give additional facilities for the employment of natives of India in civil offices under the Government of India; while the Act distinctly recognizes, as Your Grace has remarked, the policy of leaving to the authorities in India the selection of Natives for such offices. We have to fulfil this intention, and to carry out this policy; and for this end there remains only to determine the qualifications which the Rules shall prescribe. It will be recollected that according

\* See page 3.

to the terms of the Act none except Natives of "proved merit and No. 269. ability" can be allowed to qualify; so that we have now only to lay down by these Rules a regular and systematic procedure for the ordinary admission to certain higher appointments of natives of India whose merit and ability shall have been previously ascertained. And the conclusion which we have adopted is that this procedure should be framed upon the principle of careful selection for each appointment. The preliminary condition of proved merit and ability implies in the person fulfilling the condition a good education, special training in some office or profession, a high character, and some degree of distinctive success. We think that the purpose of an Act for facilitating the employment of Natives possessing such qualifications would be counteracted by superadding any stipulation or disability other than such as are necessary to provide that the merit and ability of the persons selected shall have been proved in some substantial and recognizable manner. And we must take heed that the admissions under this Act shall be managed with due regard to the just interests of natives of India already employed under our Government. The subordinate branches of our service now contain many officers of high value and good capacity, whose claims to promotion could not be disregarded; nor can we 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. For these reasons we have prescribed in the draft Rules sent herewith that the main qualification requisite for appointments under the Act shall be a certain precedent term of service in the higher ranks of subordinate Government employ. The nomination to an appointment will be made by the authority which ordinarily nominates or appoints to the particular office; but the previous sanction of the Government of India must be obtained, and the appointment will be probationary. It will be seen that for certain offices a knowledge of English may be pronounced necessary; and though we have not thought right for the present to make it indispensable for all appointments made under these Rules, we nevertheless anticipate that eventually a knowledge of the English language must become an essential qualification for all of them.

4. The 6th paragraph of Your Grace's despatch mentions three points to which attention is drawn, in order that they may be kept in view and considered upon a general survey of the whole question. We do not understand Your Grace to desire that these points shall be determined before drafting the Rules, or that the Rules shall necessarily contain any decision upon them; but they have been examined in all their bearings upon the matter now immediately before us; and they are among the topics upon which Your Grace has requested to be furnished with our views. The *first* point is whether any proportion should be established between Europeans and Natives in the tenure of the higher offices. To this we can for the present reply only that we concur altogether with Your Grace's opinion that for the reasons given in the 7th paragraph of the despatch, 'a large proportion of the British functionaries in the more important posts is

essential'; but that we should deprecate an attempt to fix or maintain this proportion by any arithmetical rule. The constitution and numerical strength of the Civil Service are subject to constant variation in accordance with the changing needs and circumstances of our administration; wherefore we believe that any settled ratio of Natives to Europeans in our employ would be not only undesirable but inconvenient and difficult to preserve.

The *second* point is whether all civil appointments should be freely thrown open; and Your Grace suggests that appointments of Natives under this Act will be ordinarily made to the judicial branch of the service, rarely to the executive. Upon this important question of State policy we have to observe that the necessity of retaining the chief executive power in the hands of European officers is clear; but that there is also much to be said upon the consequences that might result from a preponderance of one class of our officers in the higher courts of justice, which interpret and administer the laws, and to which under the present system the acts of executive authority are habitually referred for scrutiny and revision. Our view, therefore, upon this point is that it is not desirable to impose upon the selection of natives of India for the public service any preliminary restrictions in the sense either of limiting or of enlarging their admission to any particular class of appointment.

As to the *third* point there is much difference of opinion. We entertain grave objections against making a distinction in rates of pay between Europeans and Natives performing the same duties in the same grade of appointments. It is true that in consequence of the necessity for employing European officials in India, the rates of salary must be fixed for offices which they have usually held at a higher standard than would otherwise be needed, in consideration of all the costs and disadvantages incident upon European residence in India. But it does not follow that these rates should be invariably maintained for natives of India, to whom this consideration does not apply. And it is the interest of the natives of India, more than of any one else, that official services shall be procured at as cheap a price as is consistent with good and efficient quality; because to pay more than this price is to burden the public revenues unnecessarily. We think, therefore, that the best solution of this problem may be hereafter attained through some system of remodelling grades and salaries, so that some of the appointments and duties to which are now attached high salaries fixed upon an estimate for Europeans, may, if necessary, be made over to a grade carrying the same rank and authority, but with emoluments calculated upon the rate at which high education and capacity can be enlisted from among natives of India. But the point does not press for immediate decision, and we should prefer to consider it separately from the subject of the Rules now submitted.

5. We are in some doubt as to the nature of the power conferred upon the Governor General in Council by those clauses in



Section 6 of the Act, which we here cite marginally. The Act No. 269.

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.

does not in terms contain any definition of the word "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 make 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.

Until Your Grace advises us, we feel such difficulty in interpreting the powers given to us that we shall abstain from exercising them. Our choice will thus be confined to persons born and domiciled in British India; and we shall hold ourselves precluded from appointing a native (say) of Mysore, however useful he may be for the purpose in hand, and though he may have become resident or even domiciled in British India. Such a case could, however, be met under the provisions contained in the Act 24 and 25 Victoria, Chapter 54, Section 6.

## XXII.

*Draft of Rules under Statute 33 Victoria, Chapter 3, Section 6.*

No. 270.

I. Any native of India as defined in the said Statute, of proved merit and ability, may 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, if

- (a) he has served in some employment under the British Government in India upon a salary not less than Rs. 250 monthly for a period not less than *five* years; or

(b) in the case of an office of which the functions are not executive, but wholly judicial, he has served in some judicial office upon a salary not less than Rs. 250 monthly under the British Government in India for a period not less than *five* years; or has passed a period not less than *ten* years (1) as a Barrister, Advocate, or certified Pleader in practice before a court of justice of a grade not lower than the Court of a Sessions Judge or of a District Civil Judge; (2) in such practice aforesaid *and* in some judicial office under the British Government in India upon a salary not less than Rs. 250 monthly.

II. Every such appointment shall be probationary for the first two years.

III. All appointments under the said Statute, whether permanent or probationary, shall be made with the previous sanction of the Governor General in Council.

IV. The appointment shall be made upon the condition that the person appointed shall pass the departmental examinations prescribed by the Rules of the Service, within a certain period after his appointment, unless in any case the Governor General in Council shall see fit to grant special exemption; and in addition to such examinations the person appointed may be required to pass such tests of proficiency in the English language as may be from time to time fixed by the Governor General in Council.

In the event of the person appointed failing to pass the prescribed examinations and tests within the period allowed, he shall be liable to be removed.

V. Persons appointed under these Rules shall be subject to such conditions as to pension and leave as the Government of India, with the sanction of the Secretary of State in Council, may hereafter lay down.

### XXIII.

From T. J. CHICHELE PLOWDEN, Esq., Officiating Under Secretary to the Government of India, Home Department, to the Secretary to the Government of Madras,—No. 10—359, dated Fort William, the 5th February 1874. No. 271.

With reference to the circular\* from this office, No. 64—3612, dated the 3rd December last, I am directed to forward, for the information of His Excellency the Governor in Council, the accompanying copy of a despatch† to Her Majesty's Secretary of State for India, with a copy of the rules therein alluded to, on the subject of the appointment of natives of India to offices in the civil service of Government.

From T. J. CHICHELE PLOWDEN, Esq., Officiating Under Secretary to the Government of India, Home Department, to the Secretary to the Governments of Bombay, Bengal, the North-Western Provinces, and the Punjab, to the Chief Commissioners of Oudh, of the Central Provinces, of British Burma, and of Mysore and Coorg, and to the Resident at Hyderabad,—Nos. 10—360 to 368, dated Fort William, the 5th February 1874.

With reference to your letter † I am directed to forward,

‡	Bombay	...	No. 169—6 G, dated 17th ultimo,
b	Bengal	...	No. 2040 C S, dated 15th December,
c	N. W. Provinces	...	No. 2960 A, dated 18th December,
	Punjab	...	No. 8 C, dated 29th December,
c	Oudh	...	No. 5802, dated 10th "
	Central Provinces	...	No. 3995—198, dated 16th December,
	British Burma	...	No. 1899—469, dated 20th "
d	Mysore and Coorg	...	No. 5331—37, dated 20th "
e	Hyderabad	...	No. 132, dated 24th December,
§	Bombay	...	for the information of His Excellency the Governor in Council,
	Bengal	...	} for the information of His Honor the Lieutenant-Governor,
	N. W. Provinces	...	
	Punjab	...	
	Oudh	...	
	Central Provinces	...	} for your information,
	British Burma	...	
	Mysore and Coorg...	...	
	Hyderabad	...	

§ the accompanying copy of a despatch† to Her Majesty's Secretary of State for India, with a copy of the rules therein alluded to, on the subject of the appointment of natives of India to offices in the civil service of Government.

a See page 13.  
b See page 8.

c See page 9.  
d See page 10.

e See page 11.

\* See page 5.

† See page 20.

## XXIV.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the No. 272.  
GOVERNOR GENERAL of India in Council,—No. 131, dated India Office, London, the 20th  
August 1874.

The despatch\* of Your Excellency in Council dated 23rd January, No. 6 of 1874, relative to the best method of giving effect to Section 6 of the 33rd of Victoria, Cap. 3, has been considered by me in Council.

2. In reply I have to state that doubts having arisen as to the true intentions of Parliament in enacting the section to which allusion has been made, and as to whether the construction placed upon that section by your Government was not in some degree too narrow, a case was prepared and submitted to the Law Officers of the Crown.

3. I now forward the opinion submitted by the Law Officers. It results from that opinion that the Act does not enjoin and scarcely justifies the limitation which your Government has imposed upon the choice of Native candidates for office, nor do I think any such limitations are expedient. On the one hand they may tend to exclude persons of ability who have shown it in employments other than the service of Her Majesty; on the other hand they may seem to give a species of claim to candidates who fall within their scope, but whose promotion may on various grounds not be desirable. Appointments of this nature, involving qualifications, which it is hard to define by rule, and which require for their discernment the exercise of a liberal discretion, are best confided to the judgment of the Executive Government. I prefer, therefore, the rules, similar to those suggested in the case herewith enclosed, should be drafted and submitted for my sanction. It is desirable that the chiefs of subordinate Governments should have the power of making appointments under this Act for short periods, but that all appointments for longer periods should be reserved for your sanction, and all permanent appointments for mine.

## XXV.

*Case on behalf of the Secretary of State for India in Council.*

No. 273.

Your attention is requested to the following question :

Admission to the Covenanted Civil Service of India is regulated by Section 32 of Statute 21 and 22 Vic., Cap. 106 (Act for the better government of India), and certain offices enumerated in the Schedule to Statute 24 and 25 Vic., Cap. 54, are reserved by this last-mentioned Act to the said service, save under the circumstances contemplated in Sections 3 and 4.

Statute 33 Vic., Cap. 3, Section 6, was passed to facilitate the appointment of natives of India to offices mentioned in the above Schedule otherwise than by admission to the Covenanted Civil Service under the provisions of Section 32 of the Act for the better government of India.

The rules sent home by the Government of India have been objected to, and it has been suggested that the Governor General of India in Council is competent, with the sanction of the Secretary of State in Council, under the powers conferred on him by Statute 33 Vic., Cap. 3, Section 6, to prescribe rules of the following description, *viz.*—

- (1.) A rule stating that all appointments to be made under this Act shall in the first instance be provisional, and no appointment shall be made permanent unless the Governor General in Council is satisfied as to the merit and ability of the candidate (and until the sanction of the Secretary of State in Council has been obtained).

\* See page 20.

- (2.) A rule that no provisional appointment shall be made by any of the No. 273.  
local authorities of India for any longer period than (three) months  
without the previous sanction of the Governor General in Council.
- (3.) All provisional appointments made by the Governor General or by the  
Governor General in Council shall be made for (six) months only,  
unless the sanction of the Secretary of State in Council has been  
obtained for a longer period, or for an extension of the six months.

It is contended, on the one hand, that it is not within the competence of the Governor General in Council to make such rules. The rules, it is argued, take the opinion of the appointing authority as the test of "merit and ability," and thus virtually establish a system of selection or nomination. It is urged that, if Parliament had intended this, it would have provided for it expressly and directly, and that the true meaning of the statutory provision is to be collected by comparing the requirement of "rules" with the recital at the beginning of the clause respecting "proved merit and ability." It is argued that the rules must provide some proof or test of "merit and ability," as for example a period of honourable service in some subordinate office, and that no rules will carry out the intention of Parliament which do not control the appointing authority by confining its appointments to natives of India who have shown "merit and ability" in the manner pointed out by such rules.

On the other hand, it is contended that this Act must be read with the other statutes in *pari materia*; and as under the latter Acts Natives, like other British subjects who have proved their merit and ability in public service, may be advanced in office, or may enter the service by competitive examination, this Act having been passed to give additional facilities for the employment of Natives of merit, no restriction should be placed upon the authorities in India except such as shall prevent jobbing and improper appointments.

The enacting portion of Section 6 of 33 Vic., Cap. 3, gives absolute power to the authorities in India to appoint, subject only to such rules as the Governor General in Council may prescribe, and as shall be sanctioned by the Secretary of State in Council.

It is submitted that the rules in question fully comply with the purpose and intention of the Act.

On the other hand, the rules drawn up in Calcutta, and herewith forwarded, unduly limit the discretion of the authorities in India to appoint young Natives of station and influence whose position in office may be of great political benefit, and are founded on the mistaken notion that "according to the terms of the Act none except Natives of proved merit and ability can be allowed to *qualify*," which is the view put forward by the Government of India, but which the words of the Act do not satisfy.

The following documents are sent herewith :—

The Acts of the 21 and 22 Vic., Cap. 106, 24 and 25 Vic., Cap. 54, and 33 Vic., Cap. 3.

Despatch\* of 23rd January 1874 from the Government of India, Home Department, Public, containing draft of rules (drawn up by the Government of India) under the Statute 33 Vic., Cap. 3; Section 6.

Your early opinion is requested upon the above question.

#### OPINION.

We think that it is competent to the Governor General in Council, with the sanction of the Secretary of State, to prescribe rules similar to the three suggested in this case under the powers conferred by the 6th Section of 33 Vic., Cap. 3.

That section was *expressly* intended to afford increased facilities for the employment of natives of India of "proved merit and ability" in the Indian Civil Service (notwithstanding the impediments and limitations contained in the recited Acts) *subject to rules* prescribed and sanctioned as therein stated. The "merit and ability" need only be proved or established to the satisfaction of the authorities making the appointments, and no particular method of establishing proof of merit or ability is enjoined.

There seems, therefore, to us to be no valid reason why the Governor General in Council should limit the exercise of the discretion of the authorities entrusted with making these appointments by prescribing any rules (such as those in the

\* See page 20.

draft sent from India) requiring the Native candidates for employment in the Civil No. 273. Service (properly so called) to have previously served for any definite period or upon any definite terms in some other employment under the British Government. Such a restriction seems to us to be clearly opposed to the spirit and intention of the Act of 1870.

LINCOLN'S INN; }  
The 15th July 1874. }

RICHARD BAGGALLAY.

JOHN HOLKER.

## XXVI.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 6, dated Fort William, the 22nd January 1875. No. 274.

We have the honour to acknowledge Your Lordship's despatch\* (Public) No. 131 of the 20th August last, forwarding an opinion of the Law Officers of the Crown on the interpretation of Section 6 of 33 Vic., Cap. 3, and requesting us to submit revised rules for the purpose of giving effect to that section.

2. In compliance with Your Lordship's wishes and in deference to the opinion forwarded to us, we enclose revised rules. We desire, however, before noticing their provisions, to review briefly the correspondence that has occurred on this important subject.

3. In the Secretary of State's despatch† No. 15 of the 9th August 1861 it is stated that Act 24 and 25 Vic., Cap. 54, was passed with a double object:

By section 1, all appointments made by the several Governments in India up to the present time, in regard to which doubts may have been entertained with reference to the provisions of the 33rd Geo. 3., c. 52., s. 57, are declared valid.

By the second section, certain appointments specified in the schedule annexed to the Act are, in the districts now known as Regulation Provinces, reserved, under ordinary circumstances, to members of the covenanted civil service; but to any of these, under special circumstances, to be reported to me, and, subject to my approval in Council, other persons may be appointed.

4. It is evident that this Act does not open these appointments generally to natives of India or to others not in the covenanted civil service, but only provides for the legality of such appointments when it is for the interest of the public service that they should be made. Therefore when the Government of India in 1867 desired to give to Natives of ability and character a larger and higher sphere of employment in the administration of the country, they could only look to the Non-Regulation Provinces as the field where the measure might be effected, in consequence of the state of the law which still, practically, reserved for the covenanted civil service all higher appointments in the Regulation Provinces. In the following year the Government of India sanctioned a scheme whereby certain scholarships would annually be granted to enable Natives to go to England and there qualify for the learned professions and for the civil and other services of India. This scheme, one effect of which would have been to increase the number of Native competitors for the civil service, was, however, suspended consequent on the intention of Her Majesty's Government declared in the Secretary of State's despatch† No. 3 of the 8th April 1869 to introduce a Bill into Parliament which

if it receives the sanction of the Legislature, will set free the Government of India (under Rules and Regulations yet to be determined upon) to appoint Natives to all or any of the offices now exclusively confined to the covenanted civil service.

\* See page 25.

† Not printed.

In the same despatch we received the following instructions as to No. 274. the method contemplated by the Act :

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 would seem to be the method of proceeding least beset with difficulties and least open to objection.

The Act was passed in 1870, and we were informed by the Duke of Argyll's despatch\* of the 22nd October 1872 that

by that Act (33 Vic., c. 3) the authorities in India are enabled, notwithstanding any previous law, to appoint natives of India to any office in the civil service, but subject to such rules as may from time to time be prescribed by the Governor General in Council, and sanctioned by the Secretary of State.

\* \* \* \* \*

It may be taken that the policy of the Act distinctly recognizes that the selection of Natives for high office may, under certain conditions, be safely left to the governing authorities in India. Various considerations, no doubt, will determine the choice, and it will be for your Government to define the requisite qualifications which shall be required for admission to office.

5. We refer to these instructions as to the intention of the Act and the manner in which its provisions should be carried out in order to explain the reasons which guided us in submitting with our despatch† of the 23rd January 1874 rules which we framed after consultation with the Local Governments, and in which we attempted to define what the requisite qualifications for admission to office should be. We understood that the Act was to be worked by the authorities in India and we considered that the qualifications which we imposed were calculated to ensure the method advised in the despatch‡ of 1869, specially in the promotion of Natives from the uncovenanted to the covenanted service. We did not propose to make previous employment in the service of Government an exclusive condition of admission to offices in the civil service, for our rules provided for the admission of barristers, advocates or pleaders to such offices, and we considered that other cases not provided for in the rules could be dealt with under 24 and 25 Vic., cap. 54.

6. Adverting now to the enclosed rules Your Lordship will observe that they contain all the provisions of those drawn up in the case submitted to the Law Officers of the Crown, with the single modification that our previous sanction is required to the original appointment by Local Governments and not to the confirmation of it. The object of this modification is to ensure a full consideration of the reasons for an appointment prior to its being made and to prevent any difficulty that might arise from its disallowance afterwards. It would certainly be less invidious to prevent an appointment from being made than to stop its continuance, and we think it more in accordance with the spirit of the Act that the merit and ability of the nominee shall be established to the satisfaction of the Government of India prior to his appointment even provisionally. It will also be observed that one condition attached to every such appointment is that it shall be subject to disallowance by the Secretary of State in Council. We have appended to this condition a clause (placed between brackets) to the effect that such disallowance shall be signified

\* See page 3.

† See page 20.

‡ Not printed.

to the Governor General in Council within a certain number of months from the date of the receipt of such report. We have some doubts as to the desirability of the provision, as we desire to leave the question of its insertion or omission as well as the specification of the number of months, supposing it to be inserted, for Your Lordship's decision. To set the matter right in point of form we request that as regards this clause the rules may be taken to be prescribed by us in the mode in which Your Lordship decides upon it. We have not attempted to define the merit and ability required by the Act, having regard to the view that these points are best confided to the judgment of the executive.

7. With these remarks we submit the revised rules for Your Lordship's approval in Council; and with reference to the last paragraph of our despatch\* of January 1874, we would invite attention to our request for an interpretation of that clause of the Act which empowers us to define and limit the expression "natives of India."

## XXVII.

*Draft rules under section 6 of 33 Vic., Cap. 3.*

No. 275.

In exercise of the power conferred by the thirty-third of Victoria, Chapter three, Section six, 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 :

- I.—Any native of India as defined in the said Statute may, if of proved 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.
- II.—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.
- III.—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                      months from the date of the receipt of such report].
- IV.—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 examinations prescribed by the rules of the service, unless he be specially 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 enquiry as he thinks fit to make 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 cancelment 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.
- V.—Every person so appointed shall be subject to such conditions 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.

\* See page 20.

## XXVIII.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 11, dated No. 276.  
Fort William, the 5th February 1875.

With reference to our despatch\* No. 6, dated the 22nd ultimo, forwarding revised rules for the purpose of giving effect to Section 6 of Act 33 Vic., Cap. 3, we have the honour to state that it is possible that the extension of the power which now exists to appoint persons other than civil servants of the Crown to offices reserved under Act 24 and 25 Vic. to the members of the Civil Service may, when brought into practice, interfere to some extent with the reasonable expectations as regards promotion which were entertained by members of the Civil Service appointed previous to the passing of the former Act. It would be premature for us to express any opinion at present as to the extent to which this may occur or the manner in which it should be dealt with in the event of its occurrence, but we think it right to indicate the probability that at some future time the subject may have to be carefully considered.

## PUBLIC PROCEEDINGS, MARCH 1875, Nos. 277 to 280.

## XXIX.

From Messrs. J. O'KINEALY, W. M. SOUTTAR and W. VERNER, Members of the Bengal Civil Service, to the Offg. Secretary to the Government of India, Home Dept.,—dated Calcutta, the 12th March 1875. No. 277.

We are directed to forward to His Excellency the Viceroy and Governor General in Council a memorial addressed to Her Majesty's Secretary of State for India on the subject of the proposed admission, under 33 Victoria, Chapter 3, of persons not members of Her Majesty's Bengal Covenanted Civil Service to posts now held by members of that Service.

It is understood that the rules under Victoria 33, Chapter 3, have been prepared and forwarded by the Government of India and are now before the Secretary of State in Council. His Lordship's memorialists, therefore, fearing that if sent through the Government of India it might arrive too late to be considered, have ventured to forward another copy of the memorial direct to the Secretary of State. They trust that His Excellency the Viceroy will be pleased to overlook any apparent irregularity in this proceeding which has been adopted only because it was apprehended that by a delay of one mail the memorial might be too late.

## XXX.

To the Most Honourable the MARQUIS OF SALISBURY, Her Majesty's Secretary of State for India in Council. No. 278.

The memorials of the undersigned members of Her Majesty's Indian Civil Service serving in Bengal.

RESPECTFULLY SHEWETH,—That your memorialists are members of the Bengal Covenanted Civil Service.

2. That by the 33 Geo. III., Cap. 52, Section 57, it was enacted that all vacancies happening in any of the offices, places or employments in the East India Company's Civil Service in India, should be filled up from amongst the civil servants of the Presidency wherein such vacancies should happen, and not otherwise.

3. That these provisions were in force when Her Gracious Majesty the Queen determined on governing India in her own name, and it was provided by the 21 and 22 of Vic., Cap. 106, Sections 30, 32 and 64, that the laws then in force regarding India should be binding on the Secretary of State in Council, and that all appointments to offices, commands, and employments in India, and all promotions, which by law or under any regulation or usage or custom were then made by any authority in India, should continue to be made subject to the qualifications, condi-

\* See page 27.



tions, and restrictions then affecting such appointments; and further, that such persons only as had been certified by the Civil Service Commissioners should be appointed to the Civil Service. No. 278.

4. That in 1859 the Civil Service Commissioners published, with the sanction of the Secretary of State in Council, and for the avowed purpose of making known to the public the nature and value of the prizes held out to them in India, a list of appointments then held by members of the Civil Service, together with a statement of the salaries attached to those offices, and of the periods of service at which, according to the average of past years, officers might expect to attain the several grades of appointments in the service. Your memorialists invite Your Lordship's attention to the following extracts from the Commissioners' Report to Her Majesty:—

"The emoluments of a writership, which are briefly described on the next page, the steady advancement in the service of those who devote themselves to it with zeal and perseverance, the infinite opportunities of public usefulness which it presents, the dignity, honour and influence of the positions to which it may not improbably lead, and the liberal and judicious provisions for retirement at a moderate age, all render the Indian Civil Service a career full of interest and of pecuniary advantage. Considering the wide range of age presented for candidates that no particular course of special duties is required for the first examination, and in fact, that any one well prepared to take high honours at any of the principal English or Irish universities has a good chance of success, and that his attempt to obtain one of these numerous prizes, even if unsuccessful, would hardly at all interfere with his academical progress, we feel convinced that when this system of competitive examination for the East India Civil Service is generally made known and fully understood, the temptations thus held out will draw away many young university men from the severe and uncertain competition of the Bar, the moderate expectations of the Church, and still more from the laborious future which the various employments of a scholastic nature hold out.

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"It will be a source of great satisfaction to us if, by thus making public the numbers, value and importance of the writerships offered for competition, by pointing out the liberal and just regulations under which the competition is to take place, and by giving all the information in our power with respect to the nature of the examinations, as illustrated by the papers which have been set and by the marks obtained, we shall excite further interest in this important subject at the universities and with the public; and if we shall induce young men of talent, industry, and good education to consider whether these qualities and advantages can be turned to better account than by entering a service both honourable and useful, and in which merit cannot fail of obtaining just reward."

5. That in 1861 an Act (24 and 25 Vic., Cap. 54) was passed which declared that to meet the exigencies of the State, persons other than covenanted officers might be appointed to posts hitherto exclusively reserved by law for the members of the Civil Service. That this Act, while it constituted a departure from the assurances upon which those of your memorialists who had joined the service or passed the Entrance Examination before January 1862 had relied, did not give rise to serious apprehension on their part, inasmuch as it was apparent from the preamble that the Act was intended to provide against the possibility of the members of the Civil Service being numerically insufficient to fill up the appointments reserved to them by law as had been the case at the time of the mutiny of 1857.

6. That in 1870 a further Act, 33 Vic., Cap. 3, was passed, which, though primarily for other purposes, authorized, by its last section, the direct admission of natives of India to appointments previously held by members of the Bengal Civil Service. That while the form of the Act of 1861 was a sufficient guarantee that no appreciable loss would be caused by it to the members of the Civil Service, the Act of 1870, if considered alone, was sufficient to raise among the members of that Service great apprehension and uneasiness as regards their future prospects.

7. But that your memorialists trusting to the assurances held out to them on the authority of the Secretary of State and to the strong opinions recorded in Her Majesty's Indian Council on the draft Bill of 1861, and believing that it was not the intention of Parliament that the pledges by which officers for many years past had been induced to enter the Indian Civil Service should be broken, have remained secure and unshaken in their belief in the good faith and just dealing of Government.

8. They have now, however, learnt from the Government of India that rules under the Act of 1870 for the admission of natives of India to appointments hitherto exclusively held by members of the Civil Service are under Your Lordship's consideration, and they understand that the transfer of some of the more highly prized appointments from the Service to which they belong is contemplated.

9. That they desire to offer no objection to natives of India being placed in

such positions as Her Majesty may think fit, but they respectfully pray Your Lordship that if the rules under the Act of 1870 are to take effect during the term of their service, the change may be made in such a way as to ensure your memorialists from loss and Her Majesty's Government from all appearance of harsh dealing or of broken faith.

10. In claiming favourable consideration for this their prayer, your memorialists would remind Your Lordship of the great deterioration in the condition and prospects of the Service which has taken place since they entered it; that salaries have decreased ever since their publication by the Civil Service Commissioners not less than eleven per cent., and within the last twenty-five years their purchasing power has diminished fifty per cent. ;\* and that the stagnation in promotion, which has formed the subject of former memorials, continues, and must continue, until decisive measures are adopted to quicken the promotion of the senior members of the Service by appointing them, and not junior officers only, to posts in the Political Department and in Non-Regulation Provinces, or by holding forth to them, as has been done in the case of military officers, some additional inducement in the way of pension or otherwise to accelerate their retirement.

11. Your memorialists approach Her Majesty's Government with an assurance of their fidelity, of their earnest desire to perform their duties, and conscientiously to carry out the terms for which they have covenanted; they respectfully urge on Your Lordship that having devoted their lives to employment in a distant and an unhealthy country, they depend entirely on the conditions upon which they entered the Indian Service being equitably carried out; and they venture to hope that Your Lordship, having taken into consideration their claims, the promises which have been held out to them, and their present condition, will favourably consider their prayer.

#### BENGAL.

F. L. Beaufort, President, Nawab Nazim's Commission.  
 R. Abercrombie, Opium Agent.  
 V. H. Schaleb, Member, Board of Revenue.  
 A. Money, Member, Board of Revenue.  
 C. T. Buckland, Commissioner of Revenue.  
 R. J. Richardson, District Judge.  
 F. A. B. Glover, Judge of the High Court.  
 A. J. Elliot, District Judge.  
 H. C. Richardson, District Judge.  
 C. E. Lance, District Judge,  
 H. L. Dampier, Special Member, Bengal Council.  
 T. E. Ravenshaw, Commissioner of Revenue.  
 G. G. Morris, Judge of the High Court.  
 W. F. McDonell, Judge of the High Court.  
 E. W. Molony, Commissioner of Revenue.  
 F. R. Cockerell, Commissioner of Revenue.  
 H. B. Lawford, District Judge.  
 J. M. Lewis, District Judge.  
 A. Rivers Thompson, Secretary to the Government of Bengal.  
 Lord H. Ulick Browne, Commissioner of Revenue.  
 T. B. Lane, Collector of Customs.  
 E. Drummond, District Judge.  
 E. Grey, District Judge.  
 R. L. Mangles, Judicial Commissioner.  
 A. Villiers Palmer, Magistrate and Collector.  
 S. H. C. Tayler, District Judge.  
 W. J. Money, District Judge.  
 S. S. Hogg, Chairman of the Justices and Commissioner of Police, Calcutta.

#### NORTH-WESTERN PROVINCES, PUNJAB AND OUDH.

F. B. Pearson, Judge of the High Court.  
 R. Spankie, Judge of the High Court.  
 H. Lushington, District Judge.  
 H. Stewart Reid, Member, Board of Revenue.  
 J. W. Sherer, District Judge.  
 R. Simson, Member, Board of Revenue.  
 J. H. Prinsep, District Judge.  
 H. G. Keene, District Judge.  
 G. H. M. Ricketts, Commissioner of Revenue.  
 W. G. Probyn, District Judge.  
 R. C. Oldfield, Judge of the High Court.  
 B. W. Colvin, Commissioner of Revenue.  
 G. B. Pasley, District Judge.  
 G. H. Lawrence, Magistrate and Collector.  
 W. S. Halsey, Commissioner of Inland Customs.  
 R. H. Clifford, Magistrate and Collector.  
 H. B. Webster, Magistrate and Collector.  
 J. Simson, Magistrate and Collector.  
 J. C. Robertson, Magistrate and Collector.  
 H. A. Harrison, Magistrate and Collector.  
 J. C. Colvin, Magistrate and Collector.  
 Clarmont J. Danniell, Magistrate and Collector.  
 E. Macnaghten, Commissioner of Excise.  
 E. G. Jenkinson, Magistrate and Collector.  
 P. Wigram, Magistrate and Collector.

\* See the evidence given before the Select Committee of the House of Commons on East Indian Finance by Mr. E. F. Harrison, Comptroller General to the Government of India.

BENGAL—*contd.*

H. A. Mangles, Accountant General.  
 A. J. R. Bainbridge, District Judge.  
 J. F. Browne, District Judge.  
 G. N. Barlow, Commissioner of Revenue.  
 H. T. Prinsep, District Judge.  
 W. V. G. Tayler, Magistrate and Collector.  
 H. W. Alexander, Magistrate and Collector.  
 V. T. Taylor, Magistrate and Collector.  
 W. Macpherson, District Judge.  
 W. Cornell, Additional Judge.  
 H. J. Reynolds, Secretary to the Government of Bengal.  
 W. L. Heeley, Inspector General of Jails.  
 A. T. Maclean, District Judge.  
 F. B. Peacock, Commissioner of Revenue.  
 W. S. Wells, Magistrate and Collector.  
 T. Walton, Additional Judge.  
 A. Smith, Magistrate and Collector.  
 C. T. Metcalfe, Commissioner of Revenue.  
 J. S. Drummond, Magistrate and Collector.  
 A. C. Mangles, Magistrate and Collector.  
 T. J. C. Grant, Magistrate and Collector.  
 C. B. Garrett, District Judge.  
 J. Beames, Magistrate and Collector.  
 F. H. Pellew, Magistrate and Collector.  
 J. D. Maclean, Deputy Collector of Customs.  
 H. Beveridge, Magistrate and Collector.  
 W. Wavell, Magistrate and Collector.  
 H. C. Sutherland, District Judge.  
 J. Geoghegan, Secretary, Board of Revenue.  
 J. F. K. Hewitt, Magistrate and Collector.  
 E. H. Whinfield, Magistrate and Collector.  
 T. F. Bignold, District Judge.  
 C. T. Field, District Judge.  
 W. R. Larminie, Magistrate and Collector.  
 H. L. Harrison, Magistrate and Collector.  
 R. D. Hime, Magistrate and Collector.  
 J. Tweedie, District Judge.  
 T. T. Allen, Additional Judge.  
 W. E. Ward, District Judge.  
 C. C. Stevens, Magistrate and Collector.  
 J. C. Price, Settlement Officer.  
 H. Beverley, Inspector General of Registration.  
 A. C. Brett, Joint Magistrate.  
 D. R. Lyall, Magistrate and Collector.  
 J. O'Kinealy, Legal Remembrancer.  
 F. Wyer, Magistrate and Collector.  
 C. F. Worsley, Magistrate and Collector.  
 P. D. Dickens, Police Magistrate, Calcutta.  
 A. Weekes, Magistrate and Collector.  
 B. H. Fawsey, Magistrate and Collector.  
 W. W. Hunter, Director General of Statistics.  
 J. Westland, Accountant General, C. P.  
 T. Norman, Magistrate and Collector.  
 F. H. McLaughlin, Joint Magistrate.  
 G. E. Porter, Deputy Commissioner, Wards' Estates.

NORTH-WESTERN PROVINCES, PUNJAB AND OUDH—*contd.* No. 278.

M. W. Sandys, Magistrate and Collector.  
 A. J. Lawrence, Magistrate and Collector.  
 H. G. Ross, Superintendent of Dehra Doon.  
 R. G. Currie, Magistrate and Collector.  
 F. R. Hogg, Director General of the Post Office.  
 C. Robertson, Magistrate and Collector.  
 Wilton Oldham, Magistrate and Collector.  
 E. S. Robertson, Magistrate and Collector.  
 C. A. Elliott, Secretary to Government.  
 W. Duthoit, Deputy Superintendent of the Domains of the Maharajah of Benares.  
 C. H. T. Crosthwaite, Settlement Officer.  
 J. W. Smyth, Deputy Commissioner.  
 D. Fitzpatrick, Deputy Secretary, Legislative Department.  
 C. W. Watts, Joint Magistrate.  
 C. J. Powlett, Joint Magistrate.  
 W. Tyrrell, Registrar, High Court.  
 W. H. Smith, Settlement Officer.  
 W. M. Tidy, Joint Magistrate.  
 F. S. Growse, Joint Magistrate.  
 E. Montagu, Joint Magistrate.  
 B. J. Leeds, Joint Magistrate.  
 M. A. McConaghey, Settlement Officer.  
 W. B. Burkitt, Joint Magistrate.  
 E. C. Buck, Director of Revenue, Agriculture and Commerce.  
 A. Macaulay Markham, Joint Magistrate.  
 J. Smith, Joint Magistrate.  
 C. W. Mellor, Joint Magistrate.  
 G. S. L. Dale, Joint Magistrate.  
 P. Whalley, Joint Magistrate.  
 M. S. Howell, Joint Magistrate.  
 E. F. T. Atkinson, Secretary, Board of Revenue.  
 C. W. McMinn, Assistant Commissioner.  
 T. W. Rawlins, Judge, Small Cause Court.  
 J. C. Leupolt, Joint Magistrate.  
 C. Donovan, Joint Magistrate.  
 M. L. Ferrar, Settlement Officer.  
 W. Irvine, Joint Magistrate.  
 J. H. Twigg, Joint Magistrate.  
 A. Bleakley Patterson, Settlement Officer.  
 J. Kennedy, Joint Magistrate.  
 T. Roberts, Assistant Commissioner.  
 H. F. D. Moule, Joint Magistrate.  
 G. Smyth, Assistant Commissioner.  
 F. N. Wright, Settlement Officer.  
 R. J. Crosthwaite, Joint Magistrate.  
 W. T. Church, Joint Magistrate.  
 R. W. Trafford, Deputy Commissioner.  
 J. M. Pears, Settlement Officer.  
 F. W. Porter, Settlement Officer.  
 G. E. Knox, Assistant Magistrate and Collector.  
 T. F. Harkness, Joint Magistrate.  
 C. J. Lyall, Under Secretary to Govern-

BENGAL—*contd.*

F. W. J. Rees, Joint Magistrate.  
 E. J. Barton, Magistrate and Collector.  
 E. S. Moseley, Joint Magistrate.  
 T. W. Gribble, Post Master General.  
 R. M. Towers, Judge, Small Cause Court.  
 E. V. Westmacott, Joint Magistrate.  
 F. W. V. Peterson, Joint Magistrate.  
 W. H. Grimley, Secretary, Board of Revenue.  
 D. W. M. Testro, Joint Magistrate.  
 H. Mosley, Joint Magistrate.  
 W. M. Souttar, Registrar, High Court.  
 C. C. Quinn, Joint Magistrate.  
 W. H. Verner, Joint Magistrate.  
 G. J. B. T. Dalton, Joint Magistrate.  
 R. F. Rampini, Joint Magistrate.  
 J. F. Stevens, Joint Magistrate.  
 W. B. Oldham, Joint Magistrate.  
 C. H. Vowell, Joint Magistrate.  
 A. W. Cochran, Joint Magistrate.  
 H. J. S. Cotton, Junior Secretary to Government.  
 J. Crawford, Under Secretary to Government.  
 J. F. Bradbury, Joint Magistrate.  
 C. D. C. Winter, Joint Magistrate.  
 T. J. C. Plowden, Under Secretary to Government.  
 W. Fiddian, Joint Magistrate.  
 C. A. Wilkins, Assistant Magistrate and Collector.  
 G. G. Dey, Joint Magistrate.  
 J. Kelleher, Joint Magistrate.  
 J. Pratt, Joint Magistrate.  
 C. A. Samuells, Assistant Magistrate and Collector.  
 J. Posford, Assistant Magistrate and Collector.  
 R. H. Greaves, Assistant Magistrate and Collector.  
 F. H. Barrow, Assistant Magistrate and Collector.  
 T. J. Murray, Assistant Magistrate and Collector.  
 C. P. L. Macaulay, Under Secretary to Government.  
 J. A. Bourdillon, Under Secretary to Government.  
 C. E. Buckland, Private Secretary to the Lieutenant-Governor.  
 F. H. B. Sprine, Assistant Magistrate and Collector.  
 R. Cornish, Assistant Magistrate and Collector.  
 L. C. Abbott, Assistant Magistrate and Collector.  
 B. L. Gupta, Assistant Magistrate and Collector.  
 W. H. M. Gun, Assistant Magistrate and Collector.  
 A. C. Tute, Assistant Magistrate and Collector.  
 H. Gillon, Assistant Magistrate and Collector.  
 G. H. Atkinson, Assistant Magistrate and Collector.  
 J. Nugent, Assistant Magistrate and Collector.  
 F. R. S. Collier, Assistant Magistrate and Collector.

NORTH-WESTERN PROVINCES, PUNJAB No. 278.  
AND OUDH—*contd.*

D. M. Smeaton, Settlement Officer.  
 R. S. Aikman, Settlement Officer.  
 L. Neill, Assistant Secretary to Chief Commissioner, Central Provinces.  
 H. F. Evans, Settlement Officer.  
 J. S. Mackintosh, Junior Secretary to Government.  
 J. A. Marcel, Assistant Magistrate and Collector.  
 W. Lambe, Assistant Magistrate and Collector.  
 D. T. Roberts, Joint Magistrate.  
 B. Smeaton, Under Secretary to Government.  
 T. Benson, Settlement Officer.  
 R. D. Alexander, Settlement Officer.  
 B. S. Whiteway, Assistant Magistrate and Collector.  
 W. Holmes, Joint Magistrate.  
 A. Macmillan, Assistant Secretary to Government.  
 C. P. Bird, Assistant Commissioner.  
 F. Pollen, Assistant Magistrate and Collector.  
 C. E. Gladstone, Deputy Commissioner.  
 J. L. Denniston, Assistant Magistrate and Collector.  
 S. Harvey James, Joint Magistrate.  
 M. L. Dames, Assistant Commissioner.  
 F. H. Fisher, Assistant Magistrate and Collector.  
 J. B. Thomson, Settlement Officer.  
 R. Clarke, Assistant Commissioner.  
 V. A. Smith, Settlement Officer.  
 R. G. Hardy, Assistant Magistrate and Collector.  
 J. C. Brown, Assistant Commissioner.  
 E. B. Alexander, Settlement Officer.  
 F. B. Mulock, Assistant Magistrate and Collector.  
 J. Hooper, Assistant Commissioner.  
 C. W. Whish, Assistant Magistrate and Collector.  
 H. C. T. Robinson, Assistant Commissioner.  
 D. D. M. Campbell, Assistant Magistrate and Collector.  
 E. Stack, Assistant Secretary to Government.  
 D. F. Adis, Assistant Magistrate and Collector.  
 A. W. Cruickshank, Assistant Magistrate and Collector.  
 H. M. Bird, Assistant Magistrate and Collector.  
 W. Russell Barry, Assistant Magistrate and Collector.  
 H. C. A. Conybeare, Assistant Magistrate and Collector.  
 T. R. Wyer, Assistant Magistrate and Collector.  
 H. A. Anderson, Assistant Commissioner.  
 Ross Scott, Assistant Magistrate and Collector.  
 H. S. Barnes, Assistant Magistrate and Collector.  
 E. J. Kitts, Assistant Magistrate and Collector.  
 Hugh Fraser, Assistant Magistrate and Collector.

BENGAL—*concl'd.*

- C. R. Marindin, Assistant Magistrate and Collector.  
 A. H. Haggard, Assistant Magistrate and Collector.  
 C. J. O'Donnell, Assistant Magistrate and Collector.  
 A. W. Mackie, Assistant Magistrate and Collector.  
 L. Hare, Assistant Magistrate and Collector.  
 G. E. Manisty, Assistant Magistrate and Collector.  
 J. D. Gael, Assistant Magistrate and Collector.  
 W. D. Blyth, Assistant Magistrate and Collector.  
 F. H. Harding, Assistant Magistrate and Collector.  
 J. Kennedy, Assistant Magistrate and Collector.  
 H. Lee, Assistant Magistrate and Collector.  
 H. A. D. Phillips, Assistant Magistrate and Collector.  
 F. B. Taylor, Assistant Magistrate and Collector.  
 D. Norton, Assistant Magistrate and Collector.  
 W. R. Millar, Assistant Magistrate and Collector.

*Supplementary List of Signatures to the B. C. S. Memorial of 12th March 1875.*

## BENGAL.

- F. C. Fowle, District Judge.  
 L. R. Tottenham, District Judge.  
 E. D. Lockwood, Magistrate and Collector.  
 J. B. Worgan, District Judge.  
 N. S. Alexander, Magistrate and Collector.  
 J. S. Armstrong, Magistrate and Collector.  
 J. W. Edgar, Deputy Commissioner.  
 H. J. Newbery, Joint Magistrate.  
 R. Porch, Magistrate and Collector.  
 A. L. Clay, Deputy Commissioner.  
 W. M. Clay, Joint Magistrate.  
 G. M. Currie, Assistant Magistrate and Collector.  
 A. Manson, Joint Magistrate.  
 H. Luttmann-Johnson, Secretary to the Chief Commissioner of Assam.  
 A. Forbes, Assistant Commissioner.  
 W. H. Page, Assistant Commissioner.  
 H. F. Matthews, Assistant Commissioner.  
 J. K. Wight, Assistant Commissioner.  
 M. Finucane, Assistant Magistrate and Collector.  
 R. Carstairs, Assistant Magistrate and Collector.

NORTH-WESTERN PROVINCES, PUNJAB AND OUDH—*concl'd.*

- J. H. Harrison, Assistant Magistrate and Collector.  
 J. Cordery, Deputy Commissioner.  
 H. W. Steel, Deputy Commissioner.  
 E. H. Harrison, Registrar, Chief Court.  
 W. M. Young, Secretary to Financial Commissioner.

## NORTH-WESTERN PROVINCES, PUNJAB AND OUDH.

- R. M. Edwards, Commissioner of Revenue.  
 A. R. S. Pollock, District Judge.  
 C. Currie, Judicial Commissioner.  
 C. P. Elliott, Deputy Commissioner.  
 W. Lane, Magistrate and Collector.  
 A. Boulderson, Magistrate and Collector.  
 C. W. Moore, Magistrate and Collector.  
 W. Young, Magistrate and Collector.  
 G. R. Elsmie, Deputy Commissioner.  
 G. L. Lang, Magistrate and Collector.  
 W. Kaye, Magistrate and Collector.  
 D. G. Barkley, Deputy Commissioner.  
 T. B. Tracy, Joint Magistrate.  
 J. D. Tremlett, Deputy Commissioner.  
 J. S. Porter, Deputy Commissioner.  
 R. D. Spedding, Joint Magistrate.  
 W. A. Howe, Assistant Magistrate and Collector.  
 W. H. Hudson, Assistant Magistrate and Collector.  
 C. F. Hall, Joint Magistrate.  
 J. H. Carter, Joint Magistrate.  
 S. O. B. Ridsdale, Settlement Officer.  
 M. Macauliffe, Deputy Commissioner.  
 E. O'Brien, Assistant Commissioner.  
 F. W. R. Fryer, Assistant Commissioner.  
 G. R. C. Williams, Joint Magistrate.  
 H. P. Mulock, Joint Magistrate.  
 A. Robinson, Assistant Magistrate and Collector.  
 E. White, Assistant Magistrate and Collector.  
 J. White, Officiating Political Agent, Jeypur.

BENGAL—*contd.*NORTH-WESTERN PROVINCES, PUNJAB No. 278.  
AND OUDH—*concl'd.*G. J. Laidman, Assistant Magistrate  
and Collector.F. S. Bullock, Assistant Magistrate and  
Collector.W. Crooke, Assistant Magistrate and  
Collector.J. W. Muir, Assistant Magistrate and  
Collector.

A. Christie, Assistant Commissioner.

J. R. Baillie, Assistant Commissioner.

J. W. Harris, Assistant Magistrate and  
Collector.T. Stoker, Assistant Magistrate and  
Collector.

J. G. Silcock, Assistant Commissioner.

T. W. Holderness, Assistant Magistrate  
and Collector.D. B. Sinclair, Assistant Magistrate  
and Collector.J. Macpherson, Assistant Magistrate  
and Collector.F. L. Petre, Assistant Magistrate and  
Collector.W. G. Jackson, Assistant Magistrate  
and Collector.CALCUTTA; }  
19th March 1875. }

[ APPENDIX TO B. C. S. MEMORIAL OF 12TH MARCH 1875. ]

## EAST INDIA (CIVIL SERVICE) BILL.

Return to an address of the Honourable the House of Commons, dated 17th June 1861;—*for*A "COPY of OPINIONS recorded by MEMBERS of the COUNCIL of *India* in 1860 on the Directions for the preparation of a BILL to Confirm certain APPOINTMENTS in *India*, and to amend the Law concerning the CIVIL SERVICE there:"

INDIA OFFICE; }

The 17th June 1861. }

J. COSMO MELVILL.

*Dissent by E. MACNAGHTEN, Esq., dated India Office, the 18th July 1860.*

As a member of the "Special Committee on Civil Salaries," I dissented from the view of the majority of that Committee, "that exceptional cases may arise, though very rarely, wherein a departure from the existing law may be beneficial to the public interests, even as regards appointments which have hitherto been held exclusively to appertain to the Covenanted Civil Service;" and on that occasion I expressed my belief that in these days the permission to make such exceptional appointments would not be greatly abused, but that it was my strong conviction that any possible benefit which might result from the exercise of such power would be more than counterbalanced by the necessary disadvantages. Every such appointment would be unfairly canvassed and unjustly suspected; the public would view the matter as an attempt to introduce the small end of the wedge; we should expose ourselves to the imputation of having broken faith with those gentlemen who having gained their appointments under the 41st Section of the 16 & 17 Vic., Cap. 95, and under the 32nd Section of the 21 & 22 Vic., Cap. 106, the latter of which provides that "such persons only as shall have been so certified\* as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council;" and it would have the effect of reducing the attractions of the Service, which are now barely sufficient to fill its ranks.

I think the competitive system should have a fair trial, and that, so long as it lasts, no man should be permitted to enter the Service except on the terms prescribed by Parliament.

For these reasons I dissent from clause 2 of the Bill proposed by the Secretary of State for India with a view "to confirm certain appointments in India, and to amend the law concerning the Civil Service there."

E. MACNAGHTEN.

*Dissent by R. D. MANGLES, Esq., dated India Office, the 15th July 1860.*

I desire that my opinion upon the question proposed on this day to the Council of India by the Secretary of State, in respect to clause 2 of a Bill prepared by him

\* *i. e.*, certified by the Civil Service Commissioners as qualified after a competitive examination.

with a view "to confirm certain appointments in India and to amend the law No. 278. concerning the Civil Service there," may be entered on the Minutes of our Proceedings, inasmuch as I dissent from the course taken by the Secretary of State in overruling the decision of the majority of the Council against the principle of the said clause for the following reasons :

1. Because, whilst I am satisfied that the only sure practical safeguard against jobbing on the part of the dispensers of patronage in India and of men in power in England, is to be found in a civil service under the existing system recruited solely at the bottom of the list and strictly exclusive after the first admission to its ranks by open competition, I am equally convinced that that system affords the best means of securing the greatest aggregate number of efficient instruments for all the higher and more responsible posts in the civil administration of India.

For the existing system ensures the devotion of a lifetime to the public service and renders success in that service the great object of hope and ambition from early manhood. It compels each member of the service to undergo a long and continuous training through successive grades of employment rising in importance and responsibility; and it affords to each the means and abundant opportunities, at least, of becoming well acquainted with the languages, habits, manners, and institutions of the people, the condition of the country, its wants, and its resources.

Lastly, under that system the Government has necessarily an intimate knowledge of the qualifications and character of all its older servants, and of their comparative competence for this or that employment; and even the Home Government enjoys the same advantage, though in a minor degree. Hence, as has been truly said, failure in the execution of any specially important duty is a thing almost unknown in India, because the Government, whose interests and reputation are at stake, have the power of selecting for such a task not merely a fit man but the fittest of many fit.

2. Because it appears to me to be quite clear that the proposed plan for supplementing and (as is assumed) strengthening the Civil Service of India is so utterly incompatible with the successful working of the existing system of recruiting that Service by public competition that the two cannot co-exist, except at the expense of the general efficiency of the administration; for, since it is admitted on all hands that the prizes held out as the meed of successful competition have not hitherto been found so attractive as to draw into the Civil Service of India the most distinguished alumni of our universities and public schools, it must be that the reduction of the number of those prizes, and, still more inevitably, the uncertainty that would prevail as to how far and how fast that reduction would be carried out, would effectually deter all those whom India would most desire to have, namely, the young men best qualified to succeed in public life, or in the learned professions at home, from entering the lists of competition; and it is evident that such discouragement at the fountain-head must gradually lower the general level of qualification throughout the Service.

And where are we to look for compensation for so great an evil? Is it believed that the Government will find ready to their hands in India a sufficient number of men of ability and trustworthiness, with a competent knowledge of the people and their languages, to make up for what the public service will have lost by the inferiority of the class of men who, under the circumstances supposed, would alone offer themselves to enter that Service by competition? I am persuaded that, as a general rule, with very rare exceptions, no Englishman of mature age, not being a kinsman or hanger-on of persons in power, will offer himself for public employment in India (certainly no successful merchant or planter will) who has not proved himself incompetent to make his way at home, or who has not broken down in some calling in India.

But it is not a question of individual cases. I can well believe that now and then there might be an occasion in which it would be convenient, perhaps even desirable, to give offices such as have always hitherto been held by members of the Covenanted Civil Service to highly competent persons not attached to any branch of the Indian administration. I can believe, too, that now and then, but far more rarely, such highly competent persons might be forthcoming to fill the offices. At the same time I am satisfied that it would be unwise in the extreme to break up a system which has undeniably worked well on the whole, and thus to strike at the every tap root of the experiment of admission to the Service by unrestricted public competition before it has been allowed to bear fruit for the sake of any occasional and uncertain advantages.

It may be said, however, that if the cases of exceptional admission should be but few, no great harm would be done, no considerable number of prizes would be abstracted from the existing Civil Service and no material discouragement offered to the well-qualified youth of England. But mere *uncertainty* is an agent quite powerful enough to do all the mischief which I foresee and deprecate. No young man of mark, no one with ability and ambition sufficient to feed a hope that he may be able to earn a respectable livelihood at home, will embark in a lottery

(involving all the sacrifices and drawbacks of an Indian career) in which the chief No. 278. prizes—the very one, perhaps, on which he has set his heart—may be snatched from him and given to an untried man at the very moment of expected fruition.

I am satisfied that the introduction of a scheme which will open the higher posts of the Service to men who have not served an apprenticeship in the lower grades would ensure our getting from the competitive examinations nothing better than the very skim-milk of the rising generation.

Looking at the matter from this point of view, it certainly appears to me that the impatience which cannot consent to wait till time has been allowed to show what fruits the competitive system will practically bear, is a temper very inconsistent with the political wisdom which ought to govern an empire.

There is another consideration which ought not to be lost sight of in a discussion of the question at issue. I mean the just claims of those who have entered the Civil Service of India, whether by nomination or competition, under the assurance founded on the guarantee of an Act of Parliament that certain offices, the most honourable and best remunerated in the administration, could be held by no one—not a member of the body which they were about to join. Surely such an engagement as this, entered into with men who on the faith of it have devoted the best years of their life to the public service in a distant and unhealthy land, many of them broken in constitution, and all now comparatively unqualified to engage in the strenuous competition of a profession or calling in England, cannot be lightly set aside. Surely such men are at least as well entitled to a liberal compensation, if the terms on which they enlisted in the Service are departed from, as the six Clerks of Chancery, or the Proctors of Doctors Commons. If the public interests imperatively demand the proposed change of system, by all means let the change be made, but not at the expense of a well deserving body of the servants of the State. I am certain that the courts of justice would not permit any private individual or firm to break with impunity the conditions upon which the services of managers or factors might have been retained under analogous circumstances. And the equitable claims and rights of the servants of the Government of India are guarded not merely by the ordinary law, but by more than one special Act of Parliament.

It may be added, as respects the young men recently admitted to the Covenanted Civil Service by competition, that only last year the Civil Service Commissioners published, with the sanction of the Secretary of State in Council, and for the avowed purpose of making known to the youth of England the nature and value of the prizes held out to them in India, a list of the appointments held at present by the members of the Covenanted Civil Service, with a statement of the salaries attached to those offices respectively and of the periods of service at which, according to the average of past years, candidates might expect to attain the several grades of appointments in that Service. To break the pledge involved in the official publication for such a purpose of such a document, would be little less than to import into the civil department the worst tricks of the recruiting sergeant.

Much weight appears to be attached by some who have spoken or written on the subject to the discontent and ill-blood stated to be manifested by those whom the present system has excluded from high employment, and to the necessity of obviating that feeling by removing the barriers which are alleged to excite so much animosity and rancour. But I am persuaded that there never was a case to which Mr. Burke's celebrated simile of "the half a dozen grasshoppers under a fern" is more happily applicable. Setting aside military officers, who ever saw five men in India not too well placed already to be open to such an offer, to whom, if he had been an autocrat, he could have conscientiously given the judgeship of a district? I am sure I never did. The cry that has been raised against what has been called monopoly and (since the introduction of competition most unjustly) an exclusive service is simply an interested one, got up by those who, fit or unfit, desire to share the prizes of a system without undergoing the probation indispensable to test character and qualifications and the drudgery of a long but necessary apprenticeship.

In truth, however, though the fact is studiously kept out of sight by those who use, *ad invidiam*, the argument of exclusiveness against the existing system, almost every profession in England is nearly or quite as exclusive as the Civil Service of India; that is, with the rarest exceptions, no man can hope to win the higher prizes of the Law, the Church, the Army, the Navy, or even of Medicine, without entering in youth or early manhood at the common starting-post and contesting the race with those who entered with him. If in any of these professions favour or caprice were permitted to bestow high preferment upon any who had not borne the burden and heat of the day, the mischief would be exactly that which a like cause would most certainly inflict upon the Civil Service of India. None would venture upon such a calling who could hope to earn an honourable livelihood elsewhere; and, as in that case, the matter would be but little mended, even if it were possible so to guard the power of nomination that only able and good men should be thus irregularly raised over the heads of those who had devoted a life-time



to the profession. The gain to the public from the fortuitous employment of a few No. 278. good men in high office would be no adequate compensation for the discouragement of the many.

There is another allegation of a more special nature, and with a large colouring of truth, which demands a brief notice. Much has been said about the incompetency of judicial officers in India as a ground for breaking down the Civil Service. But is it certain that the fault lies with the officers? They have been tied to a system (inflicted upon India with mistaken benevolence at a time when English law and forms of procedure were held to be "the perfection of human reason") which an angel would have found it impossible to work, and the workmen have been made to bear the blame of the failure. It is strange that the very men who are arrant failures in the Regulation Provinces are great successes in the Punjab and Sind. This is a fact very difficult of explanation on the hypothesis of the incompetency of the men.

I have cheerfully concurred with my colleagues—the Special Committee appointed to consider and report upon this important subject—in throwing upon those branches of the public service which might, in my judgment, be as well, or nearly as well, administered by men of competent knowledge and ability from England or elsewhere as by civil servants trained in India. But I would maintain the exclusive Civil Service, and assign to it all the appointments now held by its members in those great lines of employment which bring the executive administration of the country into contact with its people, a knowledge of whose language, habits and institutions is absolutely necessary to the efficient discharge of duty by judicial and revenue officers. To that broad and intelligible principle I would rigidly adhere. At present no one can nominate to the Covenanted Civil Service. If that wholesome rule be relaxed and special exceptions admitted, as will be the case if clause 2 of the proposed Bill become law, the love of patronage on the part of those in power will soon make the aperture wide enough to admit cousins and retainers innumerable. Every case where there is a friend to serve will be ruled to be an exceptional one, and that statesman must be very credulous who consents to open the door to such abuses in the persuasion that "because he is virtuous there shall be no more cakes and ale."

That the Civil Service needs improvement in certain respects no candid man will deny, but the means of improving it have not yet been exhausted. Let youths be selected for employment in India at an age sufficiently early to admit of their getting a special education at home to qualify them for office in that country (which is not the case at present), and there will be no occasion for measures of an extraordinary and doubtful character to supplement the deficiencies of the Service.

I will only add an expression of my deep regret that, as in the case of the amalgamation of the local Army of India with that of the Crown, although this cannot be termed an Imperial question, relating as it does to India alone, the Secretary of State, contravening, as I think, the spirit of the Act of 1853, if not the letter of the law, should not have thought fit to consult the Council until after he had so entirely made up his own mind upon the very important principle involved in the question under discussion, as to have prepared the Bill for giving legislative effect to views from which, as it now appears, the majority of the Council dissent, and to be on the point of submitting the same to Parliament.

ROSS D. MANGLES.

I concur generally in the foregoing dissent of Mr. Mangles, because I think that the Bill, as at present framed, permitting the Governor General not only to appoint, but to promote, opens the door to favoritism and jobbery; that it revives the system of nomination in its most objectionable shape; and that the proposed check of a vote by the Secretary of State and a majority of his Council long after the appointment has been made will prove practically inoperative.

I desire to express my strong conviction that, in passing the Act 21 and 22 Vic., Cap. 106, the Legislature contemplated a full and timely discussion by the Secretary of State in Council of every important subject previous to its decision, and not a useless debate and minuting afterwards.

CHARLES MILLS.

*Dissent by SIR J. LAWRENCE from the letter to MR. COLSON, submitted to the Council of India by the Secretary of State on the 13th of July,—dated the 17th July 1860.*

I object to clause 2 of the proposed Bill for amending the law concerning the Civil Service in India on the following grounds:

1st.—Because that the rights and privileges of the Service, as at present constituted, are defined and secured by Act of Parliament; and because that those who have entered the Civil Service since the enactment of 21 & 22 Vic., Cap. 106, have entered it under Parliamentary guarantee that only such persons as shall have been certified by the Civil Service Commissioners to have passed certain

prescribed examinations shall be appointed or admitted to the Civil Service of India No. 278. by the Secretary of State in Council; whereas, by the proposed modification of the law, these rights will rest solely on the decision of the Secretary of State in Council.

2nd.—Because that the present system of competitive examination under which the Civil Service of India is now recruited has not been worked sufficiently long to form a conclusive test of its merits, and because that, so far as the trial has extended, the results have proved, within my experience, eminently successful.

3rd.—Because that I believe that, under pretext of improving the general efficiency of the civil administration of India, great facilities of the abuse of patronage will be created, even to the gradual supersession of selection for the service by competition.

4th.—Because I believe that, by the great changes which are about to be introduced into the military system in India, it will no longer be found expedient to select officers so largely from that Service for employment in the civil and political administration of the country as has hitherto been done, and, therefore, that it will be found more politic to increase the number of members of the Civil Service; and that such being the case, it will not be desirable to adopt measures whereby the advantages of that Service will be seriously diminished—the more specially, that the financial difficulties of the State must, ere long, necessitate a very considerable reduction of salaries.

5th.—Because that one of the avowed objects of the change is to admit of the introduction of barristers very generally into the judicial branch of the Service, which, I believe, will be a measure fraught with injurious consequences to our rule in India. I do not object to the recommendations of the Special Committee appointed by the Secretary of State to report on this matter, which proposed to open certain appointments under specific conditions to general competition; but I consider it sound policy that all appointments, whether political, fiscal, or judicial, should be filled by officers who have undergone a special training in the administration of the country, and who have had opportunities of obtaining a thorough knowledge of the customs, the modes of thought, and even of the prejudices of the people, as well as of the common law which prevails in the different Provinces of India.

JOHN LAWRENCE.

*Dissent by Colonel DURAND,—dated India Office, the 14th July 1860.*

With reference to the procedure at the meeting of the Council on the 13th July 1860, called for by Her Majesty's Secretary of State with the view of taking into consideration the draft of a Bill [to confirm certain appointments in India and to amend the law concerning the Civil Service there, I request that the following be entered on the Minutes of the Proceedings.

Once at the commencement and a second time in the course of those proceedings I moved for an adjournment for as short a period as might be convenient to the Secretary of State, because the reports of the Special Committee, in connexion with which the draft Bill was to be taken into consideration, had only been placed in my hands five minutes before the Council assembled. That this circumstance was owing to no neglect on the part of the Council was proved by Mr. Arbuthnot calling attention to the fact that in consequence of the reports having been marked "Confidential," and no order passed by the Secretary of State for their general issue, they had not been distributed to the members of the Council generally. Considering the time suffered to elapse between the submission to the Secretary of State of the reports of the Committee and the Council of the 13th July, and considering the opportunity which the intervening period has offered for the matter being deliberately brought before the Council, I feel it a duty to record in the Minutes of the Proceedings the objection which I twice raised to the manner in which so important a measure was brought hurriedly before the Council, and pushed through it without time being conceded for a perusal of the reports of the Committee, or for ascertaining what relation the draft Bill put into my hands at the meeting of the Council bore in its provisions to the reports of the Committees.

The draft Bill, thus delayed to the close of the Session of Parliament, and thus pressed through Council with a precipitation that might have been easily avoided, completes the revolution in the scheme for the general administration of India, of which the Bill now before Parliament for the discontinuance of recruiting for Her Majesty's Indian Armies was the initiatory measure. As the latter Bill subverts the military organization of the Indian Armies, and the part they played under the authority of the Governor General in the administration of India, and substitutes for these the discretion of the Secretary of State for India in reconstructions, so likewise Clause 2 of the draft Bill now adverted to abrogates

the qualifications, conditions and restrictions specially connected with the regular civil administration of India, and substitutes for these the discretion of the Secretary of State for India in the construction. No. 278.

The amendments introduced into clause 2 by the Secretary of State in the course of the discussion do not restrict the scope of this clause. It confers unlimited powers upon authorities in India, and upon the Secretary of State without any adequate security against their abuse; for the ultimate concurrence (to provisional appointments such as are contemplated by Clause 2) of a majority of the Council after reference to England, is no prevention, but only a remote check upon accomplished jobbery, even should the necessity for such concurrence be given the same sanction which Clause 41 of Act 21 & 22 Vic., Cap. 106, confers on the Council with regard to expenditure of the revenues of India. Practically, therefore, even with the amendments, there is no security against breach of faith towards the existing civil servants, whether nominated or competitive, and the Act must prove a serious discouragement to qualified persons entering the Indian Civil Service, and will thus work detrimentally to the general efficiency and the general character of the administration.

The avowal that the primary object in framing Clause 2 is to facilitate the introduction of barristers into the executive of the judicial administration of India strengthens my objections to the clause. The error of our Indian judicature has notoriously been the influence which the example of the technicalities of English law, practice and procedure have unfortunately been allowed to exercise. The influence vitiates the regulation system, and it has rendered the courts which it rules hateful to the people. Though hateful to the people of India, these courts are not, however, such a terror to them as the Supreme Courts of the Presidency capitals, and any measure which tends to assimilate Indian to English courts of justice will spread dismay among the most influential classes of the Native community. Whatever the faults of the Indian judicial system, it will not be amended, in the opinion of the natives of India, by a larger influx of the foreign element, in the form of the extensive employment in judicial capacities of men trained at the bar of the English, Irish or Scotch Courts. There is no surer mode of rendering the transfer of Government to the Crown unpopular throughout the length and breadth of Her Majesty's Indian Empire.

The Bill for the fusion of the Indian Armies into the line will, if it pass into law, doubtless result in a large increase to the Civil Service in India, it being vain to expect that the same sufficient aid can be derived from frequently relieved line regiments as has hitherto been afforded to the civil administration by the officers selected from the local Indian Armies. But such an augmentation, whenever it becomes necessary, to the civil branches need not be carried out in a manner destructive of the reasonable expectations of the existing covenanted and uncovenanted civil servants, and the necessity is not now so pressing as to render it advisable, whilst blasting the professional hopes and prospects of the officers of the Indian Armies, at the same time to subvert those of the officers, civil and military, engaged in the civil administration of India.

Under these circumstances, without in the least questioning the power of Her Majesty's Secretary of State for India to overrule the Council, I feel it a duty to record a dissent from his decision, and to express regret that the opinion of the majority of the Council should have been summarily set aside.

H. M. DURAND.

*Dissent by H. C. MONTGOMERY, Esq.,—dated the 18th July 1860.*

I object to the 2nd Clause of the proposed enactment laid before the Council, with the draft letter to Mr. Coulson, which provides for the indiscriminate admission into offices hitherto open only to the Covenanted Service of others unconnected with it—

Because the good government of India requires that the Civil Service should be composed of men who, having been specially educated for it, enter in the lower grades, and become, by practice and experience, qualified for the higher and more important positions. This is the course in every other profession, and there appears no reason why the Indian Civil Service should be the exception in this respect;

Because when large inducements have been held out to young men at the universities to devote themselves to India, it is not maintaining good faith with them that offices mentioned among those inducements should, as now proposed, be made open to others to their prejudice; and

Because, in the proposed measure, there is no longer the guarantee against the abuse of patronage which the constitution of the Civil Service has hitherto provided.

H. C. MONTGOMERY.

Memorandum, dated the 14th June 1861.

No. 278.

We desire to state that our dissents do not apply to the Bill now before Parliament which contains provisions that have reconciled us to the measure.

C. MILLS.

H. M. DURAND.

## XXXI.

From A. P. HOWELL, Esq., Offg. Secy. to the Govt. of India, Home Department, to Messrs. J. O'KINEALY, W. M. SOUTTAR, W. H. VERNER,—No. 577, dated Fort William, the 23rd March 1875. No. 279.

In reply to your letter\* of the 12th instant I am directed to inform you that the memorial therewith received will be sent to Her Majesty's Secretary of State for India by the next mail.

## XXXII.

From the Government of India, to Her Majesty's Secretary of State for India,—No. 19, dated Fort William, the 25th March 1875. No. 280.

In continuation of our despatch\* No. 11,\* dated the 5th ultimo, we transmit the accompanying memorial\* addressed to Your Lordship by certain members of the Bengal Civil Service on the subject of the proposed admission, under Section 6 of Act 36 Vic., Cap. 3, of persons not members of Her Majesty's Bengal Covenanted Civil Service to posts now held by members of that Service.

## PUBLIC PROCEEDINGS, JULY 1875, Nos. 67 &amp; 68.

## XXXIII.

From Her Majesty's Secretary of State for India, to His Excellency the Right Honourable the Governor General of India in Council,—No. 68 (Public), dated India Office, London, the 27th May 1875. No. 67.

The despatch† of Your Excellency in Council dated the 25th of March, No. 19 of 1875, transmitting a memorial by certain members of the Bengal Civil Service on the subject of the proposed admission, under Section 6 of the 33 Vic., Cap. 3, of Natives to the Covenanted Civil Service, has been considered by me in Council.

2. On this memorial I have to observe that when the pleasure of Parliament has once been declared on a matter of Indian administration, the action of the Indian Government in both its branches becomes simply ministerial, and thus an imperative duty has been thrown on the Secretary of State in Council and on the Government of India to frame rules under Section 6 of the Statute 33 Vic., Cap. 3. At the same time I have no reason whatever to suppose—and I should myself be sorry to think—that Parliament intended by these provisions to inflict any material injury on the interests of the distinguished service to which the memorialists belong. On the contrary the enactment to which they call my attention may have the effect of putting an end to much cavil and complaint.

3. The memorialists must be aware that great and remarkable as have been the services rendered to the State by the privileged body of which they are members, yet there has always existed a feeling that the position of that body was in some degree antagonistic to what many regarded as the just claims of Natives of proved merit. I trust that they will, on reflection, consider that the measure passed

\* See page 30.

† *Vide supra*.

by Parliament was as little hostile to their interests as a due appreciation of conflicting claims could permit, and that in effect their position will be strengthened by its enactment. The rules which have received my sanction secure that position by sufficient safeguards, and I believe the practical result will be that the admission of Natives to the Covenanted Civil Service, otherwise than by competition, will not affect in any material degree the interests of the existing members of the Bengal Civil Service. The interests of future members may be further guarded by a proper adjustment of the number of appointments thrown open to public competition.

## XXXIV.

From A. P. HOWELL, Esq., Offg. Secretary to the Government of India, Home Dept., to Messrs. J. O'KINEALLY, W. M. SCUTTAR, and W. H. VEBNER,—No. 1162, dated Simla, the 14th July 1875. No. 68.

I am directed by the Governor General in Council to transmit to you the accompanying copy of a †despatch\* from Her Majesty's Secretary of State for India in Council, in reply to the memorial of certain members of the Bengal Civil Service, on the subject of the admission, under 33 Vic., Cap. 3, of natives of India to certain offices, which memorial, in accordance with your request‡ of the 12th of March last, was forwarded to His Lordship for consideration.

\* No. 63, dated 27th May 1875.

## PUBLIC PROCEEDINGS, MAY 1879, Nos. 287 to 328.

## XXXV.

From Her Majesty's Secretary of State for India, to His Excellency the Right Honourable the Governor General of India in Council,—No. 66 (Public), dated India Office, London, the 27th May 1875. No. 287.

The despatch§ of Your Excellency in Council dated 22nd of January, No. 6 of 1875, forwarding some revised rules for regulating the admission of Natives to the Civil Service of India under the provisions of Section 6 of the 23rd Victoria, Cap. 3, has been considered by me in Council.

2. Fully admitting the great difficulty of the duty which has been imposed on Your Lordship in Council, I feel no reluctance in approving, as a tentative measure, of the revised rules which you have submitted.

3. The hiatus in the third of the proposed rules should be filled up by the term of "twelve months."

4. With respect to the application of Your Lordship in Council for a definition of the expression "Native of India," the clause in the Act is obscure, but I have no power to give the authoritative interpretation of it which you seek. I have no objection to the course which Your Excellency in Council proposes to follow in the last paragraph of your despatch|| of the 23rd January, No. 6 of 1874, and, should any practical difficulty hereafter arise, I shall be prepared to take the opinion of the law officers of the Crown on the subject.

## XXXVI.

Telegram from Viceroy, Simla, to Secretary, London,—No. 1326, dated 11th August 1875. No. 287A.

Your despatch¶ 66 of 27th May. Have the rules been laid before Parliament thirty days? May we now publish?

† See page 42.

‡ See page 30.

§ See page 27.

|| See page 20.

¶ *Vide supra.*

## XXXVII.

Telegram from Secretary, London, to Viceroy, Simla, dated 12th August 1875.

No. 287B.

Yours\* to-day. Rules have been laid before Parliament and may be published.

## XXXVIII.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Home Dept., to No. 288. the Secretaries to the Governments of Madras, Bombay, Bengal, North-Western Provinces, and Punjab, and Chief Commissioners, of Oudh, Central Provinces, British Burma, Mysore and Coorg, and Assam, and Resident at Hyderabad,—Nos. 26—1372 to 1382, dated Simla, the 19th August 1875.

With reference to the enclosed Notification No. 1371, dated the 19th instant, publishing the rules prescribed by the Governor General

* Madras . . . . .	} His Excellency the Governor in Council
Bombay . . . . .	
Bengal . . . . .	} His Honor the Lieutenant-Governor
N. W. Provinces . . . . .	
Punjab . . . . .	} you
Oudh . . . . .	
Central Provinces . . . . .	}
British Burma . . . . .	
Mysore and Coorg . . . . .	
Assam . . . . .	
Resident at Hyderabad . . . . .	

in Council for the admission of natives of India to certain appointments, I am directed to inform you that a further communication will shortly be made to\*

as to the manner in which effect should be given to the rules.

## XXXIX.

Notification No. 1371, dated Simla, the 19th August 1875.

No. 289.

The following rules prescribed by the Governor General in Council under Section 6 of 33 Vic., Cap. 3, and sanctioned by the Secretary of State in Council, have been laid for thirty 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 :

I.—Any native of India, as defined in the said Statute, may, if of proved 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.

II.—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.

III.—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).

IV.—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 examinations prescribed by

\* See page 43.

the rules of the service, unless he be especially exempted No. 289. 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 make 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 cancelment 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.

V.—Every person so appointed shall be subject to such conditions 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.

ARTHUR HOWELL,

Offg. Secretary to the Government of India.

**XL.**

From ARTHUR HOWELL, Esq., Offg. Secy. to the Govt. of India, Home Dept., to the Secretaries No. 290. to the Governments of Madras, Bombay, Bengal, North-Western Provinces, and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Mysore and Coorg, and Assam, and the Resident at Hyderabad,—Nos 14—771 to 781, dated Fort William, the 20th April 1876.

In Home Department Circular\* Nos. 26—1372 to 1382, dated 19th

*Govt. of	{ Madras Bombay Bengal. the N.-W. Provinces the Punjab	{ Chief Commis- sioner of Resident at Hyderabad	{ Oudh the Central Provinces British Burma. Mysore and Coorg Assam
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August last, it was said that a further communication would be made to the \* as to the manner in which

effect should be given to the rules prescribed by the Governor General in Council under Section 6 of 33 Vic., Cap. 3, for the admission of natives of India to certain appointments.

2: I am now to say that the above circular was not intended to

* Madras	{ the Central Provinces British Burma Mysore and Coorg Assam. Hyderabad
Bombay	
Bengal	
the North-Western Provinces	
the Punjab	
Oudh	
† Madras . . . . .	} His Excellency the Governor in Council
Bombay . . . . .	
Bengal . . . . .	} His Honor the Lieutenant-Governor
N.-W. Provinces . . . . .	
Punjab . . . . .	
Oudh . . . . .	
Central Provinces . . . . .	
British Burma . . . . .	
Mysore and Coorg . . . . .	
Assam . . . . .	} you
Resident at Hyderabad . . . . .	

preclude \* from at once recommending any Native for employment under the new rules should † wish to do so. As the responsibility of such recommendation rests, in most instances, primarily with Local Governments and Administrations,

subject to the subsequent approval of the Governor General in Council and the Secretary of State, the Government of India consider it desirable that, without attempting to issue precise instructions on the subject, they should generally indicate the nature of the policy which at present commends itself to them, more especially as it may bring certain administrative changes under consideration.

3. The administration of civil justice appears to be the employment which Natives are particularly well qualified to fill, and in which they can be employed with advantage more largely than now. It seems impossible to hold that while natives of India have filled the office of

\* See page 44

Judges of the High Court with perfect integrity, and, in some cases, with distinguished ability, no natives of India can be found to fill the office of Civil and Sessions Judge, and other inferior judicial appointments, which are at present exclusively held by members of the Civil Service.

4. If this be allowed, another point has to be considered. It has been frequently suggested that when natives of India are admitted in the higher offices, the salaries which they receive should be less in amount than those received by European officers who hold similar offices. The Government of India are of opinion that it would be impolitic to make a difference between the salaries of Natives and Europeans who might fill office of the same class; and that, while it would be only fair to the tax-payers of India that they should be served at a lower rate, provided the service performed could be properly remunerated at a less amount, the best way of effecting the object would be rather to reduce the general scale of pay allotted to certain officers than to make any distinction between the pay of individuals holding offices of the same class.

5. Whenever, therefore, the time may arrive that natives of India shall be largely employed in the judicial service, it would be right to revise the constitution of that branch of the public service. A step in that direction has been lately taken in Bengal, where a new grade of Civil and Sessions Judge has been created at a salary of Rs. 2,000 a month. It should be considered how far it may be practicable to extend this plan elsewhere. The difficulty of course would be to fix such rates of salary as would enable Europeans also to be freely appointed to judicial offices, for it is essential to maintain offices through which members of the Civil Service may be trained for the higher judicial appointments. It would be a source of difficulty, and perhaps even of danger in the future, if the whole judicial service of India was to come into the hands of natives of India, for it might produce a chronic antagonism between the executive and judicial officers.

6. What seems wanted then is such a revision of the judicial service as would increase the number of offices paid at a moderate rate, leaving a sufficient number of higher appointments upon a scale of pay not less than that which is now attached to them. Intimately connected with this are the proposals which have been made in Bengal and the North-Western Provinces for constituting Benches of Judges and Courts of Appeal in order to lighten the work of the High Courts.

7. The new rules hardly touch the Non-Regulation Commissions, for the appointments to them are not confined by the law to the Civil Service. Natives are now occasionally appointed to the Commissions, and recently a new grade was instituted in the Punjab mainly for administering civil justice to which Natives have been promoted. The same course might probably be adopted with advantage in the other Non-Regulation Provinces.

8. There may also be small districts to the charge of which Native officers of experience might be appointed. It may be also thought desirable to add a Native member, or to appoint a Native Secretary to the Boards of Revenue.

* Madras . . . . .	}	His Excellency the Governor in Council
Bombay . . . . .		
Bengal . . . . .	}	His Honor the Lieutenant-Governor
N. W. Provinces . . . . .		
Punjab . . . . .		
Oudh . . . . .		
Central Provinces . . . . .		
British Burma . . . . .	}	you.
Mysore and Coorg . . . . .		
Assam . . . . .		
Resident at Hydera- bad.		

9. I am to request that \* will give the considerations urged above <sup>his</sup>/<sub>your</sub> best attention, and that a confidential report which should deal with the whole question may be submitted to the Government of India.



## XLI.

From the Honourable W. HUDLESTON, Chief Secretary to the Government of Madras, to the Offg. Secretary to the Government of India, Home Department,—No. 1395, dated Fort St. George, the 13th December 1876. No. 291.

With reference to your (confidential) letter\* No. 14—771, dated the 20th April 1876, I am directed to forward the papers marginally noted, together with the Minutes of the President and Members of Council, and to state that they contain the views of this Government on the subject of the admission of natives of India to certain appointments now held by the Covenanted Civil Service.

Letter from First Member, Board of Revenue, dated 31st May 1876, forwarding Minutes of Members of the Board.

From Registrar, High Court, dated 20th September 1876, containing the opinion of the Honourable the Judges.

## XLII.

From G. THORNHILL, Esq., First Member of the Board of Revenue, Madras, to the Chief Secretary No. 292, to the Government of Madras, dated Madras,—the 31st May 1876.

With reference to your letter of the 9th May 1876, I have the honour to forward herewith Minutes by the Honourable D. Arbuthnott, Mr. H. E. Sullivan, and myself expressive of our views on the subject referred to.

*Minute by G. THORNHILL, Esq., First Member of the Board of Revenue, Madras.*

The Government having called on the Board of Revenue for a full and confidential expression of their views on the subject of a letter\* from the Government of India regarding the policy of admitting the natives of India to certain appointments under the rules prescribed by the Governor General in Council, dated 19th April 1875, I have the honour to record my personal views on the matter hereunder.

I am fully impressed with the sense that it is both politic and just to place within reach of the natives of India a certain number of appointments, both of emolument and honour, which may be looked to as the rewards of faithful and prolonged service, but I cannot refrain from stating at the outset that, in my humble opinion, it would be most impolitic to do so at the expense and to the detriment of the officers of the Covenanted Civil Service.

I think it will be possible to give considerable encouragement to Natives of worth without injuriously affecting the interests of the covenanted civil servants. My reasons for urging the impolicy of doing anything to injure the service of which I have the honour to be a member are not that I think it right to protect the supposed vested interests of a class. Were that all compensation in some form or other might be found, but I feel very strongly that the best interests of the country are involved in the maintenance in the highest possible state of efficiency of that body of men to whom the higher grades of the administration are and must for many years continue to be entrusted.

Our position in this country is such that we cannot, without grave risk, allow posts of real power in the Executive Government to be held by any but Englishmen. It always has been, and still is, the desire of Her Majesty's Government to procure the very best men as recruits for the Covenanted Service. The advantages of the service, great though they be, are not even now enough to tempt men who have any assured prospect of a successful career in England, and I feel certain that if it becomes known that there is a chance of natives of India in any numbers being posted to the appointments now occupied by covenanted civil servants, the class of men from whom recruits are drawn will be sensibly lowered, and if it is allowed to be promulgated that members of the Covenanted Service are liable to be placed in subordination to natives of India, a very much further lowering of the standard may be looked for. Before presenting themselves as candidates for the Indian Service most young men would endeavour to seek advice from some officer, military or civil, who had served in India. I think it would be hard to find one such who would not dissuade the candidate from his intention if he thought it possible that he might be made subordinate to a Native superior in office.

I now proceed to notice the letter under review in its several paragraphs.

Paragraph 3 relates to the qualifications of natives of India for judicial work. My experience has been almost exclusively in the revenue line, but I think it would be generally admitted that many natives of India could be found fully qualified, both by intellect and education, to fill the post of Judge. The present distribution, however, of the judicial service is not well suited for providing them with appointments. Some adjustment of it such as would admit of a Native Judge sitting on a bench with an English colleague would be preferable.

As regards paragraph 4, I would with much deference beg to differ from the Government of India in the view that it would be impolitic to make a distinction

\* See page 45.

between the pay of Natives and Europeans holding offices of the same class. The No. 292. Government offer high salaries to tempt Englishmen of ability to take service in India, the privations and drawbacks attending a residence in India render this necessary. The Native, however, is in his own country; he suffers no privations in accepting the service, and it is notorious that salaries much lower than those paid to Europeans will command the best men available.

I proceed now to paragraph 8 which more immediately concerns my own department. What the nature of the small districts alluded to may be I do not know. There is certainly no district in the Madras Presidency to the charge of which, in my opinion, a Native could with propriety be appointed. As I said above, I deem it absolutely essential to the well-being of the country that the heads of districts should be invariably Englishmen, and that under no circumstances should it be possible for a native of India to assume charge of a district. There are many points from which this position may be viewed. In the event of a popular outbreak of any kind, a Native Magistrate, even if possessed of physical qualities suitable to the occasion, would be in a false position. English officers subordinate to him would not yield a ready obedience, nor would he command the confidence of his own countrymen to the same extent that an Englishman would. In the case of a district having a mixed population of Hindus and Mussalmans, what chance of maintaining his authority would a Hindu Magistrate have? And, lastly, in the case of mutiny or rebellion, let a Native head of a district be ever so desirous of being loyal to his employers, it would not be possible for him to be left in so anomalous a position. I venture to urge very respectfully that we cannot, without danger, pretend to ignore the nature of our position in India. Englishmen have won their place here by the possession of certain qualifications in which they greatly excel the natives of the country. They are a very small minority, and it is only by the powers, moral and physical, which placed them where they are, that they can hope to retain their possession. They cannot afford, under these circumstances, to trust the keys of the country in the hands of others than their own countrymen.

There are, however, posts which Natives are competent to fill, and in which advantage may be taken of the great abilities with which many are gifted. A Native Judge of the High Court, associated as he would be with English colleagues, would be quite unobjectionable, and I think would be fairly paid by a salary of Rs. 2,000 or 2,500 a month. In the same way, as suggested by the Government of India, the addition of a Native Member to the Board of Revenue would be desirable; his salary might be Rs. 2,000, but he should not rise to the higher grades in the Board. The Secretary to the Board should, I think, always be an Englishman. He is the direct channel of communication with Collectors, and besides a good deal of confidential demi-official communication often passes between him and the district officers. The Board have already a highly trusted Native Secretary in their head sheristadar.

I think the position of Deputy Collectors might with justice be greatly improved. The pay of the fourth class is not high enough, and the chances of promotion are too small to tempt the best Tahsildars and Collectors' sheristadars to enter it. The best men of that class, therefore, now rarely enter the grade of Deputy Collector. The lowest class should be paid Rs. 350 instead of Rs. 250; the third class should get Rs. 500; the second Rs. 650, and I would gladly see the first class with salaries of Rs. 1,000 a month.

The appointments in the latter class should thus be reserved for men of distinguished merit, and should not be given simply to seniors. The grade of Deputy Collector should be kept exclusively for Natives or for such Englishmen and East Indians as may have risen through the different grades of the public service; others should be excluded by law, and it should not be possible for them, however great their merits or interest, to be posted to the place.

I think, too, that every encouragement should be given to servants of Government to enter the service of Native princes and nobles, retaining their position in the British Service and their claims to pension. The pensionary contribution is at present thought heavy; it should of course be fixed so as to save the State from loss, but, that secured, no other obstacle should be placed in the way. The good would be two-fold—the administration of Native estates would be improved, and a new opening for the promotion of Native talent and worth would be found.

W. THORNHILL,

*First Member, Board of Revenue, Madras.*

*Minute by H. E. SULLIVAN, Esq., Acting Third Member of the Board of Revenue, Madras,—dated the 23rd May 1876.*

Mr. Thornhill has so thoroughly expressed the views which I hold in regard to the policy of admitting natives of India, as defined by Statute, to posts in the

public service which have hitherto been exclusively filled by members of the No. 292. Covenanted Civil Service, that it is only left for me to state my entire concurrence with the opinions recorded by him on the subject.

I, too, would respectfully record my dissent from the view taken by the Government of India as to the expediency of giving Natives promoted to high office salaries equal to those drawn by Englishmen. This would be in point of fact remunerating the Native far more highly than the Englishman, and though the former would doubtless be more than satisfied, the latter would with reason be exceedingly discontented. It appears to me that the principle to be followed in determining the salary to be paid to a servant, public or private, is to calculate the value which services command in the labour market. If the services of a Native High Court Judge cannot be obtained under Rs. 3,750 per mensem in his own country, it follows, as a matter of course, that that sum will not command the services of an English gentleman who has secured an expensive education, who is exiled for the best part of his life from his native country in an uncongenial climate, which involves separation from his family, the severance of domestic ties, and the heavy cost of maintaining a double establishment. It is for these reasons, putting aside any comparison of the quality of the article, that the services of Europeans command a higher value in India than those of the natives of the country. This will be found to be the case amongst all classes of the community, and it would, I respectfully submit, be an anomaly for the State to place a native of the country on the same footing, as regards remuneration, with the English public servant when a wide distinction is universally recognised by all other employers of labour.

I entirely endorse Mr. Thornhill's opinion as to the inexpediency of placing a Native in administrative charge of a district, large or small. The reasons given by him for this opinion are, I think, unanswerable, and besides there would always be the insuperable difficulty of subordinating European assistants to him.

In regard to the employment of the natives of India in the higher judicial appointments, I see no objection to a seat in the High Court being reserved for them, but coming down a grade lower, I think the propriety of their discharging the functions of a Civil and Sessions Judge is open to question. The relation of that functionary to the Collector and Magistrate of the district has to be considered, and here again crops up the difficulty of subordinating the Englishman to the Native—a state of things incompatible in my mind with our tenure of the country. The Magistrate is immediately subordinate to the Judge; to the latter lie appeals against the sentences and orders of the former. The Magistrate's proceedings are reviewed and revised in the Sessions Court; and it is not difficult to understand how the unfavourable criticisms of the Native Judge would tend to weaken and subvert the authority of the administrative head of the district. The Small Cause Courts with salaries of Rs. 1,400 might be thrown open to Natives who already fill 12 out of the 14 Subordinate Judgeships at Rs. 500. When it is considered that there are 51 Deputy Collectors with salaries ranging from Rs. 250 to Rs. 600 and 110 District Munsiffs with salaries ranging from Rs. 260 to Rs. 300, I think it must be admitted that the Natives in this Presidency have a fair share in the administration of the country. The salaries of the District Munsiffs, an able and hardy-worked body of men, might, I think, be raised with advantage, and I concur with Mr. Thornhill in thinking that the salaries of the Deputy Collectors might also be enhanced, though I do not think the pay of the first grade need exceed Rs. 800.

I think a Native gentleman might without objection be appointed *Junior* He might be designated the "Native" Member of the Board of Revenue, but he should not be able to rise, and he should receive only such salary as would put him on an equality, in point of means, with his European colleagues.

H. E. S.

H. E. SULLIVAN,

*Acting Third Member, Board of Revenue, Madras.*

*Minute by the Honourable D. ARBUTHNOTT, Acting Second Member of the Board of Revenue, Madras.*

I concur in the opinions expressed by the 1st and 3rd Members. I believe that all harmony in the service would be at an end if Englishmen were compelled to serve under Native officers, and that such a system could not be expected to work more smoothly in the Civil than it would in the Military Service. No one has yet been bold enough to propose that Native military officers should be promoted to the command of regiments, although the same arguments might be used in both cases with equal force. The employment of Natives in the higher executive appointments can have only one result—the total exclusion of well-educated English gentlemen from the service.

D. ARBUTHNOTT,

*Acting Second Member, Board of Revenue, Madras.*

## XLIII.

From J. SHAW, Esq., Registrar of the High Court, Madras, to the Chief Secretary to the Government of Madras,—dated the 20th September 1876. No. 293.

In reply to letter to the Chief Justice dated 9th May last, transmitting Proceedings of Government of the same date, No. 522, for a full and confidential expression of the views of the Judges of the High Court on the subject therein adverted to, I am directed to state that the Judges, after giving the matter their careful consideration, have come to the conclusion that the suggestions of the Government of India, as regards the judicial branch of the administration; are in themselves objectionable, and that due effect may be given to the Statute 33 Vic., Cap. 3, and to the prescribed rules for the appointment of Natives of merit to places in the Indian Civil Service without a revision of the judicial service, and without increasing the number of judicial officers, or constructing benches of Judges in the manner indicated.

2. A "full and confidential expression" of opinion is asked for by the Madras Government, and this the Judges cannot give without questioning the assumptions on which the letter of the Government of India is based, and showing that what is proposed in paragraph 6 of that letter does not adequately provide for the carrying out of the wishes of Parliament.

3. These wishes are plainly set forth in the sixth section of the Statute 33 Vic., Cap. 3. It is there provided, after reciting 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, that nothing in the Statutes 21 and 22 Vic., Cap. 106, and 24 and 25 Vic., Cap. 54, or in any other Act of Parliament or other law then in force in India, shall restrain the authorities in India by whom appointments are 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 and employment, although such Native shall not have been admitted to the said Civil Service of India in the manner provided by 21 and 22 Vic., Cap. 106, Section 32. It is clear from this and from the rules for the admission of natives of India into the Civil Service of Her Majesty in India, made by the Governor General in Council and sanctioned by the Secretary of State in Council, in pursuance of the Statute, that the object of Parliament was to allow and encourage the appointment of natives of India of proved merit and ability to offices and employments hitherto held by members of the Covenanted Civil Service, and not the creation of new offices to be filled by Natives either in the judicial or revenue branches of the service.

4. The assumption that the administration of civil justice is the employment which Natives are particularly well qualified to fill, appears to the Judges of the High Court also to admit of question. If a large employment of Natives was in contemplation, it may be that judicial posts would be the fittest to absorb the larger number, but for what is really within the contemplation of Parliament, according to the only reasonable construction of the Statute which appears possible, there is no apparent justification for the proposal that Native merit should find its reward in judicial places specially. The Secretariat, the various public departments and offices at the seats of Government, the civil departments connected with the Army, and many others, furnish employment as well or better suited for Native merit as the judicial branch. It seems obvious that no large employment of Natives in the high judicial or in any branch of the service was contemplated, nor does it appear the Parliament intended a departure to any considerable extent from the principle that in all the departments of Government supervision and control should remain ordinarily with the regular service.

5. In all departments there are certain high posts which selected Natives may fill with advantage, and these it was meant to place within reach of men of proved merit and ability. Nor does it appear that Parliament contemplated such a restriction in the employment of Natives in high places as is involved in the remarks concerning the pay of officials which are contained in the letter of the Government of India. If a highly placed Native must receive European pay, he will in effect receive far higher pay, and Government will be able to employ very few such men.

6. Occasionally a Native might be employed as a Judge of a district, but rarely and in peculiar circumstances. The Judges of the High Court would confine the new class of judicial men as much as possible to original work, and would have no benches of Judges sitting as courts of appeal. Strong courts of first instance, such as would be objects of ambition to Natives, and would also be a suitable training for the civilian afterwards to become a District Judge, might be established. From such courts one appeal would suffice, and this in cases beyond a certain low limit should come direct to the High Court which in place of many hundreds of special appeals would have to dispose of a comparatively small number of regular appeals.

7. While admitting that Natives show aptitude for judicial work, the Judges of the High Court think that, with a few exceptions, they are not well fitted to be placed in the position of uncontrolled responsibility occupied by a District Judge. The position is very different from that of a High Court Judge when the control

of associates comes into play. Such control, it would seem, is contemplated in the No. 293. benches of Judges proposed. The association of Judges in benches may be valuable where the experience and knowledge which the several members of the bench can bring to bear upon the matter before them is approximately at least on a footing of equality. The Judges of the High Court do not see how such a bench for the administration of civil justice could be brought together in one of the districts of this Presidency. If the bench is composed of men of unequal knowledge and experience, there will be no strength, but simply a waste of judicial machinery, sometimes with mischievous results, as in a bench, say, of three Judges, the less experienced and less capable majority may overrule the third Judge. This would not be of so much importance if the object were not to shut out appeals from the cognizance of the High Court, or, as it is said, to relieve the High Court of appeals. Finality cannot be safely compassed by a mere show of strength.

8. So far as the judicial service is concerned, the Judges of the High Court think effect might be given to the instructions of Parliament by occasionally and rarely opening the High Court and district courts to Native merit, and by some additions to well paid posts in the courts of first instance (Small Cause and others), all of which should be within reach of, though not of necessity held by, the new order of men.

*Minute by the Honourable Sir W. ROBINSON, K.C.S.I.,—dated the 7th October 1876.*

[From the Government of India, Home Department, dated 20th April 1876, No. 14—771].\*

Political intelligence is rising fast in this country, and a demand, almost hostile in its criticism, for a still larger and more potential share in its administration is the natural outcrop of the condition. The share already enjoyed in this Presidency is very large, for the executive is practically in a very great measure entrusted to the numerous but perhaps insufficiently paid Native Civil Service, and the highest posts are in the main alone reserved for the Covenanted Service. At home the claim meets with sympathy, and further concession is perhaps the policy we have increasingly to accept. I am one who does so willingly, without anxiety as respects the good sense, loyalty, and good service of Native official life, and with the belief that extended association of Native voice and sympathy in this alien administration is needful. We have cause for gratitude to the Native official classes in the past; the present service have advanced in intelligence, moral tone, and deserved public esteem, and are doing well; and the classes from which Native official life is drawn are exerting themselves to qualify for all that good administration wants. I have no doubt, therefore, that the mental ability—in the absence of some very important qualifications and considerations—required to meet the suggestions of the Government of India would not be wanting in this Presidency amongst the Native Civil Service of the State.

2. At the same time I am satisfied that firmness and foresight are much needed in dealing with this natural desire. It obviously requires no stimulus, though it needs careful guidance in its management; and uncertainty as to the guiding principles will do harm and produce future confusion and misunderstanding. Lucrative professions are wanted by the educated men springing up about us, and the public service is amongst the few organized professions in the country and has special attractions. But it must always be necessarily a narrow one, and its influence and importance should not be permitted to exaggerate itself in any way. Other callings are springing up which will provide employment if we give them time to absorb aspirants and afford needful encouragement in the way of that special and suitable instruction which Western science can diffuse; the Native public service will then assume its proper and convenient place amongst the professions of the country. It is on this ground I am most anxious to see agricultural and medical science widely recognized, and Native arts and manufactures allowed to revive. The law is taking of its quota; but the stimulus given to its study by our Government has perhaps temporarily affected the public mind in respect to an undue desire for advancement in the public service. Commerce and trade are employing increasing numbers, and both these lucrative professions and manufactures bid fair to take a rapid development in consequence of the jerkiness of the chain which has hitherto linked India to England. I admit that I see no urgency, and I have no desire to place the Native Civil Service of the Presidency in an undue position in relation to social conditions generally, or to advance, where hazard may occur, their aspirations. Reaction is always inconvenient, and a too prominent public service burdensome. I think, therefore, that care should be taken not to disturb the balance and give undue precedence or weight to the Native service of the State, such as I think that haste in advancing this movement may have a tendency to do, if not carefully watched.

3. I think that the Native public service of this Presidency should distinctly be made to understand—

(1) That while the Government are anxious to associate them with the administration of the country in every reasonable and advantageous way, we mean, for the

\* See page 45.

present at least, to supply the moderate number of men who are needed for all posts No. 293. of control and extended direction and supervision in this Presidency from England under suitable conditions and contracts, and to pay them what will command the best kind of labour for a purpose in which they and their countrymen are equally interested under the circumstances.

(2) That we value their worth and will employ indigenous labour as far as consistent with political prudence, and will pay for it at rates which can reasonably command the very best that the country affords, even although in most countries the public service is but moderately lucrative as compared with other professions.

I confess with deference that in this respect I cannot endorse any proposal that imported administrative and indigenous labour may equitably be paid on an equal footing under any circumstances or considerations; and I am satisfied that to apply this plan to a few posts in the civil administration—generously but moderately paid—will seriously disturb the balance of the service, and give a needlessly costly and uneven direction to the whole; and that while it will produce widespread discontent—sense of injustice and heart-burning both amongst Europeans and Natives in subordinate positions—it will unduly stimulate the natural desire for public employment, and otherwise affect wages generally to the detriment of society. Needlessly high rates of salary in any posts of the service will obstruct, on financial grounds, the extended employment of Natives, and that relief which ought to accrue to the country in return for the outlay on the education and advancement of its services, and also that relief which should arise from the substitution conceded. Such beginnings must end in future inconvenient reductions and reasonable readjustments, which will cause discontent.

The other alternative is levelling down the wages of foreign administrative labour—which should be of the highest order—to the indigenous standard. This cannot possibly commend itself on the one hand, or prove beneficial to the country on the other.

(3) The Native Civil Service of this Presidency should, I think, understand that when any member of it is admitted into the consultative bodies who guide the administration—and this I would gradually concede everywhere except in the Executive Government—the Government reserve the superiority of position and majority of voices for their Covenanted English Service.

4. I am satisfied that this Government are strong enough to lay down these or some such conditions, and that the Native Civil Service of this Presidency is reasonable enough to accept them.

5. Under the category of consultative bodies come the High Court as the head of the judicial administration and service, and the Board of Revenue which occupies in a measure a similar position in relation to the executive administration generally. Into both of these I would introduce, as early as occasion may offer, a Native member of their respective branches of the administration, with suitable and reasonable salary, and under distinct restriction as respects the senior grades. I think that, on the whole, both the High Court and the Board of Revenue are prepared to receive a Native colleague; and I am satisfied they will do so with advantage to the country irrespective of service considerations.

6. The letter of the Government of India apparently suggests (1) that Civil and Sessions Judgeships may be occasionally opened to the Native Judicial Service in this Presidency, and (2) that some small district may be intrusted to a Native officer as Collector and Magistrate.

7. I would observe *in limine* that there is absolutely no small and unimportant district in this Presidency as respects either function. Our districts are, as a rule, very large, and where any one district is below the average in area and population, other cogent considerations support its importance. And further, I feel sure that the matter cannot long be occasional; for the concession of the principle must work out of any restricted grooves very shortly under the precedent the stimulus given and the pressure of circumstances. The matter can only be treated broadly as respects this Presidency, and means throwing open more or less generally the only reserved judicial appointment in each district—the Civil and Sessions Judgeship—and the post of Collector and Magistrate of the District—the *quasi*-Governor of the Province—to the aspirations of the Native Civil Service, in their respective branches. I am constrained to dissuade from either step under any circumstances.

8. As regards the Civil and Sessions Judgeship, practically in this Presidency nearly the whole of the civil litigation comes under Native adjudication as courts of the first instance, and probably more than four-fifths of the criminal administration follows the same course. But effectively only one European covenanted officer is (or soon will be) connected with the administration of justice in the judicial branch in any district of this Presidency. Apart from jurisprudence—in which respect this officer may have his equals, perhaps superiors amongst his subordinates—judicial administration absolutely requires his presence in order to avoid the danger pointed out by the Government of India in the last sentence of paragraph 5 of the

letter under consideration. The substitution must imperil harmony, administration and discipline throughout both the judicial and the magisterial departments, and possibly others; we are in fact even now feeling the inconvenience of withdrawing a potential control over so small a matter as the subordinate appointments in the District Munsif's Courts. The administration of civil justice and the supervision of the magistracy require European supervision, discipline and control, and the highest functions of criminal justice may not be entrusted in any district to the almost uncontrolled administration of the Native Judicial Service. None other come under the judicial cognizance of covenanted Europeans in this Presidency. Indeed, I do not believe that beyond the very narrow section indeed of the official circle personally interested, the substitution of a Native Civil and Sessions Judge is desired by the Native Judicial Service itself, or will command the sympathy and confidence of Native society generally.

9. I cannot see how this single covenanted judicial office—the work calls for no more and does not threaten to increase—can be re-organized so as to introduce Native agency in connection with the civil and sessional work of the country. The conditions alluded to as inviting change in Bengal do not exist here. The salaries and status of the Native judicial bench may require reasonable raising—those of the subordinate officials of these courts unquestionably do—but otherwise existing conditions are working well and are sufficiently encouraging. The manner of spending more money on and of advancing the now well-adjusted Native Judicial Service of this Presidency will best take this form at once.

10. I am certain that the advice of this Government should be unanimous against substituting in any district Native for European covenanted agency in respect to the keystone of our executive administration—the Collector and Magistrate of the District. Irrespective of political and other obvious considerations, the Government on one side and society on the other would simply find the Native Collector and Magistrate of the District in hopeless impotence as respects some important matters within his own control and direction; and serious confusion must supervene as respects his relations with military (in many districts), police, public works, forests, and other Europeanized branches of the general administration. As respects this Presidency, therefore, the consensus of all judgment is and must be against this step. I have no doubt that the post of the Sub-Collector and Joint Magistrate, who is practically a co-ordinate in one of the divisions into which our large districts must be divided, must likewise be reserved for obvious reasons. The Assistantships are practically now fairly divided and adjusted in each district between the covenanted and the Deputy Collector grade of Native Civil Service—I hold that no European should be admitted into this latter grade—and this answers well without introducing the element of subordination which must in practice import discord. I believe that there is a coldness, probably incurable, between the services of the State and perhaps between the people and the administration; but I hold that the judgment of the Native Civil Service in general and the feeling of the country are still in accord with what I believe to be the interest of the State and of the country, and that there is no real and effective desire for organic change such as the substitution of Native agency for European at the head of the district administration in any part of the country. The Government certainly should neither stimulate nor advance in anticipation of this feeling, for the people of every district are interested in a strong, impartial and harmonious administration, and feel that it will be imperilled by change.

11. I agree with the Members of the Board of Revenue that the salary of the higher classes of Deputy Collectors might perhaps be improved with satisfaction to this grade and advantage to the service. But I would not object to do away with the lower grades altogether in order to supply a want which I shall notice and replace the Native Civil Service of this Presidency in an influential position which was long much prized by them, and is alike in accordance with their traditions and aspirations and with the requirements of good administration—I mean the revival of the post of Head Sheristadars, or Native adviser or colleague of the Collector and Magistrate of every district.

12. I do not attempt to conceal from myself the conviction that feelings, interests and conditions are springing into strong life throughout the country which are tending to separate not only the intelligent but other classes—almost imperceptibly as yet perhaps—from sympathy with our European administration, and that there are questions between us which require increased care and watchfulness in their management. In this respect we cannot attach an exaggerated importance to the influential and sympathetic intervention and advice of the Native Civil Service; it is, I believe, indispensable in almost all places and in all departments. We want a growing accord and a better acquaintance with Native feeling, and with those Native social conditions and institutions which we cannot traverse either wisely or easily in the long run: we want a better and less uncertain *rapproch* with the country. No one can, I believe, look back over between thirty and forty years of official experience, as I do, without realizing that the foreign rule in this Presidency,

beneficent though it has been in many respects, is becoming much more searching No. 293. and surprising, and the policy of Government more exacting, and perhaps harsher and less in sympathy with our subjects. We are enhancing settlements which had almost become permanent by prescription; reorganizing village institutions which constitute the social structure of rural life, likewise with increased burdens and other unusual features; forestry is touching with increased taxation and vexation every part of the country, and new State claims are being summarily exercised; the Engineer assumes the management of the communal tanks and channels at a cost that seems waste to the uninitiated; and so on in many branches of progressive administration. In every case this is being done by highly Europeanized, centralized and unsympathetic departments, more or less disconnected with the local administration, and possibly in unintended antagonism alike with them and with the feeling of the people; each is adding to the divergence from the past of the people; each is raising questions between us. In the meantime that branch of the administration to which both the Government and the people are looking in the main is, I think, weaker than it was and perhaps less sympathetic, and in less soothing relations with the populations placed under its charge. The influence of the tahsildar, with extended charges, and of the taluq service has become less, and is often severely traversed where it was fairly useful and acceptable to the people; and influential Native response and support at the head-quarters of the district has been lost to them. The Collector is more of the cutcherry hack and Judicial Magistrate than he was; his general influence is less, and his establishment, more especially Native establishment, have less voice in the policy of the district than was formerly the case. He has been practically set free from, or deprived of, his experienced Native permanent colleagues and advisers—the head and naib sheristadars of the Collector's Office. Their influence for good, though their voices might not have been potential, was immense, and gave steadiness and permanence to the policy of the district and to sympathy of the people, amidst the changefulness of the European administration and supervision. Further, the Board of Revenue have practically lost, in a great measure, their Native colleague in the Sherista Office; and the Native service in general has lost that support which his influence imparted to Native feeling and judgment through-

*N. B.*—The confusion which is in course of rectification in Canara could not have occurred had there been a Sherista Office of experience at the Collector's hand to remind of the past, and the so-called "Weld case of Tanjore" would probably have been obviated by such influential advisers. And I am satisfied that much benefit would have resulted had there been present in the Board of Revenue Office and in each Collectorate an efficient and experienced Sherista Office at the time when revision of settlements has been in progress in the main by centralized uncovenanted agency (save at the head) unconnected with the district under settlement. The present so-called Collector-Sheristadar is an office manager, and exercises little influence on the general administration and policy of the district.

out the branch of which he was the head.

13. We have, it is true, some fifty Deputy Collectors (some unfortunately not Natives) in the Uncovenanted Civil Service, and they constitute a very important branch of the administration; but when we deduct the Europeans and East Indians in this grade, and the Deputy Collectors employed on special duties in connection with the treasury and accounts, salt and the like, the number engaged in general administration is practically small. These are generally dispersed on special and limited charges of one or two taluqs in the same manner as other Assistants to the Collector and Magistrate, and, I am satisfied, exercise less general, beneficial and sustained influence in most districts than was the case with those they have supplanted. Here, too, we have centralization of patronage which I am satisfied weakens their local value and sympathy; and in nine cases out of ten probably the Deputy Collector is a foreigner to the district to which he is posted. In fact, I think that the Native Civil Service in the administrative branch is less in gear than is due to itself or beneficial to the country.

14. I am not of course unmindful of the valuable Local Fund Boards and Municipal Commissioners who direct the policy of a district in certain relations, but their influence is special and very restricted.

15. It is needless to advert to the changeful epoch—over which the reaction caused by the mutiny may have had its influence—which inaugurated the action which I would now retrace. Suffice it to say that on the whole I would at once replace his Native colleague at the hand of the Collector and Magistrate in every district in the country, even at some sacrifice of the European Covenanted Assistant and Deputy Collectors' grades, with such suitable salary and position as would make the post of Native assistant and adviser to the head of the district an object of ambition with the Deputy Collector grade of the Uncovenanted Civil Service. The Native Member of the Board of Revenue, who would generally have risen in the mofussil through the Sherista grade, will thus complete and harmonize the Native civil branch of the administration of this Presidency with, I believe, comfort and reassurance to the country.



*Minute by the Honourable R. S. ELLIS, C.B.,—dated the 4th November 1876.* No. 293.

I have read with much interest the replies submitted by the Honourable the Judges of the High Court and the Members of the Board of Revenue to the reference made to them on the subject of the selection of Natives for employment in offices hitherto held by members of the Covenanted Civil Service.

I have also had the advantage of reading the Minute recorded by my Honourable Colleague Sir W. Robinson.

I have little to add to the recommendations contained in these papers, but desire to record my general concurrence in the opinions which they convey.

2. Two very important principles of policy are brought to notice in these papers which should, I think, be prominently brought forward in our reply to the Government of India—

*First*, that it would be a source of political danger to place the highest executive offices of our districts, *viz.*, those of Collector and Magistrate, in the hands of Native officials.

*Secondly*, that it is in the highest degree inexpedient to place our English covenanted officers in immediate subordination to Native officials.

3. As regards the first principle, I believe that the power which rests in the hands of the chief executive officers of our districts (which might from their size and importance be more justly described as provinces) may, if transferred to Native hands, become in time of trouble a source of political danger. I have the same objection to the employment of Natives in these positions as I have to the higher military commands being given to Native officers, or to entrusting an important fortress or arsenal to a Native Commandant. I venture frankly to express this opinion, not because I think the natives of this Presidency less loyal than natives of other parts of India, but because I believe that we cannot too carefully remember the origin of our Indian Empire and the peculiar political position which we occupy as an alien race in the midst of conquered nationalities, and because the events of 1857 have shewn us how rapidly our administrative system may be endangered in times of violent political disturbances. If this was the case when European officials held all our most important executive charges in 1857, it may well be imagined how greatly the danger would have been increased if many important executive offices had been in the hands of Natives exposed to extraordinary political temptation.

4. I have spoken of what may by many be considered a remote contingency—the disloyalty of high Native officials. There is, in my humble judgment, another reason why it is undesirable to place the chief executive charge of districts in Native hands. This is, that even if their loyalty could be so assured as to be beyond question, Natives are deficient in some of the most essential qualities required in a district officer—self-reliance and moral and physical courage. Although this Presidency might, from the peaceful character of its populations, appear to present a favourable field for the experiment of leaving the chief charge of districts in the hands of Native officials, I do not hesitate to affirm that on the Government hearing that in a district so officered an outbreak had occurred, arising out of fanaticism or caste hatreds, or on the occasion of a famine accompanied by a violent increase of crime, the immediate action of the Government would be to send to such a district a European official practically to supersede the Native Magistrate and Collector; and if this is admitted, then I maintain that it is bad policy to place a Native in a position for which, on a very possible emergency occurring, we know that he will be unfit, and that we should devise some means attended with less risk for giving effect to the wishes of the Government of India.

5. As regards the highest judicial offices in the districts. Before assigning these to Natives the inquiry naturally suggests itself—Are Natives in considerable numbers specially qualified, *ceteris paribus*, for these high offices? Having but a limited experience of the working of the courts of this Presidency, I naturally turn to the advice which the Government has received confidentially from the Judges of the High Court. The opinion of this Court is from its composition entitled to very great weight; it is a mixed tribunal of English and Indian lawyers, and those composing it are from their high position removed from the influence of personal motives. The High Court give it as their deliberate and unanimous opinion that, with the exception of the occasional selection of a Native of approved ability for a seat in the High Court, the employment of Natives should be limited to courts of first instance. They state that though Natives show aptitude for judicial work, they are, with few exceptions, not well fitted to be placed in positions of uncontrolled responsibility, such as those occupied by District Judges. With reference to the proposal to constitute benches of Judges, on which Natives would sit with English Judges, the High Court Judges point out that the proposal involves the multiplication of officials without any beneficial and with probably an injurious result. The Judges of the High Court remark: “If the bench is composed of men of unequal

knowledge and experience, there will be no strength, but simply a waste of judicial No. 293. machinery, sometimes with mischievous results, as in a bench, say, of three Judges the less experienced and less capable majority may overrule the third Judge," and they observe that "finality cannot be safely compassed by a mere show of strength."

6. With reference to the principle of subordinating European to Native officials, it seems hardly necessary to offer any argument. Its immediate effect would most certainly be to impoverish to a perilous extent the source from which we draw our supply of European covenanted officers, and to introduce a constant disturbing element in the harmony of administration. I can hardly imagine anything more distasteful to a young Englishman than the idea that he is to be for the earlier portion of his career under the direction of a Native official. Of the effect of such an arrangement on the 'prestige' of our Government it is difficult to pronounce. But I am much mistaken if it would not sorely diminish the authority of our administration, and create ideas highly subversive to its stability. Indeed, the Government of India do not appear to contemplate this revolution in its more naked aspect, such as the subordination of English magisterial and revenue officials to Native Collectors and Magistrates; but it must be remembered that a very considerable and direct control is exercised by our Sessions Courts over the Magistracy, Europeans and Natives, within their jurisdiction, and that, in the present constitution of our districts, the appointment of a Native Sessions Judge means the subordination of English magisterial officers to Native officials.

7. The suggestion that there may be small districts of which Natives might be placed in charge is not applicable to this Presidency. Our districts, though somewhat differing in extent, are all large and most important charges, and it can hardly be contemplated to dismember districts in order to make an experiment which I venture to think is of most doubtful advantage, and which will not, I believe, be popular with any considerable class of Natives.

8. While I would earnestly hope that the Government will urge upon the consideration of the Government of India the maintenance of the two principles—that the chief provincial appointments, revenue and judicial, should be retained in the hands of our European covenanted officers, and that English officials shall not be subordinate to Natives—I am not indifferent to the generous desire of the Government of India to enlarge the field of distinction and emolument which is open to Natives, and I would willingly support a scheme which will enable us to do this without any disturbance of the policy which has hitherto wisely, I believe, influenced our administration, without injustice to those Englishmen who are already in the service of the State under covenants, and without materially reducing the future attractions to Englishmen of service in this country.

9. In considering how this can be done for the future, we should not lose sight of the extent to which the administration of the country is already in the hands of Native officials.

10. As regards the judicial branch, there is already a very considerable number of subordinate but well-paid judicial offices which are now held by Natives—the Subordinate Judgeships. Twelve out of fourteen of these courts have Native Judges. A great part of the original civil suits of the country are disposed of by the District Munsifs, about one hundred in number, on salaries varying from Rs. 200 to Rs. 300 per mensem. I would gladly see these appointments better paid, and it is principally in this direction—raising the salaries of the Judges of courts of first instance—that I would ameliorate the status of the Native judicial branch of the service.

11. In like manner in the revenue branch of the administration we largely employ Natives in the offices of Tahsildars and Deputy Collectors. The work performed by this class of Native officials is responsible and important, and I cordially concur in the recommendation of the Board of Revenue and my Honourable Colleague that the salaries of our Deputy Collectors should be considerably increased, and that these offices be entirely reserved for Natives. I also entirely agree with Sir William Robinson in his wish to see revived the offices of sheristadar or personal assistant and adviser of the Collector of a district. I believe that this would materially benefit the revenue administration of the country, and I would gladly see these offices well remunerated and an object of ambition to our best Native revenue officials. The occasional selection of our ablest judicial and revenue Native officials for seats on the High Court bench and on the Board of Revenue will also, I think, be attended with justice and advantage, and will not be open to the objections urged against the employment of Natives as District Judges and District Collectors and Magistrates. I would also willingly see Natives largely employed in the higher offices of Account (Civil and Military), Registration and Stamps.

12. The Educational Department is already accessible to Natives. I would No. 293. gladly see the admission of some of the most accomplished of the Natives to the highest offices of the department, and, if financial considerations permit, I should rejoice at an increase of salaries throughout the department which would make it more attractive to Natives who are specially fitted for employment in it.

13. I believe that these advantages are sufficient at present to meet all reasonable requirements, and that it is rather by increasing the emoluments of existing appointments now held by Natives, than by creating new appointments, or by appointing Natives to situations hitherto reserved to covenanted Englishmen, that we shall best give effect to the desire of the Secretary of State and the Government of India.

14. I have not alluded to the question of the salaries to be received by natives of India when admitted to the higher offices, such as Judges of the High Court and Members of the Board of Revenue. I contemplate the selection of Natives for such offices as High Court Judge and Member of the Board of Revenue as being entirely exceptional, and I would not make any difference of salary in these cases. I do not, as shewn above, contemplate Natives holding the highest offices, judicial or revenue, in the districts. The offices to which I would propose to appoint Natives, and which should be reserved to them, should have sufficiently liberal salaries assigned to them, and as regards these appointments, the question raised in paragraph 4 of the letter would not arise.

15. The justice of considering the selection of Natives for the office of a Judge of the High Court or a Member of the Board of Revenue as being quite exceptional may be questioned, but I found this opinion upon the existing condition of our services in this Presidency. There is at present, I believe, not more than one judicial Native officer whom we could confidently recommend for appointment to the High Court, nor are there, I believe, at the Native Bar pleaders of such eminence as to justify a selection being made from them. For the appointment to the Revenue Board there are not more than three out of the large number of revenue officials now in the service who have any claim to this mark of special distinction.

R. S. ELLIS.

*Minute by his Grace the President,—dated the 6th December 1876.*

I have read these papers with much interest. I consider that Native officials may be useful and valuable coadjutors, especially in the revenue branch, and that both Collectors and Board of Revenue would derive valuable aid, and their administration be improved, by the combination of Native knowledge and experience with the vigour and energy of English officers. A quasi-permanent official of high standing in Collectors' offices would, I think, tend to give a steadiness and consistency to the administration which some things I have noticed make me think is wanting under the present system with frequent changes of officers now occurring. The short experience I have had does not entitle me to speak with any strong opinion on the question of the qualifications of Natives for administering as Collectors, &c., but what I have seen and read since arriving in India in the usual course of business inclines me to the opinion that any attempt to place them in such positions would result in failure.

2. As regards the occasional admission of Native officials of tried ability and known character for a seat in the High Court, I see no reason against it, and many in favour of it, but it should not be by addition, but in the ordinary course of vacancies.

BUCKINGHAM AND CHANDOS.

XLIV.

From C. GONNE, Esq., Secretary to the Government of Bombay, Judicial Department, to the Offg. Secretary to the Government of India, Home Department,—dated Delhi, the 30th December 1876. No. 294.

As it is the belief of His Excellency the Governor in Council that both the Government of India and the Secretary of State are of opinion that the Act of Parliament 33 Vic., Cap. 3, should no longer be allowed to remain a dead letter, but that an appointment of a Native gentleman to one of the Judgeships hitherto held by the members of the Civil Service should be made in conformity with the rules\* published by the Government of India on the 19th August 1875, and as an opportunity for so doing will present itself on the retirement next month of one of the Session Judges of this Presidency, I am directed to bring the subject under the consideration of the Government of India.

\* See page 44.

2. It is within the knowledge of His Excellency the Viceroy in Council that this Government has on different occasions strongly advocated the establishment of a scale of salaries for all the higher offices to which Native gentlemen may be appointed under the Act considerably below those which are now, and ought hereafter to be, paid to members of the Civil Service. They still entertain this view; and although sensible that no decision has yet been arrived at on the subject, they are unwilling to take any step which may, more or less, promote the adoption of a different principle. In applying therefore, as required by the rules, for the sanction of the Governor General in Council, for the appointment of a Native gentleman to be Joint Judge and Session Judge, I am to say that they do so only on the understanding that an abatement will be made from the salary, and that if the Government of India be not prepared to acquiesce that arrangement, the application shall be held to be withdrawn.

3. The gentleman for whose appointment sanction is requested is Rao Bahadur Gopal Rao Hari, Judge of the Small Cause Court at Ahmedabad, who has been years in the public service, and has well earned this promotion. The fixed salary of the office is Rs. 1,800, which it is recommended should be reduced by an abatement of 25 per cent. to Rs. 1,350.

4. Under the 5th Rule it will rest with the Governor General in Council and the Secretary of State to prescribe the conditions as to leave and pension which shall apply to this case.

#### XLV.

Telegram from Home, Calcutta, to Bombay, Judicial, Bombay,—No. 103, dated 24th January 1877. No. 295.

Government India sanction appointment Rao Hari as Joint Judge and Sessions Judge on lower rate salary proposed, the latter being provisional arrangement, subject to decision general question salaries.

#### XLVI.

From G. C. WHITWORTH, Esq., Acting Under Secretary to the Government of Bombay, Judicial Department, to the Officiating Secretary to the Government of India, Home Department,—No. 922, dated Bombay Castle, the 8th February 1877. No. 296.

With reference to correspondence ending with your telegram\* dated 24th January last, I am directed to report that His Excellency the Governor in Council has appointed Rao Bahadur Gopal Rao Hari Deshmukh, Judge of the Court of Small Causes at Ahmedabad,

Government letter No. 609, dated 27th January 1877.

Letter from Rao Bahadur Gopal Rao Hari Deshmukh, dated 27th January 1877.

Government letter No. 788, dated 2nd February 1877.

to be Joint Judge and Sessions Judge in the Tanna District. A copy of the correspondence marginally noted on the subject of this appointment is herewith submitted, and, with reference to clause (a) of Rule 4 of the Rules for the admission of Natives to appointments in the Covenanted Civil Service, I am desired to request that the Government of India may be moved to exempt Rao Bahadur Gopal Rao Hari Deshmukh from passing any departmental examination.

#### XLVII.

From G. C. WHITWORTH, Esq., Acting Under Secretary to the Government of Bombay, Judicial Department, to Rao Bahadur GOPAL RAO HARI DESHMUKH, Judge of the Small Cause Court, Ahmedabad,—No. 609, dated Bombay Castle, the 27th January 1877. No. 297.

I am directed to inform you that His Excellency the Governor in Council contemplates appointing a Native gentleman, not a member of the Covenanted Civil Service, to the post of Joint Judge, which will be shortly vacated by Mr. Izon, c.s. But it is the intention of His Excellency the Governor in Council to make the salary of the appointment, while held by an officer who has not entered the ranks of the Covenanted Civil Service in the regular way, less by 25 per cent. than it is at present. Thus the salary will be Rs. 1,350 a month.

2. Further, I am directed to state that the appointment, though substantive, No. 297. will be *pro tempore* pending the settlement of a general question now under consideration regarding salaries.

3. It will rest with the Governor General in Council and the Secretary of State to prescribe the conditions as to leave and pension which shall apply to this appointment.

4. Finally, I am directed to enquire whether you are willing to accept the appointment under the conditions described above, and to request that you will send your reply by telegraph.

#### XLVIII.

From Rao Bahadur GOPAL RAO HARI DESHMUKH, Judge of the Small Cause Court, Ahmedabad No. 298. to the Acting Under Secretary to the Government of Bombay, Judicial Department,—dated Bombay, the 27th January 1877.

In acknowledging the receipt of your letter No. 609\* of this day's date, I have the honour to inform you that I am willing to accept the appointment of Joint Judge under the conditions therein mentioned.

#### XLIX.

From G. C. WHITWORTH, Esq., Acting Under Secretary to the Government of Bombay, Judicial Department, to Rao Bahadur GOPAL RAO HARI DESHMUKH, Judge of the Small Cause Court, Ahmedabad,—No. 783, dated Bombay Castle, the 2nd February 1877. No. 299.

I am directed to inform you that His Excellency the Governor in Council is pleased to appoint you to be Joint Judge and Sessions Judge of Nasik.

2. A copy of the rules framed by the Government of India under which this appointment is made is appended for your information.

3. You will observe from the third rule that the appointment is made subject to disallowance by the Secretary of State for India, to whom the appointment will be immediately reported.

4. And from the fourth rule you will see that the appointment is, in the first instance, provisional only.

5. With reference to clause (a) of the fourth rule, I am directed to inform you that His Excellency the Governor in Council will move the Government of India to exempt you from passing any departmental examination.

6. With regard to the questions of salary, leave and pension, you have already in my letter\* No. 609 of the 27th ultimo received such information as His Excellency the Governor in Council is at present able to give you.

#### L.

From J. NUGENT, Esq., Under Secretary to the Government of Bombay, Judicial Department, to the Officiating Secretary to the Government of India, Home Department,—No. 3308, dated Bombay Castle, the 20th June 1877. No. 300

I am directed to request that this Government may be favoured with the early orders of the Government of India on their letter\* No. 922, dated 8th February 1877. It will be observed from the despatch† of Her Majesty's Secretary of State for India to the address of this Government, No. 6, dated 9th April 1877, that His Lordship has confirmed the appointment of Rao Bahadur Gopal Rao Hari Deshmukh as Joint Judge and Sessions Judge in the Tanna District.

#### LI.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, to the Secretary No. 301. to the Government of Bombay,—No. 1307, dated Simla, the 9th July 1877.

In reply to your letters noted on the margin I am directed to

No. 922,\* dated 8th February 1877.

No. 3318,† dated 20th June 1877.

\* Published with Home Department Notification No. 1371, dated 19th August 1875.

Governor General in Council is pleased to exempt Rao Bahadur Gopal Rao Hari Deshmukh, Joint Judge and Sessions Judge in the Tanna District, from passing the departmental examinations.

\* See page 58.

† Not printed.

‡ *Vide supra.*

## LII.

From the Honourable E. W. RAVENSCROFT, C. S. I., Acting Chief Secretary to the Government of Bombay, to the Officiating Secretary to the Government of India, Home Department,— No. 302.  
No. 1970, dated Bombay Castle, the 30th June 1876.

A period of upwards of two years has now elapsed since this Government were called upon to state their opinions of certain draft Rules proposed to be submitted by the Government of India to the Secretary of State for the purposes of giving effect to the Statute 33

Vic., Cap. 3, and the Government of India now desire\* that this Government will give their best attention to certain observations on the rules which have been actually sanctioned, and submit a confidential report on the whole question.

2. It cannot be gathered from the papers to which this Government have had access, whether the opinions expressed by them on the original draft Rules have ever been submitted to the Secretary of State. But I am directed to observe that the qualifications then proposed to be required of Native candidates for employment, to which this Government took objection, have been struck out; and that the authority making the selection will practically be responsible for its propriety. The period of probation has also been extended to two years. On the other hand, a thorough knowledge of the English language is not insisted on; nor is it laid down that exemption from liability to pass the departmental examination shall be granted at the time of first appointment or not at all. Both of these were recommended by Members of this Government, but, as they now observe with regret, without effect.

3. In their despatch† to the Secretary of State, No. 6 of the 23rd January 1874, the Government of India stated—"As to the *third* point, there is much difference of opinion. We entertain grave objections against making a distinction in rates of pay between Europeans and Natives performing the same duties in the same grade of appointments;" and "But the point does not press for immediate decision, and we should prefer to consider it separately from the subject of the Rules now submitted." In your letter\* of the 20th April 1876, the Government of India observe: "It has been frequently suggested that when natives of India are admitted in the higher offices, the salaries which they receive should be less in amount than those received by European officers who hold similar offices. The Government of India are of opinion that it would be impolitic to make a difference between the salaries of Natives and Europeans who might fill offices of the same class; and that, while it would be only fair to the tax-payers of India that they should be served at a lower rate, provided the service performed could be properly remunerated at a less amount, the best way of effecting the object would be rather to reduce the general scale of pay allotted to certain officers, than to make any distinction between the pay of individuals holding offices of the same class. Whenever, therefore, the time may arrive that natives of India shall be largely employed in the judicial service, it would be right to revise the constitution of that branch of the public service."

4. I am directed to remark that it is impossible not to perceive the indication in both the communications above quoted of the desire to postpone coming to a practical decision on this most important question. In the first instance, it was desired to consider it separately from the Rules: now it is to wait till Natives are largely employed in the judicial service. This Government desire very respectfully, but earnestly, to remonstrate against any such postponement of the decision. Each appointment will constitute a precedent. The greater the number made before a decision is arrived at the more difficult will the examination of the question become.

\* See page 45.

† See page 20.

5. The Government of India have not, I am to observe, stated No. 302. what are the grave objections they entertain to distinctive salaries, nor do they explain why "it would be impolitic to make a difference between the salaries of Natives and Europeans who might fill offices of the same class." It is certainly "impolitic" to offer less than the fair market value of an article which cannot be dispensed with. It is equally "impolitic" to pay more than the reasonable value of that which the market abundantly supplies. There is no sound reason for supposing that while Great Britain retains dominion over this country, she can ever largely entrust the administration of the high offices, on which the character and safety of her Government must mainly depend, to other than her own children. There is no better reason for expecting that she will be able to command the services of those among them who are fit for such high trusts, unless she is prepared to remunerate them on a scale sufficient to compensate them for the drawbacks of climate, separation from relatives and friends, the heavy cost of the maintenance of double establishments here and at home, and others, from which it is impossible for them to escape. In the case of a Native gentleman, this Government are of opinion that none of these considerations have any force or even existence. He serves in his Native land, he is surrounded by his family and countrymen, and he lives according to his Native customs. If the matter were placed fairly and openly before him, he could not justly regard himself as subjected to any slight by a difference of pay. All the powers and distinction appertaining to the office he would fully enjoy, and there cannot be a Native of intelligence, accustomed to consider such questions, who is not able to estimate the pecuniary burdens resting on Europeans, over and above those to which he is liable. Moreover, it will be difficult to establish the justice of compelling the people of India to pay to these Native gentlemen, any more than to our own countrymen, more than the true value of their services. The value of our own countrymen is higher, because the existence of British rule in India is beneficial to its people. The Native Army are badly paid, the District Police the same, although we have great need of both. Where are we to find the policy of paying unnecessarily high salaries to other Natives, or of shrinking from a reasonable decision of the question, at the time when we throw open these high offices to Native gentlemen?

6. It would appear from the 5th paragraph of your letter\* of the 20th April that the Government of India have it in contemplation to get over the difficulty at some future period, by reducing the salaries of certain judicial offices to sums which, it is to be presumed, they hold would be sufficient to remunerate Native gentlemen. But I am desired to observe that, viewing the case as this Government do, such an adjustment would be founded on erroneous principles. If the salaries paid to judicial functionaries are too high, or their numbers too great, they may be reduced on these grounds, but not as a means of fitting them for the tenure of Natives. If Rs. 2,000 would be sufficient for the remuneration of an English officer, it would be too much for a Native. No permanent advantage can be derived from attempts to disguise the facts that Government must employ so much European agency as they deem necessary in every branch—civil, military, and judicial—of their administration, and that such agency must be more expensive than Native agency.

7. In conclusion, I am to state that it is not without much hesitation that this Government have ventured to put forward their objection to rules already sanctioned. But the Government of India have admitted the existence of strong differences of opinion, and this Government therefore feel it their duty to urge both a re-consideration of this point and an open recognition of distinctive salaries from the very introduction of the new system.

\* See page 45.

## LIII.

From R. L. MANGLES, Esq., Offg. Secretary to the Government of Bengal, Appointment Department, to the Secretary to the Government of India, Home Department,—No. 638 T., dated Darjeeling, the 4th June 1876. No. 303.

I am directed to acknowledge the receipt of your confidential letter\* No. 14—773 of the 20th April 1876, in which the Government of India now state that it is open to the Lieutenant-Governor, should he wish to do so, to recommend any Native for employment in an office usually held by a covenanted civilian. At the same time the Government of India have indicated the nature of the policy which commends itself to them for adoption in connection with the admission of Natives to the Civil Service, and more especially as it may bring certain administrative changes under consideration. You request the submission of a confidential report on the whole question and on the several points discussed in your letter under acknowledgment.

2. In the first place, the Government of India express the opinion that it would be impolitic to make a difference between the salaries of Natives and Europeans who might fill offices of the same class, and while admitting that it would be only fair to the tax-payers of India that they should be served at a lower rate, if possible, the Government of India consider that the better plan will be to reduce the general scale of pay allotted to certain officers than to make any distinction between the pay of individual officers holding offices of the same class. In the second place, the Government of India are of opinion that Natives are particularly well qualified to fill appointments in the judicial branch of the service, and it is pointed out that such a revision of the judicial service is desirable as it would increase the number of offices paid at a moderate rate, leaving at the same time a sufficient number of higher appointments upon a scale of pay not less than that which is now attached to them.

3. In reply I am to say that the Lieutenant-Governor fully concurs with the opinion expressed by the Government of India that Natives are best suited to fill judicial appointments, and that the employment of Natives in the higher appointments which have been hitherto held by civil servants, should, in the first instance, be chiefly tried in this branch of the service. But he thinks that it ought also to be tried to some extent in the executive branch also. On this particular point, I am directed to append a copy of a Minute which the Lieutenant-Governor has recorded.

4. As regards the policy which the Government of India have adopted of paying Natives, who are admitted into the Civil Service in India, the same salaries as are given to European officers, the Lieutenant-Governor thinks that there will be great difficulty in making a reduction in the scale of existing salaries.

5. Looking to all the well known considerations with reference to which the salaries of European officers have been fixed, the Lieutenant-Governor would be much averse to making any reductions, and more especially at the present time, when the value of these salaries have been already so much reduced by the fall in the price of silver.

6. But although the Lieutenant-Governor entertains the opinions above expressed, he at the same time considers that some revision in the direction indicated by the Government of India might be made with advantage in the salaries of judicial officers.

7. There are at present three grades of Magistrates and Collectors, and the officers in these grades receive, respectively, Rs. 2,250, Rs. 1,800, and 1,500 per mensem. Of Judges there are two grades only, *viz.*, on Rs. 2,500 and Rs. 2,000. Recently, however, two special appointments of Assistant Judgeships on Rs. 1,200 each have been constituted for the Chittagong and Cooch Behar Divisions. As the judicial and executive branches of the service have now been

\* See page 45.



separated, the Lieutenant-Governor is of opinion that no good reason No. 303 any longer exists for according Judges of the lowest grade a higher rate of salary than is drawn by Magistrates and Collectors of the lowest grade; and that it is now anomalous that an officer promoted from a Joint Magistracy to his first appointment in the judicial line should draw a higher salary than another officer of the same standing when promoted to his first appointment in the executive line.

8. This anomaly should, the Lieutenant-Governor thinks, be removed. It also appears to him to be necessary to revise the salaries of the two officers who are at present serving as Assistant Judges on Rs. 1,200 each, so as to avoid the necessity of removing them from their divisions when their turn for promotion arrives. It is further necessary to provide for the appointment of an additional Judge for the Bogra, Pubna, and Malda Districts, as lately recommended by the High Court, and as has been already represented to the Government of India in my letter\* No. 1294, dated 5th April last.

9. With this three-fold object, then, Sir Richard Temple would propose to revise the existing salaries in the judicial branch of the service as follows.

There are at present 30 judicial officers who draw Rs. 7,84,800 per annum, as shewn below :

	Rs.
14 Judges on Rs. 2,500 × 12 = . . .	4,20,000
14 ditto „ 2,000 × 12 = . . .	3,36,000
2 ditto „ 1,200 × 12 = . . .	28,800
<hr/>	
30 Total	<u>7,84,800</u>

For the reasons above stated, the Lieutenant-Governor would increase the number of Judges by one, making 31 in all, and he would re-distribute the salaries on the following scale :

	Rs.
16 Judges on Rs. 2,500 × 12 = . . .	4,80,000
12 ditto „ 1,800 × 12 = . . .	2,59,200
3 ditto „ 1,500 × 12 = . . .	54,000
<hr/>	
Total	<u>7,93,200</u>

This shews an increase of Rs. 700 only per mensem over present expenditure, or Rs. 8,400 per annum, notwithstanding that provision has been made for the appointment of an additional Judge for the districts above mentioned, as already recommended to the Government of India.

10. In paragraph 6 of your letter† the Government of India state that intimately connected with the revision of salaries suggested by them are the proposals which have been made in Bengal for constituting Benches of Judges as Courts of Appeal, in order to lighten the work of the High Court.

11. If the views expressed by the Lieutenant-Governor in paragraph 50 of his Minute\* of the 5th August last, which is scheme No. 2 and contemplates the addition of four Judges to the present list, meet with the approval of the Government of India, the Lieutenant-Governor would propose the following revision, which provides also for the additional Judge for Bogra, Pubna, and Malda :

	Rs.
8 Judges on Rs. 3,000 × 12 = . . .	2,88,000
9 ditto „ 2,500 × 12 = . . .	2,70,000
9 ditto „ 1,800 × 12 = . . .	1,94,400
9 ditto „ 1,500 × 12 = . . .	1,62,000
<hr/>	
35 Total	<u>9,14,400</u>
— Deduct present cost of judicial establishments	7,84,800
	<u>1,29,600</u>

\* Not printed.

† See page 46.

The increase proposed in connection with this scheme No. 2, in the No. cost of the Subordinate Judicial Service, was shewn to be Rs. 67,200 per annum. The total net cost would, therefore, be Rs. 1,29,600 + Rs. 67,200 = Rs. 1,96,800; and if the above sum of Rs. 1,96,800 is deducted from the saving of Rs. 2,54,847 to be effected in the High Court by the abolition of the two of its Judges and otherwise, as proposed in the Minute, it will result in a net saving of Rs. 58,047 per annum.

12. If, on the other hand, the views expressed by the Lieutenant-Governor in paragraphs 52 and 53 of his Minute,\* and which is scheme No. 3, and contemplates the appointment of six additional Judges, meet with the approval of the Government of India, the Lieutenant-Governor would propose to make the revision as follows:

	Rs.
5 Judges on Rs. 3,000 × 12 = . . .	1,80,000
6 Do. do. 2,750 × 12 = . . .	1,98,000
6 Do. do. 2,500 × 12 = . . .	1,80,000
10 Do. do. 1,800 × 12 = . . .	2,16,000
15 Do. do. 1,500 × 12 = . . .	1,80,000
Total	9,54,000
Deduct cost of present judicial establishment	7,84,800
Net increase	1,69,200

The increase proposed in the above scheme No. 3, in the cost of the Subordinate Judicial Service, amounted to Rs. 92,400; the total net cost would therefore be Rs. 1,69,200 + Rs. 92,400 = Rs. 2,61,600; and if from this be deducted the saving which will be effected in the High Court, there will remain a net increase of expenditure amounting to Rs. 6,753 only.

13. Referring to paragraph 7 of your letter,† I am to state that as it has been decided that Natives in this country are to be admitted into the Civil Service, the Lieutenant-Governor sees no objection to their admission also into the Non-Regulation Commission, as suggested by the Government of India. I am, however, to point out that the Civil Courts of the lowest original jurisdiction in the non-regulation districts of this province are already presided over by Native officers belonging to the Subordinate Judicial Service.

14. With regard to your 8th paragraph, I am to say that the Lieutenant-Governor considers that there are one or two small districts in the regulation provinces under this Government, to the charge of which districts a Native officer might be appointed. The question has been for some time under the consideration of the Lieutenant-Governor whether there are any Native officers available who might be safely entrusted with the charge of a district, and he is now quite prepared to give the experiment a fair trial. In this view also he would be further inclined to officer a selected district by Native officials only in each branch of the service, *viz.*, judicial, executive, police, and medical.

15. But the Lieutenant-Governor does not consider that the time has yet arrived to appoint a Native Member to the Board of Revenue, as it is necessary to select officers for such appointments from Commissioners who have already gained extended revenue and administrative experience in the charge of divisions. Similarly, the Lieutenant-Governor is not prepared to recommend the appointment of a Native as a Secretary to the Board of Revenue. There are indeed two Secretaries to the Board. But then the Board, consisting of two Members, has a distribution of the work, each Member taking certain departments and having one of the Secretaries immediately under him. Thus it happens that all the orders in certain departments are issued through one Secretary, and in the remaining

\* Not printed.

† See page 46.

departments through the other Secretary. In the present state of the service, it is absolutely necessary that the Secretary under whose signature comment, enquiry, and even animadversion to Commissioners, Collectors, and other high officials, chiefly European, must issue, should be an European civil servant. No. 803.

16. In conclusion, I am to say that the Lieutenant-Governor will very shortly nominate a Native officer for the charge of a district and one or two others for judicial appointments; but he would have difficulty in arranging a larger extension of the scheme for the present at least, seeing that in the particular standing of the service, which will be affected by the measure, promotion is already somewhat backward, and there are several officers already in the service who have yet to be provided with suitable appointments.

#### LIV.

*Minute by the LIEUTENANT-GOVERNOR of Bengal,—dated 5th June 1876.* No. 304.

It having been determined that Natives of proved merit and experience shall from time to time be appointed to offices heretofore reserved for European covenanted civil servants, I desire to record some observations regarding the branch or branches of the general administration in which Natives thus selected should be employed.

The two main branches are of course the judicial and the executive. It is not necessary to add much to that which has so frequently been urged regarding the suitableness and the propriety of appointing Natives to the higher offices in the judicial branch. Doubtless they are well qualified for this important kind of work, and this naturally is the branch wherein their employment in the higher capacities will first be extended; in fact, such employment of them has already been tried, in some instances, with a good degree of success.

But believing the measure to be designed for gradually giving to the Native a larger share than heretofore in the higher parts of the administration of their Native country, for placing them more and more in positions of trust and responsibility, for elevating and strengthening their character mentally and morally, I desire to point out the expediency, nay even the necessity, of appointing them to some of the higher offices in the executive branch. The moral effect upon the Natives of the higher kinds of executive employ would be greater even than that of the higher kinds of judicial employ.

When recommendations are made for restricting the measure to the judicial branch, there seems to be some ideas underlying this view, to the effect that the judicial branch chiefly demands those intellectual qualities in which Natives excel, whereas the executive branch demands qualities other than intellectual, such as energy, decision, self-reliance, power of combination and organization, of managing men, and so on, and also physical activity,—qualities which are deemed to be as yet imperfectly developed in Natives. Therefore it seems to be thought

preferable to refrain from placing Natives in the higher class of executive posts, which, according to this view, had better be reserved for the present almost exclusively for Europeans. No. 304.

But if this be the case, it is a cogent reason for beginning to appoint Natives to the higher offices in the executive branch; for certainly these qualities other than intellectual are of the utmost consequence to the well-being and progress of a nation. If our rule, having been firmly consolidated, is to be made to guide the Natives on and on towards their highest good, these are the very qualities that should be specially cultivated. And one notable way of cultivating them is to employ meritorious Natives in those higher executive capacities which will stimulate energy, enforce activity, strengthen the will, brace the sense of responsibility, and educe those moral forces which are summed up in the expression manhood. If in due course of time we do not succeed in calling forth these qualities in the Natives, there must be doubt whether our rule succeeds morally and socially, however successful it may be materially and politically. And if it be the fact that such qualities need further development in the Natives, than in the discharge of the responsibility which we have assumed towards the people, we surely ought to do all that in us lies to supply the deficiency. If we do not attempt to do this, we shall be allowing a manifest imperfection to exist in our arrangements for the practical training of the people. The employment of Natives in the higher civil capacities is a potent instrument in such training. And of the two parts of such employment, namely, the executive and the judicial, the executive is, for this purpose, the better.

If it be said that Natives ought not to be appointed to the higher class of civil posts when it is doubtful whether they will succeed, I should rejoin that if no trial is made, then certainly the Natives never will or can become fit; that the question cannot be brought to a satisfactory issue until a trial is made; that it is but just to the Natives to give them a chance; that their unfitness ought not to be assumed until they have been tried and found wanting; and that all the reasons which justify the general measure under consideration dictate that it should be applied to the executive as well as to the judicial branch.

The higher judicial posts to which Natives would be appointed are Judgeships, and I have elsewhere explained the manner in which this could be best arranged. The question remains as to what are the higher executive posts to which Natives could be appointed. These are none other than Magistrate-Collectorships or the charges of districts. In our system the office of Magistrate-Collector or District Officer is the unit of responsibility; it is the cardinal office which is deemed to test a man's fitness for independent command and to call forth all those qualities which have just been described. Already Natives fill many executive posts, short of the charge of a district, with credit and advantage. But they have never yet been appointed to the charge of districts. It appears to me that if the measure now

ordered is to have a full trial, some selected Natives ought to be appointed to district charges, that is, to be Magistrate-Collectors or District Officers. In no other way will their real worth be so well tested as in this. And no other kind of appointment would be so effective as this for carrying out the policy now determined upon. No. 304.

In the first instance, it would be expedient to choose some of the smaller and easier districts, of which there are some few in these provinces in which to appoint Natives to be Magistrate-Collectors. And it is to be borne in mind that in a district so chosen the subordinate offices, generally filled by Europeans in other districts, must be filled by Natives—such offices as those of the Joint Magistrate, the Assistant, the District Superintendent of Police, the Civil Surgeon. Herein there will be no difficulty, as qualified Natives are available for all these offices.

This Minute refers only to the principle of the matter. I do not advocate any extensive employment of Natives either as Judges or as Magistrate-Collectors. It would suffice at first to appoint one or two in each branch. The further extension of the system would depend on the success of the trial, and on the arrangements connected with the constitution of the Covenanted Civil Service, which should be separately considered.

RICHARD TEMPLE.

LV.

From R. L. MANGLES, Esq., Officiating Secretary to the Government of Bengal, No. 305. Appointment Department, to the Officiating Secretary to the Government of India, Home Department,—No. 1162 T., dated Darjeeling, the 1st July 1876.

In continuation of my previous letter\* No. 638T., dated 4th instant, on the subject of the admission of natives of India to certain appointments, I am directed to state that the Lieutenant-Governor is at present prepared to nominate two Native gentlemen for appointments hitherto held by covenanted officers—one for an appointment in the executive, and the other for an appointment in the judicial branch of the service.

2. The officer whom His Honor would propose to place in executive charge of a small district as Magistrate and Collector is Rajah Harendra Krishna Deb Bahadur. He entered the Subordinate Executive Service in 1850, and he is now one of the senior officers of that service. He is at present in charge of the Sealdah Sub-Division in the 24-Pergunnahs, and receives a salary of Rs. 700 per mensem. Throughout his long service he has been always very favourably mentioned by the District Officers and Commissioners under whom he has served as a methodical, industrious and valuable officer. The Lieutenant-Governor considers that the Rajah is well fitted in every respect for the appointment proposed, and in selecting him for the executive charge of a district, I am to say that the Lieutenant-Governor has also

\* See page 62.

had regard to the weight and influence which the Rajah is in a position to exercise, owing to the high moral character which he has always borne, and the rank he occupies in Native society, as belonging to one of the best families in Bengal, and as descended from a distinguished father and a still more distinguished grandfather. No. 305.

3. For the appointment of Civil and Sessions Judge in the judicial branch of the Civil Service, the Lieutenant-Governor recommends Babu Greesh Chunder Ghose. This officer, who entered the Subordinate Judicial Service in 1848, is now a Subordinate Judge of the 1st grade on a salary of Rs. 1,000 per mensem, and is at present attached to the District of Tirhoot. He is undoubtedly the best judicial officer among the Subordinate Judges. He has been always very favourably mentioned by his superiors, and is much respected throughout the Tirhoot Districts for his ability and integrity. The only objection perhaps which may be taken to the proposed appointment is that the Babu has already attained the age of 57, but the Lieutenant-Governor believes that the Babu is still in full possession of all faculties, and is well able to render good and efficient service for several years to come.

4. I am to add that if the fact of Babu Greesh Chunder Ghose's present age is held to be a bar to his obtaining the appointment in question, the Lieutenant-Governor would recommend the appointment of Babu Bhuputty Roy to a similar office in the judicial branch of the Civil Service. This officer entered the Subordinate Judicial Service in 1857, and is now a Subordinate Judge of the 2nd grade in the District of Hooghly on a salary of Rs. 800 per mensem. He is reported to be a very clear-headed judicial officer, and his judgments are stated to be always well considered and lucid. He is also reputed to be a very fast worker, and to possess a very good command of the English language.

#### LVI.

From R. L. MANGLES, Esq., Officiating Secretary to the Government of Bengal, No. 306. Appointment Department, to the Officiating Secretary to the Government of India, Home Department,—No. 44T., dated Calcutta, the 4th January 1877.

In continuation of my letter\*, in which the Lieutenant-Governor nominated Rajah Harendra Krishna, a Deputy Magistrate and Collector of the 2nd grade, for the appointment of a Joint Magistrate, I am to say that the Lieutenant-Governor selected and nominated the Rajah for the appointment in question because the official reports on record in this office as to his general character have been very satisfactory; because he has been represented as possessing very fair ability; and because he has some private fortune, and occupies a position in society which is likely to place him beyond all temptation.

2. I am to add, however, that if greater consideration is to be given to general efficiency and ability alone, there are one or two officers whose claims might also be represented; and should the Government of India so wish, the Lieutenant-Governor will be prepared to make another nomination. In this case the Lieutenant-Governor would nominate either Babu Issur Chunder Mitter or Ram

\* See page 67.

Sunker Sen, who are Deputy Magistrates and Collectors of the 2nd No. 303. and 3rd grades, respectively. Both these officers enjoy the highest character for ability and efficiency, and they are both Members of the Bengal Legislative Council.

#### LVII.

From ARTHUR HOWELL, Esq., Officiating Secretary to the Government of India, Nos. 307 Home Department, to the Secretary to the Government of Bengal, Appointment Department, — No. 229, dated Fort William, the 7th February 1877. & 308.

With reference to your letter\* No. 44 T., dated the 4th ultimo, and previous correspondence, on the subject of the employment of Natives in appointments usually held by covenanted civilians, I am directed to say that the Government of India would be glad to receive the opinion of the present Lieutenant-Governor on the question and on the nominations previously proposed.

#### LVIII.

From R. L. MANGLES, Esq., Officiating Secretary to the Government of Bengal, No. 309. to the Officiating Secretary to the Government of India, Home Department, — No. 1233 A., dated Calcutta, the 8th March 1877.

In my letter† No. 839 A., dated the 23rd ultimo, I communicated the views of the Lieutenant-Governor on the personal question arising out of the nomination of certain Native gentlemen to appointments hitherto held by members of the Covenanted Civil Service, and I am now to reply to that portion of your letter‡ of the 7th idem, No. 229, which relates to the general principle of such appointments.

2. I am to say in the first place that, judging from the discussions which have taken place in the public press, there appears to be some misapprehension as to what has been proposed in regard to the admission of Natives to the Civil Service. The object of the rules prescribed by the Governor General in Council under Section 6 of 33 Vic., sanctioned by the Secretary of State, was not to provide for the admission of Natives to the ranks of the Covenanted Civil Service by any method other than that of passing by the competitive examination, but to make Natives eligible for appointments hereto fore reserved by law for the Covenanted Service, but to be so reserved no longer. It is not proposed to bring Natives within the limits of that reservation, but to reduce those limits, and to remove outside of them any appointments which the Government may think can suitably be held by any Native gentlemen possessing the qualifications defined in the rules in question.

3. The position of the Covenanted Civil Service, as Mr. Eden understands it, is this :—(1) It is absolutely necessary, having regard to the exceptional circumstances under which we occupy India and administer its affairs, that certain classes of the higher administrative appointments should be held by European officers; and this is a state of things which is likely to last at all events for many generations to come. (2) It is expedient that means should be taken for securing

\* *Fide* page 68.

† Not printed.

‡ *Fide Supra*.

for these appointments the very highest class of talent which can be attracted to the country. (3) It has after much discussion and years of consideration been decided that the best means of obtaining this class of men is by throwing open to public competition in England nominations to the service from which these reserved appointments are to be filled. (4) To attract the best men from the various educational institutions of England: and no doubt in the hope of obtaining the pick of the young men of England a high scale of salary has been fixed for these appointments, with a scheme for retirement which, whatever its practical working may be, was intended to be very liberal. (5) To guard the interests of Government and of the young men thus selected and appointed, they are formed into a close service called the Covenanted Civil Service. (6) Outside this close service is another and very important branch of the service, a much more enormous body than the Covenanted Service, who fill appointments not in the reserved list, and carry out all the details of the Civil administration, and who are recruited from the talent chiefly Native, procurable in the local market. This service is called the Uncovenanted Service.

4. The real question at issue, as it appears to the Lieutenant-Governor, is not whether one or two Native gentlemen might be removed from this lower branch of the service to the higher, but whether the Covenanted Service does not now occupy ground which ought to be occupied by the Uncovenanted Service.

5. It is obviously right that the more expensive agency should be restricted to such high appointments as cannot with safety to the administration be entrusted in the present condition of the country to Native officials, and such a number of lower appointments as are necessary to provide a proper training for young officers in the earlier stages of their career. For all other Civil appointments of every kind connected with the administration of the country, it is manifestly right and proper that the natives of the country, if a sufficient number of fit and competent men can be found, should be employed; and as it appeared to Parliament, acting on the opinion of the Government in this country, that a certain number of Native Gentlemen might be found competent to hold some of the appointments reserved by law to the Civil Service, the Government of India was empowered to remove some of the appointments from the reserved list and give them to Natives when Natives could be found fit for the position. The result was the rules which have led to this correspondence.

6. But it seems to the Lieutenant-Governor that the time has arrived when something much more than this ought to be done. Partly in consequence of over-recruitment, and partly because at different times the Government has been impressed with the necessity of increasing the strength of the skilled European agency, a large number of officers have been sent out to the Civil Service, far in excess of real requirements. These men being on the spot, it has been necessary to employ them, and the consequence is that of late



years they have been placed in situations which it was not necessary they should fill which were in excess of the appointments necessary to train them for the higher offices of State, and which might far more suitably and cheaply be held by Natives. Nq. 309.

7. The employment of Natives in offices for which they are fitted by education, habit and training, in the room of officers imported from Europe, must rest upon two great considerations: (1) the political necessity of largely associating the educated classes with us in the administration; (2) the financial duty of employing the cheapest agency which we can procure for the efficient performance of the work which has to be done. The political aspect of the question might possibly, but in a very slight and almost inappreciable degree, be met by the appointment of a Native official to fill occasionally, and as an exceptional circumstance, an appointment usually held by a Covenanted Civilian, and on the same scale of pay; but the financial aspect of the question appears to be still entirely lost sight of. Indeed, if instead of one or two such appointments a number of them were made, a great wrong would be done to the tax-paying public, for we should be paying for a general service the high and exceptional rates fixed for the maintenance of a special service.

8. The evil with which we have to deal is a chronic and deep-rooted one, which must be cured, not by spasmodic and violent action, but by slow, careful, radical treatment. The first step, it appears to Mr. Eden, is to direct that the Covenanted Service should be recruited for a very much smaller strength than at present. It should be, what it is intended to be, *a corps d'elite*. The position of the service could hardly be more correctly described than in the words used by His Excellency the Viceroy at Delhi:—"The present conditions and permanent interests of the Empire demand the supreme supervision and direction of their administration by English officers trained in the principles of that polity whose assertion is necessary to preserve the continuity of imperial rule. It is to the wise initiative of these statesmen that India chiefly owes that steady progress in civilization which is a condition of her political importance and the secret of her growing strength; and it is they who must long continue to form the most important practical channel through which the arts, the sciences, and the culture of the West (which have given to Europe its present pre-eminence in peace and war), may freely flow towards the East for the common benefit of all its children." Now this is an assertion of a great truth—a truth which the best friends of the Natives will not attempt to controvert; and if it had always been stated as plainly and frankly, much misunderstanding would have been avoided. But combined with this declaration of principle must be a further declaration, accompanied by practical results, that this special service shall provide only such European officers as are absolutely necessary for the purposes of carrying on the supreme supervision of the administration, and for keeping up a supply of trained and qualified officers

for such purposes. And if this view be admitted to be correct, it No. 309. follows as a necessary consequence that the admission of Natives into the Covenanted Civil Service is altogether an anomaly. For in so far as the Natives who are admitted into it even by competition are unable to take up all the places which members of the select corps should take, they are in a wrong position. Nothing therefore should, in the Lieutenant-Governor's opinion, be done to encourage them to compete in the examination. And indeed if proper and sufficient means existed for their employment in this country, they would not be induced to go to Europe to compete for their appointments.

9. On the other hand, all offices which it is not thus necessary to reserve should be bestowed on natives of the country, with the exception of such appointments as Police Superintendent, Jail Superintendent, and a few Deputy Magistrates and similar appointments which must be held by Europeans outside the regular service. As the Covenanted Service is contracted, the Uncovenanted Service, as it is called, must be expended; and in doing this not only the number of Natives must be increased, but the scale of salaries assigned to them must be so increased as to attract the better classes of Natives to enter and remain in the service of Government. An opportunity should be taken of doing away with the terms Covenanted and Uncovenanted Service—terms which, while they are full of unpleasant and disturbing associations, have no meaning, in as much as the members of the so-called Covenanted Service are no longer called upon to enter into any covenant, while the members of several branches of the Uncovenanted Service do, on the other hand, come out under regular covenant. Some other distinctive title should be selected, such as "Imperial" and "Local" Services.

10. In fixing salaries for the Local Civil Service, the only point to consider is what scale of pay is necessary to secure the best local talent. It will be very remarkable indeed if it is found that we cannot on the spot procure the services of suitable men at considerably lower rates than we have to pay for those who are specially trained for the service and imported from England. If we cannot do this, one of the strong grounds which is urged for the employment of natives of the country, namely the financial saving to be effected, will lose its strength.

11. In comparing the salaries which would have to be paid for Natives and Europeans respectively, it should be recollected that the salaries which are paid to the Civil Service are not fancy prices arbitrarily fixed by an exclusive service for its own benefit: they are the market price of the class of public servants whom it has been thought necessary to try to secure and to induce to leave their native land and to come out to this country for the best period of their lives. Judging from past experience, the scale is rather below than above the market price, for it has not always secured as good men as were wanted. But having fixed the scale of salaries of this special branch of the Civil Service on these principles, it seems perfectly unreasonable to make that the standard of salary for the local service, and to

say that the price to be paid for an imported article must of necessity be the price paid for a less efficient article of home production. The Lieutenant-Governor says less efficient, but he does not mean inferior in capacity and intellect, but because the plain and unanswerable fact that the native cannot, for political and administrative reasons, be employed for every office for which the English civilian is employed is the real and only reason of the existence of the Covenanted Civil Service. It follows, therefore, as a matter of course, that the European civil officer possesses, or is supposed at all events to possess, some essential qualities and qualifications which are wanting in the native, and his efficiency is greater to this extent.

12. Mr. Eden asserts with confidence that the natives of this country have no more sincere and true friend than himself, and it is solely with the desire still further to prove himself their friend that, with a full sense of the probability of being misunderstood and misrepresented, he wishes to remove from the discussion all false premises and many unreasonable claims which have been made, not so much by the educated natives but in their name, and to place the matter before the Government of India in such a light that solid and substantial action may result, and that a far more extended employment of native gentlemen in offices of trust and emolument may be organised. Mr. Eden does not hesitate to say that he does not believe that the best native officials are to be procured by competitive examinations conducted in England. Though it may be true that in some respects young native gentlemen benefit by the experience and enlargement of view which they acquire in Europe, the process is not necessarily one of unqualified improvement; and if there are gains to the character of those so educated, there are also losses, not the least of which is sympathy for their own countrymen. But in the present condition of Native society many of the best men will not make the sacrifices involved in obtaining an education in England, and they are therefore excluded from the higher branches of the Civil Service so long as they are recruited by Europeans and Natives passing their examination in England. The proposal, however, to have competitive examinations simultaneously conducted in India seems to the Lieutenant-Governor to be quite out of the question, for it would be opening to the natives of this country admission to the expensive and select service, which is only maintained, and the existence of which can only be justified, on the ground that the present condition and permanent interests of the Empire demand that the supreme supervision of the administration shall be in the hands of English officers. It is therefore in the real interests of the natives of India that Mr. Eden advocates that they should be excluded from the competitive Civil Service examination, but should be much more largely employed than heretofore in all the branches of the administration for which they are qualified, and in which Native officials can, with a due regard to all the considerations which govern the question, be employed.

13. To make a practical application of the views which the Lieutenant-Governor entertains, he is of opinion that some considerable

administrative changes are required. In the first place, he considers that the number of young civilian assistants should be gradually decreased, and as this is done, the number of Native Deputy Magistrates and Deputy Collectors should be correspondingly increased. At the same time, to induce Native gentlemen to enter more readily the Subordinate Executive branch of the service, a certain number of appointments of a higher grade than now exists must be established; and to commence with he would establish a higher grade of the Subordinate Executive Service of six officers on Rs. 1,000 a month. This grade should be confined to natives of the country. They would thus rise to be on a level with Joint-Magistrates of the highest grade, which is perhaps as high a position as they should be led to expect in the executive branch of the service. The time has not come when it is possible to give independent executive charge of districts to Native officers; and it is in the judicial branch of the service that we must look for the really large employment of Natives, and there is fortunately no time so opportune as the present for making a change in this respect. There is now before the Government of India a scheme which has in one shape or another been before the Government of India for many years, the object of which is the relief of the High Court of Calcutta in respect of its appellate duties.

14. The latest form which this proposal has taken is to be found in Sir Richard Temple's Minute\* of the 5th August, supplemented by the further statement of the views contained in the letter from this Office, No. 638,† dated 4th June 1876. The third scheme which Sir Richard Temple there proposes seems to Mr. Eden to be an admirable one, not only in that it supplies the appellate courts required, but because it also supplies the means of employing Native gentlemen in higher judicial offices than heretofore.

15. The scheme of Sir Richard Temple practically involves the appointment of 22 Judges, of whom 11 are to be European Covenanted Judges and 11 are to be Native Judges. The salary of the European Judges is to rise to Rs. 3,000 a month, while the maximum of the Native Judges is to be Rs. 1,200. Mr. Eden would modify this scale of salaries, and would reduce the number of the higher grades of Judges to 4 on Rs. 3,000; the next grade should be on Rs. 2,500, the next on Rs. 2,000, and the lowest grade of the Divisional Appellate Court Judges should be Rs. 1,500. At first, no doubt, it might be necessary to fill the higher grades from among the present District Judges, appointing Native Judges to the Rs. 1,500 grade. But there is no reason why, in respect to the nature of the duties which these Judges would have to perform, they should not be eligible to rise to the highest grades of Rs. 2,000 and Rs. 3,000 as they showed themselves to become qualified for promotion. It does not seem absolutely necessary that the Senior Judge of these benches should always be a covenanted officer; and the time may well come, and at no very distant period, when a Native Judge may be appointed

to an appeal bench on the higher grade, sitting with a European Judge in one of the lower grades. No. 309.

16. To state the case plainly, Mr. Eden would constitute an appellate branch of the Judicial Service for the Divisional Courts, consisting of 22 Judges, of whom one-half should be European Judges, the other half Natives selected from the present Native Bench and the Native Bar; the salaries to be distributed amongst these two elements as circumstances may require.

17. The cost of this change was calculated by Sir Richard Temple as being under 2 lakhs of rupees and even with the addition now proposed it will not be much beyond this.

This in Mr. Eden's opinion is a small sum to pay for a solution of the great and pressing difficulty in respect to the employment of Natives in high offices, which must be solved somehow and at some cost. But in point of fact the creation of these Divisional Appeal Courts is such an advisable and indeed essential measure that the scheme would fully justify a much larger expenditure than that proposed, if it were judged by its own merits only. This financial expenditure actually involved in it, however, is very much less than it appears to be, for the High Court of Calcutta is gradually and steadily falling into arrears in its appeal business, and this is a state of things to which a remedy, and a costly remedy, must be applied in some shape or another.

18. The relative number of special appeals filed, decided, and pending in High Court for the years 1873, 1874, 1875, and 1876, is as follows:—

	Filed.	Decided.	Pending.
1873 . . . . .	2,958	2,453	2,207
1874 . . . . .	3,225	2,844	2,588
1875 . . . . .	2,965	2,326	3,228
1876 . . . . .	2,945	2,799	3,374

There at first sight appears to be a tendency on the part of the Court to get through more work in 1876 than in other years, but this is not the case. The greater disposal of cases in that year is due to the circumstance that the disposal of special appeals not valued above Rs. 50 has been entrusted to a single Judge. But when such appeals are heard by a single Judge, the Letters Patent permit a second appeal, and the number of second appeals has risen from 83 in 1874 to 152 in 1875, while the number of such cases pending in 1874 was only 9, against 73 so pending in 1876.

19. The working power of the higher Court, calculated on the average of the appeals disposed of, is 1,656 cases per annum, and when this figure is compared with the appeals filed, it will be seen that the Court must fall hopelessly into arrears unless some relief be given. It is absolutely necessary that Government should interfere in some form or another. It is impossible that it can allow the arrears of the Court to go on accumulating at their present rate.

How very serious the state of things is will be at once seen from the statement given above, which shows that the appeals pending at the end of 1876 have risen to 3,374 from 2,207 at the end of 1873. No. 309.

20. The money cost of these arrears, that is to say the cost involved in providing a sufficient number of extra Judges of the High Court to clear them off, will be seen from the scale appended to this letter to be very considerable, and to be constantly increasing. It has increased from 4½ lakhs in 1875 to 8½ lakhs in 1876. The annual cost of dealing with these arrears on the present system, that is to say by an extension of the High Court, would be 1¾ lakhs of rupees. Therefore, to set against the increase of expenditure of 2 lakhs which has been estimated as necessary to establish the new Divisional Appellate Court, we must take the 1¾ lakhs yearly which Government would have to spend to enable the High Court to deal with its work, if the new scheme is not established in the room of the present system. Mr. Eden is glad to be able to say that he finds that his view of this matter is entirely in accordance with that of the Honourable the Chief Justice, with whom he has discussed the subject.

21. In conclusion, I am to say that, in the opinion of the Lieutenant-Governor, the subject is a very urgent and pressing one, both in respect to the accumulation of arrears in the High Court and in the necessity for at once setting at rest the doubt and excitement which exist in Native society in regard to the employment of Natives in the higher offices of the State. It is absolutely necessary that something should be done in both directions and done quickly. The Lieutenant-Governor fears that action in the matter has hitherto been deferred to some extent in consequence of two misapprehensions, first, that any such change as is now suggested would be strongly opposed by the Civil Service as an infringement of vested interests; and, secondly, that the demands of the educated Natives were extravagant and unreasonable, and not to be satisfied by any concession consistent with the position of Government in this country. Mr. Eden believes that these apprehensions are entirely unfounded. The complaint of the Civil Service is that a greater number of men are recruited for that service than there are the means of employing. They do not object to a contraction of the service, provided that a larger number of men than are really required are not annually sent out to recruit its ranks. All that they ask is that they may know exactly how they stand. If there are amongst them, which Mr. Eden does not believe to be the case, any who thoughtlessly demand that all the good appointments in India shall be reserved for their special service, there is the one obvious answer that the Civil Service was made for India and not India for the Civil Service, and that the men must be made to fit into the number of appointments which it is necessary to fill with Englishmen, not the appointments into the number of Englishmen desiring employment in India. As to the educated Natives, though extravagant claims have perhaps sometimes

been made on their behalf by others, Mr. Eden is assured that they will in fact be satisfied with very moderate and gradual concessions; that for the most part they clearly understand and appreciate the difficulties of the situation; and that all they really demand is that the principle of employing them as far as it is possible to do so in the administration shall be definitely and distinctly laid down, and honestly and conscientiously carried out. No. 309.

22. The question of reducing recruitments for the Civil Service if determined upon, would probably best be effected by the appointment of a special Commissioner, who should visit each Presidency and Local Government, and draw up, in communication with officers appointed by the Local Government, details of scheme for giving effect to the change gradually and with due regard to the interests of the young men already in the lower grades of the service.

## LIX.

## APPENDIX.

The Civil Appellate side of the High Court usually consists of four benches, with a large staff of officers and servants. It costs the State nearly as follows:— No. :

			Rs.
Salaries of 8 Judges	...	...	33,328
Ditto of officers	...	...	20,605
Ditto of menial servants	...	...	1,015
			<hr/>
Total per month	...	...	54,948
			<hr/>

This estimate does not include any portion of the Chief Justice's pay, and is under the actual expenditure. On this principle the debt incurred by the State on account of the arrears pending at the close of each year is—

1873	...	...	...	$\frac{54,948 \times 2,207}{221\frac{1}{2}} = 4,55,290$
1874	...	...	...	$\frac{54,948 \times 2,597}{221\frac{1}{2}} = 6,44,830$
1875	...	...	...	$\frac{54,948 \times 3,288}{221\frac{1}{2}} = 8,16,400$
1876	...	...	...	$\frac{54,948 \times 3,447}{221\frac{1}{2}} = 8,55,880$

The debt incurred on the 1st January 1874 was Rs. 4,55,290, and in the three subsequent years it increased 4 lakhs. It is not probable that the High Court will become more efficient than it has been, while, on the other hand, there is every probability of the work increasing. The procedure adapted in hearing appeals under Rs. 50, and by degrees the practice which has already begun of overvaluing suits to get over the Rs. 50, will become more prevalent. The following conclusions follow from what has been said:—

I.—That the High Court, in its present strength, is not capable of carrying on the work.

II.—That to get rid of the arrears existing on the 1st January 1877, an expenditure of  $8\frac{1}{2}$  lakhs will be necessary. No. 309.

III.—That if the present arrangements are continued, further expenditure will be necessary from time to time.

IV.—That assuming on the average of the last three years, this expenditure will be  $1\frac{1}{3}$  lakhs yearly.

LX.

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. 1354, dated Calcutta, the 14th March 1877. No. 310.

With reference to the remark contained in paragraph 9 of my letter \* No. 1233A., dated the 8th instant, regarding the proposed appointment of Native gentlemen to offices hitherto held by covenanted civil servants to the effect that “the members of the so-called Covenanted Service are no longer called upon to enter into any covenant,” I am directed to say that the Lieutenant-Governor has since ascertained that he has been misinformed on the subject, and that the practice of taking covenants has not been discontinued.

LXI.

From H. J. SPARKS, Esq., Officiating Secretary to the Chief Commissioner of Oudh, to the Officiating Secretary to the Government of India, Home Department,—dated Lucknow, the 2nd May 1876. No. 311.

I am directed to acknowledge the receipt of your Confidential letter† No. 14—776, dated the 20th April, regarding the way in which effect should be given to the rules issued under Section 6 of 33 Vic., Cap. 3, for the admission of natives of India to certain appointments.

2. The only purely judicial appointments in Oudh are those of—

Judicial Commissioner,

Civil Judge, Lucknow,

Small Cause Court Judge, Lucknow.

Among the Assistant Commissioners of the 3rd grade there are at present two Native officers. But the Chief Commissioner doubts much if it be wise to bring many Native gentlemen into the regular line of the Commission. If they find that European officers are promoted over their heads, they will become discontented; and, on the other hand, Sir George Couper is not prepared as yet to recommend that a Native officer should be placed in executive charge of a district.

3. Turning to the judicial appointments, the Chief Commissioner is of opinion that the Judicial Commissioner, who is the High Court of the Province, should, for some years to come, be a European officer, but the appointments of Civil and Small Cause Court Judge

\* See page 69.

† See page 45.



might be held by natives of India. Indeed a Native officer has for No. 311. some months acted as Judge of the Small Cause Court.

4. The principle on which the rate of pay to be drawn by native officers is to be fixed having apparently been determined, the Chief Commissioner does not feel called upon to submit any opinion on that point, but it would seem that some arrangement is only wanted by which more appointments may be thrown open to native gentlemen. Something might be done by increasing the pay of the Extra Assistant Commissioners, but this would not of itself be sufficient, and it may be expedient to create a class of Judicial Assistants, as in the Punjab, or of District Judges, as suggested in my predecessor's letter\* No. 3705, dated the 1st September 1868, to the Secretary to the Government of India, Foreign Department, or possible to increase the number of Small Cause Court Judges. The question of the number of courts required for Oudh is now under consideration; and when forming his opinion the Chief Commissioner will not lose sight of these points.

5. At present the Chief Commissioner is not prepared to recommend the appointment of any Native gentleman to a post in the Commission; nor would he do so on the occurrence of the next vacancy, unless if be in the Small Cause Court. There are now a number of supernumerary officers in the Commission, and as they have to be gradually absorbed, the prospects of promotion from the lower grades are very discouraging.

6. Now that natives of India can be appointed to posts of importance in this country, it appears to the Chief Commissioner that it might be well to restrict the competition in England to European British subjects. Many natives of India studying in England, though most industrious and well-educated youths, are hardly of that class from which one would wish to pick rulers in this country. Many a Bengali Babu who can pass an excellent examination would make but a poor officer in an up-country district. Of those who go to England some acquire semi-European habits, and on their return are quite estranged from their relations. In the opinion of the Chief Commissioner there is no doubt that a more valuable class of Native officers will be obtained by selection from among the gentlemen of India than by allowing the competition examination to continue open to Asiatics.

#### LXII to LXV.

From J. W. NEILL, Esq., Officiating Secretary to the Chief Commissioner of the Central Provinces, to the Officiating Secretary to the Government of India, Home Department,—No. 1802—74, dated Nagpur, the 10th May 1876. Not. 312 to 315.

I am directed to acknowledge the receipt of your letter† No. 14—777, dated 20th April, regarding the admission of natives of India to certain higher appointments of the public service.

2. As in paragraph 7 of this letter you mention that the rules on the subject hardly touch the Non-Regulation Commissions, it is

\* Not printed.

† See page 45.

scarcely necessary that the Chief Commissioner should submit any report such as is called for in the last paragraph of your letter. He would merely mention that for the present it would be inexpedient to initiate what has been done in the Punjab and institute a new grade for administering civil justice, and this for reasons mentioned in his letter\* No. 2101—102, dated 19th June 1874, in which he offered his remarks on Mr. Fitzjames Stephen's Minute on the Administration of justice in British India.

Nos. 312  
to 315.

3 It may be mentioned that natives of this Province fitted for the exercise of high judicial functions do not as yet exist, and that the present race of Native officials is not fitted for any office higher than that of Assistant Commissioner. It might be added, too, that the present time is peculiarly unsuited to the filling up of the higher appointments with Natives, as the prospects of the junior ranks of the Commission are very far from bright.

## LXVI.

[CONFIDENTIAL.]

From Colonel Sir R. J. MEADE, K.C.S.I., Officiating Resident, Hyderabad, to the Officiating Secretary to the Government of India, Home Dept.,— No. 20, dated 11th May 1876.

No. 316.

I have the honour to acknowledge your letter† noted in the margin, marked "Confidential," on the subject of the employment of natives of India in certain appointments in the public service under the rules prescribed by the Governor General in Council under Section 6 of 33 Vic., Cap. 3, and requesting the submission of a confidential report on the subject.

2. On the general question of employment of Natives in any offices in the public service for which they are fitted, and in which they can find a place without risk to British supremacy, there can, I conceive, be no difference of opinion amongst unprejudiced and thoughtful men; but I must confess to a feeling of the necessity for cautious progress in this direction, lest we awake to find that the action taken on our liberal inclinations and promptings has so passed the bounds of prudence as to leave us deprived to a serious extent of the safeguards essential to the maintenance of our political position.

3. There can be no doubt of the fitness of Natives for employment in the administration of civil justice, and that this is a branch of the public service in which their services can be utilized without risk and with advantage to the Government and the community at large.

4. The case is not so clear as regards their general employment in the higher grades of the Magistracy or the office of Sessions Judge, and I venture to think that all appointments of Natives to these offices should be made on special grounds of personal fitness, and that no such appointment should ever be made where there is not a complete and satisfactory assurance of such fitness in all important respects.

\* Not printed.

† See page 45.

5. With regard to the employment of Natives in charge of districts, it would be very difficult to find a Native gentleman, or official possessing *all* the important qualifications required to constitute a really good and efficient district officer, as demanded even in the non-regulation provinces under our system. But, if such a man can be found and he has claims to such a charge, he should be excluded from the chance of obtaining it. I would merely stipulate that no such appointment should be made, except on the assurance stated at the end of the preceding paragraph.

6. I may mention here that the charge of two districts in Mysore has been held by Native officers of the Commission for several years past, and that the management of one of these districts has been an entire success. I must, however, confess that the officer in charge of it is, as yet, the only Native official in the province who has the combination of special qualifications required for such an office.

7. On the subject of the oft-made suggestion of a distinction in the matter of salary between Europeans and Natives filling the same class of offices, there is no doubt much difficulty in coming to any satisfactory practical conclusion.

8. If the more extended employment of Natives is not accompanied by a reduction in the salaries heretofore paid to Europeans for the performance of the same duties, the measure will be a barren one on one or other of the points on which important advantages might be anticipated from its adoption, *viz.*, a reduction in the public charge for such offices, or an increase, without additional charge, in the number of officers employed.

9. It is not necessary that I should enlarge on the great importance of one or other of these results, as bearing on the future welfare of the empire; but I certainly think that they should be kept in view in dealing with this subject, and that the reduction of salary of all offices with certain well-defined exceptions thrown open to Natives and attainable by them equally with Europeans, ought to form an essential feature of the scheme under consideration.

10. The difficulty of having two scales of salary for the same office—one for Europeans, the other for Natives—is obvious; but while such a measure would be impolitic and perhaps under present circumstances impracticable, it would not in fact be unreasonable; for there can be no question that apart from the advantages enjoyed by a Native of living in his own country and amongst his own people, of the facility of visiting his home constantly, and of being able to invest his savings in land probably close to or in the neighbourhood of the latter, the salary which in the case of an European is merely sufficient for his ordinary wants, is far in excess of the requirements of a Native.

Indeed, it is simply impossible to draw any comparison in this matter between the two classes.

11. The course proposed in paragraphs 5 and 6 of your letter under reply would doubtless be the best mode of meeting the difficulties connected with this part of the subject, and I would venture to suggest that it might be adopted and worked out in each province according to the circumstances of the appointments available in each. No. 316.

12. I beg to append, for the information of His Excellency in Council, copies of the opinions of the Commissioner and Judicial Commissioner, Hyderabad Assigned Districts, on the subject under report.

#### LXVII.

From LIEUTENANT-COLONEL W. NEMBARD, Commissioner, Hyderabad Assigned Districts, to the First Assistant Resident, Hyderabad,—No. 1437—311, dated Chickulda, the 5th May 1876. No. 317.

I have the honour to acknowledge your confidential letter No. 110, dated 28th April 1876, forwarding for my remarks copy of letter\* from the Officiating Secretary to the Government of India, Home Department, to the Resident's address No. 14—78, dated 20th idem, relative to the rules for the admission of natives of India to certain appointments.

2. I grant that the administration of civil justice is an employment which Natives are well qualified to fill, and that they can, with great advantage, be employed as Civil Judges more largely than they now are; but many years' experience of them as Magistrates leads me to question their capacity for the administration of criminal justice, and I doubt the expediency of entrusting any but the brightest exceptions amongst them with the important powers of a Sessions Judge.

3. As my opinion is asked for, I give it freely; and I do not hesitate to say that any employment on a large scale of natives of India as Sessions Judges, would be exceedingly unpopular amongst the Natives themselves.

4. I fully acknowledge the necessity of admitting educated Native gentlemen to the highest posts they may qualify themselves to fill, but might not this end be sufficiently well attained by our employing them very largely in the administration of civil justice throughout the country, leaving the administration of criminal justice, for some years to come, in the hands of English officers? Errors of judgment in the one case are easily remedied—in the other case, they may lead to a serious miscarriage of justice; and, therefore, is it not better to reduce the chances of error, where error may have important consequences, by keeping the administration of criminal justice in the hands of our own countrymen? This, of course, would involve a separation of the two offices now united in one Judge—a matter of detail which would involve no difficulty that I can see.

5. With respect to the salaries (paragraph 4 of the Government Despatch), I can see sound and forcible reasons against their being on the same scale as those given to Englishmen. These reasons must be so self-evident that it would be mere waste of time my stating them; but I think that difficulty would be avoided by the separation of the Judges of the country into two bodies,—the smaller to consist of English officers as Sessions Judges with salaries as at present; the larger to consist of Native officers as Civil Judges of various grades with salaries according to grade. In appointments of such as the Boards of Revenue, the High Courts, &c., where the officers may be either Natives or European, no distinction in respect of salary should be made; neither should that distinction be made if at any time the Government saw fit to promote a Native Civil Judge to be a Sessions Judge.

6. Paragraphs 7 and 8 refer to Non-Regulation Commissions, such as the Assigned Districts. Here we have two Assistant

Commissioners who are natives of India, while the whole of our Extra Assistant Commissioners, except two, are Natives; and, as the Resident is aware, we are now about to modify our system so as to throw the administration of civil justice more largely into the hands of the Native gentlemen in the Commission. No. 317.

7. If a Native officer were thoroughly qualified by his knowledge of English to conduct the duties of a small district, there might be no objection to his holding charge of it, but I think that, as a rule, we should retain the executive in our own hands.

#### LXVIII.

From LIEUTENANT-COLONEL J. ALLARDYCE, Judicial Commissioner, Hyderabad Assigned Districts, to the First Assistant Resident, Hyderabad,—No. 985, dated Akola, the 5th May 1876. No. 319.

I have the honour to acknowledge the receipt of your letter No. 111, dated 28th April (confidential, with enclosure), relative to the admission of natives of India in certain appointments in the Government service, and calling for opinion on the subject generally and especially with reference to paragraphs 7 and 8 of the enclosure.

2. In the Hyderabad Assigned Districts, we have now for a number of years had Natives employed in the administration of civil justice, and experience has proved that they are particularly well qualified to fill the posts they occupy in this province. The posts they hold are chiefly those of Extra Assistant Commissioners, and they are principally occupied in the disposal of civil suits.

3. I can see no objection to their being more largely employed in this capacity; and the Resident is aware that I am about to prepare a plan whereby the administration of civil justice will be thrown more into the hands of Native Extra Assistant Commissioners. I see no reason why some of our Small Cause Court Judgeships should not be held by Native gentlemen.

4. The above furnishes a sufficient answer to paragraph 7 of the Government despatch as far as my opinion is concerned.

5. As regards paragraph 8, I do not think that in the Hyderabad Assigned Districts the time has yet come when we could place Natives in charge of any of our districts. There are two Native gentlemen in the rank of Assistant Commissioners, but I do not consider that at present we can promote any of the Native officials we have here to such an important charge as that of a District Officer.

6. For the present, I consider, we go as far as it is safe to go here in employing Native gentlemen in the minor judicial appointments which they hold. We appear to be doing what is contemplated by the despatch under reply as suitable for introduction into the regulation provinces; and, as far as my experience goes here, I consider that the experiment has been successful.

#### LXIX.

*Minute by His Excellency the Governor General on Native Employment.*

My colleagues will doubtless recollect that in October 1876 we had some discussion about the steps which should be taken to fulfil the pledges given at various times in regard to the more extended employment of Natives in the higher branches of administration. The question was further touched on in my speeches at the Imperial Assemblage and at the Convocation of the Calcutta University. Those speeches indicated the position we are placed in as regards this question, and the direction in which I hoped to find its solution. No. 319.

2. Shortly after this the Lieutenant-Governor of Bengal, in a very suggestive letter,\* dated 8th March, took up the subject, dealing

\* See page 69.

with it primarily in reference to his own scheme for appellate courts, No. 319. but placing on a firm and clear basis the principles which underlie the whole question. Simultaneously I obtained from Mr. Howell a comprehensive Note\* on the discussions that had taken place from time to time, and on the various suggestions which had been made for bringing the problem nearer to a solution.

3. With these materials before me I prepared a Minute,\* dated 30th May, reviewing the position of the Government under its present diverse responsibilities, on the one hand, towards the natives of India, who have been led to expect a larger participation than can practically or safely be given them in administrative employment; and, on the other hand, towards the covenanted civil servants, who have a lien on the posts to which the Natives consider themselves entitled. In this Minute I endeavoured to examine all the bearings of the question, and to sketch the outline of a scheme which seemed to me, after careful enquiry and consideration, to afford the most hopeful means of effecting its practical solution. That scheme provided for the reduction in future of the number of admissions to the Covenanted Civil Service; for the establishment of a close Native Civil Service to fill a portion of the appointments now held by the Covenanted Service, and also a portion of those now held by the Uncovenanted Service; the appointments to be made not by competition, but by nomination; the new service to be remunerated on rates of pay somewhat less than those of the Covenanted Service, but to be in status and social position equivalent to the Covenanted Service, and to hold a monopoly (with the exception of a small percentage) of the posts destined for it.

4. I submitted the above-mentioned Minute to Sir E. C. Bayley, Sir A. Arbuthnot, and Sir John Strachey, from whose administrative experience I anticipated much valuable assistance in the prompt and practical disposal of a very difficult question which the Government of India cannot creditably or safely leave much longer unsettled. In so doing I solicited the benefit of their criticisms of the scheme thus laid before them, and of their co-operation in working out the details, if they approved the principles, of it.

5. With the opinions of Sir E. Bayley and of Sir A. Arbuthnot I have not yet been favoured in any definite form; but some conversation which I had with him on this subject at Simla has encouraged me to hope that the views of Sir E. Bayley are in general accordance with my own. To Sir J. Strachey I am greatly indebted for having, in concert with Mr. B. W. Colvin, reduced my scheme to a practical shape. In this shape it was submitted, before I left Simla, to Sir G. Couper and Mr. Egerton, with whose preliminary approval all the details of it were then worked out for the North-Western Provinces, the Punjab, and Oudh.

6. Meanwhile I had already received, in a confidential form, the assent of the Governor of Bombay and of the Lieutenant-Governor of Bengal to the scheme sketched out in my Minute of 30th May last; and I have now caused to be submitted to them demi-officially the more detailed proposals contained in Mr. Colvin's Note.† Those details may be summarised very briefly as follows:—

“The leading principles of the scheme are—

- (a) “To transfer to Native Civil Service as large a number of the posts now held by uncovenanted civilians as may be deemed expedient.
- (b) “To add a proportion of posts held by uncovenanted officers.
- (c) “To make the appointment by nomination, not by competitive examination, tests of qualification being supplied by special examinations.
- (d) “The new service to be on a social equality with the Covenanted Civil Service, but not to be paid quite so

\* Not printed.

highly. Indeed, Mr. Colvin, balancing the increased cost involved in transferring posts now held by uncovenanted officers against the diminished cost resulting from the transfer of covenanted posts, finds that the numbers of the establishment may be strengthened without any additional expense. No 319.

(e) "The nominations to be made by Local Governments, but the actual appointments to be conferred by the Viceroy in Council.

(f) "The nominee to pass one test examination at the age of 18, and a second three years later, and then to be employed in the public service, receiving a small allowance in the interim while qualifying himself.

"The balance of opinion seems to be against the establishment of special colleges for training the nominees.

(g) "The service to be graded, and to embrace appointments rising from those of Assistant Magistrate or Assistant Superintendent of Police, through Joint Magistracies or Assistant Judgeships, to Small Cause Court Judgeships, District Judgeships, to the High Court, and possibly to include special appointments, such as Assistant Secretaryships, Registrarships to High Court and Board of Revenue.

" [ The average pay, according to this scheme, is Rs. 600. ]

(h) "The service to take over (say) 15 per cent. of the appointments now held by covenanted civilians, and 50 per cent. of those now allotted to uncovenanted officers and to receive an annual supply of nominees to the extent of 4 per cent. on the strength."

7. In asking the opinion of the Local Governments on the practical bearings of the scheme, it was pointed out that the percentage of covenanted and uncovenanted posts to be taken over was merely proposed in reference to the circumstances of the North-Western Provinces; and, without asking them, as a detailed matter of figures, how far a similar percentage was applicable to the circumstances of Bombay and Lower Bengal, I took pains to enquire their opinion on the bearing which a large absorption of uncovenanted posts would have on the scope and popularity of the scheme. It seemed to me, on the one hand, that by absorbing a large number of these posts we might be lowering the status of the proposed service, and rendering it simply a more expensive, and less amenable, edition of the old Uncovenanted Service; whilst, on the other hand, if a considerable number of such appointments were not made over to it, the numerical strength of the service would be so small as to make it look like a mockery, and thus give colour to charges of bad faith. I also specially solicited an opinion as to the expediency of drafting into the service, to begin with, a selected number of officers from the old Uncovenanted Service, so as to render it as early as possible a patent fact, and remove it from the limbo of future possibilities; and I enquired whether, in the opinion of my experienced and influential correspondents, Natives should, as soon as this new service is constituted, be prohibited from competing for the Covenanted Service.

8. On this latter point both Sir R. Temple and Mr. Eden are unanimous in adhering to their previously expressed opinion that as soon as the new Civil Service for Natives is established, the entrance by open competition to the Covenanted Service should be closed. On other points Mr. Eden's reply, accepting generally the details of the North-Western Provinces scheme, but questioning the suitability of some of them to Bengal, is as follows:

“Colvin’s proposals are most of them identical with those made No. 319. by me. I will take them *seriatim*.

“Nos. 1, 2, 3, 4, and 5.—I entirely concur in.

“No. 6.—I don’t concur in. I think that it would be very mischievous to appoint a lad at 18, and keep him in an undefined position till he is 21, and then examine him.

“I would make the limits of age for appointment from 19 to 23. The entrance test should be simple, and should merely give an assurance that the lad has a fair ordinary gentleman’s education. On appointment, he should at once be posted to a district as an Assistant Magistrate of the probationary class. He should pass the lower standard of the Civil Service Departmental Examination (or Police lower standard, if in the Police) within two years from date of appointment. If he does not do this, his appointment should be held to be forfeited; but if he has shewn aptitude for work, and promise of turning out a good officer, his term of probation should be capable of extension by Government for a further period of one year. If they are appointed Assistant Judges in the room of Munsifs, they should pass some further examination in law.

“No. 7.—I agree to; but, of course, if a Native member of the Board is appointed, it should be in addition to the present two members. Really the old Board of three members was a much more useful body than the present one.

“No. 8.—I have do doubt that the service so constituted might take over 15 *per cent.* of offices now held by the Covenanted Service. But I certainly would not give it 50 *per cent.* of the uncovenanted appointments; it would make it too large and too general a service, and it would lose its status as a select service. The Uncovenanted Service now practically belongs to the middle classes of Natives, and should be kept for them as a cheap service. There will be quite enough to make the new service a reality without that.

“I would draft a few of the existing Uncovenanted Service into the new service to start it, and would appoint a good number of young men, the first year, say, eight or ten, to give it a good beginning. I would nominate three or four judicial officers, and three or four police officers, and eight or ten Deputy Magistrates, to start with; and, if I could only get some answer about that long-pending matter—the constitution of divisional appellate courts—I could start it very well with the Judges of those courts. We must not swamp the new service with men of the old deputy class; however, I would pick out altogether some 18 or 20 of the present men of various grades and standings so as to give a few to each grade of the new service.

“Details can only be worked out by a provincial committee when the principles are finally laid down.”

9. From Sir R. Temple I have as yet only received a reply by telegram, which is, however, sufficiently full for my present purposes. Sir Richard says:

“The scheme, in leading principles, as therein sketched, certainly could be applied to Bombay. List of appointments, covenanted and uncovenanted, to be taken over could be prepared. I concur in limit of Rs. 1,500 salary, excepting only High Court Judgeship. Points for consideration are—*1stly*, administrative expediency; *2ndly* sufficient number in new Native Service; *3rdly*, preserve in new Native Service due proportion of highly-paid appointments. Principal object is to assimilate new service to Covenanted Civil Service and not to Uncovenanted. I deprecate drafting into new service of a number of present uncovenanted officers. This, moreover, would interfere with existing rights of civil servants, if any appointment above Rs. 500 were given to new service in first instance, and best uncovenanted officers from whom such selections would be



made already receiving above Rs. 500. Important to get men of new style, rather than to make selection from men of old style; also not desirable to make over too many poorly-paid appointments. Still think Central College would be desirable. Whenever practicable, would raise tone greatly for first few years. The nominations might be made annually, according to number fixed for requirements of complete new service. When these nominees had finished three years training they would receive first vacancies in lowest of new Schedule D appointments. Impossible to introduce new system in entirety immediately, and at the same time maintain high standard, and avoid interfering with existing rights. When new Native Civil Service is established by necessary legislation, it would be well if Parliament would simultaneously withdraw from Natives liberty to compete for Covenanted Service in England. Not desirable to have two different sets of Native civil servants. After appointments of nominees, which might be on Rs. 250 salary, I would not attach them for necessarily two years to Collectors' offices as Colvin suggested, but would let them be employed, as soon as Local Governments consider them fit, in availing vacancies in the Schedule D appointments. I adhere to opinion that experiment should be tried of giving Natives independent executive charges, some of which might be placed in appointment (Schedule D) for new Native Service. Will write fully from Lahore. I beg to be understood as making these or any other proposals subject to full preservation of personal rights to men now in Civil Service."

10. I have not consulted the Madras Government, as the time of the Governor is now so fully taken up by famine work that I could not hope to get an early expression of His Grace's matured opinion on a question which is not only intricate, but of necessity, new to him; and I do not think it expedient to delay bringing the matter before my Council. Having now, however, received from the experienced administrators in charge of the Governments of Bombay, Bengal, the North-Western Provinces, Oudh, and the Punjab, a definite expression of their opinion that the scheme is feasible, and that they are prepared, if it be sanctioned, to work out the details, I trust that I may, without being open to the imputation of starting an impracticable suggestion, ask the advice and opinion of the rest of my colleagues, as well as of those to whom my Minute was originally submitted, on the more developed plan set forth in the Note\* drawn up by Mr. Colvin under the instructions of Sir J. Strachey, and in communication with Sir G. Couper and Mr. Egerton.

11. I am exceedingly anxious that, if my colleagues, after due consideration of it, feel able to give their support to the scheme, as a whole, no time should be lost in drafting a despatch to the Secretary of State, giving a history of the whole question, and submitting, for his consideration and approval, a complete outline of the scheme which all the chief Local Governments and most experienced administrators of India are now prepared to adopt for the practical and permanent settlement of that question.

12. Should I be so fortunate as to receive the approval of the Secretary of State, the details of the plan might be matured by each Local Government separately for their respective provinces, and an imperial committee might then be, if necessary, appointed to weave the various parts into one homogeneous plan, and to propose such legislation as may be necessary to carry it into effect. I venture to ask from Sir E. B. Johnson a separate consideration of that part of my Minute which deals with the question of finding suitable military employment for Natives of good family and of warlike race.

13. I wish to mention here that I have had some conversation with the Chief Justice on the subject of appellate courts in Bengal; and as I find that Sir R. Garth and Mr. Eden are agreed upon, the final form of the proposals originally made by the former for the

\* Not printed.

extension of appellate jurisdiction, and also equally agreed in the opinion that the early adoption of these proposals will greatly facilitate and benefit the creation, as proposed by myself, of a distinct Native Civil Service, I think it will be expedient to address the Secretary of State simultaneously, and, as soon as possible, on these two cognate subjects. No. 319.

14. The papers, of which a list is given in the margin, will now

1. Note by the Governor General dated 16th October 1876, and Notes and remarks by Members of Council.
- \* 2. Note by the Governor General dated 30th May 1877.
3. Memorandum by Sir Erskine Perry dated 9th December 1876, with Appendix.
- † 4. Letter from the Government of Bengal, to the Government of India, Home Department, No. 1233 A, dated 8th March 1877, with Appendix.
5. Private letter from the Hon'ble Ashley Eden, to the Viceroy, dated 15th April 1877.
6. Private letter from the Hon'ble Ashley Eden, to the Viceroy, dated 23rd April 1877.
7. Private letter from the Hon'ble Ashley Eden, to the Viceroy, dated 24th May 1877.
8. Demi-official from Mr. A. C. Lyall, to Mr. A. P. Howell, dated 2nd April 1877.
9. Private letter from Sir G. Couper, to Colonel O. T. Burne, dated 10th May 1877, with enclosure, being a memorandum by Colonel A. Fraser, dated 28th April 1877, with annexure.
10. Memorandum by Mr. T. C. Hope, dated 30th September 1876.
11. Memorandum by the Lieutenant-Governor of the Punjab, dated 22nd September 1877.
12. A Summary, dated 12th October 1876, of the views of Sir Faiz Ali Khan.
13. Mr. Howell's précis, dated 6th and 9th March 1877, with Appendices.
14. Mr. Howell's draft despatch to Secretary of State, dated—June 1877.
15. Note by Colonel O. T. Burne dated 17th May 1877.
- ‡ 16. Minute by Sir R. Temple dated 5th June 1876.
17. Note by the Hon'ble A. Eden dated 23rd June 1877.
18. Letter from Sir R. Temple, to the Viceroy, dated 29th June 1877.
19. Note by Mr. B. W. Colvin dated
20. Demi-official letter from Mr. G. A. Ballard, to Colonel O. T. Burne, dated 17th September 1877.
- \* 21. Note by the Viceroy dated 16th October 1876, with Appendix and K. Ws.
22. Letter from the Hon'ble Louis Jackson, to the Viceroy, dated 15th October 1877.
23. Cipher telegram from the Private Secretary to the Governor of Bombay, to the Private Secretary to the Viceroy, dated 12th December 1877.
24. Memorandum by Colonel Chesney on the European Civil Services.

be forwarded with this Note to the Home Department for circulation to my Honourable Colleagues. Amongst them will be found a memorandum by Sir Erskine Perry, which, though written without any knowledge of my Minute of the 30th of May, appears to me to be in complete accordance with the general principles laid down in that Minute; and also a memorandum written, confidentially, by Colonel Chesney for Lord Salisbury, on the subject of the European Civil Services of India, considered in their relation to the finances of this Empire. For each of these valuable papers I am indebted to the courtesy of their authors, who have confidentially forwarded them to me.

15. To the memorandum by Colonel Chesney I beg to bespeak the special attention of Sir Andrew Clarke, who will find in it, I think, remarkable confirmation of the views he has frequently expressed to me on the very important subject to which it refers. I feel much encouraged in the hope of a favourable reception of the project I am now submitting to my Council, by the fact that the very able and experienced officer in charge of Coopers Hill, approaching the subject of it from a different point of view, and applying to it a different method, has arrived at conclusions identical with my own.

16. I trust that my Honourable Colleagues will not deem me unduly impatient if I ask them to honour this communication with their early consideration and reply. The general question it treats of has long been familiar to them all: the specific proposals for the solution of that question which have been already accepted by all the Local Governments in India (with the single exception of one Government, to which they have not yet been referred) are now, I trust, placed before the Council in a form which will enable Honourable Members to understand them clearly without any lengthened study; and various circumstances, which I need not here explain, render it very desirable that there should be no unnecessary delay in submitting them officially to the Secretary of State.

The 7th January 1878.

LYTTON.

\* Not printed.

† See page 69.

‡ See page 65.

*Minute by the Honourable SIR E. C. BAYLEY, K.C.S.I., dated the 26th March 1878. No. 320.*

While I do not dissent from the general conclusion arrived at by the Council as to the formation of a Native Civil Service, still as I shall not be in a position to take a share in future discussion as to the best mode of carrying out the measure in practice, I have obtained His Excellency's leave to record a Minute embodying the suggestions I should like to offer on this subject.

2. The broad policy of the admission of Natives to a larger share in the government of the country is not now open to discussion, nor do I desire to discuss it. My object is merely to consider how it may best be carried out so as to obviate the dangers to the public interest which any rash dealing with it might obviously create; and to consider also how best to reconcile the fair acknowledgment of the claims of Natives to higher employment both with the avoidance of these dangers and with the unquestioned claims of the existing Covenanted Civil Service.

3. I may say here, moreover, that while recognizing the expediency of restricting the employment of the Covenanted Civil Service within narrow limits, I am equally convinced of the necessity of maintaining it permanently much on its present footing. Indeed I think it will be expedient (and the consensus of opinion amongst those who have considered the question by the light of local experience seems to be general on this point) that in order to avoid precisely the same evils which render a close Covenanted Civil Service necessary, the appointment of Natives to higher posts should be regulated in somewhat the same manner; that is to say, these higher appointments should be reserved for a separate service though not perhaps with absolutely the same rigorous strictness as in the present Covenanted Civil Service. I will explain my meaning more fully when I proceed to discuss my actual proposals.

4. I assume in the proposals made below that the present mode of admitting Natives into the Civil Service by competition will cease. If a separate Civil Service is established for Natives, the maintenance of the due proportion between Europeans and Natives in the higher offices under Government seems to me incompatible with their admission to the European branch of the service by competition, and I think it is undesirable on other grounds.

5. The next question is the financial one, *viz.*, how far the two services should be placed on a par in regard to payment. On the whole, I agree in thinking that the new Native Service should be placed on a lower scale of salary than the Covenanted Civil Service. I do not recapitulate all the arguments in favour of this decision, though they seem to me to preponderate greatly; but I may point out that it will hardly be possible to give full extension to the proposed scheme and to gain from it one of its greatest advantages, *viz.*, the economy which will render possible the numerical strengthening of our establishments, unless this principle be adopted.

6. The only argument I know against the measure is that urged by Mr. Lyall, *viz.*, that the honour and dignity of an appointment is in practice measured by its remuneration, at least according to Native ideas. I think, however, that this objection will be partly, if not wholly, obviated if the Native incumbents are members of a special and distinguished service.

7. The third point which calls for determination is the character of the appointments to which Natives should be admitted and the extent to which the proposed measure should go. This is a matter of much delicacy, and I only propose to deal with it in general terms, as I will explain presently.

8. Accepting it, therefore, as expedient that a separate service

should be established, the first point to be decided is the manner and No. 320. condition of appointment in the first instance.

9. Now it seems to me that there are three ways in which these appointments may be made, and I think to some degree that all three should be adopted, but all under strict regulations.

10. In taking this view I may be said to ignore the spirit of the Act of Parliament under which these appointments are to be made, and which requires that the persons who are appointed should have been tested by good and approved previous service. I think this condition can be fulfilled with full adherence to the spirit and with sufficient compliance with the letter of the Act, even under the system I am about to propose, but, if necessary, the Act could easily be modified to suit the scheme should the latter be accepted.

11. The first mode then which I would propose is by nomination or other selection of young men to be appointed as probationers; the second by appointments from the Uncovenanted Service of men who have done good work in the latter; thirdly, by the selection occasionally of special men not in Government service who are of very distinguished character and acquirements.

12. I would rest mainly on the *first* method, and in order to comply with the requirements of the Act, I would say that the first appointments shall not be to the service, but as *probationers for* the service. I explain further on how I would manage this provision.

13. The second class of appointments would fulfil exactly the conditions of the Act, but I would make these exceptionally, though more freely at first than afterwards. They should be made only with the sanction of the Governor General in Council and be probationary for one year.

14. The third class of appointments could not be made under the Act, but I think they might be perhaps occasionally made under the 24 and 25 Vic., C. 54, though this would require a reference to the Secretary of State in each case.

15. I now propose to indicate the nature and emoluments of the service which I propose. I think on mature consideration that it will be expedient to confine it, in the first instance, to civil duties. I quite think that Natives should be more largely admitted to the Department of Public Works, though I do not go the length of Colonel Fraser's proposal of at once giving up to them the construction of all purely civil public works. I will say something on this subject at the end of this Minute, for I think a Native Public Works Department *service* on somewhat the same lines as those to be laid down for the Native Civil Service will for similar reasons be expedient as a means of introducing Natives into the Public Works Department. But I think it should be altogether a separate service, and for many reasons. It will be, for example, very difficult to assimilate the pay and seniority of persons working in the Public Works Department whose duties, acquirements and responsibilities are of a peculiar character, with the pay and seniority of persons in high civil employment, the conditions of which are wholly different.

16. Moreover—and this is the great difficulty—very different classes of men will be required for the two. I entirely agree with Mr. Eden that it is most desirable in every point of view, as far as possible, to reserve the new Civil Service for Natives of higher social position, and such alone I would appoint as probationers. Few of this class will enter the Department of Public Works; few even will enter our Uncovenanted Administrative Service, though, if they do, they might unobjectionably be brought into the new service, as might very deserving men of other classes, under my second mode of appointment. For the same reason I would, as advised by Mr. Eden, keep the Uncovenanted Service generally in its present position

17. I would also keep the educational and other civil departments

(except the medical) as they now are. There is nothing to prevent the appointment to the Educational Department, to the Revenue or Geological Survey, or indeed to the Telegraph or Post Office, of any competent Native. Nor is there anything to prevent Natives rising to the highest positions in those Departments; all that is necessary is to see that fit men are appointed at the bottom in fair proportions.

18. It may, I think, be advisable to transfer, say, to the Post Office, or to the Educational Department, some probationers for the Civil Service who shew more aptitude for such duties than for those of civil employ; and I think it will be right to insist on the appointment occasionally of competent Natives to the lower grades of the upper class of the Revenue and Geological Surveys. At present, indeed, there are I believe scarcely any Natives qualified for the duties of these departments, but I think an appointment might every now and then be put up to competition, if approved candidates come, or are likely to come, forward.

19. In regard to medical appointments there is, as Mr. Eden has explained, more practical difficulty, and the commissioned service is still quite open to Natives of whom there are several now in it. Moreover, there is a separate "Uncovenanted Civil Medical Service" for which Natives are eligible, and to which several have been appointed. I am inclined to think that beyond an enlargement of this

\* Unless indeed it may be deemed expedient to raise the position of the Sub-Assistant Surgeon class. They are not, as a body, very satisfactory now. Perhaps better emoluments might secure better men.

latter service, and perhaps some slight improvement of its emoluments and a more extended employment in it of Natives, it will not for the present be expedient to do anything for Native medical men.\*

20. Returning, however, to the Native Civil Service. I think I would form it by appointments in the way above stated, and I would divide it into classes, as I shall shew presently. This will, I think, give an opportunity of regulating emoluments without the necessity of any general re-arrangement of civil salaries throughout the Empire, which is objectionable on many grounds.

21. As to the extent of the service, at least its ultimate extent, I think it has been agreed pretty clearly that it should not be calculated to hold more than 15 per cent. of the appointments now held by the present Covenanted Civil Service; and I think it may be well to indicate, by the example of the Bengal Civil Service, the manner in which I would bring the two systems into parallel operation. The Bengal Civil Service now consists of 630 members. The normal strength, however, has been fixed at 600, and this was done on the supposition that the number of military and uncovenanted men who are employed in the higher civil offices would be limited to a certain definite proportion. This proportion, however, has been very largely exceeded; nor have the measures recently sanctioned by the Secretary of State for the purpose of inducing this class of officers to retire had yet any sufficient effect. For the present, therefore, even the number of 600 is excessive. The Secretary of State has, however, ordered the reduction of the Military and Uncovenanted Service element to a still lower proportion; and when this is accomplished, the number of 600 will probably not be too high.

22. Now, of these it may be said that roughly about 20 per cent., or, say, 120, are in a state of probation, or are at least qualifying for other duties. These would leave some 480 employed on higher duties or absent on leave. If then 15 per cent. of 480 be taken, it would give some 72 appointments, and if to this be added a certain proportion of probationers, say 20 per cent. of about 15, we should have a total of 89 appointments.

23. This, however, will be a rather large estimate, for the leave rules of this new service need hardly be so liberal, or the number of absentees so large as in the existing service. Moreover, there may be also some doubts as to the proportion of probationers which it will be requisite

to maintain, as some of the appointments to the service will, especially No. 320. at first, be made in the higher grades direct; on the other hand, there will probably be a rather large percentage of probationers who will not deserve advancement.

24. On the whole I should be inclined to fix the entire eventual number of appointments at, say, 80, of which I would make, say, 12 *probationary*. The remainder I would divide into six classes with 6 in the senior grade and 8, 10, 12, 14 and 16, respectively, in the lower grades. I would pay them as follows:—

	Rs.
1st grade, 8, on . . . . .	2,000*
2nd grade, 8, on . . . . .	1,750
3rd grade, 10, on . . . . .	1,500
4th grade, 12, on . . . . .	1,250
5th grade, 14, on . . . . .	1,000
6th grade, 16, on . . . . .	700

\* If, as proposed below, this pay is free of all deductions, it would be on an average about eight or nine per cent. more than that which a civilian receiving the same nominal salary, would actually draw.

PROBATIONERS.

	Rs.
6 on . . . . .	500
6 on . . . . .	400

25. Or it might be possible to make the pay partly dependent on the appointment; say, for example, that a member of the new service should draw a lower fixed salary, plus a percentage (say 20 per cent.) of the salary of the appointment he was holding, provided the total did not exceed the whole salary of the appointment. In such case the maximum fixed salary might be Rs. 1,500, and a man in that grade serving as a first class Judge be allowed to draw—

	Rs.
Fixed salary . . . . .	1,500
Allowance, Rs. $\frac{2,500}{5}$ . . . . .	500
Total . . . . .	2,000

Twenty per cent. of the salary would be the same as the deputation allowance of a civilian *acting* in the same appointment. However, on the whole, I prefer the simpler plan.

26. I would, in addition, have a few well-paid appointments, as for example, High Court Judges, additional Members of the Board of Revenue, and perhaps paid Members of the Legislative Council. Persons holding these appointments need not necessarily be officers of the new service, but might be, and ordinarily would in the end be, taken from it; if so, they should draw the full salary without reference to the pay of their grade, and in lieu of it.

27. This gives merely an ideal sketch to be worked up.† I would at first appoint annually a few probationers, and a few persons, mainly selections from the Uncovenanted Service, with here and there a leading vakil or a good Native barrister, or some of the attachés already employed in our Political Agencies, to the higher grades. After the probationers had served with success, say, for four or five years, I would confirm them and promote some into the higher grades, and so gradually fill up the full number of the service.

† It will be impossible to decide absolutely on the strength of the new service until it is known what appointments are to be assigned to it. My sketch is intended to provide a rate of promotion by which at the probable rates of decrement, a candidate should rise through all the grades in 35 years, remaining as nearly as possible five years in each grade. Mr. O'Kinealy has kindly made an actuarial calculation to shew how this is to be effected, and my scheme is based on his scale; but the candidates would probably be detained on an average somewhat less than five years in the probationary stage, somewhat longer in the fifth and sixth grades. This calculation, however, does not take into consideration the special mode of decrement contemplated in paragraph 35 below, and to which liberal resort should be had so as to preserve the character and efficiency of the service. This defect, however, will afford an opening for direct appointments according to my second and third modes of nomination.

28. My idea is that if, say, three probationary appointments and a couple of direct appointments are made each year, the full limit of numbering would be reached in about 16 years or a little more.\* No. 320.

\* It may not be possible in some Provinces where promotion has already been abnormally delayed in the existing Civil Service to make at present many direct appointments. In such Provinces the measure should be mainly introduced by appointing probationers, and in practice it may not be found possible to carry out the scheme to its full limit in 16 years.

29. I do not mean by this that the first probationers, or any of them, should reach the highest grade in 16 years. This would be a rate of promotion far more rapid than that of the parallel European Covenanted Service; indeed such rapid advancement would be in itself undesirable: because a man who reaches the top of the tree in, say, sixteen years would be dissatisfied if he had to remain some fifteen or twenty years longer without further promotion. My object is to reduce this rate of promotion to, say, 25 or 30 years by the introduction of outsiders. Indeed, when the service is complete, the rate of promotion will probably still need occasionally to be checked by similar means. I do not intend that promotion should be made strictly according to seniority; on the contrary, I would distinctly declare that candidates whose character or efficiency is any way doubtful should be detained long enough in the probationary stage to make it clear how they are likely to turn out. To the two upper classes I would also make promotion avowedly by selection.

30. No doubt a certain amount of injury will by this plan be inflicted on the members of the existing Civil Service, but I think that if advantage is taken of the economy which this measure will produce somewhat to enlarge the machinery of the administration, they will gain some compensatory advantage. As regards the judicial service, the creation of intermediate courts of appeal, on which I am about to put up a separate Note, may at once create some open-

† Minute *a* by the Lieutenant-Governor of Bengal dated 16th December 1876.

ing. The Bengal Government has already submitted a scheme† similar to that already approved for the North-Western Provinces in regard to increasing the number and diminishing the size of districts. This has been delayed pending the consideration of the North-Western Provinces scheme in the Financial Department, but it might, I think, be now recommended in the Financial Department to the Secretary of State; I even believe that the measures actually proposed may be extended with advantage in both the North-Western Provinces and in Bengal. Mr. C. A. Elliott has long since proposed a larger scheme for the North-Western Provinces, and in Bengal the number of districts with excessive areas and population is even still greater.

31. A similar measure may be carried out in Madras, is in fact as the famine has shown absolutely requisite there. But I do not see any satisfactory way of pressing similar measures on Bombay or in Oudh, the Central Provinces, or the Punjab. In the three latter Provinces, however, measures, to induce military and uncovenanted officers to retire, might, if repeated, but perhaps on a somewhat more liberal scale, a year or two hence, give some relief; but this is really already required by the stagnation in the service as it still exists after all recent measures of relief.

32. I think, however, that one measure would go far to satisfy all the classes of the service, and would be gladly accepted by them, and it would be exactly proportioned to the loss actually suffered by persons now in the service.

33. This would be the abolition of the deductions now made from their salaries for pensions. This is four per cent., which is a heavy payment. In practice it works harshly and with many anomalies. It is disliked as payment for a benefit which many never attain, and which when obtained gives the minimum return to those who have worked longest and best; moreover, the greatest advantage of the

proposed compensation would be reaped exactly by those whose prospects will be most effected by the new scheme, *viz.*, the present juniors of the service. No. 320.

34. This system of deductions is likewise anomalous, for it is, I believe, absolutely the last surviving remnant throughout the world of the practice of making deductions from the salaries of public servants to pay for their pensions, which was long since abolished by acclamation in England.

35. This brings me to the subject of the pensions of the new service. It will, I think, be objectionable to make any deductions for pension from their allowances for the reasons given above; on the other hand, their pensions need not be proportioned to the pension of the European Civil Service. I should be inclined, however, to borrow the principle of the Civil Service rules, and to give a maximum pension of, say, Rs. 750\* a month after 30 years' service with a superannuation rule requiring retirement at 55 years of age, and with proportionate pensions of, say, Rs. 600 for 25 years, Rs. 500 for 20 years, and Rs. 350 for 15 years' service, Rs. 200 for 10 years, and Rs. 150 for 7 years' service, and Rs. 100 for any service under seven years and above three, if retired for ill health, superannuation or other cause of inefficiency not due to gross and wilful default. It will be well to have a wide door open for removing gently those who do not give entire satisfaction, or, who, after acquitting themselves decently in lower positions, fail in the qualities necessary for higher duties, and to whom promotion ought not, therefore, to be given. There will no doubt, especially at first, be found many such. In regard to those who have been previously in other Government service a certain portion of their previous Government service might count for higher pension. Thus, if an officer has been, say, 20 years in the Uncovenanted Service, three-fourths of that service, 15 years, might count for the higher pension. Such an officer would have commenced to count his service, say, from his 22nd year, and would be when appointed 42 years of age. He would be superannuated before he had served 15 years more, but would be entitled to the second highest grade of pension, *viz.*, Rs. 600. Officers brought in altogether from outside the Government service would have to be treated otherwise; but their cases might be met, as similar cases are met in England, by permission given them to count a certain number of years (determined specially in each case but not exceeding 20 years) towards service for pension.

\* From those who have held higher appointments, as Judges of the High Courts, or the other selected appointments, perhaps higher pensions, say, Rs. 1,000 or even Rs. 1,200 a month, might be given.

36. As to the question of family funds, it is a more difficult one. I am, on the whole, inclined to think it will be better to dispense with every provision of this sort.

37. I proceed now to the actual appointments to the new service. These would be made, in the first instance, as has already been provided by the Local Governments, and, although the men should all be in one list, each should individually be usually detained in the Province to which he stands first appointed. Of course no positive rule need be laid down, and it would always be competent to the Supreme Government to transfer them, but such transfers should not be made without the sanction of the Supreme Government.

38. The Local Governments should be directed to select candidates as probationers from the ranks of the local nobles and gentry. Sufficient provision will be made for bringing in men of superior acquirements from other classes by the direct appointments provided for under the second and third modes of appointment mentioned in paragraph 11; a few probationary appointments might rest with the Governor General in Council. Probably about three such appoint-



ments would have to be made annually, and I would suggest that No. 320. they be made by rotation somewhat in the following order :—

- |                                      |  |
|--------------------------------------|--|
| 1. Government of India.              | 8. Punjab.                               |
| 2. Bengal.                           | 9. Government of India.                  |
| 3. North-Western Provinces and Oudh. | 10. Bengal.                              |
| 4. Punjab.                           | 11. North-Western Provinces and Oudh.    |
| 5. Government of India.              | 12. Central Provinces.                   |
| 6. Bengal.                           | 13. Assam.                               |
| 7. North-Western Provinces and Oudh. | 14. North-Western Provinces.<br>&c., &c. |

Of course the attainment of a certain standard of acquirements should be an initial condition, and it should be a standard—including English—which should fit the nominee for at least the ordinary duties of his future career.

39. I am myself inclined to think a residence for education in England should be encouraged rather than checked, and I should, I think, provide candidates likely to be selected as probationers with opportunities of pursuing their studies in England. With this view I would put the maximum age of the probationer class rather high,

\* I would make the minimum 18 I say 22 or 23 years of age.\* And I would think.

even give scholarships like those of Lord Lawrence to assist this part of the plan. So far as I have seen, these scholarships worked well. Of course conditions would be attached, and only lads of good character would be selected for them.

40. If this sketch be approved, I think I would appoint an officer or officers to select generally the appointments now held by the Covenanted Civil Service in each Province, to which Natives should be appointed, but I think the selection of appointments should be matter of understanding, rather than of absolutely definite ruling; for it may be possible that even if executive appointments should be mainly reserved for the European Civil Service, still that an officer may come into the Native Civil Service of such exceptional administrative ability, firmness of character and other high qualifications as to indicate his preferable employment in executive duties, and I would not absolutely prevent his selection for these; but it might be understood that no officer of this new service would be appointed by a Local Government except to the selected appointments without the previous sanction of the Governor General in Council. If this be done, however, it would be right to allow those officers of the existing service in Lower Bengal or Bombay who have selected the separate judicial line an opportunity of re-considering their decision.

41. Moreover, if a large number of higher judicial appointments be given to the new service, I think some alteration of duties may be necessary. Thus I think, as Sir Arthur Hobhouse pointed out, that it may be expedient to place what is virtually the control of the administration by District and Sessions Judges in other hands; as, for example, by transferring this work to the Commissioners, although this measure may involve some increase to the number of Commissioners, and perhaps some diminution in the number of District Judges.

42. The question arises whether the transfer should be of only the appellate jurisdiction from Magistrates' orders or of Sessions trials also. As to the first, I have no doubt. There is perhaps less necessity for the transfer of the Sessions cases, but it will be on the whole, I think, advisable. The decision of Sessions cases greatly affects the administration of a district. We have indeed seen only lately how seriously the action of an incompetent Judicial Commissioner injuriously affected the administration of a whole Province, and District Judges will under the new system be appointed who have had neither executive nor criminal experience.

43. I think, in practice, the Commissioners will do the criminal

work quite as well as the Judges now do, for they have exactly the same previous training, and this part of their duty District Judges usually do very well. In fact, I was told by a Barrister Judge of the High Court not long ago that but for the necessity for carefulness which it involves, and the convenience of deciding authoritatively dubious questions of law and procedure, the appellate jurisdiction of the High Court in criminal matters might be dropped with little practical harm. No. 320.

44. The only inconvenience of the transfer would be that some Judges would come to the High Court of which I would retain its existing appellate jurisdiction (except as it may be modified under the Appellate Bench system) with their criminal experience rather rusty from want of practice, but this would not matter much and would not over-balance the countervailing advantages.

45. To sum up, therefore, I would have in the Bengal Presidency (and I would model the other two Native Services for Madras and Bombay on the same plan, *mutatis mutandis*) a Civil Service confined

\* As already defined.

† That is, so far as the new service is intended to hold appointments now held by the Covenanted Civil Service; but see paragraph 57.

to natives of India\* and containing, say, eighty incumbents,† of which 12 should be probationary. Officers appointed as probationers not to be promoted until they are permanently confirmed in the new service as in every way competent by the Governor General in Council. These probationary appointments should be six on Rs. 400 and six on Rs. 500 a month. Above these would be sixty-eight appointments divided into six classes, drawing, respectively, Rs. 700, Rs. 1,000, Rs. 1,250, Rs. 1,500, Rs. 1,750, and Rs. 2,000 a month. To these grades probationers would have a qualified claim to succeed, but powers would be reserved to the Local Government to appoint to these occasionally officers in other branches of the service of Government, or even very distinguished non-official Natives; but in such cases the sanction of the Governor General in Council would be necessary and the appointment should be, for one year, on probation only.

46. Again, officers, permanently appointed to the new service would be appointed to offices now only held by covenanted officers, certain classes of appointments to be ordinarily open to them, and others exceptionally so with the sanction of the Governor General in Council.

47. Certain independent highly paid offices to be retained for Natives, but not necessarily for officers of the new service.

48. Pensions to be payable after specified terms of service, and officers to be at any time removable also by the Governor General in Council and to be superannuated ordinarily at 55 years.

49. I do not profess to say that these measures could be carried out without inflicting injury on the existing Covenanted Civil Service; but if they are *judiciously* carried out, and if *all* the compensatory measures are sanctioned and are liberally administered, this injury would be reduced to a minimum, and little or no opposition would, I believe, be offered by the Civil Service. I would exemplify what I mean by a judicious execution of these measures as follows: In certain Provinces promotion has been abnormally delayed, and acceleration *not* retardation would in any case be desirable. In these Provinces I would for some time, say for the next ten years, make little or no use of the power of direct appointments to higher appointments without passing through the probationary stage, and in every Province I would make very few appointments direct to the higher grades of the new service at first.

50. I would create a Native Public Works Department on a similar principle and in a similar manner, and to an extent sufficient to admit eventually of the abolition of Public Works Department College at Coopers Hill. I think appointments to this service should be

chiefly by competition limited by nomination, and by certain conditions of health and physical strength, social position, moral character, &c. It should altogether be distinct from the new Native Civil Service. I learn that there are a large number of municipal and other local engineering appointments on high pay altogether distinct from Government appointments. I think it would be well to restrict the choice of officers for such appointments to persons in Government service. In this way I would, moreover, make it incumbent on the Local Governments to set aside a certain proportion of new appointments to the upper grades of the Police and Educational Departments for Natives of satisfactory qualifications and of good character and position. The proportion of Native employes in those Departments, and in the higher posts in the Telegraph, Post Office, and Survey Departments, might, I think, be raised gradually to the same level as that to be introduced into the Civil Service, viz., 15 per cent., or perhaps, as it would include a considerable proportion of Eurasians, somewhat higher, say 20 per cent.

51. As regards military service, I speak with more reserve. It has, I think, been admitted by everybody and without denial that among the gentry of India this class of employment would be far more popular than any other; but this seems to me another and totally different question which is beset with difficulties peculiarly its own, and is at present affected in no degree by any express Act of the Legislature, or by any specific declaration of Government.

52. It is true that some time ago Native gentlemen of rank were, I believe, encouraged to apply for commissions in irregular cavalry regiments, and that some did so apply, and I believe even that several such appointments have been actually made; but this is only a very small part of the general question into which I do not propose to enter. If the broad policy of any such action was decided, I do not see any insuperable difficulty in gradually giving effect to it, but on the policy itself I have at present no opinion to offer. Meanwhile it might be possible to give effect to the policy already affirmed as to irregular regiments by ruling that a certain number of commissioned officers in the irregular cavalry should always be so selected, say every tenth vacancy being filled by the Governor General in Council or Commander-in-Chief with Governor General's sanction, till the full number is appointed.

53. The question of recruiting in England for the Civil Service must also be considered. As I have already said, the Bengal Civil Service now ought to be 600 strong; under the proposals above made, it would be 520. These numbers need not perhaps be accepted as final. In fact, if the proposals for enlarging the administrative machinery to which I have alluded (paras. 29 and 30 *supra*) are adopted, both the European and entire Civil Service may be eventually rather larger. But for the present calculation these numbers may stand.

54. There is some dispute as to the number of annual recruits which will suffice to keep the service at its normal strength. For the purposes of calculation it may, I think, be assumed that we have to supply at least an annual decrement of  $3\frac{1}{2}$  per cent. This would give the annual recruitment as at least 21 per annum for a body 600 strong. But it is to be remembered that already the service is above strength, and also that there is an excess number of military and uncovenanted officers holding covenanted appointments, that indeed 11 more of the latter have to be still admitted to the Non-Regulation Commissions, and for the present allowance must be made for all this.

55. Now, the actual excess of the Civil Service itself at this date is, I think, 30, that is, there are 630 instead of 600 officers in the service; and until the year after next the annual recruitment will keep the number pretty nearly unchanged, and it is desired to reduce it to 520.

56. The mode of doing this depends on the rapidity with which it is intended to introduce the present scheme. If, as I propose, it be introduced gradually over a period of 16 years, then we have to get rid of at least of an excess of 110 officers in that period, or, say, at the rate of seven officers yearly. This, therefore, may be done by reducing the indent from 21 to 14 annually for sixteen years, or till the number is reduced, after which it will rise to about seventeen or

\* I am afraid, however, that even for this year's competition the limit will not be strictly observed at home.

eighteen annually. It has been reduced for the next year's competition to fifteen.\*

57. I have already said that I think the existing Uncovenanted Civil Service should be left on its present footing; it is already nearly exclusively Native (according to the definition of the Act); nor, as it is, on the whole, fairly paid and will receive some promotion by the elevation of some of its members into the new Civil Service, is it at present necessary to do more in this direction. A proposal has been made to transfer some of the existing appointments now held by the Native uncovenanted to the new Civil Service. As to this proposition, I would only say that there seems no objection to it so long as two conditions are observed, *viz.*, that neither in the new service nor in the Uncovenanted Service shall the proportion between higher and lower paid appointments be disturbed, otherwise in the former case the rate of promotion in the new service may be fatally delayed; in the other, the existing members of the service would be seriously injured in their prospects. The second point is that in so transferring appointments some slight addition may be made to the pay of some of these. For example, suppose that there are now one Subordinate Judge to every eight Munsifs; then if a Subordinate Judgeship be taken a proportionate number of the Munsifs should be taken; but the present pay of these is in some cases too low to attract men of the class sought to be attracted, and the pay should be raised. Under these conditions the measure would be a safe one, and it would have the advantage of making the new service larger than would be sufficient for appointments taken from the Covenanted Civil Service only, and this result would be in every way desirable. There are also some appointments which are now equally open without restriction to officers of the Covenanted Civil Service, to uncovenanted officers and to the Bar; nearly all of these require special qualifications. I would not therefore reserve any one of those appointments, or even any specific proportion of them, to the new service, but the members of the service should get their fair share of them.†

† I give a list in the Appendix.

58. I repeat that the above scheme is offered merely as a tentative one; it will be impossible actually to settle all details at once, and they may be affected by various circumstances, as by the transfer of the Punjab to Sind, the abolition of the Central Provinces, &c., &c.

59. If a special agency be appointed to settle the details after the principles of the scheme, and the general rules by which it is to be worked are determined, the scheme itself can be suited to the state of facts at the time it is introduced, and the Government of India can easily make any alterations which circumstances from time to time render necessary.

60. I cannot profess that my scheme could be carried out without considerable immediate and possibly some ultimate increase of expenditure. Taking, however, an estimate that eventually Natives would take the position of Europeans drawing only two-thirds (on an average) of the allowance of the latter, I contemplate an ultimate saving in this respect of fully three lakhs of rupees a year, and the influence of the scheme in the sense of economy would be felt very sensibly in all future extensions of the administrative machinery, for I presume the proportions of European and Native Agency would be maintained in such extensions.

In this view I should hope that it would eventually lead to No. 320. diminishing rather than increasing the cost of the civil administration.

E. C. BAYLEY.

APPENDIX.

1. Commissioners of Police at the Presidency.
2. Municipal Commissioners at the Presidency.
3. Legal Remembrancer.
4. Registrar of the High Court.
5. Deputy Collector of Customs.
6. Inspectors General of Registration.
7. Inspector of Registration.
8. Inspector General of Jails.
9. Inspectors and Deputy Inspectors General of Police.
10. Superintendents of Encumbered Estates.
11. Deputy Commissioners, Wards' Estates.
12. Superintendents of Family Domains.
13. Managers of Estates.
14. Police Magistrates at the Presidency.
15. Town or City Magistrates.
16. Director and Deputy Director, Revenue Settlement.
17. Commissioners of Survey and Settlement.
18. Superintendents of ditto ditto.
19. Settlement Officers and Assistants.
20. Small Cause Court Judges.
21. Civil and other Judges.
22. Superintendents of Excise, Customs, or Stamps.
23. Director of Agriculture and Commerce.
24. Directors of Public Instruction.
25. Inspectors of Schools.
26. Sanitary Commissioners.
27. Canal Revenue Superintendent.

LXXI.

From the Government of India, to Her Majesty's Secretary of State for India,—No. 35 No. 321.  
dated Simla, the 2nd May 1878.

The question of providing for the more extended employment of Natives in the civil administration of this country, has, at different times, occupied the attention of successive Secretaries of State and of successive Governors General of India; it has also, more than once, been brought before the notice of Parliament. Hitherto, however, all endeavours to deal with this question on a satisfactory basis have proved unsuccessful. Every year that leaves postponed the settlement of it increases, not only the difficulty of settling it, but also the serious inconvenience of leaving it unsettled. We, therefore, desire to lay before Your Lordship certain proposals, which are the result of long and anxious consideration, for a practical solution of the problems bequeathed to us by our predecessors in connection with this important and pressing question.

2. These proposals will be made more easily intelligible by a brief outline of the legal aspect of the question, to which they have reference: for it is by the failure of repeated efforts to give practical effect to the law theoretically governing this question that the essential difficulties of the case we have now to deal with have been gradually brought to light and increasingly forced upon our recognition.

3. By Act 3 and 4 William IV, Cap. 85, passed in the year 1833, it was enacted that "no Native of the said territories (India), nor any

natural born subject of His Majesty resident therein, shall by reason No. 321. only of his religion, place of birth, descent, colour, or any of them, be disqualified from holding any place, office, or employment, under the said Company." The Court of Directors interpreted this Act in an explanatory despatch in the following words:—"The Court conceive this section to mean that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinction of race, or religion, shall not be of the number; that no subject of the King, whether of Indian, or British, or mixed, descent, shall be excluded either from the posts usually conferred on uncovenanted servants in India, or from the Covenanted Service itself, provided he be otherwise eligible."

4. In regard to uncovenanted posts, this despatch was productive of practical results; and the proportion of such posts held by Natives is at present so far sufficient that we need not further revert to that point. But in regard to posts reserved by law (Act 33 George III) to the Covenanted Service, the Statute remained a dead letter. The nomination to these posts was at that time vested in the Court of Directors, and we believe that no native of India was ever nominated by any Director to the Covenanted Civil Service.

5. By the legislation of 1853, the appointments to this Service were thrown open to public competition. Since that period natives of India have been theoretically free to compete; and, as a matter of fact, there are at present nine natives of India who hold appointments in the Covenanted Civil Service which they have obtained by public competition.

6. The difficulties, necessarily arising from the competitive examinations being held in England, have, however, practically debarred natives of India, save in a few instances, from availing themselves of the right to compete.

7. The principle of the law of 1833 was again re-affirmed in Her Majesty's Proclamation of 1858; and three years later (in Act 24 & 25 Victoria, 1861) an opportunity was taken, while legalising certain appointments which the Government of India had made, in contravention of the terms of Act 33 George III, to define more accurately the appointments to be reserved, under ordinary circumstances, for members of the Covenanted Civil Service. The same Act permitted the appointment by the authorities in India, under certain restrictions, of any person who had resided in India for a period of not less than seven years, to any of the reserved posts.

8. This law, however, like its predecessors, was followed, at the time, by no practical endeavour to employ natives of India in posts generally reserved to the Covenanted Civil Service; and the question was again taken up by the Secretary of State in his despatch of 28th October 1868, in which he expressed his desire to facilitate the introduction of natives of India into the Civil Service.

9. Lord Lawrence's Government, believing that this could best be done by encouraging Natives to study in England for the competitive examination, established a number of scholarships of £200 a year each, tenable in Great Britain for a period of three years. The Secretary of State (the Duke of Argyll) did not approve of this

arrangement; and, in the correspondence that ensued, he advocated a system of selection for Natives, rather than one of competition. He urged that mere intellectual acuteness was no indication of ruling power, and that in vigour, courage, and administrative ability, some races most backward in education were superior to others intellectually

far more advanced. He laid down,\* for dealing with the question, three great principles which the present Government of India unreservedly accepts—

\* From Secretary of State, No. 113, dated 22nd October 1872.

- (1) that the maintenance and stability of British rule in India should form the basis of our policy; and that, in this view, a large proportion of British officers *must* be retained in the more important posts;
- (2) that appointments of Natives should ordinarily be made to the Judicial, and rarely to the Executive, branch; and
- (3) that the high pay given to Englishmen, to induce them to accept office in a distant land is not *primá facie* necessary in the case of Native civil servants.

10. The Duke of Argyll's policy had been embodied in the Act of Parliament passed in 1870 as Act XXXIII Vic., Cap. 3, to provide "additional facilities for the employment of Natives of proved merit and ability in the Civil Service of Her Majesty in India," and was intended to open the door of the Civil Service to Natives, by means of selection, as well as by competition. In consequence, however, of some differences of opinion between the Indian Government and the Secretary of State, the rules necessary to give effect to the Act were not finally settled till 1875; and the endeavours since made to give effect to those rules have not been attended with success.

11. In the latter part of 1876, a Note† was circulated by His Excellency the Viceroy, suggesting the adoption of certain practical measures for bringing the Act into operation to a limited extent; and confidential communications‡ were made on the subject to the Governments of Bombay, Madras, and Bengal. The Bombay Government appointed one Native official, Mr. Gopal Hari Rao, to a reserved judicial appointment. The Madras Government declined to make any appointment of the nature suggested by the Government of India, and sent up representations mainly directed against the policy of the Act. The then Lieutenant-Governor of Bengal (Sir R. Temple) proposed two appointments; but one of them had reference to an office, the creation of which, though recommended, had not been sanctioned by the Secretary of State; and, in regard to the other, doubts were entertained as to the expediency of conferring upon a Native the particular appointment specified which belonged to the executive branch of the service.

12. The present Lieutenant-Governor of Bengal (Mr. Eden), in a very suggestive letter,‡ dated 8th March 1877, took up the question and dealt with it from a somewhat novel, but most pertinent and practical, point of view.

13. Maintaining the axiom (theoretically established by the Duke of Argyll in 1872, and at all times practically recognised by the Government of India) that, as a political necessity, the higher ex-

α See p. 3.

† Not printed.

‡ See page 69.

ecutive posts of the Covenanted Civil Service *must* be reserved for No. 321. Europeans, Mr. Eden argued that it was a mistake to admit Natives, under the competition system, into a Service from the highest posts of which they were necessarily excluded; that the true solution of the difficulty was to confine the Covenanted Civil Service to Europeans, but to reserve it, as a *corps d'élite*, for those posts which it is essentially necessary they should fill; to diminish the annual indent for civilians proportionately; and to extend the area and scope of the Uncovenanted Service, by employing Natives in the posts thus vacated by the Covenanted Service. He added certain definite proposals founded on these principles; but, as the proposals are still under the consideration of the Government of India, we need not further advert to them in this place.

14. The next and most important steps in the discussion was a Note† by the Viceroy, dated 30th May, and circulated, in the first instance, to three \* Members of Council. In that Note the

\* Sir E. C. Bayley.  
Sir J. Strachey.  
Sir A. Arbuthnot.

Viceroy explained the position in which the Government is placed, between the pressure of two antagonistic responsibilities. On the one hand are the pledges implied in the various Act of Parliament and declarations of policy, already enumerated, and the hopes and expectations which have grown out of them in the Native mind; on the other hand are the imperial necessity of maintaining the safety and welfare of the Empire by restricting the most important executive posts to Europeans, and the undoubted claims of the existing Covenanted Service to a maintenance of the reasonable expectations and prospects under which they were induced to compete for entry into that service.

15. The overpowering necessity of more largely employing Native agency in the civil administration was justified in the Note, apart from the question of pledges, by the political advantage of associating the subject races in the Government of the country, and by the financial duty of employing the cheapest agency available.

16. The solution to which His Excellency pointed in the Note was to be found in the reduction, for the future, of the number of admissions to the Covenanted Civil Service; and in the establishment of a *close* Native Civil Service, which should have a monopoly of the appointments removed from the list of those now reserved to the Covenanted Service, with a portion of those now held by the Uncovenanted Service. It is proposed that the appointments should be made, not by competition, but by nomination; and that the new Service should be remunerated, on rates of pay somewhat less than those of the Covenanted Service, but should be equal to it in status and position.

17. The suggestions contained in this Note was submitted to the scrutiny of the Governor of Bombay, the Lieutenant-Governors of Bengal, North-Western Provinces and Oudh, and of the Punjab. All these Governments have given their cordial assent to the policy of it, have expressed their readiness to carry it into effect, and have added various suggestions in complete accordance with the main principles of that policy; whilst, for the North-Western Provinces

† Not printed.



and the Punjab, a detailed scheme has been experimentally drawn No. 321. up, shewing how it could be reduced to practice. We have abstained as from yet consulting the Government of Madras, because we were reluctant to divert the attention of His Excellency the Governor from the more pressing duties connected with the famine, which have so fully occupied him, and we have not deemed it expedient to delay any longer the submission to Her Majesty's Government of a scheme which, after so long engaging our own attention, has received the concurrence of the other Local Governments. The Madras Government will, however, have a full opportunity of considering and recording their views on the subject, in the event of our being authorized to proceed with details, which will have to be settled hereafter.

18. On the receipt of the views of the Local Governments above mentioned, and those of the three Honourable Members who were consulted in the first instance, a Committee was called to consider the points (mainly of detail) on which differences of opinion had arisen; and the present scheme is the outcome of all these deliberations, which, with the light thus thrown upon it, we have fully and carefully considered in Council, and now desire to lay before Your Lordship.

19. We are convinced of the political necessity of giving to the natives of India, whether of pure Asiatic or mixed descent, as large a share as possible in the civil administration of the country; and on political grounds we desire to take every opportunity of associating Natives of the influential classes more especially with us in this work; but we find by experience that the mere permission afforded by the existing law to appoint "Natives of proved merit and ability" to posts ordinarily reserved for members of the Covenanted Civil Service does not suffice to meet the object in view.

20. In the first place, the condition that employment in posts ordinarily reserved to the Civil Service shall be dependent on proved merit and ability, has been held by authorities, whose opinion we cannot disregard, to apply solely to the appointment of persons who have proved their qualifications either in the public service, or in some profession, or other walk in life, in which their fitness for offices of responsibility has been adequately tested; and, if this interpretation be correct, it would operate directly to exclude all untried persons; or, in other words, the very men whom, from a political point of view, it is our object to attract to our service, by offering them a career for which it is essential that they should be trained up from the beginning. In the second place, the appointment of outsiders to the post reserved for the Covenanted Civil Service, while the conditions of that Service remain unaltered, cannot fail to excite the opposition, and hostile criticism, of those who deemed, not altogether without cause, that the expectations under which they entered that Service will thereby be disappointed. That this feeling exists, and that it intensifies the discontent, which the junior members of the Service have evinced at the slowness of promotion, cannot be doubted. We feel that while the number of young men annually sent out for

the Covenanted Civil Service remains undiminished, and while those No. 321. young men are encouraged to look to the whole range of reserved appointments as their field of action, the introduction of outsiders to any of these appointments, above the very lowest, is sure to cause great, and not altogether unreasonable, discontent.

21. To give effect to the long-expressed wishes and intentions of Her Majesty's Government, without doing injustice to the Covenanted Service, two steps must be taken *pari passu*; the number of young men annually sent out from England for the Civil Service must be considerably reduced; and the number of appointments, to which they are deemed exclusively eligible, must be similarly limited. At the same time a corresponding addition to the strength of the administration must be obtained by the formation of a new Native branch of the Civil Service to occupy the posts relinquished by the Covenanted Service.

22. We do not, in any wise, undervalue the ability and worth of the many excellent public servants furnished to the State by those classes of the Native community from which the present Uncovenanted Service is mainly recruited. On the contrary, we fully recognize the justice and propriety of meeting, so far as it may be practically possible to do so, their natural aspirations to employment in posts of higher emolument, and greater responsibility, than those which have hitherto been open to them. But we attach great importance to the obvious political expediency of endeavouring to strengthen our administration by attracting to it that class of Natives whose social position or connections give to them a commanding influence over their own countrymen. The qualifications of such persons for administrative employment are partly inherited, partly developed by early habits of command, partly proved by the readiness with which their right to command is recognized by large numbers of their Native fellow-subjects. But qualifications of this kind cannot be tested by competitive examination: and, moreover, although we have every reason to believe that the persons thus qualified are not indisposed to seek employment in the service of Her Majesty, it is certain that they are not attracted to it by the present conditions of the Uncovenanted Service. We must either permanently exclude from the administration of this country, greatly to the detriment of its strength and popularity, all the most influential classes of its Native population, or else we must admit them by selection, and attract them by an assured prospect of promotion, if adequately merited, to an official status commensurate with their legitimate aspirations. To make such promotion safely possible, we must provide for, and impose upon, all the candidates for it, a complete course of progressive official experience. To ensure the requisite standard of efficiency and energy in a Service so organized as to combine social influence with educational proficiency, we must make that Service a close one. We must reserve to the members of it a sufficient number of important appointments; and for those appointments we must train them up from the beginning of their service. By re-organizing the employment of Native agency on these principles, we shall avoid the obstacles which have hitherto baffled all attempts

to enlarge the field of such agency in adequate accordance with the spirit and intention of the various Acts of Parliament still regarded by the natives of India as promises very imperfectly fulfilled. Moreover, whilst thus gradually attracting, as we hope, to the service of the State, the more influential classes of Her Majesty's Native subjects, we shall continue to regulate, by proved merit and ability (but with increased opportunities of proving them) all advancement to its superior administrative posts.

23. We do not, however, think it necessary in order to secure the status and consideration requisite for such a Service, that the rates of pay should be equal to those enjoyed by the Covenanted Civil Service. On the contrary, the only argument of any weight in support of this view, *viz.*, that it is invidious to pay a Native less than a European for performing precisely the same duties, has little force in it when applied to the appointments held by a close and exclusively Native Service; while on the other hand, we consider it financially unjustifiable to pay more than is necessary to secure the most fitting instrument for the work to be done. It is, moreover, impossible to suppose that men living in their own country, amongst their families and friends, and in the climate most suitable and agreeable to them, require the same attraction, or deserve the same remuneration, in the shape of a high rate of salary, as Europeans, who leave their own country to serve, separated from family and friends, in a distant land, with an unsuitable, and sometimes dangerous, climate.

24. To the close service, thus constituted, we propose to assign a certain proportion of the appointments now held by the Covenanted

Assistant Magistrates.  
Assistant Superintendents of Police.  
Sub-divisional Officers.  
Joint Magistrates and Deputy Collectors.  
Assistant Judgeships.  
Small Cause Court Judgeships and Subordinate Judgeships.  
District or Appellate Judgeships.  
Assistant Secretariats.  
Inspectors of Registration.  
Registrars to the High Court.  
Member, Board of Revenue.  
Deputy Collector of Customs.  
Assistant Collector of Customs.  
Members being also eligible for special graded services, such as the Accounts and Political lines.

Service. The exact proportion, as hereafter explained, cannot be now definitely stated; but, as an indication of our views, we may say that it would probably reach about 15 per cent. in most provinces, and may comprise some of each grade of the appointments entered in the margin; but, as these would not suffice by themselves, we would add thereto a proportion ranging from 10 to 20 per cent. of the appointments held by the Uncovenanted Service. We should desire the new Native Civil Service to be regarded as a branch of the

Covenanted Civil Service; no distinction being made in the duties, or responsibilities, of those particular posts which will be open alike to both branches, and the status and position of officers holding the same posts being the same, whether they were taken from the one branch or the other.

25. We do not look upon this as a final settlement of the question; but we see in it a most valuable experiment, and a long step towards its satisfactory solution. By confining the new Service,

in the first instance, to the more important posts now held by the No. 321. Uncovenanted Service, and to those only of the appointments reserved for the Covenanted Service which, judging from experience, can, we believe, be safely entrusted to Natives, we are acting up to the fundamental principle of the Duke of Argyll's despatch,\* that the maintenance and stability of British rule in India should be the first object of our policy; but we are at the same time preparing for the future development, should the experiment justify it, of a great political and financial measure, which consists in substituting, as far as may be compatible with safety, the Native and cheaper agency, for the imported, and more expensive, foreign agency, in the civil administration of the country.

26. In so far as the scheme transfers appointments from the Covenanted Civil Service to the new Native Civil Service, it will result, of course, in a financial saving; but, to some extent, this may be counterbalanced by the transfer of uncovenanted appointments to the better paid close Service.

27. The question of transferring to the new Native Civil Service a proportion of the posts now held by the Uncovenanted Service was not without difficulty. On the one hand, the special aptitude of Natives for judicial work indicated the expediency of transferring to the new Service a considerable number of the superior judicial posts now held by uncovenanted officers; and it was clear that, unless such a transfer were made, the numerical strength of the Service would be so small as to expose it to criticism. On the other hand, there was the danger, that by absorbing a large quantity of uncovenanted posts, we might be rendering the proposed Service simply a more expensive, and less amenable, edition of the old Uncovenanted Service. After careful consideration, we have come to the conclusion that it will be expedient to transfer to the new service a percentage of uncovenanted posts, which will range probably in the different provinces between 10 and 20 per cent. of the whole number.

28. With a view, moreover, of meeting the just claims of those officers already in our Service who, by "proved merit and ability," have established a claim to share in any extension given to the administrative employment of Natives, we have decided that at the inception of the new Service, and for some few years subsequently, it will be desirable to transfer to it specially selected officers now holding appointments in the Uncovenanted Service, so that, simultaneously with the introduction of probationers from below, we may also give to the new Service shape and substance in its higher ranks, and thus render it the more speedily a patent fact, instead of a mere potentiality of the future. At the same time care must be taken that the members of the new Service should only be employed in posts heretofore reserved for the Covenanted Service by degrees and in due proportion, so that the relative shares of superior appointments open to the two branches of the service should be properly maintained.

29. In submitting these proposals to Your Lordship, we wish to explain that we purposely abstain at present from laying before you

\* See page 3.

a scheme complete in all its details. That, we think, would be to begin at the wrong end. It is absolutely necessary, in our opinion, that such points as the numbers and nature of the appointments to be held by members of the new Service, the pay to be attached to each appointment, the nucleus of uncovenanted officers in each province to be transferred, the period of probation, the proportion of probationary appointments, the annual estimate for recruits, &c., should first be considered by each local Government for itself; and that then, on their reports, rules for the Imperial Service, welding all the local schemes into one homogeneous whole, should be drawn up by a Committee under the Government of India. But it is useless for us to undertake a task of this nature till we receive the assent of Her Majesty's Government to the general outlines of our scheme, and to the principles on which we propose to shape our action.

30. The proposals, therefore, to which we desire your assent are—

- (1.) The establishment of a close Native Civil Service, to which should be transferred a proportion of the posts now reserved to the Covenanted Civil Service; the annual number of competitive appointments being henceforth reduced in a similar proportion.
- (2.) The transfer also to this service of a proportion of the posts now held by uncovenanted officers.
- (3.) That the appointments to this service be made by selection, and not by competitive examination; tests of qualification being supplied by special examination, and departmental tests, such as those now in force, being maintained. The Government to be at liberty to transfer to the new Service, at first starting, and probably for some years to come, a certain number of uncovenanted officers; but afterwards the Service to be strictly a graded Service, with a fixed number of appointments allotted to it, to which the members of the Service should have an exclusive claim.
- (4.) The equivalent posts, when held by members of the Native Service, should, as a rule, be less highly paid than when held by covenanted civil servants, but should be equal in status and position.
- (5.) That nominations should be made by Local Governments; but the actual appointments conferred by the Viceroy in Council.

31. There are two important questions connected with, but outside the limits of, this scheme, to which reference must be made before our application can be deemed complete.

32. In the opinion of the Government of India, and of most of the officers who have been consulted, it is desirable that, when this Special Native Service is constituted, the ordinary Covenanted Civil Service should no longer be open to Natives. We deem this desirable as a matter of principle; because, affirming, as we do, without hesitation, that neither at present, nor within any period of time practically calculable, can the highest and most important executive posts of the

Covenanted Civil Service be safely or efficiently filled by Natives, it No. 321. seems to us highly objectionable to encourage Natives to enter a service which ostensibly offers them, as legitimate objects of ambition, posts to which it is notoriously impossible to appoint, or promote them. This impossibility is so patent, even to the Natives themselves, that we believe our present proposals, if fairly carried out, would be widely welcomed by them as a very substantial boon. But, so long as all the higher executive posts in the administration of this country continue to be nominally open, but virtually closed, to Native agency, the constitution of the Civil Service of India can never be wholly free from an element of uncertainty, which tends to perpetuate growing dissatisfaction on the part of our Native subjects, and chronic irritation amongst our European servants.

33. The difficulty, indeed the utter impossibility, of getting European officers of position and education to serve cheerfully and successfully in subordination to natives of India, is one which, whatever may be thought of it from an abstract point of view, no one with personal experience of India will under-estimate. In regard to the executive work of a district, this difficulty is, we do not hesitate to say, practically insuperable. So long as Natives can obtain admission to the Covenanted Service by competition, this difficulty will be liable to arise, and the only complete remedy would be to close the competitive service by law to natives of this country. But the recent reduction of the standard of age for the competitive examination will practically render the competition of Natives, educated in their own country, a matter of exceptional difficulty; and as the prohibition would involve the repeal of Section 32 of Act 21 and 22 Vic., Chapter 106, which renders natives of this country eligible to compete, and as such legislation would be of an apparently illiberal character, we content ourselves with recommending the point to Your Lordship's consideration, without making it an indispensable condition of our scheme.

34. The other question, to which we have to refer, is the general necessity for legislation, with a view to giving effect to our proposed scheme. It has been pointed out that the practical effect of Act 3 and 4 William IV would be to prevent the establishment of a close Native Civil Service. The object of it was, of course, to facilitate the admission of Natives into posts reserved for the Covenanted European Service; but it is argued that the words "no natural born subject of His Majesty shall, by reason of his birth, &c., be disabled from holding any place," are opposed, no less to the exclusion of Europeans, by the reservation of special appointments to Natives, than to the exclusion of Natives by the reservation of special appointments to Europeans.

35. It is further urged that to remove any of the appointments from the list now reserved to the Covenanted Civil Service is in opposition to Section 2 of 24 and 25 Vic., Cap. 54, which lays down that all vacancies happening in any of the offices specified in the Schedule shall, with certain reservations, be filled up and supplied from the covenanted civil servants of the Crown.

36. Finally, it is urged that to exclude Natives from the Covenanted Civil Service on the one hand, and to reserve to a close graded Service certain specified appointments on the other, involves a modification of the Act of 1870, which allows the Government to appoint any Natives of proved merit and ability to any appointment under Government. No. 321.

37. We mention these points in order that we may not be supposed to have overlooked the necessity for Parliamentary legislation. But, in consideration of the extreme importance of dealing in a large and definite way with the problem before us, we feel that we should not be justified in abstaining, on this account, from laying before Her Majesty's Government what we deem to be the best solution of that problem; and we are convinced that, if the position is once rightly apprehended, the requisite legislation, which in reality will only affirm and give practical shape to the principles on which all the previous legislation has been based, and will extend, instead of diminishing, the facilities of the natives of India for entering the public service, will not be a matter of serious difficulty.

38. It now only remains for us to express a hope that Her Majesty's Government will be pleased to approve of a scheme which is designed to give strength to our administration, by associating with it more largely the influential classes of Native society; to give to them an aim and object in life which are now wanting; to render the administration, financially, less burdensome; and to infringe, as little as is possible consistently with these objects, the interests and expectations of the Covenanted Civil Service.

*P.S.*—Copy of a Minute\* recorded on the 26th March last by our late Colleague Sir E. C. Bayley is enclosed.

## LXXII.

From Her Majesty's SECRETARY of STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 125, dated India Office, London, the 7th November 1878. No. 322.

I have received and considered in Council the important despatch† of Your Excellency in Council of the 2nd May last, No. 35, containing proposals for the more extended employment of Natives in the administration of India.

2. The large and liberal spirit in which your Government has applied itself to the solution of a problem which during the last forty years has baffled the efforts of Indian administrators deserves the highest commendation.

3. The broad policy was laid down by Parliament so long ago as 1833, that "no Native shall, by reason of his religion, place of birth, or colour, be disabled from holding any office," and Her Majesty's gracious Proclamation‡ in 1858 announced her will that, "so far as may be, our subjects of whatever race or creed be 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. Since that period several of my predecessors in office, and especially Lord Halifax, Sir Stafford Northcote, the Duke of Argyll, and Lord Salisbury, have pressed upon the attention of the Govern-

\* See page 89.

† See page 99.

‡ Not printed.

ment of India that the policy of Parliament, enforced as it was by No. 322. the Royal Proclamation, was not to remain a dead letter; and two Acts of Parliament were passed<sup>1</sup> to give further effect to it. But, as Your Excellency justly observes, all endeavours hitherto to deal with this question on a satisfactory basis have proved unsuccessful. It is gratifying to observe that Your Lordship's elaborate treatment of the subject will enable a practical course to be taken, that will prove, it may be hoped, both beneficial to the State and satisfactory to the natural aspirations of the educated natives of India.

5. Your Lordship in Council has expressed your unreserved acceptance of the three great principles laid down by the Duke of Argyll in 1872,\* as those which should govern in the selection of Natives for high employment, and you have designated a number of offices to which they may be immediately appointed. In these views I entirely concur.

6. But your proposal of a close Native Service with a limited class of high appointments attached to it, and your suggestions that the Covenanted Civil Service should no longer be open to Natives, involve an application to Parliament which would have no prospect of success, and which I certainly would not undertake. Your Lordship has yourself observed that no scheme could have a chance of sanction which included legislation for the purpose of repealing the clause in the Act of 1833 above quoted, and the obstacles which would be presented against any attempt to exclude Natives from public competition for the Civil Service would be little less formidable.

7. But it seems to me that the main views of Your Excellency's Government may be carried out at once, and without any alteration in the law.

8. The Duke of Argyll in his despatch, † 8th April 1869, announced to the Government of India that it was intended to enable them to appoint Natives to all or any of the offices now exclusively confined to the Covenanted Civil Service. But under the words used in 33 Vic., c. 3, s. 6, authorizing the appointment of Natives "of proved merit and ability," the authorities in India were under the impression that only such Natives could be appointed as had already proved their ability in subordinate office. This, however, clearly did not fulfil the intentions of the Home Government, that the higher official life should be open as a career to well educated young men of the class which your Government were desirous chiefly to bring forward.

9. The opinion of the Law Officers ‡ of the Crown was, therefore, taken, and they were decidedly of opinion that there was nothing in the Act to limit the field out of which the authorities of India might make their selection, and I must refer you to Lord Salisbury's despatch§ on this subject.

10. It is, therefore, quite competent to Your Lordship's Govern-

\* No. 113 a (Public), dated 22nd October 1872.

† No. 3 (Educational), 8th April 1869.

‡ Sir R. Baggallay.  
Sir J. Holker.

§ No. 131 (Public), 20th August 1874.

<sup>a</sup> See page 3.

<sup>b</sup> Not printed.

<sup>c</sup> See page 25.



ment to appoint every year to the Civil Service of India any such number of Natives as may be determined upon, and the number of covenanted civilians sent out from this country will have to be proportionally decreased. The appointments should, in the first instance, be only probationary, so as to give ample time for testing the merit and ability of the candidates.

11. It appears to me that the advantages of such a simple scheme will be obvious —

- (1) It will undoubtedly be much more popular with the Natives, as it will place them on a footing of social equality with the covenanted civilian.
- (2) Inasmuch as it will exclude no civilian at present in India from any office which he has a moral claim to expect, it will avoid any clashing with the vested interests of the Civil Service.
- (3) It will avoid the necessity of any enhancement of salaries of uncovenanted officers, which is now proposed, not because such enhancement is necessary, but from the necessity of creating a class of well paid appointments to form sufficient prizes for a close Native Service.

And, lastly, it pursues the same system of official training which has proved so eminently successful in India.

12. The class of appointments for which natives of India will be most eminently fit is no doubt the judicial, but in exceptional cases I can well understand that a Native of high executive capacity may be usefully selected for an administrative office.

13. I am quite alive to the force of your arguments in paragraph 33 as to what you term the impossibility of officers of position serving cheerfully and successfully in subordination to natives of India, though I observe that in Egypt, in Tuirkey, and even in India itself, English gentlemen of the highest character are not unwilling to accept subordinate positions under Native authorities. But the right of admission of Natives to the Civil Service gives no claim to any particular class of office, and every appointment must be determined in reference to what the public interests require.

14. The association of Natives with Englishmen in high office will no doubt necessitate a number of subordinate changes, but alterations of this nature will gradually present themselves to your attention.

15. With these modifications, therefore, I heartily approve of the important measure you have in view of admitting Her Majesty's Native Indian Subjects to higher offices than they have hitherto filled, and I think that this object may be best carried into effect if you will at once take steps for determining the number of Native candidates who shall be selected annually, regulating accordingly your next and following indents for civil servants to be supplied by competition in this country.

16. It is for your further consideration whether you will encourage young Native candidates thus selected to visit this country, with a view to add to their qualifications for the service under the new arrangements provided at the Universities. Should this be done, they

would of course receive in this country the same allowances as are No. 322.  
now drawn by selected candidates here.

17. With respect to the question of the amount of salary to be paid to Native officials, I entirely agree in the reasoning of Your Excellency. On the one hand it is invidious to make any distinction dependent on race; on the other, Englishmen of the qualifications we require in India can only be tempted to expatriate themselves for a long period of years by higher salaries than they would be willing to receive in their own country. It has been suggested that these two views may be reconciled by fixing the salaries of every office at a fixed amount, to which may be added in the case of covenanted English civilians the rate sufficient to make up their present salaries, under some neutral denomination. But I shall be glad to receive and consider the propositions of your Government on this subject.

### LXXIII.

*Minute upon the measures best suited to give effect to the instructions of the Secretary of State on the Government of India's despatch relative to the constitution of a Native Civil Service.* No. 323.

1. The Secretary of State's reply to the letter\* from the Government of India, dated the 2nd May last, which proposed certain definite measures for giving effect to the much discussed intention of opening the Civil Service in India more fully to Natives of the country, has virtually brought the question into a shape, which hardly involves other considerations than those of organization and of salaries. The Government of India had proposed to create a separate branch of the service for Natives of India; the Secretary of State decides that there shall be no separation, but only an arrangement under which Natives shall receive smaller salaries than covenanted civilians when performing the same duties.

The questions of policy involved in the discussions that have taken place, and in the orders now given, are, I must assume, finally closed. At all events I shall so consider them. I will only further add on this point—that if this much vexed subject is really to be dealt with in a practical manner, it is wise to accept the present basis without more discussion, and to trust to the future for the removal of any imperfections in the settlement now made.

2. Lord Cranbrook, in the first place, declines to apply to Parliament for the legislation which would be necessary to carry out the proposals of the Government of India. He prefers that the Government of India should nominate to the Civil Service in India well educated young men of the class which it is thought desirable to bring forward, and that such nomination should give them a status the same as that of the young men who are selected by competition in England. The conditions of "proved merit and ability" as interpreted by the Crown lawyers apparently are very elastic, and do not practically impose any restrictions on the Government in making its nominations. The nominees, who are termed in the despatch (candidates), will in the first instance hold probationary appointments. In these their "merit and ability" can be tested. The scheme thus provides for the admission to offices reserved by Statute to members of the Covenanted Civil Service of Natives who have proved their merit and ability in subordinate offices: for instance, the appointment of an able and meritorious Subordinate Judge to be a District Judge.

3. The Secretary of State recognizes the validity of the arguments against paying Natives thus appointed to the Civil Service so highly as Englishmen entering by competition, and mentions for consideration a suggestion which has been made that the salaries of all offices should be fixed lower than at present, the difference being

\* See page 99.

made up to covenanted civil servants by a sort of personal allowance. No. 323.

He also wishes that this Government should at once take steps for determining the number of Native candidates who shall be selected annually, with a view to their ultimately succeeding to appointments heretofore reserved for the Covenanted Civil Service, and for regulating accordingly the next and following indents for civil servants to be supplied by competition in England.

4. The problem now before the Government of India therefore is to arrange for admitting into the administrative and judicial branches of the Civil Service young men, natives of India, selected in India, who shall be eligible to hold certain posts heretofore reserved for covenanted civilians, but on a lower rate of pay.

5. The first point to notice is that, for the reasons given in the Government of India's despatch\* of 2nd May, we may assume that it is necessary to amalgamate with the offices now to be offered to the new class of Native officers the similar posts already held by Natives or others in the upper classes of the Uncovenanted Service. There will be no real distinction between the duties, nor, speaking generally, the qualifications, of the Natives selected to fill the two classes of offices; and unless this course be followed, the number of posts thrown open will be so ridiculously small that the whole scheme may have the appearance of a deliberate delusion.

6. Turning next to the question of distinctive rates of salary, the plan mentioned by the Secretary of State for giving smaller salaries to the Native Civil Service by fixing lower salaries for all appointments, and giving a personal allowance in addition to members of the Covenanted Service, would perhaps be practicable, but it would involve serious difficulties. It would require a complete revision of all salaries, and the arrangement of some plan for making special allowances to covenanted officers; and it would probably be necessary to extend the system to the large body of European officers, not members of the Covenanted Service, who now hold appointments similar in character to those held by the covenanted servants. It will take many years before the Civil Service consists entirely of covenanted officers and nominated Natives. The plan would further have the very great objection of putting constantly forward in the most offensively naked way the distinction in pay between the two classes of officers—a distinction which, though it may be thoroughly proper, is not one that it is expedient to bring into needless prominence.

Another plan has been spoken of for effecting the same object, which, though in some respect less open to objection than the former, would be politically not greatly different in its appearance. I refer to the suggestion that the salaries of natives in India should be two-thirds of those of Europeans on the general ground that the European officers of the Government of India, when employed in England, receive two-thirds of their Indian salaries.

7. Both of these plans would further be open to serious objection in reference to the position of those natives of India who enter the Civil Service through the regular competition in England, and so become covenanted servants. It would be hardly possible to apply to these officers any other rules as to salary than those applied to the English covenanted officers, and the further anomaly would very soon appear under these plans of two Natives performing exactly the same duties on very different rates of pay.

Other difficulties would arise on either of these systems, if it were attempted to bring together into one list the offices heretofore held by the Covenanted Service, and those held by the upper grades of the Uncovenanted Service, which, as already noticed, is a necessary part of the present proposal. It would then be requisite to draw out

special lists of the posts that will henceforth only be held by Natives, No. 323. as well of the posts reserved for the covenanted officers, and of those open to all classes, with the corresponding rates of pay according to the nationality of the incumbent. The result of this would be to bring out in strong relief, and, in what I can only call a very offensive manner, those distinctions which, as before said, it may be necessary to retain, but which certainly should not be obtrusively published.

It will doubtless be said, and truly, that, whatever course is followed, some difficulties will have to be faced, and that such objections as have just been referred to need not stand in the way of the adoption of one or other of such plans if nothing better can be devised. I quite accept this position, and it is chiefly because I think a better plan can be suggested that I am not disposed to accept either of these.

8. My own strong conviction is, that the principle being admitted that different rates of pay shall be given to different officers holding similar appointments, and that thus the remuneration of an officer shall depend rather on his personal position than on the office which he may happen to hold, this principle should be adopted in its entirety, and the pay of the whole Civil Service be arranged accordingly.

This could be readily and completely effected by a system of graded salaries, the amounts of which would be determined primarily with reference to the salaries now actually drawn, general rules being laid down to provide that certain classes of appointments should be held by officers in certain grades of salary.

9. A system of graded salaries would be quite in accordance with the tendency of the systems now prevailing. In many branches of the public service, such grading already exists as the exclusive basis on which salaries are fixed, as, for instance, in the Public Works Department, and in the Departments of the Survey, Telegraph, Post Office, Education, Police; in fact this applies to all branches of the service except those in which covenanted civilians are chiefly employed. Even in these, grades prevailed to a considerable extent, and there is a constantly increasing tendency to extend the grading system. There are grades of Judges, of Collectors and Magistrates, and of Joint Magistrates. In the Provinces where military officers are employed in the civil administration, grading has everywhere been established for reasons hardly different from those that appear to me to apply to the present case. Wherever grades of pay exist for the same appointment, the principle of disconnecting pay from appointment is *pro tanto* admitted. The proposed plan is but an extension of this principle.

It will facilitate the complete apprehension of the views I thus advocate, if I here give a general sketch of the manner in which I would apply them, leaving for a subsequent part of this paper some further explanations of the grounds on which they seem to commend themselves as giving the best solution to the problem now before the Government.

10. My proposals, then, are as follows: The whole body of civil servants in India would henceforth be called the Indian Civil Service. This would be divided into branches, such as "Administrative," "Judicial," "Financial," "Educational," "Public Works," "Survey," "Telegraph," "Police," and so forth.

The expression "Uncovenanted Service" would cease to be employed. The service would be divided according to the manner of its recruitment into three groups—*first*, the "Covenanted Officers," being the Covenanted Civil Service of the past, recruited under competition in England; *second*, the "Special Officers," being the classes to which the more favourable furlough rules are applicable, and which are composed of officers selected for their special qualifications, and appointed in England by the Secretary of State, or in India with his sanction; and *third*, the "Local Officers," being the remainder of the service.

To distinguish the lower grades of clerks and subordinates, and the like, it would suffice to describe them generally as "Subordinates." No. 323.

11. The "Graded Civil Service" would include the whole of the officers holding appointments, nomination to which commonly takes place by succession and gradual advancement. From these might properly be separated certain special officers to which appointments are made entirely by selection, or the status of which is declared by Act of Parliament, such as High Court Judges, Secretaries to Government, and some few others.

12. On such a basis a scale of administrative and judicial establishments could be fixed for each department or province, to which officers would be admitted, and within which promotion would be made by the Local Government. Special rules would be laid down for those branches of the service, with which alone the present discussion is concerned.

13. In order to arrive at some idea of how this might best be done, I have been examining the Civil Lists of some of the provinces. The most striking feature in these lists is the comparatively small number of officers who are performing the duties of the posts to which they are substantively appointed. The great majority are either acting in other appointments, or are absent on leave. Thus the Civil List for the 1st October 1878 of the Lower Provinces of the Bengal Presidency contains 255 covenanted officers. Of these 36 were employed immediately under the Government of India or in other provinces. Of the remainder, 42 only were actually performing the duties of their own substantive posts; the remaining 177 were either acting in other posts or were on leave.

The following is the detail :—

42	officers in their own posts.
115	acting in other posts.
14	on privilege leave.
46	on furlough or special leave.
2	on settlement work.
36	employed elsewhere.

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255

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Of the 14 on privilege leave, 12 held acting appointments, making 127 acting officers, of whom all but 14 (acting merely in respect of locality) were drawing acting allowances. Much the same state of things holds good in other Provinces.

14. The very great number of acting appointments appears to me to give conclusive proof of the unscientific nature of the present system. It is mainly due to the system first introduced with the furlough rules\* of 1868 of allowing officers on leave to retain what is called a "lien" on their substantive appointments. In fact they retain more than a lien, for they are entered in the lists as the substantive incumbents of those posts. Each absentee thus involves one or more—often a long chain of—acting appointments. This again involves a complicated system of acting allowances which are allowed to be drawn by officers on privilege leave, while other officers again are appointed to act for these with further acting allowances.

15. In most cases the salary of an acting officer is not equal to the fixed pay of the appointment in which he is acting; but the whole saving thus caused to the State is more than swallowed up by the absentee allowances. This system, moreover, is the cause of some discontent, for officers frequently continue to act in an office for many years on a salary less than the pay of the office, and acting officers retain no lien on their acting appointments, should they go on leave other than privilege leave.

16. It is obvious that any rule by which the salary of an officer would depend on his nationality as well as on the office he held would tend greatly to add to the already extremely artificial complications of the present system of pay, and to render it still more inconvenient.

17. By the introduction of a graded system of salaries, it would at No. 323. once be possible to abolish this vast system of acting appointments and acting allowances. This could be done by reverting to the old system under which an officer vacated his substantive post when on any leave other than privilege leave, the absentee being, however, allowed to retain a lien on his substantive position in the graded service, and guaranteed the salary of that grade on his return from leave. To secure this it will only be necessary to rule that in case of necessity officers may be required to revert from a higher to a lower grade to make room for others returning from leave.

18. It would be necessary, in order not to increase expenditure, to make the new grades of pay correspond as nearly as possible with the actual salaries which are being drawn on the average under the present system. For instance, the pay of a Magistrate and Collector in the North-Western Provinces is fixed substantively at Rs. 2,250 per mensem; but under the system of acting appointments and allowances, I find that there are practically four grades of salary, the amount varying with the substantive pay of the acting officer. If acting appointments were abolished, the pay of the grades of the officers holding these appointments should be fixed so as to correspond as nearly as may be to these four rates of salary.

19. It seems also worthy of consideration whether acting appointments to fill the place of an officer going on privilege leave should not cease. The present system which permits an acting officer to carry his acting allowances with him on privilege leave, while another officer is appointed to act for him, often involves great series of acting appointments and allowances. It frequently happens that an officer so acting is not called upon to perform any new duties whatever. It might be sufficient to give a local allowance to any officer whose station was changed, or duties increased in importance, in consequence of the absence of another on privilege leave. Whatever saving is estimated to be effected by this change might be employed in increasing the substantive grades of pay.

20. Since the abolition of the Civil Service Annuity Funds a deduction of 4 per cent., the old rate of subscription to those Funds, has continued to be made from every covenanted civilian's salary except certain allowances which are free. The opportunity should certainly be taken to get rid of these deductions, making a corresponding reduction of the salaries by 4 per cent.

21. Having in view the bringing together into one service, as proposed in paragraph\* 24 of the Government of India despatch dated 2nd May, of the appointments held by the covenanted officers, and by the upper grades of the uncovenanted, and the provision of a body of junior officers who may rise to fill the whole of these appointments, it will be requisite that the grades should be taken low enough to include the existing Deputy Collectors, Deputy Magistrates, Extra Assistant Commissioners, Subordinate Judges and Munsiffs. This will bring the lowest grade to Rs. 200 per mensem. The highest grade might be Rs. 3,000, which is the highest rate of pay which any civil servant draws in the classes of appointments to which the grading would apply. The number of grades, and the successive differences of the salaries assigned to them, should be so arranged as to secure a reasonable speed of promotion and corresponding gradual increase of salary in passing through the service.

22. Perhaps the following grades may be suitable :—

(1) Rs. 3,000 per mensem.	(11) Rs. 900 per mensem.
(2) " 2,750 "	(12) " 800 "
(3) " 2,500 "	(13) " 700 "
(4) " 2,250 "	(14) " 600 "
(5) " 2,000 "	(15) " 500 "
(6) " 1,800 "	(16) " 450 "
(7) " 1,600 "	(17) " 400 "
(8) " 1,400 "	(18) " 350 "
(9) " 1,200 "	(19) " 300 "
(10) " 1,000 "	(20) " 250 "
	(21) " 200 "

This scale might be expected to give a step of promotion on the average after one and-a-half to two years' service. No. 323.

23. The number in each grade assigned to any Province would at first depend on the numbers of officers who now actually on the average are drawing approximately the salaries of the several new grades, after deducting 4 per cent. from the salaries of those appointments which are, or may be, in practice held by members of the Covenanted Civil Service.

24. The Government of India would indicate generally the grades over which each class of appointments might range. For example, it might lay down a general rule that a Collector or Deputy Commissioner of a District should be in the grades 5 to 10, *i.e.*, drawing from Rs. 1,000 to 2,000 per mensem, and that all administrative officers subordinate to the Collector should belong to grades 10 to 21, ranging from Rs. 200 to Rs. 1,000 per mensem; and so with other classes of appointments. To some extent the boundaries of the classes might, without objection, overlap each other. The limits thus generally prescribed would not be hard-and-fast lines; but if they were overstepped, the Local Government might be required to report the fact and the reasons to the Government of India.

25. The Native nominees might first be appointed as probationers to the Rs. 200 grade, while the covenanted officers selected by competition would, as at present, commence in the grade of Rs. 400. The rules by which the first advance in salary is now given on passing certain examinations need not be interfered with.

26. It might be desirable to supplement such a system of graded salaries by a certain limited proportion of local allowances, to be attached, at the discretion of the Government, to the performance of duties either of a special character, or at special stations, to meet special causes of expense, or compensate for unusual inconveniences or bad climate, &c. Such local allowances already exist in some Provinces, and they need not be interfered with. Probably a sum might conveniently be fixed, at a percentage on the total amount of the sanctioned scale of salaries, beyond which the local allowances should not go in the aggregate.

27. It is in the very essence of the proposed introduction of Natives into the Civil Service that their advancement to superior posts, and notably to posts heretofore held exclusively by the covenanted officers, shall take place by *selection* on the ground of approved *merit and ability*. This selection must be made from among all available candidates, and will therefore require the consideration together of the claims of all of them, whether covenanted officers or Natives introduced into the service under the new arrangements. It will obviously be impracticable to take any particular post or posts from among the class of appointments declared to be open to Natives, and say that these shall always be filled by Natives, while certain others of the same class shall always be filled by Englishmen. The fitness of Native officers as a class being once admitted, the only tests that can be applied are the individual qualifications of each for any post that becomes vacant, and the numerical ratio that is to be arbitrarily fixed to regulate the proportions of the European and Native officers in the several classes of appointment. There would be nothing in this rule inconsistent with due attention to the principle affirmed by the Secretary of State and by the Government of India, but it may be necessary, for political reasons, to give certain high executive posts to Englishmen alone.

28. In such circumstances the consideration given to seniority as a claim for advancement will necessarily be reduced, if not altogether set aside excepting in the case, doubtless not an uncommon one, in which there is apparently an even balance of real qualifications for the performance of the duties of the office to be filled. For my own part I should regard such a result with unmixed satisfaction,

and indeed, I think, that the principle involved is one that should be No. 323. everywhere applied so far as possible.

29. The application of these views to the proposed system of a graded service would lead to the formation of what may be termed a "cadre" for each Province, in which a certain proportion of the whole number in the several grades would be specifically set aside for natives of India, and the rest for the covenanted officers. The number assigned in the several grades for the Natives would, in the first instance, be based on the actual number of posts held by Natives brought into the graded scheme as explained in paragraph 9. An addition would be made to the number of Natives in the several grades corresponding to the number of appointments to be transferred from the Covenanted Service to the Natives. It would then become the rule that, so far as qualified Natives were to be found in the lower grades, they should be promoted as vacancies occurred in the higher grades of pay to the extent fixed as above subject to any general rules as to qualification.

30. Under such a system, the European and Native elements of the service would be blended, and the status of the two would, so far as is practicable, be rendered identical. To secure this as fully as possible, and to eliminate the idea of any absolute claim to advancement being created by mere seniority, the names of officers in the same grade should be arranged, in the official lists, in alphabetical order, and not in order of seniority in the grade. At the same time complete security would be given to the covenanted officers that, so long as there were among them duly qualified persons, no appointments among those heretofore reserved to them would be given to the newly introduced Native officers, in excess of the proportion now avowedly to be assigned to them, in pursuance of the measures now adopted by the Government for giving effect to the Act of 1870, which has too long remained inoperative.

31. I may here remark that the graded system of appointment and promotion in the Public Works Department, as actually carried out, for, I believe, more than ten years past, is little different in essentials from what has been above suggested. Many different classes of officers have been working together, including Natives, to all of whom alike all the superior appointments are open, subject, however, to the rule of promotion by selection according to qualifications, mere seniority being treated as of only secondary importance. Experience has shown that under judicious management promotions in this mixed body can be worked with harmony, and that a sufficient power of control is secured on the part of the Government to enable it to reserve certain selected appointments to selected officers.

32. In settling future indents for the Covenanted Civil Service two points will have to be taken into consideration,—*first*, the number of superior appointments which will be required in each Presidency; *secondly*, the number of years it is desirable that a covenanted civil servant should pass in subordinate appointments. There seems to be no difference of opinion that it is inexpedient on many grounds to keep highly educated English officers selected by competition in England to perform the duties of a junior assistant to the district officer—duties which can be, and are, sufficiently well fulfilled by uncovenanted and Native officers—longer than is necessary thoroughly to qualify them for the independent charge of a district. A period of not more than ten years would be sufficient for this purpose. With the above data and the ascertained ratio of absentees and the rate of decrement by death or retirement, the number of recruits annually required is a matter of easy calculation.

33. In the future also provision will have to be made for gradually opening to the class of Native officers nominated in India a



certain proportion of the posts now filled by covenanted officers. No. 323. But this process would be carried out from below, and would be accompanied by a corresponding reduction of the total number of covenanted officers. The prospects of none of the covenanted officers now in the service would be affected by this, because the reduction in the number of posts now reserved to them would only take effect after they had all risen to the top of the lists; and the prospects of covenanted officers in the future will equally be unaffected, because with a reduction in the number of posts there will be an equal reduction in the number of claimants. Such a reduction in the annual supply of covenanted civilians must of course be fixed in an arbitrary manner, and it has, I understand, in some measure already been made.

34. It will be necessary in like manner to determine what number of appointments above the subordinate grades may reasonably be expected to be filled eventually by Native nominees, and the annual recruitments for the whole service can be apportioned accordingly between the Native and Covenanted Services.

35. I am of course well aware that such a change of system as I have thus proposed could only be carried out after careful detailed examination into all its probable consequences, and that such an examination has not been made and would take some time. Further, the sanction of the Secretary of State would be required to the proposals. It is also apparent that it is not expedient to delay action in the matter of the Native Civil Service any longer than is indispensable. I therefore have no intention of suggesting that action should be postponed till the proposal I have made is thoroughly considered; and I see no reason why the intentions of the Government should not at once be announced, and steps at once taken for the appointment of a moderate number of young men in each of the Provinces as probationers in the manner desired by the Secretary of State.

36. All that it would be requisite to say in the first instance in respect of the salaries and status of the persons thus selected would be that all the posts now open to uncovenanted officers in the administrative and judicial branches of the Civil Service would be open to them, and a certain proportion of the posts heretofore reserved to covenanted civil servants, under such detailed rules as to qualifications, rates of salary, and so forth, as would hereafter be stated. I think the salaries at starting should probably not exceed Rs. 200 a month; and it should be clearly stated that the Government reserved to itself the right of introducing deserving and properly qualified persons into any of the higher grades, though the ordinary course would be to make first appointments in the lowest grade.

37. To bring a practical test to bear on my proposals as to a general graded Civil Service, I would further suggest that as soon as possible steps should be taken for drawing up, in a tentative form, cadres of the nature described for the three larger Provinces of Northern India, assigning provisionally to each member of the existing services a place in a graded scale, and framing rules for the transition from the existing system of fixed salaries to the graded system, so as to avoid, as far as possible, interference with present incumbents, and to render the change as little inconvenient as might be. I may suggest Mr. George Batten as being specially qualified to undertake this task. His general ability and experience in dealing with such matters are well known, and, from his having assisted me in preparing this Minute, he is thoroughly acquainted with the views it supports.

RICHARD STRACHEY.

*The 9th January 1879.*

We, the undersigned, were directed to frame draft rules for the employment of natives of India in Her Majesty's Civil Service. We received copies of the despatches, homewards and outwards, of May \* and November † 1878; we were allowed to see the opinions expressed by authorities consulted in past years, and also the recent orders ‡ recorded by His Excellency the Viceroy and the Honourable Sir Alexander Arbuthnot on the subject. Our instructions were to frame rules in accordance with the principles laid down in the November despatch from Her Majesty's Secretary of State, and upon the lines laid down in His Excellency the Viceroy's Note § of the 23rd February 1879. We now submit draft rules for carrying out the policy which the Government of India and the Home Government have decided upon; and we offer a few short remarks in explanation of some of the provisions embodied in our draft rules.

2. The rules have been divided, according to our instructions, into two parts. The first part requires, under the Statute (33 Vic., Cap. 3), the sanction of the Secretary of State and a majority of his Council; and it deals with the mode of admitting natives of India into the service and the character of employment to be given them. The second part of the rules contains provisions for regulating the salary, leave and pensions of natives of India admitted to employment in the Civil Service under the Statutory Rules.

3. In the first part of the rules the following points appear to require notice :—

*Rule I.*—We have fixed the first day of October in each year as the latest date on which nominations may be made, because the new members of the service who have been admitted at home usually arrive in India from England at the commencement of the cold weather. By adopting this date, therefore, the whole batch of recruits for each year will enter the service at about the same season. Moreover, the cold weather is the best time for commencing work, and getting a practical insight into the duties which civil servants have ordinarily to discharge.

The limit of age has been fixed, except in certain special cases, at 25 years. We were unwilling to place the limit low because the number of nominations in each Province will be small, and it is desirable that candidates should have a chance of obtaining one for at least two or three years after their education is completed.

4. *Rule II.*—In this rule we have placed maximum and minimum limits on the number of Natives to be admitted to employment in the Civil Service in any one year. Our instructions suggested that we might arrange for making persons admitted under the present rules eligible for a certain number of the higher appointments now held by uncovenanted officers. We gave much consideration to the best way of fulfilling this instruction. But it seemed that the proportion of uncovenanted offices, which might thus be open to Native members of the Civil Service, would probably vary greatly in different Provinces. Until each Local Government had been consulted, and the number of uncovenanted offices properly available for Native civilians had been settled, no confidence could be placed on any estimate we might offer regarding the number of recruits annually required for the purpose of filling offices hitherto filled by uncovenanted servants, but hereafter to be more or less reserved for Native civilians appointed under these rules.

5. In recruiting for its different "close" services, the Government of India acts on the principle that the total number of admissions in each year, and the total strength of the service, must bear a steady ratio to the number of higher offices available for satisfying the reasonable expectations of those who have been admitted to the

\* See page 99.

† See page 109.

‡ Not printed. § See page 124.

service. If too many new men in proportion to the higher appointments are introduced into the service, a block in promotion and dissatisfaction will ensue. If too few are admitted, the higher appointments can only be filled by advancing men to them more rapidly than their qualifications will justify. The number of annual admissions of natives of India to employment in the Civil Service must, therefore, bear a fixed and carefully calculated ratio to the number of superior offices which would hereafter be filled by the Native members of that service. In the absence of any data regarding the number of higher uncovenanted appointments which can be filled by Native civilians in each Province, we cannot estimate the number of recruits required for adequately filling such offices. Moreover, it seems to us that there would be a certain risk in linking an open service, or a part thereof, to a close service. If Native civilians are recruited in order to fill, not only ordinary Civil Service appointments, but also a proportion of uncovenanted offices, then, unless new uncovenanted offices on high salaries are created, the Government may eventually find themselves with too many civil servants (European and Native) in the senior ranks of the service. Uncovenanted offices are less lucrative and important than the majority of Civil Service appointments, and they can hardly form the goal of a Native civilian's career. Therefore in the senior ranks of the service there will ultimately be the Europeans selected by competition for (say) five-sixths of the offices in the Civil Service, the Native civilians recruited for (say) one-sixth of the said offices, and also the Native civilians recruited for an (as yet) undefined number of uncovenanted appointments. There would thus be a surplus of officers in the senior ranks of the service, and the result would be dissatisfaction and inconvenience. If the proposal made by the Government of India in May 1878 had been accepted, and if a separate "close" service for natives of India had been established, then it would have been possible and desirable to have assigned a certain number of uncovenanted offices, together with the proposed proportion of Civil Service appointments, to be exclusively filled by members of the new service. But, as under the present rules the Native civilians are to be graded with and treated, in most respects, as their European brethren, it may not be convenient to admit Native recruits for the Civil Service on any calculation of the number of uncovenanted offices to which they may be eligible. We have therefore framed our rules on the basis that Native recruits should be admitted solely or mainly in proportion to the Civil Service appointments which they are to fill.

6. We have thus adopted what seems to us the only feasible plan. We are not prepared to advise that more than 15 per cent., or about one-seventh, of the offices now held throughout India by the Covenanted Civil Service can at present be filled by Natives with advantage. Accordingly we propose that this proportion of offices shall hereafter be so filled by declaring that the minimum number of nominations under these rules shall in each year be not less than one-seventh of the total yearly number of recruits appointed to the Civil Service after selection by competition in England. This total number of such recruits in any one year can rarely exceed 40 persons, and one-seventh of these, say six, would, under our rules, be annually admitted to employment in the Civil Service.

7. On the other hand, as it is intended that some appointments now held by the Uncovenanted Service shall be open to Native members of the Civil Service, we have raised the maximum (which we would otherwise have also fixed at one-seventh) to one-fifth. It does not seem to us that the maximum can be raised higher than one-fifth with safety, until the number of uncovenanted offices, for which the Native members of the Civil Service shall be eligible, has been determined. It must be borne in mind that even this proportion of one-fifth will be found too great in a few years, unless a corresponding increase is made in the proportion of higher appointments available

for the men who are introduced in excess of the one-seventh. If no No. 324. such addition is made to the higher appointments, the Native civilians may cause much embarrassment to future Governments, when they have risen above the highest grades of the Uncovenanted Service, *i.e.*, the appointments which carry a salary of about Rs. 1,000 a month. Promotion could not in fairness be withheld from them. Nor could it be given except by letting them fill posts which, as we understand the matter, they ought not to fill. But we anticipate that by the time the first members who are admitted under the present rules reach the superior stages of the service, some increase in the proportion of higher appointments available for them may reasonably be looked for, and in this belief we have raised the maximum to one-fifth.

8. It will be noticed that we propose to reckon these proportions upon the total number of recruits annually required *for all India*. We think it is better that the admissions should be regulated by the requirements of the country as a whole. Indeed it would not be possible to maintain any proportion uniformly throughout all the Provinces. Circumstances may compel some variations in this respect. For instance, in some Provinces there are not more than two or three recruits required in any one year. In such cases the due proportion can only be maintained by adding a Native member in every second or third year. It will be for the Government of India to distribute the admissions each year in such a manner as to ensure the total proportion permitted by rule being duly observed.

9. *Rule III.*—In framing this rule, we have followed the Act which throws all appointments open to Native members of the Civil Service; but we have made the previous sanction of the Governor General in Council necessary to certain high executive appointments.

It was necessary to specify the offices to which this condition was attached. As these offices were very few, it seemed more convenient to state the appointments from which the new civilians can be appointed with special sanction only than to state the offices to which they may be eligible. The new civil servants will be eligible at the pleasure of Government to such offices as District Superintendent of Police, Assistant Commissioner, Inspector of Registration, just as uncovenanted officers are already so eligible.

10. *Rule IV* is intended to save the claims of all members of the present Civil Service who entered it prior to the Act of 1870. It is also intended to satisfy the reasonable expectations of promotion which have been formed by those members of it who entered after 1870. During the nine years since 1870 no reduction has been made in the number of European admissions to allow room for Native members, and Native gentlemen could not now be brought into the service over their heads, in any considerable number without retarding the ordinary current of promotion in a way which would give ground for reasonable complaint.

This rule is also intended to protect the members of the present Uncovenanted Service in the same way.

11. *Rule V.*—We have thought it desirable to provide that Native members of the Civil Service shall ordinarily be employed in the Province from which they have received their first nomination, and this will usually be the Province in which their home is. The disadvantages of transferring nominees to strange Provinces are obvious. In many cases an officer so transferred would be almost as much a foreigner in the country to which he was sent as an Englishman would be; he would be an alien in language, customs and dress, having no sympathy with the people, nor influence among them, and he might be looked upon in return with jealousy and dislike by them. In his own country these conditions would all be reversed; and there would be no serious danger of partiality or prejudice upon his part if he were not employed in the immediate neighbourhood of his home. In India, where Provinces are so large, this will seldom be difficult.

There are, however, occasional cases in which such a transfer No. 324. might be highly advantageous. The employment of a Bengali in Assam, or of a Hindustani in the Central Provinces, are cases in point. To provide for these the rules as drawn allow of such transfers being made by the Governor General in Council.

12. The above are all the points which appear to require notice in the first part of the rules.

13. Turning to the second part, we desire to explain that the provision contained in Rule 1 for allowing certain newly appointed civil servants to be placed elsewhere than at the bottom of the graded list is intended to meet the case of persons who may be appointed direct to some superior office which previously did not exist, or the transfer to the Civil Service of some officer retaining an appointment in the higher grades of the Uncovenanted Service. As we have already said, we do not think that persons from outside the Civil Service should at present be appointed to superior offices, which are usually held by it, without due regard to the claims and expectations of its present members.

14. In Rule III it will be noticed that two-thirds of Rs. 416 $\frac{2}{3}$  and Rs. 833 $\frac{1}{3}$  have not been taken ; but rates slightly higher have been substituted for two-thirds of those sums. This has been done in the case of the lower sum for convenience, as two-thirds of Rs. 416 $\frac{2}{3}$  is not a round figure. In the case of the higher sum, Rs. 666 $\frac{2}{3}$  has been fixed, because that is the maximum under the more favourable rules for the Uncovenanted Service ; and it was not thought advisable that the allowances for the Native members of the Civil Service should be less than the maximum in the less desirable branch of the service.

15. *Rule VI.*—We have fixed the annuity at very nearly two-thirds of that given to European officers. The slight difference in favour of the pensioner (less than Rs. 100 per annum) has been added to the two-thirds in order to bring the annuity to an even monthly sum of Rs. 600.

On the other hand, we have so far departed from our instructions in respect of the service which should qualify for pension that we have raised it from 21 to 25 years of active service. It did not appear that there was any sufficient reason for allowing furlough to count towards pension in the case of men who were not serving at a great distance from their homes or in a foreign climate. We have provided that a person, who serves both in the Uncovenanted and the Civil Service, should receive a combined pension under both rules, according to the length of his employment in each service. Thus an officer, transferred to the Civil Service after ten years in the uncovenanted ranks, would at the end of 25 years' active service obtain two-fifths of an uncovenanted pension, *i.e.*, Rs. 2,000 a year, *plus* three-fifths of a Civil Service pension, *i.e.*, Rs. 4,320, or Rs. 6,320 in all.

16. *Rule VII.*—The limit of 55 years of age has been adopted for the superannuation of the new members of the service. The rule applicable to European civil servants which allows of 35 years' service, irrespective of age, would obviously not be suitable in the case of Natives who may be admitted on special grounds after they are older than 25 years and have possibly attained middle age. The rule which it is proposed to enforce is the same as that which is applied to military officers in civil employ. But the Government will, as provided by the Financial Department Code, possess power to grant prolongations of service in special cases.

B. W. COLVIN . *President.*

C. BERNARD  
J. WESTLAND  
D. BARBOUR . } *Members.*

## LXXV.

*Rules for the employment of natives of India in Her Majesty's Civil Service of India* No. 325.  
and for their appointment to offices in that service under 33 Vic., Cap. 3,  
Section 4.

I.—It shall be competent to a Local Government, or a Local Administration, to nominate natives of India for employment in Her Majesty's Civil Service of India within the territories subordinate to such Government or Administration. In selecting persons for such nominations the Local Government shall have regard to the position and good services of their family, or to their educational or professional attainments, or to their efficiency already shown in the service of Government. Such nominations may be made not later than the first day of October in each year. Persons shall not be nominated for employment in the Civil Service after they have attained the age of 25 years, except it be on grounds of previous efficiency in the service of Government, or of special professional qualifications.

II.—Nominations under the foregoing rule shall set forth the ground or grounds on which each nomination is made, and will, if approved, be provisionally sanctioned by the Governor General in Council; provided that the total number of nominations so sanctioned in any year shall not exceed one-fifth, and shall not be less than one-seventh of the total number of recruits appointed by Her Majesty's Secretary of State to the Civil Service in India in such year. On such sanction being given the nominee will be admitted to employment in the Civil Service on probation; and such admission will not be confirmed until the Local Government shall have reported to the Governor General in Council that the probationer has proved his merit and ability during a period of not less than two years from the date of his admission, and that he has, unless specially exempted by the Governor General in Council, passed such examinations as may from time to time be prescribed. In cases of persons admitted on the ground of special professional qualifications, it shall be lawful for the Governor General in Council to confirm the admission of such persons without requiring them to serve for a period of probation. No person who has been admitted under these rules, either on probation or permanently, shall be finally removed from employment in the Civil Service, save with the previous sanction of the Governor General in Council.

III.—Persons admitted to employment in the Civil Service of India under these rules may be appointed to any civil office under the Government, provided that they shall not, without the previous sanction of the Governor General in Council in each case, be appointed to any of the under-mentioned offices, namely,—

Secretaries to the several Governments and Administrations in India.

Chief Magisterial or Chief Revenue Officers of Districts.

Commissioners of Division, of Revenue or of Customs; and Collector of Customs, Calcutta.

IV.—In making appointments to offices under the next foregoing rule, due regard shall be given to the claims of persons who were admitted to Her Majesty's Civil Service of India before the passing of 33 Vic., Cap. 3, and to the reasonable expectations of persons who were admitted to the public service before the publication of these rules.

V.—Persons admitted to employment in the Civil Service under these rules will ordinarily be appointed only to offices in the Province wherein they were first admitted. But it shall be lawful for the Governor General in Council to transfer a person finally admitted to employment in the Civil Service from one Province to another.

## LXXVI.

*Rules regarding the rank and allowances of officers appointed to offices in Her Majesty's Civil Service of India in accordance with Rules framed under 33 Vic.,* No. 326.  
*Cap. 3.*

I.—The officer shall take rank according to date of appointment with the civil servants of the Province to which he is attached; but in the case of an officer appointed by reason of proved merit and ability in other branches of the service or of professional attainments, the Local Government may, with the previous sanction of the Governor General in Council, assign to him any suitable place in the gradation list.

II.—An officer holding an office which is not ordinarily held by an uncovenanted servant shall draw, while on duty, two-thirds of the allowances payable under the ordinary rules of the Covenanted Civil Service, proportional deductions being reckoned upon the reduced amount, and not upon the gross amount. But if the officer is employed on duty out of India, he shall obtain the full scale of allowances, and not two-thirds only.

III.—The leave rules applicable to the officer shall be the rules applicable to No. 326. the Covenanted Civil Service, save that the amount of furlough "earned" shall be one-sixth, instead of one-fourth of his active service. Full leave allowances and proportional leave allowances shall be reckoned upon the two-thirds scale, and for the limits of Rs. 416½ and Rs. 833½ a month shall be substituted Rs. 300 and Rs. 666½.

In the case of an officer transferred from another branch of the service, the leave on private affairs, or furlough, and the leave on medical certificate with allowances, which he has already taken, shall, for the purpose of calculating the leave admissible, be reckoned as furlough taken under the rules which are applicable to him after his transfer; but no furlough may be granted, otherwise than on medical certificate, until the officer shall have served at least four years after his transfer.

IV.—Subsistence allowance, when admissible, shall be reckoned at the full rates admissible to a covenanted civil servant; the amount being determined by the service rendered after appointment under these rules.

V.—The officer shall be liable to the same proportional Annuity Fund deduction to which covenanted civil servants are liable, and shall be entitled, after twenty-five years' active service, reckoning from the date of his appointment under these rules, on his resignation being accepted, to an annuity of Rs. 7,200 (being rather more than two-thirds of the Civil Service annuity of Rs. 10,666½).

If obliged to retire on medical certificate before the completion of twenty-five years' active service, he shall be entitled to the full invalid gratuity (Rs. 5,033½) or annuity (Rs. 1,600 + 213½ for every year's service in excess of five, but not exceeding Rs. 4,800 in all) granted under the rules at present applicable to covenanted civil servants.

VI.—The pension admissible to an officer transferred from another branch of the service shall be calculated as follows :—

- (1) He may obtain such proportion of the annuity calculated under V. above for the whole of his qualifying service before transfer, and the whole of his active service after transfer, as is equal to the proportion which the number of years of active service after transfer bears to the whole number of years of service completed.
- (2) He may obtain further such proportion of the pension calculated under the Civil Pension Code for the whole of his qualifying service before transfer and of his active service after transfer, as is equal to the proportion which the number of years of qualifying service before transfer bears to the whole number of years of service completed.

If the officer is entitled to gratuity only, and not to pension, the gratuity shall be calculated according to Rule V., or according to the Civil Pension Code, whichever is the more favourable.

VII.—The rule of superannuation applicable to officers appointed under these rules shall be the rule of the Civil Pension Code known as the fifty-five years' rule.

### LXXVII.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 31,  
dated Simla, the 1st May 1879.

No. 327.

We have given our careful consideration to the subject of Your Lordship's despatch\* No. 125, dated 7th November 1878, concerning the more extended employment of natives of India in the administration of the country. We have now the honour to submit, for Your Lordship's sanction under Section 6 of 33 Vic., Cap. 3, "Rules† for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Civil Service in India." The words "Civil Service," as used in the Statute and in the present despatch, mean the Covenanted Civil Service of Her Majesty in India, and do not include the Uncovenanted Service.

2. It is unnecessary to go over all the ground travelled in our despatch‡ No. 35 of the 2nd May 1878, and in Your Lordship's reply. At the same time it may be well briefly to recapitulate the main heads of those despatches. In our despatch of the 2nd May last we expressed our conviction of the necessity of giving to the natives of India as large a share as possible in the civil administration of the country; and we based this conviction on grounds of policy and

\* See page 109.

† See page 134.

‡ See page 99.

of justice to the people, as well as on the ground that the pledges given by Her Majesty's gracious proclamation of 1858, by the Imperial Parliament, and by Her Majesty's Government in England and in India, must be fulfilled. At the same time we declared our unreserved acceptance of the three principles\* laid down by Her Majesty's Government in 1872, namely,—

- (1) that the maintenance and stability of British rule in India should form the basis of our policy; and that, in this view, a large proportion of British officers *must* be retained in the more important posts;
- (2) that appointments of Natives should ordinarily be made to the judicial, and rarely to the executive, branch; and
- (3) that the high pay given to Englishmen, to induce them to accept office in a distant land, is not *primâ facie* necessary in the case of Native civil servants.

After discussing the several proposals that had been made for extending the employment of Natives, we came to the conclusion that the best solution of the question would be to constitute a new Native Civil Service, for the members of which would be reserved about 15 per cent. of the offices now held by the Covenanted Civil Service, and between 10 and 20 per cent. of the offices now held by the Uncovenanted Service. We summarised the proposals, to which we desired your assent, as being—

- (a) the establishment of a close Native Civil Service, to which should be transferred a proportion of the posts now reserved to the Covenanted Civil Service; the annual number of competitive appointments being henceforth reduced in a similar proportion:
- (b) the transfer also to this Service of a proportion of the posts now held by uncovenanted officers:
- (c) that the appointments to this Service be made by selection, and not by competitive examination; tests of qualification being supplied by special examination, and departmental tests, such as those now in force, being maintained: the Government to be at liberty to transfer to the new Service, at first starting, and probably for some years to come, a certain number of uncovenanted officers; but afterwards the Service to be strictly a graded service, with a fixed number of appointments allotted to it, to which the members of the Service should have an exclusive claim:
- (d) that equivalent posts, when held by members of the Native Service, should, as a rule, be less highly paid than when held by covenanted civil servants, but should be equal in status and position:
- (e) that nominations should be made by Local Governments; but that the actual appointments should be conferred by the Viceroy in Council.

We were advised that there were certain legal difficulties in the way of establishing a new close Service. And we were of opinion

\* See page 4.



that, when a Native Civil Service was constituted, it would not be No. 327. advisable that natives of India should be eligible both for competition in England and for selection in India. In order to remove these difficulties, we suggested that Her Majesty's Government should move Parliament to give the necessary sanction and permanency to the new service by a legislative enactment. And we explained that our scheme was designed to give strength to our administration, by associating with it more largely the influential classes of Native society; to give to them an aim and object in life, which are now wanting; to render the administration, financially, less burdensome; and to effect these objects with a due regard to the reasonable claims and expectations of the Covenanted Civil Service.

3. Your Lordship's despatch\* of the 7th November 1878 expresses hearty approval of our desire to admit Her Majesty's Native Indian subjects to higher offices than they have hitherto filled, and a hope that a practical course will now be taken, which will prove both beneficial to the State and satisfactory to the natural aspirations of the educated natives of India. The three principles, cited by us from the Duke of Argyll's despatch† of 1872, are approved by Your Lordship. But you remark that, though the class of appointments for which natives of India will be most eminently fit is, no doubt, the judicial, a Native of high executive capacity may be usefully selected for an administrative office. Your Lordship, however, does not approve that part of our scheme which provided for a close Native Civil Service and the complete closing of the Covenanted Civil Service to Natives; and you feel unable to apply to Parliament for the legislation which these parts of our project would involve. You

\* Sir R. Baggallay.  
Sir T. Holker.

point out that in the opinion of the Law Officers\* of the Crown, 33

Vic., Cap. 3, does not limit the field out of which the Government of India might make selections for employment in the Civil Service; and you advise that we should appoint every year to employment in the Civil Service of India any such number of Natives as may be determined upon, the number of covenanted civilians sent out from England being proportionally decreased. It is added that the "appointments should, in the first instance, be only probationary, so as to give ample time for testing the merit and ability of the candidates."

Your Lordship explains the advantages of such a scheme to be that—

"(1) it will undoubtedly be much more popular with the Natives, as it will place them on a footing of social equality with the covenanted civilian :

"(2) inasmuch as it will exclude no civilian at present in India from any office which he has a moral claim to expect, it will avoid any clashing with the vested interests of the Civil Service :

"(3) it will avoid the necessity of any enhancement of salaries of uncovenanted officers, which is now proposed, not because such enhancement is necessary, but from the

\* See page 109.

† See page 3.

necessity of creating a class of well-paid appointments to No. 327.  
form sufficient prizes for a close Native Service :

“and, lastly, it pursues the same system of official training which has proved so eminently successful in India.”

4. Though we should have been glad to have obtained, for the scheme now to be inaugurated, the advantages of security and permanence, such as the enactment of a Statute would confer; and though we think that a new close Native Civil Service would have been a most important and valuable addition to the institutions of the Empire, Your Lordship's decision renders it necessary that whatever is now done for extending the employment of Natives in the Civil Service shall be within the four corners of the existing law.

5. The first preliminary step is to reduce the number of recruits selected by competition in England for the Covenanted Service, in order that room may be left for the employment of Natives in Civil Service offices. This reduction we have, with Your Lordship's sanction, already effected. From the year 1871 to the year 1876 your predecessors sent out an average of twenty-nine recruits a year to the Civil Service of the Bengal Presidency. Arrangements have been made that in the year 1879 eighteen recruits should come to the Bengal Presidency, and that fifteen should come in each of the years 1880 and 1881. This temporary reduction in our indent for civilian recruits was made, primarily, to counterbalance the over-recruitment which took place in previous years. The question of the proper number of recruits required for the Bengal Civil Service has recently been considered by a Committee which sat in Calcutta. The number of Bengal appointments to be offered for competition this year in London has already been settled at fifteen. We hope that a decision may be taken on our present proposals before the time comes for deciding the number of appointments to be offered in 1880. And in any case we shall take care that our indent for recruits for the year 1882, on which the number of selections at the 1880 examination depends, is made with due regard to the need that room should be kept for Natives selected in India for employment in the Civil Service.

6. The next question that suggested itself was, whether Natives selected in India could be appointed to the Civil Service, just as persons selected by competition at home are appointed to that Service. Paragraph 10 of Your Lordship's despatch lent colour to the view that they could be so appointed. But we find that the Statute and the opinion of the Law Officers speak of “employment in the Civil Service,” and not “appointment to the Civil Service.” It seemed, however, that the intention of the Statute and the practical requirements of the case could be sufficiently met if we submitted, for Your Lordship's sanction, under Section 6 of the Statute, “Rules for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Civil Service in India.” We entrusted the duty of drawing up these rules to a Committee; and we have approved the draft Rules\* proposed by the Committee, subject to certain alteration explained below (paragraph 9). We enclose copy of the remarks† of the Committee explaining their draft Rules.

\* See page 124.

† See page 120.

The Rules, as amended by us, are annexed to this despatch ; and we No. 327. solicit the sanction of Your Lordship in Council, under 33 Vic., Cap. 3, Section 4, to their promulgation. If sanctioned, these rules will supersede the rules approved as a tentative measure in Lord Salisbury's Despatch\* No. 66, dated 27th May 1875.

7. In our original proposal for a new close service, it was suggested that a proportion (10 to 20 per cent.) of the offices now held by the Uncovenanted Service should be reserved for members of the new service. We were disposed to consider that, if it were possible, it would still be desirable, under the modified scheme, to set apart a certain number of the higher uncovenanted offices for Native civil servants ; for if the posts open to Native civilians were thus multiplied, the Native section of the service would be larger, the yearly number of recruits would be more numerous, and the measure now to be taken would possibly be more acceptable to the Native public. As, however, the Native Civil Service is not to be a separate close service, but is to be a section of the Covenanted Civil Service, we have found it impossible to carry out this view. As pointed out in paragraphs† 4 to 7 of the Committee's report, there would be risk of inconvenience and difficulty if we linked in these rules a number of posts in an open and subordinate service to the offices available for the members of a close and superior service. Moreover, if Natives, admitted under these rules to employment in the Civil Service, be appointed to offices which had never been reserved for the Civil Service, and for which they have all along been eligible, the Government will be liable to the charge of having disappointed the expectations held out by the Statute to which these rules are intended to give effect. We therefore accept the view that the number of Natives, to be admitted to employment in the Civil Service in any one year, must be strictly proportioned to the ratio of reserved civil offices of the higher grades to which Natives are hereafter to be appointed. Native civilians will, like other Indian subjects of Her Majesty, be eligible for the higher uncovenanted offices, and for appointments not reserved for civil servants by Act of Parliament. But in practice Native civil servants will probably be generally restricted to Civil Service offices ; because the higher posts of the Uncovenanted Service will ordinarily be given to the most successful and efficient members of that service. For some time past the judicial and administrative branches of the Uncovenanted Civil Service have been, more and more, reserved for natives of India. With our Despatch‡ No. 29, dated the 24th April, we submitted a copy of circular orders recently issued directing that no one who was not a native of India should be henceforward appointed to any post in those branches of the Uncovenanted Service, without the previous sanction of the Governor General in Council in each case. It will be seen, therefore, that, though we have not been able to reserve any proportion of the Uncovenanted Service posts for the Native civilians, yet the judicial and administrative posts in that service are being more exclusively filled by natives of India.

8. It is unnecessary to trouble Your Lordship with further detailed remarks on the rules now submitted. The proposed Statutory Rules,

\* See page 43.

† See page 120.

‡ Not printed.

in brief, provide that a proportion not exceeding one-sixth of all the\* No. 327. recruits added to the Civil Service in any one year shall be Natives selected in India by the Local Governments. Selections will be made on the ground of the position of the candidate's family, or of his attainments, or of his efficiency in the service of Government. Each selection shall be subject to the approval of the Governor General in Council. The selected candidate will, save under exceptional circumstances, be on probation for two years. After the expiry of the term of probation, the Native civilian will be eligible, equally with his English colleagues, to all Civil Service posts except those of Secretary to Government, Chief Magistrate of a District, and Commissioner of a Division or of Customs. To these excepted offices he may be appointed with the previous sanction of the Governor General in Council. It is declared that Native civilians will ordinarily be employed only in the Province to which they are first appointed.

9. The main alterations (see paragraph 6 above) we have made in the rules as drafted by the Committee are as follows. It will be understood that Local Governments, in making nominations under these rules, will have regard to the position and good services of a candidate's family, or to his educational or professional attainments, or to his efficiency already shown in the service of Government. But, as stated in Lord Salisbury's Despatch† No. 131 of the 20th August 1874, it is not expedient to attempt in these rules any definition of the qualifications to be required of candidates. We have altered Rule I of the Committee's rules in this sense. We have omitted the words which prescribed that a minimum of Natives, one-seventh of the number of English recruits, should be appointed in each year; as it is not advisable to bind the Government to make in any year more appointments than it finds necessary; and as it is not impossible that in some years a sufficient number of suitable nominees might not be forthcoming. And we have added to the Rule II. the words—

“provided that the total number of nominations sanctioned in each of the years 1879, 1880, and 1881 of Bengal may exceed the said proportion by two.”

The object of this addition is to enable us to appoint the normal number of Native recruits during the next few years. During the years 1879—1881 five and six civilian recruits will arrive in the Bombay Presidency in alternate years. The number of European recruits who have joined, or who will join, the Madras Civil Service is seven per annum for each of the years from 1874 to 1881, save only in the year 1880, when six, instead of seven, recruits are expected. But, as we have explained (paragraph 5 above), the number of recruits expected from England for the Bengal Presidency during these three years is below the normal number of recruits required for the Service; because our indents were reduced in order to counterbalance the excessive recruitment of past years. According to the advice of another Committee who have recently reported on the subject of recruitment for the Bengal Civil Service, the quota of recruits required for the Bengal

\* The draft rules say that the Native nominees may equal one-fifth of the recruits appointed from England. Thus, if 25 recruits come from home in any one year, five Native civilians may be appointed. Five would be one-sixth of the whole number of English and Indian recruits.

† See page 25.

Presidency will, under the present system, be about 30 civil servants and three military officers a year. Under the rules, as now submitted for sanction, 25 of the 30 civilian recruits might be Englishmen and five might be natives of India. As the number of recruits from England during the three years named will be abnormally low, we propose to take power to admit to employment in the Civil Service the normal number of Native recruits. We have omitted the rule in which the Committee provided for paying due regard to the claims and expectations of persons who entered the Civil Service before the passing of the Statute of 1870, or before the publication of these rules. We think that this matter can best be provided for by instructions to the Local Governments, and that no provision of the kind is required in the Statutory Rules.

10. We hope Your Lordship may be able to accord early sanction to the rules now submitted, so that they may be promulgated and may take effect during the current year. The effect of the rules will be that, in process of time, about one-sixth of the Civil Service will consist of natives of India, selected for the Service under these rules. The maximum number of Native civilians to be appointed annually—five for the Bengal Presidency and about eight for the whole of India—may seem very small for the great population of British India, which they are to represent. But it must be remembered that the whole Covenanted Civil Service is, after all, a very small body; and it requires only about 45 recruits a year, all told. It is necessary, at present, to reserve for Europeans the greater proportion of the higher posts in the government of the country. But thousands of civil offices outside the Civil Service are now, save in certain technical and professional departments, almost exclusively reserved for the natives of India.

11. In regard to the very important question of the salary to be granted to Natives holding offices in the Civil Service, the principle has found general acceptance with the Government at home and in India, that natives of India [working in their own country need not necessarily receive the same pay as Europeans for doing the same duties. At the same time we have to give due weight to Your Lordship's remark, that it is invidious to make any distinction dependent on race. We feel that we are bound to effect some reduction in expenditure by the enlarged employment of Natives in the Civil Service: and the question is, how to do this in the manner least at variance with Native sentiment, and most in accordance with what is just and equitable. On this subject our late Colleague General Strachey has written an elaborate Minute\* which raises no less a question than the expediency of an entire change in the system of paying the Civil Service. The principle of his proposals is described generally in the 8th paragraph of the Minute, copy of which we enclose for Your Lordship's consideration. That paragraph runs as follows:—

“My own strong conviction is that the principle being admitted that different rates of pay shall be given to different officers holding similar appointments, and that thus the remuneration of an officer shall depend rather on his personal position than on the office which

\* See page 112.

† See page 114.

he may happen to hold, this principle should be adopted in its No. 327. entirety, and the pay of the whole Civil Service be arranged accordingly. This could be readily and completely effected by a system of graded salaries, the amounts of which could be determined principally with reference to the salaries now actually drawn, general rules being laid down to provide that certain classes of appointments should be held by officers in certain grades of salary."

The Minute gives a sketch of the manner in which these principles might, according to General Strachey's view, be applied. It involves many important changes of a subsidiary character, such as the abolition of acting allowances, and of the deduction of 4 per cent. from the salaries of covenanted civil servants as a contribution towards their retiring annuities. It is evident that these proposals require very careful and detailed consideration, such as we have not yet been able to give them. We are unwilling finally to settle the question of the remuneration of Natives admitted to offices in the Civil Service until we have been able to examine more carefully the proposals embodied in General Strachey's Minute.

12. It does not seem necessary that we should postpone the submission of the Rules framed under 33 Vic., Cap. 3, until the questions raised in General Strachey's Minute have been settled. Your Lordship has desired that the appointments of Natives to Civil Service offices shall, in the first instance, be probationary. Accordingly, we have provided in the draft Rules that the period of probation shall be not less than two years. Long before that time expires, we shall have ample time to settle finally the salaries to be allowed to Native civilians; and we are fully alive to the importance of setting the question at rest as soon as possible. It is necessary, however, to settle *provisionally* at what rate Native probationers for the Civil Service shall be paid, and also to provide for cases of Natives who may, under exceptional circumstances, be admitted to appointments in the Civil Service without fulfilling a period of probation. Such settlement would be only provisional, and would be subject to alteration when decision shall have been taken upon General Strachey's Minute. As a purely temporary arrangement, and without committing the Government to the adoption of any similar rule hereafter, we propose to determine that the salary of Native civil servants, admitted to employment under these rules without probation, shall be two-thirds of the salary given to English civil servants in India. A Native appointed without probation, to any office ordinarily carrying a salary of Rs. 2,000 a month, would draw two-thirds of that amount, or Rs. 1,333 $\frac{2}{3}$  a month. For probationers we propose, for the present, to allot a salary of Rs. 200 a month, rising to Rs. 250 a month after passing any prescribed examination. It is to be remembered that selected civil servants, during their two years of probation in England, receive an allowance of £100 for the first year and £200 for the second year. If the Statutory Rules now submitted are sanctioned, we would ask Your Lordship's permission to pay Native civilians and probationers on these principles until such time as we may report and receive orders on the subject of General Strachey's Minute.

Our colleagues, Sir Alexander Arbuthnot and Sir Andrew Clarke, No. 327. would prefer to assign to all Native civil servants, whether on probation or not, two-thirds of the salary allotted to English civil servants when holding similar offices. They think that the fact of an English Member of the Indian Civil Service, when employed on duty in England, receiving two-thirds of his Indian salary, furnishes a suitable basis on which to fix the salaries of those Natives who may hereafter be appointed to the offices hitherto reserved to covenanted civil servants; and they consider that the principle may be fitly applied to the case of young Native civil servants, when holding on probation appointments such as are now held by the junior members of the Covenanted Civil Service, as well as to the case of the other Native civil servants. The additional expense which the application of the principle to Native probationers will entail is comparatively trifling; and our colleagues are of opinion that any departure from it is inexpedient, and will be likely to intensify the dissatisfaction which is certain to be felt, at all events at first, in consequence of our fixing the salaries of Native civil servants at a scale below that assigned to English civil servants.

13. There will also remain to determine the rules regarding leave, absentee allowances, and pension, to which the Native nominees to the Civil Service shall be subjected. These will be devised with reference to the requirements of natives of India serving and retiring in their own country, and we are of opinion that they may be more economical and less complicated than the rules which have been framed chiefly with reference to the requirements of Europeans serving in India. All these questions will be immediately taken into our consideration, and we trust that we shall shortly be able to submit our proposals regarding them for the consideration of Your Lordship.

14. Paragraph\* 16 of your despatch raises the question whether young Native candidates, selected for admission to employment in the Civil Service, should be required or encouraged to visit England and complete their studies there, before undertaking their duties in India. We do not consider that at present it is advisable that candidates should be required to complete their studies in England. It is probable that at the outset, and occasionally perhaps hereafter, men of mature age will be drafted as Native recruits into the Civil Service. For instance, in Bengal a cadet of good family, who had taken a university degree, and done good work for two or three years as a Munsif or as a Deputy Magistrate, would make a suitable recruit for the Native Civil Service. Such a man clearly need not be sent home at the public expense to finish his education. Further, it is doubtful whether, for the present at any rate, it would be wise to compel even younger recruits to go home before being enlisted into the Civil Service. Sikhs would probably go readily; so would Muhammadans; and so possibly might Mahrattas. But in Bengal and Madras now-a-days a lad who goes to England for a few years is more or less an outcaste on his return to India, unless he belongs to the Brahma persuasion, or until he spends a great sum in propitiating his caste-fellows. Probably there would be the same difficulty with Káyaths or Khatrís from the North-Western Provinces and the

\* See page 111.

Punjab, who might go to England. While there is so much doubt No. 327. about the effect of going to Europe on a Native of gentle birth, it would be best not to compel recruits to go to England. At the same time we recognise that there would be advantage in encouraging young Native candidates, who may be willing to go to England, to complete their studies; and we shall be ready to recommend the grant of allowances to probationers under the rules who may desire to study for two years in England.

LIST OF ENCLOSURES.

- 1.—Draft Rules under 33 Vic., Cap. 3, Section 6.
- 2.—Extract from the Report of the Committee who framed these Rules.
- 3.—Minute by the Honourable General Strachey, dated 9th January 1879.

LXXVIII.

*Rules for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Civil Service in India.* No. 328.

In exercise of the power conferred by the Statute 33 Vic., Cap. 3, Section 6, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of Members present.

I.—Each Local Government may nominate persons who are natives of India within the meaning of the said Act for employment in Her Majesty's Covenanted Civil Service in India within the territories subordinate to such Government. Such nominations shall be made not later than the first day of October in each year. No person shall be nominated for employment in the said service after he has attained the age of 25 years, except on grounds of merit and ability proved in the service of Government, or in the practice of a profession.

II.—Nominations under the foregoing rule shall, if approved by the Governor General in Council, be provisionally sanctioned by him. The total number of nominations so sanctioned in any year shall not exceed one-fifth of the total number of recruits appointed by Her Majesty's Secretary of State to the said service in such years: provided that the total number of such nominations sanctioned in each of the years 1879, 1880, and 1881 may exceed the said proportion by two. On sanction being given by the Governor General in Council, the nominee shall be admitted on probation to employment in the said service; such admission may be confirmed by the Governor General in Council, but shall not be so confirmed until the Local Government shall have reported to the Governor General in Council that the probationer has acquitted himself satisfactorily during a period of not less than two years from the date of his admission, and that he has, unless specially exempted by the Governor General in Council, passed such examinations as may from time to time be prescribed by the Local Government subject to the approval of the Governor General in Council. In case of persons admitted under these rules after they have attained the age of 25 years, the Governor General in Council may confirm their admission without requiring them to serve for any period of probation.

III.—Persons admitted under these rules to employment in the said service shall not, without the previous sanction of the Governor General in Council in each case, be appointed to any of the under-mentioned offices, namely,—

Members of a Board of Revenue.

Secretaries to the several Governments and Administrations in India.



Chief Magisterial or Chief Revenue Officers of Districts.

No. 328.

Commissioners of Division or of Revenue.

IV.—Persons admitted under these rules to employment in the said service shall ordinarily be appointed only to offices in the Province wherein they were first admitted. But the Governor General in Council may transfer from one Province to another a person finally admitted to employment in the said service.

V.—Any person admitted under these rules may, with the previous sanction of the Governor General in Council, be declared by the Local Government to be disqualified for further employment in the said service.

**PUBLIC PROCEEDINGS, SEPTEMBER 1879, Nos. 131 to 133.**

**LXXIX.**

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 68 (Public), dated India Office, London, the 17th July 1879. No. 131.

I have received and considered in Council the despatch of Your Excellency in Council dated the 1st of May last, No. 31, submitting for my sanction, under Section 6 of 33 Vic., Cap. 3, rules for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Civil Service in India.

2. I sanction the rules which you have transmitted to me with

\* In Rule II. read "Civilians" for a slight verbal modification,\* and with the omission of Rule III; for, as it is obvious

that selection for high office must always be based on fitness and efficiency, it is undesirable to lay down any rules on the subject.

3. I shall await with interest any communication that you may make to me hereafter on General Strachey's elaborate Minute. § But I agree with you that it is necessary to make some provisional arrangements as to the salaries to be paid to Native officials who are to be appointed under the new rules. I have already expressed my decided opinion that the salaries to be appropriated to Native gentlemen serving in their own country must, in justice to the tax-payers of India, be fixed at a lower rate than those which have been found necessary to attract the members of the existing Civil Service to leave their homes, and I think it is desirable at once to lay down a clear rule on the subject. After mature consideration Her Majesty's Government has decided that the salaries to all Native gentlemen appointed under the new rules, except probationers, shall not exceed two-thirds of the salaries assigned to English civilians.

4. I approve of your proposal regarding the salaries to be paid to probationers; but in fixing the rate of salary the question of pension will also have to be considered. This, however, need not delay the execution of the present instructions.

**LXXX.**

*Notification No. 1534, dated Simla, the 22nd August 1879.*

No. 132.

In exercise of the power conferred by the Statute 33 Vic., Cap. 3, Section 6, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary e

† See page 125.

‡ See page 134.

§ See page 112.

State in Council with the concurrence of a majority of Members No. 132. present:—

I.—Each Local Government may nominate persons who are natives of India within the meaning of the said Act for employment in Her Majesty's Covenanted Civil Service in India within the territories subordinate to such Government. Such nominations shall be made not later than the first day of October in each year. No person shall be nominated for employment in the said Service after he has attained the age of 25 years, except on grounds of merit and ability proved in the service of Government, or in the practice of a profession.

II.—Nominations under the foregoing rule shall, if approved by the Governor General in Council, be provisionally sanctioned by him. The total number of nominations so sanctioned in any year shall not exceed ~~one-fifth of the total number of civilians appointed by Her Majesty's Secretary of State to the said Service in such year~~; provided that the total number of such nominations sanctioned in each of the years 1879, 1880 and 1881 may exceed the said proportion by two. On sanction being given by the Governor General in Council, the nominee shall be admitted on probation to employment in the said Service; such admission may be confirmed by the Governor General in Council, but shall not be so confirmed until the Local Government shall have reported to the Governor General in Council that the probationer has acquitted himself satisfactorily during a period of not less than two years from the date of his admission, and that he has, unless specially exempted by the Governor General in Council, passed such examinations as may from time to time be prescribed by the Local Government subject to the approval of the Governor General in Council. In case of persons admitted under these rules after they have attained the age of 25 years, the Governor General in Council may confirm their admission without requiring them to serve for any period of probation.

III.—Persons admitted under these rules to employment in the said Service shall ordinarily be appointed only to offices in the Province wherein they were first admitted. But the Governor General in Council may transfer from one Province to another a person finally admitted to employment in the said Service.

IV.—Any person admitted under these rules may, with the previous sanction of the Governor General in Council, be declared by the Local Government to be disqualified for further employment in the said Service.

C. BERNARD,

*Offg. Secretary to the Government of India.*

LXXXI.

From C. BERNARD, Esq., C.S.I., Officiating Secretary to the Government of India, Home Dept., No. 133 to the Secretaries to the Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and Punjab,—Nos. 41—1625 to 1629, dated Simla, the 4th September 1879.

I am directed to forward copy of despatch\* No. 68, dated 17th July, from Her Majesty's Secretary of State, together with copy of the rules† sanctioned in that despatch for the appointment of natives of India to offices ordinarily held by members of the Civil Service.

2. The Government of India has not yet received from Her Majesty's Secretary of State intimation how many civilians he will appoint to the Service in 1879. But it is known that there are expected—

for Madras . . . . .	7 new civilians.
for Bombay . . . . .	6 ditto.
for Bengal . . . . .	18 ditto.
	<hr/>
Total . . . . .	31
	<hr/>

\* See page 135.

† *Vide supra.*

Therefore, under Rule II, the number of natives of India admitted No. 133. on probation or otherwise to employment in the Civil Service during 1879 cannot exceed eight. If the number of recruits actually appointed to the Service should fall short of 30 in all, then the total number of Natives to be admitted cannot exceed seven. On the assumption that eight Natives can be appointed, the Governor General in Council has distributed the eight nominations thus :—

Madras	.	.	.	.	.	.	.	.	.	2
Bombay	.	.	.	.	.	.	.	.	.	1
Bengal	.	.	.	.	.	.	.	.	.	2
North-Western Provinces and Oudh	.	.	.	.	.	.	.	.	.	2
Punjab	.	.	.	.	.	.	.	.	.	1
										—
										Total
										8
										—

It will be understood that this allotment is for the present year only, and will be liable to alteration in future years. Moreover, if less than 30 recruits are appointed from England this year, the allotment to either Madras or Bengal or the North-Western Provinces will have to be reduced. The precise number of civilians appointed by the Secretary of State in 1879 will be known for certain before the Governor General in Council has to pass orders on the nominations to be made this year under these rules.

3. I am now to request that  
may be moved to forward the names of three natives of India for  
nomination allotted to the . It  
will be observed that persons under 25 years of age can be nominated for probationerships, and that persons of proved merit and ability can be nominated for admission without probation under the last clause of Rule I.

4. The candidates for each nomination should be arranged in the order of merit; and the letter forwarding the names should state for each candidate particulars as to age, family, education, knowledge of English, past Government service, if any, physical powers, and any other circumstances which influenced the Local Government in making the nomination. After any nomination has been approved by the Governor General in Council, the candidate will have to obtain from such Government medical officer as the Local Government may appoint a medical certificate of fitness for Government work and freedom from organic disease. If any approved candidate is found to be physically unsound, his nomination will become void. It is desirable that the nominations made by  
should be confidential, until the orders of His Excellency the Viceroy in Council are received on the matter, otherwise disappointment may be caused to candidates.

5. The nomination should reach this Office not later than the 1st October next; and it will be understood that, if fewer than 30 civilians are appointed from England, then one of the nominations allotted to either Madras, Bengal, or the North-Western Provinces, will have to be foregone.

6. In the event of  
recommending any candidates of proved merit and ability for admission under the second clause of Rule I, it should be stated what proportion, not exceeding two-thirds of the salary assigned to a covenanted officer holding a similar appointment, the Local Government would propose for the nominee.

7. The proposal regarding the salary of probationers to which Lord Cranbrook has accorded his sanction was—  
to allot, for the present, to probationers a salary of Rs. 200 a month rising to Rs. 250 a month after passing any prescribed examination.

If  
approves, the Lower Standard departmental examination might be prescribed as the examination, on passing which a probationer would be entitled to Rs. 250 a month.

## PUBLIC PROCEEDINGS, DECEMBER 1879, Nos. 361 to 372.

## LXXXII.

From C. G. MASTER, Esq., Acting Chief Secretary to the Government of Madras, to the Officiating Secretary to the Government of India, Home Dept.,—No. 1466, dated Ootacamund, the 4th October 1879. No. 361.

In reply to your letter\* dated 4th ultimo, No. 41—1625, and telegram† of the 1st instant, I am directed to confirm the marginal telegram this day despatched to your address, transmitting the names of the two Native gentlemen who have been selected by His Grace the Governor in Council as fit persons to be admitted to the Madras Civil Service.

"Your telegram first. Names sent for the two Civil Service nominations are Valagapudi Sundararamayya, District Munsif, Trivellore, M.A., B.L., and Sarukkai Gopalachari, Vakil, Madras High Court, B.A., B.L."

2. Valagapudi Sundararamayya, the first nominee, is 31½ years of age, a Telugu Brahmin of respectable family [one of his brothers is employed as Sheristadar of the District Court at Masulipatam and another in the Revenue Department in the same (Kistna) District]. He took the degree of Bachelor of Arts at the Madras University in 1867 and passed his Masters degree in 1869. He was further admitted as a Bachelor of Laws in 1872. He is fully acquainted with the English language. After acting for a time in 1869 as Head Master of the Calicut Provincial School, he became Second Master in the Provincial School of Bellary, where he remained 15 months. In November 1870 he was appointed Manager of the Office of the Inspector General of Registration, and after holding that position for nearly two years, he entered the Judicial line as Munsif at the end of 1872, and has up to the present time earned the good opinion of the several Judges under whom he has worked in that capacity. For the last 10 years he has been holding the Examinership in Telugu in the University Examinations, and has recently been appointed a Fellow of the Madras University. He is in the prime of life, and is apparently possessed of ordinary physical powers.

3. Sarukkai Gopalachari, the second nominee of this Government, 27 years of age, is a Tamil man, native of the Combaconum Taluk in Tanjore, where his family own landed and other property worth between 30 and 35 thousand rupees. One of his brothers is Bachelor of Civil Engineering and a Supervisor in the Public Works Department. Sarukkai Gopalachari was educated in the Provincial College, Combaconum, and took his B. A degree in 1870. After attending the law class attached to the Presidency College for two years, he passed the B. L. Examination in 1876. From 1872 to 1877 he was employed as Sub-Registrar of Assurances in Tranquebar and Madras, and was enrolled as a Vakil of the High Court in February 1878, since which date he has been practising his profession in Madras. He possesses excellent testimonials from his school and college superiors, as well as from the officers in the Registration Department under whom he has served.

4. Adverting to paragraph 6 of your letter under reply, I am to suggest that, if appointed an Assistant Collector, Valagapudi Sundararamayya should draw Rs. 400 per mensem, which is within two-thirds of the salary of a passed Assistant. His present pay as a 3rd Class Munsif is Rs. 200.

	Rs.
Pay . . . . .	525
House-rent . . . . .	35
Tentage . . . . .	42
Total Rs. . . . .	602

5. Sarukkai Gopalachari may, if approved, enter as a probationer, and on passing the *second* or higher standard prescribed for Assistants (after qualifying in the manner described in the 7th paragraph of your letter under reply), his salary may be raised to the amount already suggested in the case of Valagapudi Sundararamayya.

6. The following abstract shows approximately the salaries which No. 361. may be given to the new class of civilians as they rise in the service :

Grade.	Pay and allowances of	Proportion not
	covenanted civilians.	exceeding two-thirds.
	Rs. As. P.	Rs. As. P.
Passed Assistant . . . . .	602 0 0	400 0 0
Head Assistant . . . . .	810 5 4	535 0 0
Sub-Collector . . . . .	1,254 2 8	825 0 0
Collector . . . . .	2,420 13 4	1,600 0 0
Judge . . . . .	2,333 5 4	1,550 0 0

## LXXXIII.

From J. B. PRILE, Esq., C.S.I., Acting Chief Secretary to the Government of Bombay, to the No. 362. Officiating Secretary to the Government of India, Home Dept.,—No. 91 P., dated Poona, the 25th September 1879.

As requested in your letter\* No. 41—1626 of the 11th instant, I am directed by the Governor in Council to forward the names of three natives of India for the nomination to the Civil Service allotted to the Bombay Presidency. The candidates are arranged in the order of merit, and the particulars required in the 4th paragraph of your letter are added. I am to say that should Mr. Yeshwant Moreshwar Kelkar be nominated, the proposal of this Government as to the proportion of salary to be allowed him will be submitted hereafter.

*Candidates recommended by the Government of Bombay for nomination to the Civil No. 363. Service.*

I.—MR. SOBABJI PUDUMJI.—Twenty-four years old; son of Khan Bahadur Pudumji Pestanji, a first class Sirdar, and ex-member of the Legislative Council, who received a gold medal for service in the mutiny.

Undergraduate of the Bombay University; studied for two years with Mr. Scoones in London; has kept seven terms at the Middle Temple.

Knows English well; has not been in Government service; is strong and healthy looking; holds an excellent testimonial from Mr. Scoones.

II.—MR. SADASHIV NANA.—Was twenty-four years old in May 1879; son of Rao Bahadur Nana Moroji, Presidency Magistrate, Bombay, who has long served Government faithfully.

Undergraduate of Bombay University; attended St. Xavier's Institution and the Elphinstone and Grant Medical Colleges; then went to England, where for rather more than a year he worked with Mr. Ween and Mr. Scoones, and at University College; went up for the Civil Service Examination in 1876, but failed; studied law with Mr. Cust, Sir J. Stephen, Sir E. Creasy, Mr. Williams, and Mr. Eddis; passed final law examination in May 1877; is a Barrister of the Middle Temple, and a practising Advocate of the Bombay High Court.

Knows English very well; has never been in Government service; ordinarily strong and healthy; is highly spoken of by Sir H. Anderson, Mr. Seton-Karr, Sir F. Souter, Mr. Sergeant Atkinson, &c.

III.—MR. YESHWANT MORESHWAR KELKAR.—Thirty years old; family, Ratnagiri Chitpawan Brahmins; the father is a pensioner for service in the Revenue Survey.

Undergraduate, Bombay University; knows English well; entered the public service in 1867; has served as Head Clerk, Chitnis, Mamlatdar, Huzur and District Deputy Collector; transferred to Political Department three years ago, since when he has been serving as State Karbhari, with first class magisterial powers, including appeal and summary jurisdiction; physically strong; is pronounced by Colonel Schneider to be an "able Government officer, bearing a high reputation."

\* See page 136.

## LXXXIV.

From HORACE A. COCKERELL, Esq., Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments, to the Officiating Secretary to the Government of India, Home Department,—No. 2155 T., dated Bankipore, the 26th September 1879.

With reference to your letter\* No. 41—1627, dated the 4th instant, I am directed by the Lieutenant-Governor to submit, for the approval of His Excellency the Viceroy and Governor General in Council, the following nomination of Native gentlemen to fill the two appointments allotted to Bengal.

2. A full and complete report, giving details which cannot be well filled in whilst the Lieutenant-Governor is on tour, will be submitted directly he returns to Darjeeling at the commencement of October; but His Honor considers it desirable, with reference to the terms of the Statutory Rules, that the letter giving the names of the nominees should be submitted before the 1st October.

3. As desired in the 3rd paragraph of your letter, the names of three candidates are submitted for each nomination, and placed in order of merit.

I.—*Nomination*—

- (1.) Babu Umesh Chandra Batavyal.
- (2.) Babu Bepin Chunder Roy.
- (3.) Babu Kumar Suttya Shree Ghosaul.

II.—*Nomination*—

- (1.) Babu Nundo Krishna Bose.
- (2.) Babu Dwarkanath Mitter.
- (3.) Babu Nogendro Nath Pal Chowdhori.

## LXXXV.

From HORACE A. COCKERELL, Esq., Secretary to the Government of Bengal, Judicial, Political and Appointment Departments, to the Secretary to the Government of India, Home Department,—No. 2247 T., dated Darjeeling, the 11th October 1879. No. 365.

In continuation of my No. 2155 T., † dated the 26th ultimo, I am directed to forward the accompanying statements giving the detailed information required by paragraph 4 of your letter of the 4th ultimo, regarding each of the gentlemen whose names have already been submitted for the two nominations that have been this year allotted to the Lower Provinces under the rules of the 22nd August 1879.

2. The Lieutenant-Governor has, I am to say, found considerable difficulty, on such very short notice, in making a selection of suitable candidates for submission to His Excellency the Viceroy. In passing the Statutory Rules under which the new appointments are to be made, the object of both the Home and Indian Governments has, the Lieutenant-Governor believes, been to attract to the service of the Government of this country Natives of good family and position, to whom the prospects of the Subordinate Executive Service have not hitherto been found to offer sufficient inducements. Keeping this object in view, it was the wish of Sir Steuart Bayley to select, if possible, for the first nomination under the rules, gentlemen belonging to some of the most eminent families in Bengal and Behar—persons of education and ability, whose means and position rendered it unnecessary for them to seek the service of Government as a means of livelihood; but whose ambition would be gratified at entering the service of Government on a footing of equality, as regards position, with the members of the Covenanted Civil Service.

3. The Lieutenant-Governor regrets that, within the very limited time allowed by the exigencies of the case, he has been unable to find any gentlemen of the class referred to, who could be deemed competent by attainments and education, and who were, at the same time, likely to care for the service of Government.

4. In time no doubt, if the terms of service under the new rules are made sufficiently attractive, young men of the best families in the country, who have not hitherto cared to enter the service in the comparatively subordinate position of Deputy Magistrates, will be desirous of entering the Government service, and will fit themselves for such appointments; and next year doubtless there will be less difficulty in selecting such candidates. The Lieutenant-Governor would, however, take this opportunity of expressing his regret that the terms on which probationers are to enter the service have not been made somewhat more attractive. The salary allowed a probationer is no higher than that given to a Deputy Magistrate of the lowest grade on first appointment, whose confirmation in his appointment is also dependent on his passing the departmental examination. No definite rules have been laid down regarding the future prospects of those to be appointed or about their pension or leave; and the consequence is that the appointments do not at present appear to be as eagerly sought after and prized as they should be. Under these circumstances the Lieutenant-Governor has adopted the principle of nominating for each appointment, *first*, a candidate distinguished for a brilliant university career, who might have been expected to succeed in open competition; *secondly*, a specially selected moonsiff; *thirdly*, a candidate selected on account of his family, but of ascertained competence and ability.

5. The Lieutenant-Governor has found, in the present condition of the question, much difficulty in selecting any officer of proved merit and ability for transfer to any of the higher grades of the service, and has thus been induced, in the first instance, to confine his selection to persons not holding any Government appointment, and those who hold appointments of small emoluments, so that, on their transfer to employment in the Covenanted Civil Service, there will be no difficulty in providing for them without injustice to the present members of the Covenanted Service.

6. The three gentlemen whom the Lieutenant-Governor has selected for the first nomination are (1) Babu Umesh Chunder Battabyal, (2) Babu Bepin Chunder Roy, (3) Kumar Suttya Shree Ghosal, the names being arranged on the principle above explained.

Babu Umesh Chunder Battabyal is more than 25 years of age, but his merit and ability have been proved in the service of Government. He is now, as a Deputy Magistrate and Deputy Collector, doing the work of an Assistant Magistrate and Collector who has passed all the departmental examinations; but as he has yet to pass in Hindustani, the Lieutenant-Governor would recommend that he be allowed to draw two-thirds of the pay of a covenanted Assistant Magistrate who has passed by the lower standard departmental examination, or Rs. 300 per month. If this nomination be approved by His Excellency the Governor General in Council, the Lieutenant-Governor will ask that, in consideration of the Babu's merits and past service, his admission may be confirmed on his furnishing the necessary medical certificate.

Babu Bepin Chunder Roy is also recommended as a Government officer of proved merit and ability; and if he should be selected by His Excellency the Governor General in Council in preference to Babu Umesh Chunder Battabyal, the Lieutenant-Governor would be prepared to make the same recommendations on his behalf.

Kumar Suttya Shree Ghosal is not yet 25 years of age, and, if selected, he would under the rules be admitted to the service on probation.

7. The three gentlemen whom the Lieutenant-Governor has selected for the second nomination are (1) Babu Nanda Krishna Bose, (2) Babu Dwarkanath Mitter, (3) Babu Nagendranath Pal Chowdry, the names being arranged as in the previous case.

Babu Nanda Krishna Bose, whom the Lieutenant-Governor nominates for the second appointment, is a Government officer of approved merit and ability. His salary is now Rs. 250, and if the nomination be approved by His Excellency the Governor General in Council, the Lieutenant-Governor would recommend that he be allowed to draw the same pay that he now receives until he passes the lower standard departmental examination. In the event of the Babu's work being then favourably reported upon, the Lieutenant-Governor would recommend his admission to the service being confirmed, and he could be allowed two-thirds of the pay of an Assistant Magistrate who has passed the lower departmental examination. No. 365.

Babu Dwarkanath Mitter is now a moonsiff of the second grade, and is of proved merit and ability. If he should be selected for the second appointment, the Lieutenant-Governor would recommend that he be confirmed on his furnishing the required medical certificate, and that he should be allowed at first two-thirds the pay of a second grade Joint Magistrate. The Babu's present salary is Rs. 300, and on his admission to the new Civil Service he would be employed on the ordinary work of a covenanted Joint Magistrate.

Babu Nagendranath Pal Chowdhry is above 26 years of age, but it appears to the Lieutenant-Governor that his service as an Honorary Magistrate and Vice-Chairman of the Ranaghat Municipality may be well considered as approved service within the meaning of Rule I. of the Rules\* of the 22nd August 1879, under which merit and ability in the practice of a private profession are equivalent to merit and ability proved in Government service. If Nagendranath Pal Chowdhry should be selected, the Lieutenant-Governor would recommend that he be admitted to the service as a probationer, and under the prescribed conditions for probationers.

8. I am to take this opportunity to invite attention to the correspondence ending with the letter † of the Government of India in the Home Department, No. 255, dated the 12th February 1878, regarding the appointment of Kumar Rameshwara Sing to be an Assistant Magistrate and Collector. At the time of his appointment no restriction was placed on the amount of pay that he was to draw, and he has accordingly drawn, and is till drawing, the same pay that is allowed to a covenanted Assistant Magistrate and Collector. The Lieutenant-Governor does not, and indeed could not, now propose to reduce the pay of the Kumar; but having regard to the terms of his appointment which were communicated to him, it will, Sir Stuart Bayley considers, be open to Government to determine, when the question of his promotion comes under consideration, whether his appointment should not be brought under the new rules, as there are many objections to permitting one officer to hold appointments on a different footing from that on which the same appointments would be held by every other member of the service.

9. In conclusion, I am to ask whether the gentlemen to be appointed under the Rules\* of the 22nd August are to be regarded as members of the Covenanted Civil Service, and to rank with them in the *Civil List*, and for promotion. In Rule I. it is said that the persons to be nominated are to be employed in Her Majesty's Covenanted Civil Service in India; but in paragraph 1 of your letter † No. 255, of the 12th February 1878, exception was taken to the use of the expression "Covenanted Civil Service" with regard to the appointment of Kumar Rameshwara Sing to be an Assistant Magistrate and Collector.

## I

No. 366.

## 1. UMESH CHUNDER BATTABYAL.

*Age.*—27 years. Born on the 30th August 1852.

*Family.*—An old Brahmin family.

*Education.*—Educated at the Khanakool Krishnagar Anglo-Sanskrit School;

\* See page 135. | † Not printed.



the Sanskrit College, Calcutta; and the Presidency College, Calcutta. Entered the University of Calcutta in 1869 as a first class undergraduate with a junior scholarship. Passed the First Examination in Arts in the first class, and obtained a senior scholarship. Obtained the B. A. degree in 1873, passing in the first class. In the following year obtained the M. A. degree with first class honours in Sanskrit and a gold medal. In 1876 was elected a Premchand Roychand student and obtained the Mouat gold medal. Studied Jurisprudence and Law in the Presidency College, and attended there a complete course of Law lectures extending over three years. No. 366.

*Knowledge of English.*—Very good.

*Past Government service.*—Entered the service of Government in the Education Department after officiating for a short time as Assistant Professor of Sanskrit in the Presidency College, Calcutta. Obtained in 1874 the permanent appointment of 3rd Master in the English Department of the Sanskrit College, Calcutta. Officiated as English Lecturer, and was afterwards promoted to be 2nd Master in the same college. In August 1877 was appointed to officiate as a Deputy Magistrate and Deputy Collector, and is now in charge of the Barripore sub-division, in the district of the 24-Pergunnahs. Has passed the departmental examinations by the lower and higher standards, except in the optional subject of Hindustani, and exercises the powers of a Magistrate of the first class.

*Physical powers.*—Good.

*Other circumstances, if any, which influenced the local Government in making the nomination.*—None.

## 2. BEPIN CHUNDER ROY.

*Age.*—25½ years.

*Family.*—Is a member of the family Vaidya Bais of Bayra, in Dacca District, and a son of Kisto Chunder Roy, now a Deputy Magistrate and Deputy Collector of the 4th grade.

*Education.*—Was educated at the Presidency College, Calcutta, and graduated in Arts in January 1874 and in Law in March 1878. Holds the degrees of M. A. and M. L., and is one of the four men who have obtained the latter degree since the opening of the Calcutta University.

*Knowledge of English.*—Very good.

*Past Government service.*—Was appointed a Moonsiff of the 4th grade on the 28th October 1878, and still holds the appointment.

*Physical powers.*—Good.

*Other circumstances which influenced the local Government in making the nomination.*—Recommended by Mr. Justice Ainslie. Mr. Justice Markby also had a very high opinion of this gentleman.

## 3. KUMAR SUTTYA SHREE GHOSAL.

*Age.*—24 years. Born 20th August 1855.

*Family.*—Eldest son of Rajah Suttynund Ghosal Bahadour of Bhokyllass, and great-grandson of Joynarayan Ghosal, who founded the Benares College, and through whom the Ghosals acquired distinction about the middle of the last century. Lord Ellenborough, during the Sind War, conferred the title of Rajah on Kali Sunkar Ghosal, an ancestor of the family.

*Education.*—Was educated at Joynarayan's College, Benares. Has passed the Entrance Examination of the Calcutta University.

*Knowledge of English.*—Good.

*Past Government service.* None.

*Physical powers.*—Good.

*Other circumstances, if any, which influenced the local Government in making the nomination.*—None.

## II.

### 1. NANDA KRISHNA BOSE.

*Age.*—25 years. Born 4th January 1854.

*Family.*—Is a relative of Rajah Komul Krishna Deb of Sobha Bazar. Nanda Krishna's grandfather was a nephew of the late Rajah Raj Krishna Bahadour, son of Maharajah Nava Krishna Bahadour, the founder of the Sobha Bazar Raj family.

*Education.*—Educated at the Presidency College, Calcutta. Graduated as M. A. (2nd class) in 1876. Obtained the Premchand Roychand studentship in

1877. Has attended a course of law lectures of the Calcutta University extending No. 366. over three sessions.

*Knowledge of English.*—Very good.

*Past Government Service.*—Has acted as Mathematical Lecturer in the Patna College for about a year, and has been favourably reported upon by the Principal.

*Physical powers.*—Good.

*Other circumstances, if any, which influenced the local Government in making the nomination.*—Holds good testimonials from Mr. Sutcliffe, the late Director of Public Instruction, and Mr. Tawney, the present Officiating Director.

## 2. BABOO DWARKANATH MITTER.

*Age.*—34 years.

*Family.*—Son of Ram Coomar Mitter of Mirzapore in Calcutta.

*Education.*—Good. Holds the degree of B. L.

*Knowledge of English.*—Very good.

*Past Government service.*—Entered the Subordinate Judicial Service as a Moonsiff of the 3rd grade on the 1st March 1869, and is now a Moonsiff of the 2nd grade at Sealdah. Mr. Justice Ainslie states that Baboo Dwarkanath Mitter will soon obtain an acting appointment as Subordinate Judge. Has twice acted temporarily as Small Cause Court Judge, once at Sealdah, and once at Howrah.

*Physical powers.*—Good.

*Other circumstances, if any, which influenced the local Government in making the nomination.*—Recommended by Mr. Justice Ainslie as one of the best officers in the lower grades of the Subordinate Judicial Service.

## 3. NAGENDRANATH PAL CHOWDRY.

*Age.*—26 years.

*Family.*—Is younger brother of Surendra Nath Pal Chowdry of Ranaghat, and a son of the late Sri Gopal Pal Chowdry, a wealthy and influential Zemindar of Ranaghat, in the district of Nuddea.

*Education.*—Educated at the Presidency College, Calcutta. Has passed the University Entrance Examination, and has studied up to the standard for the First Examination in Arts.

*Knowledge of English.*—Good.

*Past Government Service.*—Has served as Vice-Chairman of the Ranaghat Municipality since 6th May 1876, and as an Honorary Magistrate since 13th July of that year.

*Physical powers.*—Good.

*Other circumstances, if any, which influenced the local Government in making the nomination.*—None.

HORACE A. COCKERELL,

*Secy. to the Govt. of Bengal.*

LXXXVI.

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. 2685, dated Naini Tal, the 26th September 1879. No. 367.

I am directed to acknowledge your letter \* No. 41—1628, dated 4th September, regarding the appointment of natives of India for offices ordinarily held by the members of the Civil Service, and, with reference to paragraph 4 thereof, to submit the names of the six gentlemen noted on the margin for the two nominations allotted to these Provinces. A memorandum giving the required particulars

in regard to the candidates accompanies.

LXXXVII.

*Names and particulars regarding the three following candidates recommended for the first nomination.* No. 368.

I.—RAGHUNATH RAO DINKAR is son of Rajah Sir Dinkar Rao, K.C.S.I., and aged about 21½ years. He has a considerable knowledge of English; resided several years at Agra under the private tuition of Mr. Deighton, Principal of the Agra College; and has lately been studying law with the view of obtaining some employment in the service of Government. The character and services of Rajah Sir Dinkar Rao are well known to the Supreme Government.

II.—Rajah Chhitpal Singh, Talukdar of Nurpur (Chhitpalgarh) in the Partabgarh District; age 35 years; is a Sombunsi Rajput. His family is an off-shoot of the Bahlolpur clan, the head of which is Rajah Bijai Bahadur. (An account of the Bahlolpur family will be found on page 144, Volume III, of the Oudh Gazetteer.) Rajah Chhitpal Singh has received an English education, and has worked for several years as an Honorary Magistrate. He exercises now 1st class magisterial powers, and has also had civil and rent court powers up to Rs. 100. His work has generally been fair, and in amount has equalled that usually done by a covenanted assistant. He is of active habits, and fairly suited for the particular line now opened out. It has been in hopes of such a career that the Rajah has worked so assiduously all these years.

III.—Kunwar Bharath Singh, youngest son of Rajah Banspath Singh, of Barah in the Allahabad District; age 24½ years. (An account of the family will be found on page 68 of the Manual of Rajahs and Nawabs in the North-Western Provinces.) Kunwar Bharath Singh is a smart, well-grown young man of pleasing manners. He speaks and writes English well, also Urdu and Hindi, and has a slight knowledge of Sanskrit. He was educated at the Benares College, which he left in 1872. He is a very fair horseman.

*Names and particulars regarding the three following candidates recommended for the second nomination.*

I.—MUHAMMAD ABBAS, son of the ex-Najim Aga Ali Khan (better known as Aghai Sahib) of Sultanpur; age about 24 years. At the annexation of Oudh the father of Muhammad Abbas was ruler of half the Province, and one of the most able and distinguished men of the time. The son has not shown that he has inherited the extraordinary talents of his father, but he appears to have fair average powers, physical and mental. He is a good Oriental scholar, and when in the entrance class of the Canning College in 1873 he had a very fair amount of knowledge for his position. He has been chiefly educated at home. Muhammad Abbas is at present working in the Fyzabad District as a special Magistrate, exercising the powers of a Magistrate of the third class, and is reported by the Deputy Commissioner to be doing his work satisfactorily.

II.—Shah Muhammad Zahir Alam; age nearly 18 years; is the son of Shah Asad Ali, a Pleader of the High Court, North-Western Provinces, a man of good old Muhammadan descent, and of the highest character and repute. Shah Muhammad Zahir Alam has a good knowledge of English, and has been well educated. He has lately been pursuing his legal studies under the Professor of Law at Allahabad, and is described by that officer to be a young man of considerable promise.

III.—Bulbhir Singh, son of the late Rajah Lal Singh, Prime Minister of Maharajah Ranjit Singh of Lahore; age 20 years. (For a brief family account see page 56 of Manual of Rajahs and Nawabs in the North-Western Provinces.) Bulbhir Singh has been well educated at a school at Mussooree under the Reverend Mr. Sells, and speaks English as well as an Englishman. He is physically a hale, active young man, and a good horseman.

C. ROBERTSON,

*Secy. to the Govt. of the North-Western  
Provinces and Oudh.*

LXXXVIII.

From LEPEL GRIFFIN, Esq., Secretary to the Government of the Punjab, to the Officialing Secretary to the Government of India, Home Department,—No. 945 C., dated Simla, the 30th September 1879. No. 369.

I am directed to acknowledge your letter\* No. 41—1629 of the 4th September, forwarding copy of a despatch† from Her Majesty's Secretary of State for India on the subject of the appointment of natives of India to offices ordinarily held by members of the Covenanted Civil Service. It is noted that under the allotment of the present year one appointment will be given to the Punjab, and for this the Lieutenant-Governor is directed to forward the names of three natives of India for nomination. These nominations are subject to certain rules as to age, which prescribe that no person should be nominated for employment in Her Majesty's Covenanted Civil Service after he has attained the age of 25 years, except on grounds of merit and ability proved in the service of Government, or in the practice of a profession; that in the case of persons admitted under these rules

\* See page 136.

† See page 135.

after they have attained the age of 25 years, the Governor General in Council may confirm their admission without requiring them to serve for any period of probation. Of the three nominations now submitted by the Honourable the Lieutenant-Governor, two are of men who have considerably passed the limit of 25, but both are understood by His Honor to come within the conditions laid down by Her Majesty's Secretary of State. No. 369.

2. In submitting names for the approval of the Governor General in Council, the first qualification—and that which His Honor has considered to be an essential one—has been that the nominee be of good family. There may be parts of India where success in competitive or other examinations may be sufficient qualification for the highest Government employment, and where intellectual acquirements may outweigh the claims of race or birth, but it is certainly not so in this Province. Without in any way disparaging high intellectual acquirements, and while insisting that each nominee shall have received a thoroughly good education, the Lieutenant-Governor still thinks that the people of the Punjab will be more willing to accept as their official superiors the Native gentlemen to whom by birth and family or traditional position they have been accustomed to look up. Added to this the Lieutenant-Governor considers that nominees should possess, if possible, good physique. All that perhaps can be fairly demanded is the medical certificate of fitness for Government work, and freedom from organic disease; but it is not desirable to appoint mere students, even though men of family.

The Lieutenant-Governor would further urge that the same guarantee of honest and honourable conduct demanded from English civil servants should be required from the Native gentlemen now to be appointed; and holding that none but men of family should be admitted, he strongly considers that every Native civil servant appointed under these rules should give security of Rs. 12,000 in landed property on the same conditions as those laid down for English civilians. All the nominees of the Lieutenant-Governor can without difficulty find this security. The Lieutenant-Governor thinks that Rs. 12,000 in landed property is a fair equivalent for the £1,000 security asked from English candidates, whilst the possession of land is inseparably associated with the highest respectability. If there be only a money security, the risk will be run of subscriptions by the caste or clan to help a man of low origin into high official position.

3. The first nomination of the Lieutenant-Governor is Rajah Jehandad Khan, Ghakkar, of the Hazara District. This gentleman is 28 years of age, and for the past two years has been an Extra Assistant Commissioner in the Punjab Commission. His family is one of the most ancient and honourable in North India. Oppressed by the Sikhs, and losing most of the estates which they had held through the time of the Muhammadan Emperors, the Ghakkar have not in character or physique fallen from the high standard of their forefathers. They are still a tribe inferior to none in the Punjab, gallant in the field, intelligent and loyal. Rajah Jehandad Khan is the most distinguished representative of the Northern branch of this ancient and illustrious family. He passed the examinations for the Punjab Commission creditably, is well educated, though possessing but very limited acquaintance with English, a good horseman, and of fine physique. At the present time he is serving at Thal in the Kohat District.

4. The second nomination which the Lieutenant-Governor would submit is that of Sardar Gurdial Sing, son of Sardar Bir Singh, a Mân Jat Sikh, and a first cousin, on the mother's side, of His Highness the Rajah of Jhind. His Honor has put forward the name of this young man, who is nearly 21 years of age, for the reason that he unites in an unusual degree good birth with high attainments. He

is, perhaps, the most distinguished student at present in the Government College at Lahore, having passed first out of 202 candidates at the entrance examination of 1876, and also first, two years later, in the proficiency examination of the year. He possesses great natural talent for languages, having a good colloquial knowledge of English, Arabic, Sanskrit, Persian, and other languages of North India. No. 369.

5. The third nominee is Pandit Suraj Bal, whose age is 30. This gentleman is the son of a distinguished official, Diwan Manphul, C. S. I., long Mir Munshi of the Punjab Secretariat, and represents the highest English education which has yet been given to any Native in the Punjab. He took a good degree at Oxford, afterwards became a Barrister-at-Law, and has returned to the Punjab to practise in the courts. His education and manner of life, having emancipated himself from many Native prejudices, have in some degree separated him from the Natives of this country, while they have not thoroughly united him with Europeans. But the Lieutenant-Governor considers that any one of the three gentlemen named will fully justify his nomination, and comply with the conditions which have been laid down as essential for the conferment of these appointments.

### LXXXIX.

From Major G. H. TREVOR, Secretary (for Berar) to the Resident at Hyderabad, to the Officiating Secretary to the Government of India, Home Department,—No. 87, dated Hyderabad, the 20th September 1879. No. 370.

With reference to Government Notification \* No. 1534 of the 22nd ultimo, regarding the nomination of natives of India to the Covenanted Civil Service, the Resident has the honour to submit, for the consideration of His Excellency the Viceroy and Governor General, the name of Mr. T. Runga Rao, son of Sir T. Madhava Rao, K.C.S.I., as a highly eligible candidate for the Civil Service.

2. Mr. Runga Rao has for about 13 months been an Attaché under this Administration. He has been carefully educated, and has an excellent knowledge of English; has passed the Matriculation and First Arts examinations at the Madras University, and his character is believed to be in all respects unexceptionable. His age is 23 years. Sir R. Meade begs to recommend him most strongly as likely to prove a useful and trustworthy public officer.

3. I am to add that the appointment of his son to the Civil Service under the new rules would be very gratifying to Sir Madhava Rao, who has written to Sir Meade on the subject.

### XC.

*Extract from the Proceedings of the Government of India in the Home, Revenue and Agricultural Department,—Nos. 59—2324 to 2329 (Public), under date Fort William, the 24th December 1879.* No. 371.

#### READ—

Despatch \* No. 68, dated 17th July 1879, from Her Majesty's Secretary of State, sanctioning the Rules proposed by the Governor General in Council, under 33 Vic., Cap. 3, Section 6, for the admission of natives of India to employment in Her Majesty's Covenanted Civil Service in India.

Notification\* of the 22nd August 1879, publishing the above-mentioned Rules. Home Department circular,† dated the 4th September 1879, inviting Local Governments to submit nominations under the Rules.

Replies to the aforesaid circular from the Governments of Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.

### RESOLUTION.

The Rules\* framed by the Governor General in Council, and sanctioned by the Secretary of State in Council, under the Statute recited above, leave to the Local Governments the power of nominating natives of India for employment in posts hitherto usually held

\* See page 135.

† See page 136.

by the Covenanted Civil Service. The circular\* of the 4th September 1879 invited the Local Governments of Madras, Bombay, Bengal, the North-Western Provinces, and the Punjab, to submit three names for each of the nominations allotted to those Governments respectively. The Rules required that the nominations, with particulars as to the family, education and acquirements of the nominees, should reach the Governor General in Council by the 1st October of each year. Consequently the Local Governments have had comparatively short notice of the duties required from them in connection with the new Rules. Some of their nominations are the result of enquiries somewhat hastily made; and it would seem that, in many instances, those enquiries have been concluded under a misconception of principles which will be better understood as time goes on, and experience is acquired in the practical working of the present experiment. At least a year or two must, His Excellency the Governor General in Council considers, be allowed for each Local Government to take stock of the relative qualifications of its Native subjects for official employment, as measured by Rules which have not hitherto been systematically applied, and with which, therefore, the Local Administrations are not yet familiar.

2. The Rules admit of the nomination to posts hitherto held by covenanted officers of two distinct classes of Natives: namely, 1st, probationers, *i.e.*, young men under the age of 25, who, during their period of probation of two years, will have the opportunity of showing their merit and ability, and who will be required, during that period, to pass such examinations as may be prescribed, unless they are especially exempted therefrom by the Governor General in Council; 2nd, persons who may be above the age of 25 years, and who, having already, either in the Government service or in the practice of a profession, proved their merit and ability, will not be required to serve for any period of probation.

3. In the opinion of His Excellency the Governor General in Council the majority of the appointments should be made from the first of these two classes. The Secretary of State, in his despatch† of the 7th November 1878, confines his suggestions to this class alone; and in paragraph 7 of the Government of India despatch‡ of 1st May 1879 it was said that the absence of probation would only occur "under exceptional circumstances." The correspondence with Her Majesty's Government thus shows that the main object of the Rules was, not to transfer to the superior ranks of the civil administration officers of a class whose services have already been secured by Government in the inferior ranks, but to attract to the service of Government young men of good family and social position, possessed of fair abilities and education, to whom the offices open to them in the inferior ranks, or Uncovenanted Service, have not proved a sufficient inducement to come forward for employment. The Governor General in Council considers that the *rule* should be to appoint this class of young men. Appointments from the second of the two classes above described should be *the exception*, and confined to persons who have obtained great distinction in the offices they have held or the professions they have followed: persons, in short, whom the Government would spontaneously desire to appoint to superior offices. It is in these exceptional cases, for which fair but not undue provision should be made, that the principle of selection by merit would come into play. But there should be no need *to search* for officers of this class. Their merit should be so striking as naturally to suggest them for responsible employment.

4. These principles do not seem to have been understood by some of the Local Governments in making their nominations; perhaps because they have not had the advantage of perusing the previous correspondence: and the Governor General in Council has therefore taken the opportunity to explain the matter to those Governments.

\* See page 136.

† See page 109.

‡ See page 125.

His Excellency in Council is aware that the conclusions stated in the next foregoing paragraph may not be in accordance with the anticipation based in some quarters on the provisions of the Statute 33 Vic., Cap. 3, Section 6. But the principles thus set forth have been adopted by the Government of India, and they appear clearly to coincide with the views of Her Majesty's Government. No. 371.

5. His Excellency the Viceroy in Council has now carefully examined the nominations made; and he is desirous to accept them so far as they are consistent with the above-mentioned principles.

6. From the Bombay nominations His Excellency the Viceroy in Council accepts that of Mr. Sorabji Pudumji Pestanji, who seems to fulfil all the necessary conditions of a probationer. He is the son of a first class Deccan Sirdar who did loyal service during the year 1857. He is 24 years of age, is an excellent English scholar, and has studied in England for two years to much advantage.

7. After consultation with Sir Ashley Eden, the Governor General in Council has selected from the Bengal nominations Kumar Suttya Shree Ghosal and Baboo Nanda Krishna Bose who is already in the Government service. The former is 24 years of age, is the son of Raja Satyanand Ghosal Bahadur, the chief of a distinguished Bengal family, knows English well, and has been ascertained to be competent and able. The latter is a Government officer of proved merit and ability; and is also a relative of the Raja Komul Krishna Deb Bahadur.

8. For the North-Western Provinces and Oudh the Governor General in Council selects Kunwar Bharat Singh and Muhammad Abbas. The former nominee is the son of Raja Banspat Singh, of Barah in the Allahabad District; he is 24 years of age, a good English scholar, speaks and writes both Urdu and Hindi well, and is a fair horseman. The latter is the son of the ex-Nizam Aga Ali Khan, who was the second man in Oudh previous to annexation, and was a most able and distinguished administrator. Muhammad Abbas is a good Oriental and a fair English scholar; he is 24 years old, and has recently done good service as an unpaid special Magistrate in the Fyzabad District. His Excellency the Viceroy in Council is glad that the Honourable the Lieutenant-Governor's nomination of this gentleman has made it possible for the Government of India to admit a representative Muhammadan gentleman of good family to the first list of probationers under the Native Civil Service Rules.

9. From the Punjab list, the Governor General in Council has no hesitation in selecting Sirdar Gurdial Singh. This young gentleman is a cousin of His Highness the Raja of Jheend. He is a Ját Sikh; is 21 years old; and has already distinguished himself as a scholar, for in 1876 he passed first of 202 Punjab candidates at the Entrance Examination, and again two years later passed head of his year at the High Proficiency Examination. The Governor General in Council concurs in the opinion of the Honourable the Lieutenant-Governor of the Punjab that this gentleman "unites in an unusual degree good birth with high attainments." His Excellency in Council trusts that Sirdar Gurdial Singh's nomination under the Native Civil Service Rules may encourage other young Sirdars to emulate his academical success; and that the combination of good birth with high attainments may cease to be unusual among the loyal Chiefs of the Punjab.

10. The whole of these six gentlemen will be appointed as probationers, and will receive at the commencement Rs. 200 per mensem, in accordance with the proposal made by the Government of India in May\* 1879 and approved by the Secretary of State, except Babu Nanda Krishna Bose, who is already in the receipt of Rs. 250. On passing their first examination, they will each receive Rs. 250 per mensem. Babu Nanda Krishna Bose can receive no increase to his

\* See page 125.

present pay of Rs. 250 until he has been confirmed. As he has already been, for a year at least, in the service of Government, the Local Government can recommend him for confirmation after one year's further service as probationer, provided he passes the higher standard examination in that time, and is otherwise well reported on. No. 371.

11. Each of these probationers should be examined by a Government medical officer as to his physical fitness for the public service, and his freedom from constitutional disease, before he is finally admitted to be a probationer under the present orders. If any accepted nominee is reported to be physically unfit for the public service, further report should be made to the Government of India. Such accepted probationers as may be reported physically fit for the public service can be at once gazetted by the Local Governments as "probationers under the Native Civil Service Rules," can be posted to districts and employed on civil duties in the same manner as young civil servants. Each probationer should be informed of the salary he will draw, and of the terms under which, and the period after which, he will be eligible for confirmation under Rule II of the Statutory Rules and under paragraph 7 of the Home Department circular letter of the 4th September.

12. With regard to the question of including Native civilians in the same list as Covenanted Civil Servants, the Governor General in Council considers it would be better that they should not be so included, but that they should be shewn in a separate list in alphabetical order. Probationers would, however, be put below those who are finally confirmed in the service.

13. The Bengal Government enquires whether Native gentlemen, appointed to posts in the Covenanted Civil Service before the issue of the new Rules, should be placed on the same footing with Native civilians in regard to pay, pension, and leave. The Governor General in Council considers that they must be so placed. The Kumar Sahib of Durbhanga will, therefore, be also excluded from the seniority list of Covenanted Civil Servants, and classed with the Native civilians now to be appointed. He will be subject to the same rules regarding salaries, with the proviso that his present salary is not to be reduced. If he is promoted before orders are issued as to the pay of Native civilians, the question of the pay he is to receive should be referred to the Government of India.

14. There are other cases, like that of Sayyad Mahmud, of natives of India who have been, previous to the issue of the present Rules, appointed to offices hitherto generally held by Covenanted Civilians or Military Officers in civil employ. Although it would not be expedient to reduce the pay which these officers are now receiving, the Governor General in Council sees no reason why they should be exempted, in the future, from the general rules as to pay, pension, and leave to which the Native Civilians now appointed will be subject. These Rules, when finally settled, will therefore be applicable to all natives of India appointed to posts usually held by the Covenanted Civil Service, subject to the proviso that no reduction is to be made in the present salaries enjoyed by such gentlemen.

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ORDER.—Ordered, that a copy of the above Resolution be forwarded to the Governments of Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, and to the Department of Finance.

No. 2330.

Ordered also, that a copy of the above Resolution be forwarded to the Government of the Punjab, with the intimation that the Governor General in Council is unable to entertain the proposal to



take security from the Native civilians. Such a requirement would No. 371.  
introduce a new condition into the Rules sanctioned by the Secretary  
of State, and seems unnecessary if men of proper social status are  
selected.

(True Extract.)

C. BERNARD,

*Offg. Secretary to the Govt. of India.*

XCL

From C. BERNARD Esq., C. S. I., Officiating Secretary to the Government of India, Home Dept., No. 372.  
to the Secretary to the Government of Madras,—No. 2331, dated Fort William, the 24th  
December 1879.

I am directed to acknowledge the receipt of your letter\* No. 1466, dated 4th October, furnishing detailed information concerning the two Native gentlemen whom His Grace the Governor in Council has nominated for employment in the Civil Service, under the Statutory Rules cited in my circular letter of the 4th September last.

2. In that letter it was explained that, if the total number of civil servants appointed from England during the present year should fall short of 30, then the number of nominations allotted to either Madras or the North-Western Provinces would have to be reduced. A recent despatch† from Her Majesty's Secretary of State has shown that only 28 recruits from England are to join the Civil Service this year; consequently it has become necessary to reduce the nominations allotted to the Madras Presidency to one instead of two.

3. The Governor General in Council has considered the two nominations submitted by the Government of Madras, with every desire to accept one of those nominations, so far as they are consistent with the principles adopted by the Government of India and by Her Majesty's Government in framing the Statutory Rules. But His Excellency in Council finds with regret that he cannot accept either of those nominations. He apprehends that the character of these nominations must be due to the fact that the correspondence which passed between Her Majesty's Government and the Government of India previous to the passing of the Rules has not been communicated to the Governor of Madras; and I am to express regret that the general substance of that correspondence was not previously communicated to His Grace the Governor in Council. I am now directed to forward copy of a Resolution‡ recorded by the Government of India on the nominations made by other local Governments under the Rules. Paragraphs 2 and 3 of that Resolution explain the principles on which nominations should be made.

4. Looking at the two nominations made in your letter with reference to these principles, the Governor General in Council finds that, in the first place, each of the persons nominated is too old to be a probationer. One of them is 31½ years, and the other 27 years, of age. The first clearly belongs to the class of office clerks. Neither he nor the other nominee have distinguished themselves so greatly in the Unconvenanted Service that the Government would probably, under other circumstances, have desired to promote them to the higher ranks of the service. They belong, therefore, neither to the first nor to the second of the two classes indicated in paragraph 2 of the accompanying Resolution.

5. Under these circumstances, I am to express a hope that His Grace the Governor in Council may be able to make other nominations for the probationership allotted to Madras, more in accordance with the principles explained in the present Resolution. In case it should be found difficult to select fitting nominees, I am directed to forward copy of a letter in which Sir Richard Meade, Resident of Hyderabad, has submitted the name of Mr. T. Runga Rao, son of Sir Madhava Rao, as a suitable candidate for admission to employment in

\* See page 133.

† Not printed.

‡ See page 147.

the Civil Service. This young gentleman is a native of Southern India, and if the Madras Government were to see fit to nominate Mr. T. Runga Rao under the Statutory Rules, His Excellency the Viceroy in Council would be prepared to accept such a nomination. No. 372.

PUBLIC PROCEEDINGS, MARCH 1880, Nos. 103 & 104.

XCII.

From R. DAVIDSON, Esq., c.s.i., Chief Secretary to the Government of Madras, to the Offg. Secretary to the Government of India, Home, Rev. & Agr. Dept.,—No. 326, dated Fort St. George, the 28th February 1880. No. 103.

Adverting to the correspondence marginally noted, on the subject of nominations of natives of India to the Civil Service, and in which is contained the earlier correspondence not before communicated to this Government, I am directed by His Grace the Governor in Council to submit the names of the under-mentioned candidates for the single nomination which has now been allotted to the Madras Presidency:—

From Government of India, dated 4th September 1879, No. 41—1625.\*  
To ditto, dated 4th October 1879, No. 1466.†  
From ditto, dated 24th December 1879, No. 2331.‡

- (1) R. C. Manavedan Raja, B. A., and
- (2) C. Vencata Jugga Rao, B. A.

The former of these is a member of the influential family of the Zamorin of Calicut. In the days of the earliest European settlements on the West coast of India, the Zamorin, as is well known, was a powerful and leading Chief, and the family is still the most respected and the most influential in the district of Malabar, where it possesses extensive landed estates. It is not impossible that Manavedan Raja may himself eventually become Zamorin by succession. He is already a man of property.

He is just attaining the age of 25 years; took his degree of Bachelor of Arts at the Madras University in 1878, and is well acquainted with English and Tamil; Malayalam is, of course, his native language. He is of good ability and physique, and of excellent moral repute, and he aspires to employment in the public service.

The latter, C. Vencata Jugga Rao, B. A., is the nephew of the Honourable G. N. Gajapathi Rao, a wealthy zemindar in the Vizagapatam district, belonging to an old and respectable family, and who is also a Member of the Governor's Council for making Laws and Regulations. Vencata Jugga Rao took his degree of Bachelor of Arts at the Madras University in the year 1879, and is highly spoken of by his tutors as a young man of good abilities and excellent character. His age is 20 years. He knows English, Tamil and Sanskrit; Telugu is his own native language; and he is now studying for the degree of Bachelor of Law. He is stout and strong.

I am directed to state that the Madras Government would prefer to nominate R. C. Manavedan Raja, B.A., the former of the two candidates above-mentioned. He appears, after careful enquiry, to fulfil every requirement in regard to age, family, education, knowledge of English, and physical powers.

I am to add that with these candidates available as fitting nominees the contingency, under which it is suggested that a candidate recommended by the Resident of Hyderabad should be adopted, does not arise.

XCIII.

From C. BERNARD, Esq., c.s.i., Offg. Secretary to Government of India, Home, Rev. & Agr. Dept., to the Secy. to the Government of Madras,—No. 510, dated Fort William, the 19th March 1880. No. 104.

In reply to your letter No. 326, § dated the 28th ultimo, I am directed to say that His Excellency the Governor General in Council accepts

\* See page 136.

† See page 133.

‡ See page 151.

§ Vide Supra.

the nomination made by the Government of Madras, and is pleased to appoint R. C. Manavedan Raja, B. A., to be a probationer for the Civil Service under the rules\* of the 22nd August 1879. He will receive a salary of Rs. 200 and Rs. 250 a month, in accordance with the terms of paragraph 10 of the Home Department Resolution† No. 2324—29, dated 24th December 1879. His appointment will take effect from such date as His Grace the Governor in Council may direct. No. 104.

PUBLIC PROCEEDINGS, OCTOBER 1883, Nos. 86 to 92.

XCIV.

From F. B. FRASER, Esq., Officiating Secretary to the Government of Bengal, Judicial, Political No. 86. and Appointment Departments, to the Secretary to the Government of India, Home Dept.,—No. 1491A., dated Calcutta, the 26th March 1883.

I am directed to forward the accompanying memorials from the Indian Association and Burdwan Association addressed to the Right Honourable the Secretary of State for India, praying that the maximum limit of age up to which candidates for the Covenanted Civil Service shall be allowed to compete for appointments may be raised to 22 years, and that a definite proportion of the appointments, as may be determined upon by the authorities at home from year to year, may be offered for competition in India.

2. I am to observe that as the Secretary of State so recently as 1878 decided the points which the memorialists raise, the Lieutenant-Governor thinks that he is not, perhaps, called upon to state his views on the matter. The opinion he held upon the question of age when this subject was under enquiry in 1875‡ will, however, be found recorded at pages 370-373 of the "Papers relating to the selection and training of candidates for the Indian Civil Service," published in 1876.

XCV.

From A. M. BOSE, Esq., M.A., Barrister-at-Law, Secretary to the Indian Association, Calcutta, to the Secretary to the Government of Bengal, General Department,—No. 80, dated Calcutta, the 30th January 1883. No. 87.

I have the honour to request that you will be good enough to transmit to His Lordship the Secretary of State, through the proper channel, the accompanying representation of the Committee of the Indian Association on the subject of the open competitive examination for the Civil Service of India.

The Committee pray that the maximum limit of age for the open competitive examination be raised to 22 years, and that at least a portion of the appointments be competed for in India, after which the successful candidates may be required to proceed to England. The Committee venture to hope that His Honour the Lieutenant-Governor will find himself able to support the representation contained in the memorial; for, should they be adopted, the Committee firmly believe that not only will the efficiency of the service itself be improved, but a long deferred act of justice will be done to the people of India.

From A. M. BOSE, Esq., Barrister-at-Law, Honorary Secretary, Indian Association, to the Right Honourable the EARL OF KIMBERLEY, Secretary of State for India in Council.

MAY IT PLEASE YOUR LORDSHIP,—The Committee of the Indian Association venture to approach your Lordship with the following observations on the questions of the open competitive examination for the Civil Service of India.

2. The late Secretary of State the Marquis of Salisbury by his order,† dated the 24th February 1876, reduced the maximum limit of age for the open competitive examination from 21 to 19 years. This reduction in the limit of age was made in opposition to the opinion of a large body of officers and administrators experienced in the Government of India and of several educational authorities of distinguished position. The Committee have no desire to refer at great length to the controversy which this measure at the time called forth. They, however, cannot refrain from quoting in this place the opinion of the then Viceroy of India, who is now a distinguished member of the Cabinet, and who, in all matters relating to India, must be considered as a great authority. Lord Northbrook observed :—

"With every deference for the opinion of those who would reduce the age, I am disposed to believe that the junior civil servants are the best judges of the

\* See page 135.

† See page 147.

‡ Not printed.

question, and I think whatever small advantage may possibly result from men coming to India a year younger than now, would be dearly bought by the lowering of the standard of education, which must follow from the reducing the limit, and the great discouragement to University education which such a change would involve."

3. Lord Northbrook gave it as his deliberate opinion that the limit of age, instead of being reduced, should be actually raised to 22 years, and the Committee of the Indian Association would now humbly press upon your Lordship the importance of reconsidering the question and of deciding whether it is not necessary, after the experience that has been gained since the rule has been in operation, to raise the maximum limit of age to 22 years, or at any rate to 21 years, which was the former limit.

4. Many of the apprehensions which had been entertained when the limit of age was reduced are now being almost literally fulfilled. It was feared at the time that the severe strain of a competitive examination would operate prejudicially upon the health of the youthful candidates. It now appears from the remarks of Mr. Wren, a most competent witness, who, the Committee understand, has addressed a letter to your Lordship in Council, that these difficult examinations have in many cases been ruinous to the health of the candidates, who under the new rules are obliged to compete at an age when the physical powers are least able to bear over-exertion. It will be sufficient to quote in this place one extract from Mr. Wren's letter :—

"The question how to get the best man, is the question. The cutting down of the age is what does the mischief. The prizes are great. The competition is severe. The more the age is cut down the more severe is the competition. The old regulations prevented 'cramming.' The new ones make it compulsory. You cannot put five years' work into three; you cannot make boys with immature brains do young men's work without injuring those brains. The medical reports of the successful competitors are, I am informed, far less satisfactory than they were of the candidates of higher age. I believe it to be a well-established fact that the percentage of mortality among young officers and young civilians is higher than that among older men. The class from which candidates are chosen is a more limited one. The more limited the class the more limited the number of competitors, *i.e.*, there are fewer good men to choose from. The fewer the competitors the lower the average of quality. The racing of yearlings is known to be ruinous to those raced. The risks to the mind from too early racing are greater and worse than those to the body."

5. The chief reason that was urged in favour of the reduction of age was that it would help candidates to obtain University degrees. All the weight of experience was against this assumption, for in former years when the limit of age was 23 years, the percentage of selected candidates who were University men was higher than when the age was reduced to 21. In 1858, when the limit of age was 23, out of 20 men selected for the Civil Service, 18, or fully 90 per cent., were University men, *i.e.*, from the Universities of Oxford and Cambridge, and Trinity College, Dublin. In 1874, however, out of 40 selected candidates, it would seem that only 6, or just 15 per cent., were from those Universities, or, taking the five years from 1870 to 1874, out of a total of 186 selected candidates, only 19, or less than 11 per cent., were from those institutions, and only 35, or less than 19 per cent., were from all the Universities taken together.

6. These are the facts gathered from the reports of the Civil Service Commissioners previous to the enforcement of the rule reducing the limit of age. Since the rule has come into operation the results point to the same truth, *viz.*, that it is not by reducing, but rather by raising the limit of age that a large percentage of University men could be tempted to join the Indian Civil Service. From the Bengal Civil List, the Committee find that from 1877 to November 1881 there were only two gentlemen with University degrees who were appointed members of the Covenanted Civil Service of this province. It, however, appears that from July 1873 to November 1876, when the higher limit of age prevailed there were so many as eight gentlemen with University degrees who were appointed to the Civil Service of this province. And it would indeed seem that the two civilians with University degrees graduated before the new rule came into force, for they entered the service in 1878, and therefore probably passed the open competitive examination before the maximum limit of age was lowered. What is true of Bengal is probably true of all the other provinces, and the reduction in the maximum limit of age has therefore failed to secure the object sought to be attained by it, *viz.*, the admission of a larger number of University men into the Civil Service.

7. These are the general considerations which make it desirable that the limit of age should be raised. It is evident that if the present rules remain in force they cannot fail seriously to impair the efficiency of the Service, and to weaken the character of the Indian administration. The Committee, however, would also beg

leave to point out that the reduction in the limit of age has proved disastrous to the prospects of Indian candidates. It is now nearly six years that the rule has been in force, and though several have competed, only a single native of India has successfully passed the open competitive examination. If it be urged that there is the Native Civil Service, where the people of this country may employ their talents and show their usefulness, the Committee would reply that that Service, with the career which it offers to Indian youths, and with its mode of appointment, has failed to give public satisfaction. The Committee will not hesitate to say that the Native Civil Service is looked upon by the great body of educated Indians as a perfect farce, and in no sense is it calculated to satisfy the legitimate aspirations of the people. The appointments are made by nomination, and the Committee fear that in every case the best men have not been nominated. They need only quote in support of their statement an extract from the Bombay correspondent of the *Hindu Patriot* newspaper, who makes the following remarks in reference to the recent appointment to the Native Civil Service of that Presidency:—

“The unpopularity of the system of nominations to the Covenanted Civil Service of this Presidency is increasing year by year as the nominations are announced. Whatever may be the case on your side of the country, we in the Bombay Presidency have a great deal to complain of the scandalous disregard to fairness, of jobbery, and favouritism which appears to guide the Government in their selections. This year’s nominee is Mr. Cursetji Ratanji Ramanji Dubash. His title to nomination appears to be that he is the son of a rich Parsi Dubash or purveyor of stores to ships’ agents.”

8. The fact that appointments to the Native Civil Service are made under a system of nomination, and that admission to the European Civil Service is regulated by the results of a difficult competitive examination, must necessarily create a difference in the status of the two services. Moreover, the highest offices in the State are not open to the members of the Native Civil Service. It is only a limited number of subordinate appointments that they are entitled to hold in common with the junior members of the European Civil Service. Practically, the Native Civil Service forms only another branch of the subordinate judicial and executive services. It is clear that a service thus constituted can never satisfy the legitimate and the growing aspirations of the educated community of India. At the same time it must be obvious that so long as the open competitive examination is held in London alone, there will be found very few natives of India proceeding to England at an immense cost and at very great sacrifice upon the mere chance of passing successfully a most difficult examination with competitors who have the advantage of being examined in their own language and in events connected with their own history. In the words of a distinguished English writer, Professor Newman, “To require Indians to come to England for the chance of being elected, is not to treat them on fair and equal terms. What would our youths think of the boon of going to Calcutta in order to be examined, with a total uncertainty of being chosen. Evidently, as we ought to set aside a definite minimum percentage of offices in every grade to be of necessity filled by natives, so ought we to enact that for every primary admission the examinations for a certain minimum percentage should be held in India, and for the rest in London.” The candidates, after selection, may be required to proceed to England to complete their period of probation.

9. The Committee would therefore respectfully suggest that Your Lordship in Council would be pleased to direct that the open competitive examination for the Civil Service of India should be held simultaneously with that in London, in some centre or centres in India, where a definite proportion of appointments, such as may be determined upon by Your Lordship in Council, may be competed for year after year. If Your Lordship should be pleased to give effect to this prayer, and also to direct the raising of the maximum limit of age to 22, or at any rate to 21, years, the order would be hailed with universal gratitude by the people of India, and would satisfy those anticipations which the accession of the Liberal Ministry to power had awakened in the minds of the people of this country. For the Committee cannot but recall with gratitude the memorable words of Mr. Gladstone on the occasion of the presentation by Mr. Bright of a memorial from the people of India to the House of Commons, embodying a precisely similar prayer:—

“There is the question of the Civil Service. I think it is difficult to resist the force of those arguments urged on behalf of the Indian people and by Indians themselves, as they were indicated to-night by my right honourable friend the member for Birmingham, from the petitions he presented with regard to Civil Service appointments. I think we must not be turned aside by apprehensions such as those the Under-Secretary of State put forward, namely, the fear lest we repel from seeking Indian appointments the class of men we require. In the first quarter of a century of my lifetime every Government and every Parliament was firmly and in a masculine spirit set upon economy. (Hear.) I am sorry to say, that I cannot congratulate recent Governments or recent Parliaments upon having acted upon similar principles.”

## XCVI.

From SAJANI KANT CHATTERJEE, Secretary, Burdwan Association, to the Secretary to the Government of Bengal in the General Department,—dated Burdwan, the 24th February 1883. No. 88.

I have the honour to forward herewith, for transmission to the Right Honourable the Secretary of State, through the Government of India, the enclosed copy of a memorial from the Burdwan Association on the question of age of candidates for the competitive examinations for the Civil Service of India.

From SAJANI KANT CHATTERJEE, Secretary, Burdwan Association, to the Right Hon'ble the EARL OF KIMBERLEY, Secretary of State for India in Council,—dated 24th February 1883.

MAY IT PLEASE YOUR LORDSHIP,—The members of the Burdwan Association in the District of Burdwan, Bengal, beg most respectfully to submit the following for the consideration of Your Lordship in Council, in connexion with the question of open competitive examination for the Civil Service in India.

2. It is nearly seven years since the limit of age for candidates for the said Service was reduced from 21 to 19 years by the late Secretary of State for India, the Marquis of Salisbury. The order \* by which the new departure was introduced was dated the 24th February 1876.

3. The principal reason, so far as the Association understand, on which this change was founded, was the hope that it would bring a larger number of University graduates to the ranks of the Indian Civil Service.

4. Experience, however, proves that this reason was based upon a mistake. The Report of the Civil Service Commissioners and the Civil Lists of Bengal conspire to show that while in 1858 the percentage of University graduates who were appointed members of the Civil Service was 90, it was only 19 from 1870 to 1874, when the limit of age was 21; and in Bengal after the further reduction effected by the Marquis of Salisbury, it has come down to only two. Far from any increase therefore of percentage having taken place, the above figures clearly demonstrate that the result has been quite the reverse.

5. These consequences, which have been verified by actual experience, did not fail to be perceived and pressed upon by the authors of the change at the time it was still in contemplation. And protest against it was offered, not only by many of the non-official population of India, but also by the very highest officers in whose hands the administration of the government of this country was vested. Lord Northbrook's opinion was as emphatic as it well could be. "With every deference," he said, "for the opinion of those who would reduce the age, I am disposed to believe that the junior civil servants are the best judges of the question, and I think whatever small advantage may possibly result from men coming to India a year younger than now, would be dearly bought by the lowering of the standard of education which must follow from the reducing the higher limit and the great discouragement to University education which such a change would involve."

6. The Association venture to submit that upon *à priori* grounds it might well have been anticipated that one disastrous result of reducing the age would be to seriously impair the efficiency of the Service and weaken the character of the administration. The difficult examinations through which a candidate must pass before he finds a place in the Civil Service of India, tax his mental powers to the utmost; and it is of the last importance that everything should be done to prevent their being over-taxed. But the policy of Lord Salisbury's change has quite an opposite tendency. In the language of Mr. Wren who, the Association understand, has addressed a letter on the subject to your Lordship in Council: "The race of yearlings is known to be ruinous to those raced. The risks of the mind from too early a racing are greater and worse than those of the body."

7. And in special connexion with India, the Association beg humbly to point out that during the seven years which have nearly elapsed since the reduction of age was effected in 1876, only one Indian candidate has been able to gain admission into the Civil Service of his own country, and this result, deplorable as it is, is not at all to be wondered at, if sufficient attention is paid to the circumstances under which an Indian youth under 19 years of age, has at present to go to a distant country like England after enormous expenses to compete at an examination in which, if he fail, his whole trouble and expense would go for nothing; and he will have to return to his own country with disappointed hopes and darkened prospects, and on such return to encounter immense social difficulties and caste feelings struggling fearfully to keep him out of the pale of the Hindu community. These are serious evils, which the Association venture to hope will receive earnest consideration at the hands of your Lordship in Council.

8. The Native Civil Service, comparatively a recent creation, is not a cure at all for these evils. The appointments to that Service are made by nomination, and the nominees in this province have, in some instances, the qualification of birth only. In fact, the Native Civil Service has proved a mere sham. Its members cannot

aspire to the higher posts in the Government service, and there is little guarantee that the most deserving will get a footing in it. No. 88.

9. Under these circumstances, the Association venture to suggest that the best means of remedying these evils will be to hold competitive examinations in London, and also in some centre or centres in India, in regard to a fixed proportion of such such appointments as may be determined upon by your Lordship in Council for each year.

10. The Association therefore most respectfully pray that your Lordship in Council may be pleased to direct that the present limit of age for candidates for the Civil Service of India may be raised from 19 to 22 years, and that a definite proportion of the appointments which may be fixed year after year may be competed for in some centre or centres in India.

### XCVII.

From KRISHNA CHUNDER MOJUMDER, Secretary, Sadharan Hitshadhini Sabha, Tarash, District Pubna, to the Secretary to the Government of Bengal,—dated the 12th April 1883. No. 89.

I respectfully solicit your forwarding the accompanying memorial to His Lordship the Secretary of State for India, through the Government of India. The Sabha feel convinced that His Honour the Lieutenant-Governor will be able to support the prayer of the Sabha.

From KRISHNA CHUNDER MOJUMDER, Secretary, Sadharan Hitshadhini Sabha, Tarash, District Pubna, to the Right Honourable the EARL OF KIMBERLEY, Secretary of State for India in Council.

MAY IT PLEASE YOUR LORDSHIP,—The Sadharan Hitshadhini Sabha of Tarash, in the district of Pubna in Bengal, venture to approach your Lordship with the following observations on the question of the open competitive examination for the Civil Service of India.

II. The Marquis of Salisbury, the late Secretary of State for India, by his order\* dated the 24th February 1876, reduced the maximum limit of age for the open competitive examination from 21 to 19 years. The reduction in the limit of age was made in opposition to the opinion of a large number of experienced officers and administrators of India, especially of the then Viceroy of India, who observed:—

“With every deference for the opinion of those who would reduce the age, I am disposed to believe that the junior civil servants are the best judges of the question, and I think whatever small advantages may possibly result from men coming to India a year younger than now, would be dearly bought by the lowering of the standard of education, which must follow from the reducing the higher limit, and the great discouragement to University education which such a change would involve.”

III. Lord Northbrook deliberately gave out his opinion that the limit of age, instead of being reduced, should rather be raised to 22 years, and the “Shabha” would humbly request your Lordship the importance of reconsidering whether to raise the maximum limit of age at least to 21 years is necessary or not.

IV. The limit of age was reduced from 21 to 19 years with the expectation, which proved quite delusive, that the selected candidates would try to obtain University degrees after passing the competitive examination. Experience shows that the number of civil servants holding University degree was much greater when the maximum limit of age was 23 years than since the age was reduced to 21 years. In 1853, when the limit of age was 23, out of 20 men selected for the Civil Service, 18, or fully 90 per cent., were University men,—men, *i.e.*, from the Universities of Oxford and Cambridge, and Trinity College, Dublin. In 1874, however, out of 40 selected candidates, it would seem that only 6, or just 15 per cent., were from those Universities, or taking the five years from 1870 to 1874, out of a total of 186 selected candidates, only 19, or less than 11 per cent., were from those institutions, and only 35, or less than 19 per cent., were from all the Universities taken together.

V. It appears from the writing of Mr. Wren that the competitive examinations act prejudicially upon the health of youthful candidates, who are obliged to compete at an age when their physical powers are not sufficient enough to bear over-exertions. It is not out of place to quote an extract from Mr. Wren's letter:—

“The question how to get the best men is the question. The cutting down of the age is what does the mischief. The prizes are great. The competition is severe. The more the age is cut down, the more severe is the competition. The old regulations prevented ‘cramming’; the new ones make it compulsory. You

cannot put five years' work into three; you cannot make boys with immature brains do young men's work without injuring those brains. The medical reports of the successful candidates are, I am informed, far less satisfactory than they were of the candidates of higher age. I believe it to be a well-established fact that the percentage of mortality among young officers and young civilians is higher than among older men. The class from which candidates are chosen is a more limited one. The more limited the class the more limited the number of competitors, *i.e.*, there are fewer good men to choose from. The fewer the competitors the lower the average of quality. The racing of yearlings is known to be ruinous to those raced. The risks to the mind, from too early racing, are greater and worse than those to be body."

VI. A letter recently appeared in the columns of the *Times* newspaper in connexion with the question of open competitive examinations, strongly supports Mr. Wren's statement, an extract from which the "Sabha" ventures to lay before your Lordship:—

"Since the institution of competition, out of the hundred odd civilians appointed to this Presidency, nine have died, and two were forced to retire on account of physical debility; ten more were considered quite unfit for their work on account of their bodily weakness; two others were dismissed for inability to ride, and uncouth manners; and eight have positively become insane. It is this symptom which is creating almost a panic here, especially last few years, during which the standard of examination has been raised, as is necessary under the competitive system, to the highest pitch. The most anxious scrutiny is now made of each new batch of young civilians as landed, and their physical and mental condition is at once reported to Government."

VII. Since the date of the reduction in the limit of age, only a single native of India has passed successfully the open competitive examination for Civil Service.

VIII. These considerations make it indispensably necessary for the "Sabha" to pray to your Lordship to raise the maximum limit of age to 22 or at least 21 years.

IX. It is also evident that so long as the open competitive examination is held in London alone, few natives of India will be bold enough to go to England at an immense cost to compete for an examination which is most difficult for them, who are neither examined in their own language, nor in events connected with their own history.

X. The "Sabha" would therefore respectfully beg that your Lordship would be pleased to direct that the open competitive examination for the Civil Service of India should be held in some centre or centres in India as well as in London.

XI. If it be said that there is the Native Civil Service in which the natives of India may show their qualifications, the "Sabha" would humbly answer, it makes no good to the Indians in general. There is no competition in the Native Civil Service. It is open only to a few chosen individuals who are not always the best men.

XII. If your Lordship be pleased to give effect to these prayers, the order would be hailed with universal thanksgivings and applause, and would satisfy those anticipations which the accession of the Liberal Ministry to power had roused in the minds of the people of this country. For the "Sabha" cannot remain silent without quoting the memorable words of Mr. Gladstone, on the occasion when Mr. Bright presented the memorial from the people of India to the House of Commons, containing a prayer of a similar nature:—

"There is the question of Civil Service. I think it is difficult to resist the force of those arguments, urged on behalf of the Indian people, and by Indians themselves, as they were indicated to-night by my honourable friend the member for Birmingham, from the petitions he presented with regard to Civil Service appointments. I think we must not be turned aside by apprehensions such as those the Under Secretary of State put forward, namely, the fear lest we repel from seeking Indian appointments the class of men we require. In the first quarter of a century of my life, every Government and every Parliament was firmly, and in masculine spirit, set upon economy. (Hear.) I am sorry to say, that I cannot congratulate recent Governments or recent Parliaments upon having acted upon similar principles."

Endorsement by the Government of Bengal,—No. 475 A. D., dated Darjeeling, the 2nd May 1883.

Submitted to the Government of India in the Home Department, in continuation of the letter \* from this Office, No. 1491 A., dated the 26th March 1883.



## XCVIII.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 69, dated No. 90. Simla, the 1st October 1883.

With reference to the correspondence \* marginally noted, we have the honour to transmit, for Your Lordship's consideration, copies of the papers cited in the annexed list, together with the memorials therein enclosed from certain Associations in the Lower Provinces of Bengal, praying that the maximum limit of age up to which candidates for the Covenanted Civil Service shall be allowed to compete for appointments may be raised to 22 years, and that the open competitive examination for that service may be held in India as well as in London.

To Secretary of State, No. 73, dated 26th September 1878.

From Secretary of State, No. 123, dated 14th November 1878.

2. We desire to observe in transmitting these memorials that we consider the present time inopportune for re-opening the discussion as to the limit of age for admission to the Covenanted Civil Service or for inviting the opinions of Local Governments thereupon; but should Your Lordship decide that the question is to be re-opened, we trust that you will afford us an opportunity for expressing our opinions after full enquiry as to the practical working of the present system in this country.

3. His Excellency the Viceroy and the Honourable Mr. Ilbert have expressed their views upon the subject in separate Minutes, which are annexed to this Despatch.

*List of Enclosures.*

1. From Government of Bengal, No. 1491 A., † dated 26th March 1883, and enclosed memorials from the Indian Association and Burdwan Association.
2. From Government of Bengal, No. 475 A.D., † dated 2nd May 1883, and enclosed memorial from the "Sadharan Hitashadhini Saba" of Tarash in the Pubna District.

## XCIX.

*Minute by His Excellency the Viceroy.*

No. 91.

I agree with the opinion entertained by the majority of my Hon'ble Colleagues that the present is not a favourable moment for re-opening the question of the maximum limit of age for persons desirous of competing for admission to the Covenanted Civil Service; but I cannot allow the present Despatch to be sent home without recording my own belief that the reduction of that limit from 21 to 19 was a mistake, and that it would be desirable at the first convenient opportunity to return to the arrangement formerly in force.

Personally I have always been opposed to the alteration which was made in 1876. It was carried out in opposition to the advice of the majority of the Members of the Government of India, including the then Viceroy (Lord Northbrook), of a majority of the officials consulted in India, and of the Civil Service Commissioners at home; and so high an authority on questions of education as Professor Jowett expressed a strong opinion in favour of raising, instead of lowering the upper limit of age. It is true no doubt that there was a considerable difference of opinion both among persons connected with education in England and among officials in India on the subject, but the weight of authority appears to me to have been decidedly against the change. In his Despatch \* of the 24th February 1876 the Secretary of State,

\* Not printed.

† See page 153.

‡ See page 153.

Lord Salisbury, conveys his decision in favour of lowering the higher No. 91. limit of age in the following words:—"After careful examination of the various opinions and arguments that have been recorded, Her Majesty's Government have come to the conclusion that the view recommended by the Universities is to be preferred."

I can find nothing in the papers available to me to show that the University of Cambridge ever did recommend the reduction of age. The University of Oxford undoubtedly did so, and the recommendation was in accordance with the views entertained by the Dean of Christ Church, Dr. Liddell, who was then Vice-Chancellor, but it was, as I have already mentioned, directly opposed to those of the Master of Balliol. The Secretary of State gave two reasons for the decision at which he arrived. The first, and "most cogent," that 'a University education could not be ensured for the candidates by any other;' the second that the consequences of failure in the competition are more serious at 21 or 22 than at 19, and many parents would be deterred from reserving their sons for competition from fearing that in case of failure it would be difficult to find them a career.

With respect to the first of these reasons, I would point out that the experience obtained up to 1876 went to prove that a reduction of the higher limit of age would have an exactly opposite effect to that anticipated by Lord Salisbury. Professor Jowett in his letter \* to the Secretary of State of the 27th December 1876 says,—“During the first ten years of the present system the age was fixed at 22, and about two-fifths of the competing candidates were selected from Oxford and Cambridge. Since the limit of age was reduced (in 1866) to 21 the number of University candidates has proportionately diminished; and although of late years the greater part of the young Civil Servants have gone up to the universities, they have only remained there, as I am informed by Professor Jowett (with a very few exceptions), for two years, because they have been anxious to proceed to India without further delay or expense, and they have consequently been unable to obtain the full advantage of a university career and to take a degree before leaving England.

The second reason given in Lord Salisbury's Despatch relates to the alleged unwillingness of parents to reserve their sons for competition from fearing that in case of failure it would be difficult to find them a career. This argument was met by anticipation by Professor Jowett in the letter to which I have already referred, in which he says,—“If the age were reduced from 21 to 18 or 19, I should expect that the number of well-qualified candidates would be diminished by at least one-half.” This expectation has been to a great extent realised, as since the age was lowered the number of candidates has fallen off considerably. The truth appears to be that, instead of parents disliking to 'reserve' their sons till 21 before deciding whether to adopt an Indian career for them, the real fact is that parents are very unwilling to fix on India as the destination of their sons at the early age of 15 or 16.

The grounds, therefore, which were put forward in 1876 in justification of the change then made have not received support from the experience obtained during the seven years which have since elapsed, and I have reason to believe that if inquiries were now made of those persons in England who have had to do with the Indian students admitted under the present regulations, a large body of opinion in favour of a return to a higher maximum limit of age would be found to exist amongst them. This is, I know, the view taken of the question by Professor Jowett, now Vice-Chancellor of Oxford, by Dr. Markby, by Mr. Platts, by Mr. Wren and others, as it was also by the late Mr. Arnold Toynbee. The change of age has almost excluded from the competition members of the English and Scotch Universities, while, as I have stated above on the authority of Professor Jowett, very few of the young men now admitted remain long enough at the

\* Not printed.

University to enable them to obtain a degree,—a privilege which, as I am informed, they would highly value. Indian candidates may in many respects be compared with the young men who enter the Home Civil Service after a competitive examination. They come from a similar class. But the limit of age fixed for the Home Civil Service is, I believe, not 19 but 24. It must be borne in mind that the limit in question is a maximum; the average age of candidates will of course be below that maximum; and while, therefore, if the former limit should be restored, young men of exceptional ability and early maturity of character will be just as able as they are now to enter the Indian Civil Service, an opportunity will once more be afforded for men who have passed through a regular University career, or have been called to the Bar to leaven that Service by their solid learning and careful training. That a proportion at least of such men should be admitted to the Covenanted Civil Service seems to me highly desirable, and it is a very strong argument against the present system that it practically excludes them. Again in the case of a competitive examination, a reduction in the number of candidates, such as has taken place of late years, means a lowering of the standard of excellence,—a result in itself greatly to be deprecated. It has sometimes been urged in favour of reducing the age of candidates that there would be no longer any need for the services of the eminent private teachers who are commonly, though somewhat invidiously, called “crammers.” I must plead guilty to thinking that a great deal of nonsense is often talked upon the subject of “cramming;” but be that as it may, the reduction of age has not, as I understand, diminished the practice of reading with private tutors in London; as a matter of fact considerably more than half the successful candidates during the last few years have been pupils of Mr. Wren and Mr. Scoones; while the real dangers which are connected with a residence in London have been increased, as the candidates are now exposed to the temptations of a London life at an earlier age.

Looking at the subject from an English point of view it appears to me that the change made in 1876 has failed to secure the objects for which, according to Lord Salisbury’s Despatch,\* it was introduced, and I have every reason to believe that if steps were taken at home to ascertain the views of those persons whose positions in the universities, schools, and other educational institutions in England enable them to speak with authority on this question, it would be found that the great weight of opinion was in favour of again raising the higher limit of age. But in considering this subject it is impossible to overlook its bearing upon the question of the admission of Natives to the Covenanted Civil Service. The effect of the change in this respect has undoubtedly been altogether to shut the door of the competitive examinations in England to natives of India. No Native has gained admission to the Covenanted Civil Service by competition since the new regulation came into force. There is a widespread belief in India that one object of the change made in 1876 was to exclude educated Natives from the Civil Service; but there is nothing in any papers which I have seen to show that there was any such intention on the part of those who advocated the alteration, or even to indicate that the way in which the new regulation would effect Native candidates was ever considered at all. Whatever may have been the intention there is no doubt about the effect. Natives are now practically excluded from the home competitions altogether. In my judgment this result is greatly to be regretted; it has created great dissatisfaction in the minds of the educated Natives; it has practically deprived them of the right of admission to the Covenanted Civil Service on equal terms with the rest of Her Majesty’s subjects, which they had enjoyed ever since the establishment of the competitive system in 1854; and it has, by indirect means, effected a change which, as Lord Cranbrook pointed out in his Despatch† of 7th November 1878, would have had

\* Not printed.

† See page 109.

Lord Salisbury, conveys his decision in favour of lowering the higher No. 91. limit of age in the following words:—"After careful examination of the various opinions and arguments that have been recorded, Her Majesty's Government have come to the conclusion that the view recommended by the Universities is to be preferred."

I can find nothing in the papers available to me to show that the University of Cambridge ever did recommend the reduction of age. The University of Oxford undoubtedly did so, and the recommendation was in accordance with the views entertained by the Dean of Christ Church, Dr. Liddell, who was then Vice-Chancellor, but it was, as I have already mentioned, directly opposed to those of the Master of Balliol. The Secretary of State gave two reasons for the decision at which he arrived. The first, and "most cogent," that 'a University education could not be ensured for the candidates by any other;' the second that the consequences of failure in the competition are more serious at 21 or 22 than at 19, and many parents would be deterred from reserving their sons for competition from fearing that in case of failure it would be difficult to find them a career.

With respect to the first of these reasons, I would point out that the experience obtained up to 1876 went to prove that a reduction of the higher limit of age would have an exactly opposite effect to that anticipated by Lord Salisbury. Professor Jowett in his letter \* to the Secretary of State of the 27th December 1876 says,—“During the first ten years of the present system the age was fixed at 22, and about two-fifths of the competing candidates were selected from Oxford and Cambridge. Since the limit of age was reduced (in 1866) to 21 the number of University candidates has proportionately diminished; and although of late years the greater part of the young Civil Servants have gone up to the universities, they have only remained there, as I am informed by Professor Jowett (with a very few exceptions), for two years, because they have been anxious to proceed to India without further delay or expense, and they have consequently been unable to obtain the full advantage of a university career and to take a degree before leaving England.

The second reason given in Lord Salisbury's Despatch relates to the alleged unwillingness of parents to reserve their sons for competition from fearing that in case of failure it would be difficult to find them a career. This argument was met by anticipation by Professor Jowett in the letter to which I have already referred, in which he says,—“If the age were reduced from 21 to 18 or 19, I should expect that the number of well-qualified candidates would be diminished by at least one-half.” This expectation has been to a great extent realised, as since the age was lowered the number of candidates has fallen off considerably. The truth appears to be that, instead of parents disliking to 'reserve' their sons till 21 before deciding whether to adopt an Indian career for them, the real fact is that parents are very unwilling to fix on India as the destination of their sons at the early age of 15 or 16.

The grounds, therefore, which were put forward in 1876 in justification of the change then made have not received support from the experience obtained during the seven years which have since elapsed, and I have reason to believe that if inquiries were now made of those persons in England who have had to do with the Indian students admitted under the present regulations, a large body of opinion in favour of a return to a higher maximum limit of age would be found to exist amongst them. This is, I know, the view taken of the question by Professor Jowett, now Vice-Chancellor of Oxford, by Dr. Markby, by Mr. Platts, by Mr. Wren and others, as it was also by the late Mr. Arnold Toynbee. The change of age has almost excluded from the competition members of the English and Scotch Universities, while, as I have stated above on the authority of Professor Jowett, very few of the young men now admitted remain long enough at the

\* Not printed.

University to enable them to obtain a degree,—a privilege which, as I am informed, they would highly value. Indian candidates may in many respects be compared with the young men who enter the Home Civil Service after a competitive examination. They come from a similar class. But the limit of age fixed for the Home Civil Service is, I believe, not 19 but 24. It must be borne in mind that the limit in question is a maximum; the average age of candidates will of course be below that maximum; and while, therefore, if the former limit should be restored, young men of exceptional ability and early maturity of character will be just as able as they are now to enter the Indian Civil Service, an opportunity will once more be afforded for men who have passed through a regular University career, or have been called to the Bar to leaven that Service by their solid learning and careful training. That a proportion at least of such men should be admitted to the Covenanted Civil Service seems to me highly desirable, and it is a very strong argument against the present system that it practically excludes them. Again in the case of a competitive examination, a reduction in the number of candidates, such as has taken place of late years, means a lowering of the standard of excellence,—a result in itself greatly to be deprecated. It has sometimes been urged in favour of reducing the age of candidates that there would be no longer any need for the services of the eminent private teachers who are commonly, though somewhat invidiously, called “crammers.” I must plead guilty to thinking that a great deal of nonsense is often talked upon the subject of “cramming;” but be that as it may, the reduction of age has not, as I understand, diminished the practice of reading with private tutors in London; as a matter of fact considerably more than half the successful candidates during the last few years have been pupils of Mr. Wren and Mr. Scoones; while the real dangers which are connected with a residence in London have been increased, as the candidates are now exposed to the temptations of a London life at an earlier age.

Looking at the subject from an English point of view it appears to me that the change made in 1876 has failed to secure the objects for which, according to Lord Salisbury's Despatch,\* it was introduced, and I have every reason to believe that if steps were taken at home to ascertain the views of those persons whose positions in the universities, schools, and other educational institutions in England enable them to speak with authority on this question, it would be found that the great weight of opinion was in favour of again raising the higher limit of age. But in considering this subject it is impossible to overlook its bearing upon the question of the admission of Natives to the Covenanted Civil Service. The effect of the change in this respect has undoubtedly been altogether to shut the door of the competitive examinations in England to natives of India. No Native has gained admission to the Covenanted Civil Service by competition since the new regulation came into force. There is a widespread belief in India that one object of the change made in 1876 was to exclude educated Natives from the Civil Service; but there is nothing in any papers which I have seen to show that there was any such intention on the part of those who advocated the alteration, or even to indicate that the way in which the new regulation would effect Native candidates was ever considered at all. Whatever may have been the intention there is no doubt about the effect. Natives are now practically excluded from the home competitions altogether. In my judgment this result is greatly to be regretted; it has created great dissatisfaction in the minds of the educated Natives; it has practically deprived them of the right of admission to the Covenanted Civil Service on equal terms with the rest of Her Majesty's subjects, which they had enjoyed ever since the establishment of the competitive system in 1854; and it has, by indirect means, effected a change which, as Lord Cranbrook pointed out in his Despatch† of 7th November 1878, would have had

\* Not printed.

† See page 109.

no chance of success in Parliament if it had been proposed in the No. 91. direct form of an alteration of the law. If the exclusion of Natives from competition was one of the objects with which the new regulation was adopted, of which, as I have said, there is no proof, then it seems to me that the end sought was inconsistent with the intention of the law, and that the only legitimate mode of attaining it was by an application to Parliament to change the law; but if the exclusion of Natives, which has resulted in practice from the present regulation, was not contemplated by its authors, the sooner steps are taken to restore to Native candidates the privilege which Parliament undoubtedly intended to confer on them, and of which they have been accidentally deprived by the action of the Executive Government, the more consistent it will be with due respect for the intentions of the Legislature, and for the claims which are founded upon those intentions.

A belief is sometimes expressed that if natives of India are admitted freely to compete in England for admission to the Covenanted Civil Service they will enter that Service in large numbers. It appears to me that neither the experience of the past nor the probabilities of the case justify this belief. From the first establishment of the competitive system to the present day, only eleven Natives have competed successfully; and so far from their having entered the Service in increasing numbers up to the time when the new regulation shut them out, the years just before that regulation came into force showed a falling off in the number of successful competitors. But, apart from the actual experience of the working of the competitive system, is it probable that natives of this country, however intelligent and well educated they may be, will ever be able to go to England and win their way in large numbers into the Service in a competition against the pick of the intelligent youths of the United Kingdom carried on at their own doors and based upon the educational system of their own schools? I cannot believe it, for it could not come to pass unless the natives of India were possessed of intellectual qualities greatly superior to those of the English, Irish, and Scotch competitors whom they have to meet before the Civil Service Commissioners; to require natives of India to compete in England is to handicap them heavily in the race; and that any but men of exceptional ability can succeed under such circumstances seems to me to be out of the question. The idea, therefore, that a return to the old regulation as to age would, as is sometimes said, 'flood the Civil Service with Natives,' is to my mind altogether unsubstantial.

For the reasons thus briefly stated it is my desire to see the old limit of age restored. As a preliminary measure, I should be glad if the Secretary of State would institute inquiries, at the universities and among persons connected with education at home as to their opinion upon the working of the existing system. I have every reason to believe that many of those best qualified to judge of the question would be found to give opinions in accordance with those expressed above. Men like Professor Jowett, Dr. Markby, Mr. Wren and others, could speak with great authority on the subject; and if they should pronounce in favour of a return to the old arrangement, a strong case in its favour would be established. It is probably too soon to form any reliable opinion in India upon the young men who have joined the Service during the last four or five years; but if, as I believe, those through whose hands they have passed at home doubt whether they come up to the full standard of excellence attained by their predecessors, it would be most inadvisable to go on filling the ranks of the Service with youths possessed of less high qualifications than might be secured under a different system. And when to this view of the case is added the consideration of the just claims of the natives of India to the enjoyment of the privilege of competition which Parliament deliberately granted to them, it appears to me that a case of the strongest kind is established in favour of a return to the limit of age which prevailed before 1876.

26th September 1883.

RIPON.

## C.

*Minute by the Honourable C. P. ILBERT, dated the 27th September 1883.* No. 92.

I agree generally with the views expressed by His Excellency the Viceroy, and in particular with the opinion that it would be expedient, as a preliminary measure, to institute the limited inquiries suggested by him. The change which was effected in 1876 constituted a grave departure from the principles laid down by the founders of the competition system, and does not appear to me to have been warranted either by the evidence of facts or by the preponderance of authoritative opinion. It has caused general and serious dissatisfaction among the educated natives of India, and has given ground for a complaint that they have been excluded by indirect means from a competition to which they are admissible by law. This complaint might be fairly met if it could be shown that the change to which objection is taken was justified by the paramount consideration of improving the supply of English candidates for the Civil Service. So far from this having been shown, it is alleged by persons peculiarly qualified to form a judgment on the matter that under the new system the quality of those candidates has deteriorated and is likely to deteriorate. I think that we cannot afford to disregard an allegation of so serious a nature.

If it should appear that the limit of age for competition could not be raised without abridging the subsequent period of probation and special training, it would be worth while to inquire whether an abridgment of this period would not, under the circumstances, be advisable.

C. P. ILBERT.

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**PUBLIC PROCEEDINGS, SEPTEMBER 1884, Nos. 162 to 210.**

## CI.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Most Honourable the GOVERNOR GENERAL of India in Council,—No. 128 (Public), dated India Office, London, the 22nd November 1883. No. 162.

I have considered in Council the despatch\* of Your Excellency in Council, dated the 1st ultimo, No. 69, on the subject of the nomination of natives of India, under the Statutory Rules of 1879, to offices ordinarily held by members of Her Majesty's Covenanted Civil Service of India.

2. I agree with you that it is not advisable at the present moment to undertake any general amendment of the Statutory Rules. The return of the nominations hitherto made under the rules, which accompanied your despatch, appears to me to be on the whole satisfactory, indicating as it does that the selection has been carefully made, and that the great majority of the nominees are well qualified for the public service.

3. You observe, however, that the present working of the rules is capable of improvement, and that the system of nomination, pure and simple, is not a satisfactory mode of selection, and you propose to consult the Local Governments on the subject. I have no objection to your consulting the Local Governments confidentially, but I desire to be informed of the result of the inquiry, and of your own more matured views on the subject, before any decision is arrived at.

\* See page 159.

4. It might be well that Your Excellency in Council should at No. 162. the same time take into your consideration the suggestion made in paragraph 16 of Lord Cranbrook's Despatch\* No. 125 (Public) of the 7th of November 1878, and referred to in the last paragraph of the Government of India Despatch† No. 31 (Public) of the 1st of May 1879. It appears to me that it would add to the efficiency of the Statutory Service if such of the probationers as might be willing had the advantage of completing their education in this country.

## CII.

[ CONFIDENTIAL. ]

From A. MACKENZIE, Esq., Secretary to the Government of India, to Local Governments and Administrations,—No. 19—720 A., dated Simla, the 30th April 1884. No. 163.

The Governor General in Council has had under his consideration the working of the Statutory Rules‡ of 1879 for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Service of India. Evidence has been adduced which satisfies the Government of India that the plan of nomination is by many authorities considered to fail in securing sufficient guarantees of ability and education in those appointed under those Rules. Although in most instances the nominations actually made have been fairly satisfactory, there is, it is generally felt, no antecedent guarantee of the fitness of the persons selected. The Government of India are disposed to think that, without altering the Statutory Rules themselves, it may be possible to secure an ampler guarantee for educational fitness in the nominees, and perhaps to provide for them some special training before final appointment.

2. Various modes of effecting these objects have been proposed for adoption, to some of which I am to invite attention.

3. It has been suggested, for instance, that Local Governments, instead of being called upon, as they now are, to nominate three candidates, from among whom the Government of India chooses one for appointment on probation, should each make out from time to time a list of persons eligible in their opinion for admission to the Statutory Service; and that a competition should be held annually in each Province among the persons so selected for the number of appointments actually allotted to the Province in that year. It would of course be necessary to prescribe a certain minimum standard of educational attainment which all candidates to be successful should be required to satisfy.

4. Another proposal is that the Local Governments and Universities should be invited to nominate either concurrently or alternately a certain number of eligible candidates to compete for each appointment. In that case, it would be necessary to stipulate that the candidates nominated by the Universities should belong to families *bonâ fide* resident in the Province for which the nominations were made.

5. A third suggestion which has been made is, that facilities should be offered to successful candidates for proceeding to England in order to complete their education by a course of study under the special arrangements for Indian students now provided at the Home Universities.

6. Yet another proposal has been put forward to the effect that arrangements should be made for sending to England yearly a certain number of "natives of India" (in the Statutory sense), partly selected by the Government of India from among nominees of the Local Governments, being men of good birth and family, and partly obtained by Provincial competition open to all natives of the Province, care being taken in either case that the candidates possessed

\* See page 109.

† See page 125.

‡ See page 135.



a sufficient minimum of education evidenced by examination to No. 163. enable them to pursue their studies in England with advantage. Those selected would receive scholarships, and be entered at one or other of the English Universities under the special arrangements now made for Indian students. At the end of a fixed term of study they would be required to compete among themselves for the number of appointments reserved for Statutory Civilians in the recruitment of the year. Those who failed to obtain appointments of this kind, but attained a fixed standard of proficiency, might be promised on probation a preferential claim to appointments in the Uncovenanted Executive and Judicial Service of the Province worth not less than Rs. 200 per mensem.

7. I am to invite generally upon the best mode of improving the working of the existing Rules for the admission of natives of India to the Statutory Service, and especially upon the suggestions above referred to.

8. I am at the same time, with reference to the last clause\* of Rule I of the Statutory Rules, to ask for an expression of opinion on the question of reserving a certain proportion, say one-sixth or one-tenth, of the Statutory appointments in each year for those who have done good work in the Uncovenanted Service.

\* "No person shall be nominated for employment in the said service after he has attained the age of 25 years except on grounds of merit and ability proved in the service of Government or the practice of a profession."

### CIII.

[ CONFIDENTIAL. ]

From the Honourable E. F. WEBSTER, Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 1332, dated Ootacamund, the 18th June 1894. No. 164.

His Excellency the Governor in Council has given his careful attention to the subject of your confidential letter\* No. 19—720A., dated the 30th April last, and I am now directed to forward copy of Proceedings of this Government, No. 1331 of this date, in which are recorded Minutes by their Excellencies the Governor and Commander-in-Chief, and by the Civilian Members of Council, regarding the mode of appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Service.

2. I am to remark in passing that this Government would be much pleased to see greater facilities given to young natives of India for proceeding to England and entering the Service by the channel of ordinary competition. They believe that youths who had beaten at their own weapons English school-boys, and who had shown the force of character required for undertaking a journey to England, would form a better element in the administration of India than can be obtained by any system of selection of young Natives in this country. Understanding, however, that the Government of India only wish specific answers to the questions whether, without altering the Statutory Rules themselves, it may be possible to secure an ampler guarantee for educational fitness in the nominees, and perhaps to provide for them some special training before final appointment, His Excellency in Council directs me to state that he would like Statutory Civilian for this Presidency selected in one of two ways, *viz.*, (a) that the Madras Government should have the right, every second year, to nominate some one, who, during a series of years, had done good work in the Uncovenanted Service, to be a member of the Statutory Civil Service; (b) that they should have the right, every second year, to hold an examination at which any young man, a native of the Presidency, wholly or partly of Asiatic descent, and under 23 years of age, might present himself; that the examination should be prescribed by Government, and should be competitive; that it should be the duty of the examiners to certify to Government the names of the young men who had highly distinguished themselves to the number of not more than twelve, such names being placed in

\* See page 164.

alphabetical order; that out of these twelve, the Government should No. 164. select any one they pleased for submission to the Government of India as fit to be a Statutory Civilian.

3. This Government believe that by this plan they would have a number of young men of high intellectual calibre from whom to select, while they would be able to take into account character, birth, position, health, manner and appearance. They would also be able to consider, in filling up other important appointments, the claims of the young men who had not been selected.

4. In conclusion, I am to say that His Excellency the Governor in Council is of opinion that the direct intervention of the local universities in the selection of Government servants is not necessary or expedient, but that the institution of such an examination as is proposed would doubtless have an excellent effect upon the graduates of the various universities.

#### CIV.

[ CONFIDENTIAL. ]

*Extract from the Proceedings of the Government of Madras, in the Public Department,—No. 1331, dated 18th June 1884.* No. 165

Read the following papers :—

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Madras,—No. 19—720 A.,\* dated Simla, the 30th April 1881.

The Governor General in Council has had under his consideration the working of the Statutory Rules of 1879 for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Service of India. Evidence has been adduced which satisfies the Government of India that the plan of nomination is by many authorities considered to fail in securing sufficient guarantees of ability and education in those appointed under those rules. Although in most instances the nominations actually made have been fairly satisfactory, there is, it is generally felt, no antecedent guarantee of the fitness of the persons selected. The Government of India are disposed to think that, without altering the Statutory Rules themselves, it may be possible to secure an ampler guarantee for educational fitness in the nominees, and perhaps to provide for them some special training before final appointment.

2. Various modes of affecting these objects have been proposed for adoption, to some of which I am to invite the attention of His Excellency the Governor in Council.

3. It has been suggested, for instance, that Local Governments, instead of being called upon, as they now are, to nominate three candidates, from among whom the Government of India chooses one for appointment on probation, should each make out from time to time a list of persons eligible in their opinion for admission to the Statutory Service; and that a competition should be held annually in each province among the persons so selected for the number of appointments actually allotted to the province in that year. It would of course be necessary to prescribe a certain minimum standard of educational attainment which all candidates to be successful should be required to satisfy.

4. Another proposal is, that the Local Governments and Universities should be invited to nominate, either concurrently or alternately, a certain number of eligible candidates to compete for each appointment. In that case it would be necessary to stipulate that the candidates nominated by the Universities should belong to families *bonâ fide* resident in the province for which the nominations were made.

5. A third suggestion which has been made is, that facilities should be offered to successful candidates for proceeding to England in order to complete their education by a course of study under the special arrangements for Indian students now provided at the Home Universities.

6. Yet another proposal has been put forward to the effect that arrangements should be made for sending to England yearly a certain number of 'natives of India' (in the Statutory sense), partly selected by the Government of India from among nominees of the Local Governments, being men of good birth and family, and partly obtained by Provincial competition open to all natives of the province, care being taken in either case that the candidates possessed a sufficient minimum of education evidenced by examination to enable them to pursue their studies in England with advantage. Those selected would receive scholarships, and be entered at one or other of the English Universities under the special arrangements now

\* See page 164.

made for Indian students. At the end of a fixed term of study they would be required to compete among themselves for the number of appointments reserved for Statutory civilians in the recruitment of the year. Those who failed to obtain appointments of this kind, but attained a fixed standard of proficiency, might be promised on probation a preferential claim to appointments in the Uncovenanted Executive and Judicial Service of their province worth not less than Rs. 200 per mensem. No. 165.

7. I am to invite the opinion of His Excellency the Governor in Council generally upon the best mode of improving the working of the existing rules for the admission of natives of India to the Statutory Service, and especially upon the suggestions above referred to.

8. I am at the same time, with reference to the last clause\* of Rule 1 of the Statutory Rules, to ask for an expression of opinion on the question of reserving a certain proportion, say one-sixth or one-tenth, of the Statutory appointments in each year for those who have done good work in the Uncovenanted Service.

\* No person shall be nominated for employment in the said service after he has attained the age of 25 years, except on grounds of merit and ability proved in the service of Government or the practice of a profession."

*Minute by the Honourable C. G. MASTER,—dated the 17th May 1884.*

How it may be in North India I know not, but in the [Madras Presidency caste prejudice is so strong that a long sea voyage, combined with residence in England, means excommunication, from which there is (apparently) no escape. Witness the cases of Messrs. P. Latnavelu Chetti and C. Sabapati Iyer. Therefore to offer our educated Native youth the facilities suggested in paragraph 5 of India's letter would probably be useless, while obvious objections exist to anything like a compulsory residence in England under paragraph 6.

2. It may be said that no hindrance should be put in the way of abolishing caste prejudices. On the other hand, adherence to time-honored customs and habits should not, it is thought, act as a disability.

3. I agree with His Excellency the Governor that the selection of candidates should be made without reference to any University.

4. The opinion of Government is sought (paragraph 7) on the best mode of improving the working of the existing rules. I presume from the distinction drawn in paragraph 6 of the letter between nominees 'of good family' and competitors from among 'all natives of the province' that the Government of India are alive to the difficulty of working the original† plan, which was "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." Such candidates were to be appointed, as a *rule* while the nomination of persons who had already 'proved their merit and ability' was to be the *exception*.

† Resolution\* of the Government of India, dated 24th December 1879, No. 59—2324-29, paragraph 3 (G. O., 30th April 1880, No. 626, Public, page 7.

5. Experience here indicates, I venture to think, that Madras might have been better served if we had been permitted to work the *exception* rather than the *rule*. The Government would have had a much larger field for selection if permitted to pick and choose persons 'either in the Government service or in the practice of a profession,' albeit over 25 years of age.

6. Either, then, do away with the distinction altogether and let each local Administration select the best men they can find, or adopt some arrangement of the kind indicated in Mr. Mackenzie's third paragraph, which might be worked in this way: call for candidates (1) of the 'good family' grade under twenty-five and (2) of the 'proved ability' class over twenty-five. All must be graduates of some University. Each candidate must prove clearly his right to be classed under either (1) or (2), and his claim to be considered a 'native of India' and of the Presidency concerned. Let the (1) candidates compete with each other, and the (2) candidates the same, according to a scheme to be laid down by the Government of India, and let the best (1) candidate be appointed one year and the best (2) candidate the next. Examinations to be annual; marks obtained at one not to count for a second.

7. Special training after selection and before final appointment might include attendance at the High Court and at Law Classes as well as at the Agricultural College.

8. Some such scheme would render unnecessary the suggestion contained in paragraph 8 of the Government of India letter.

C. G. MASTER.

*Minute by the Honourable H. E. SULLIVAN,—dated the 19th May 1884.*

No. 165.

If I had my way, I would so modify the rules that they should only admit of public servants of proved ability and integrity in the Uncovenanted ranks being promoted from time to time to the Covenanted Service.

2. As this would be the reward of proved merit, it would provoke no jealousy, and it would secure the Government against the bad bargains which the Statutory back door, as at present hung, cannot but admit occasionally.

3. I am firmly convinced that neither an University degree nor the successful competition of youths in an examination are reliable guarantees for a man's fitness for employment in the higher grades of the service. A young man may score high in Mathematics, Logic and Sanscrit, and yet prove wholly unfit for an administrative charge. The object in view is by degrees to admit the Natives who are deterred by caste considerations from visiting England to a more responsible share of the administration than they have hitherto enjoyed, not only in view to satisfy a natural and laudable ambition on their part, but also in the belief that the administration itself will benefit by the intimate knowledge of the requirements of their countrymen which they may be supposed to possess in a higher degree than foreigners.

4. But we shall not come nearer to this end if, by injudicious measures, the efficiency of the Civil Service is deteriorated; and deteriorated it will be if we admit any but men who, by conduct and capacity, have proved themselves fit for the more responsible position.

5. The objections to the present system which obliges us to nominate to the Civil Services young and untried men are that it naturally excites the jealousy of those who have won their position by hard competition, and also of the able and hard-working men in the Uncovenanted ranks, many of whom feel that they have more administrative capacity in their little finger than the boy graduate who is put in to rule over them has in his whole frame.

6. In paragraph 1 of India's letter\* it is recognised that, before the appointment of Natives to the Covenanted Civil Service, some special training may be requisite. Not only 'some' special training, but a good deal of it is necessary; and I ask where can a better school be found than the Uncovenanted Civil Service, or what better guarantee can a Government have of a man's fitness to rule over greater things than his approved and faithful service in the lower ranks, and the ripe experience he will bring with him to his new sphere of duties. At paragraph 8 India suggests that one-sixth or one-tenth of the appointments for each year might be reserved for those who have done good work in the Uncovenanted Service, *i. e.*, in Madras we should have an opportunity once in six or ten years of rewarding approved service in the Uncovenanted ranks, all the other appointments going to youths fresh from school and college. Why should they gain the great goal of ambition *per saltum*? Better far, for themselves and the country, that they should first go through the training of the Uncovenanted Service, which, if this principle is adhered to, might in course of time become to a large extent the recruiting ground for the higher grades of the service. The standard of educational attainments requisite for admission into the superior grades of the Uncovenanted Civil Service has been considerably raised of late years, and another turn of the screw was given in this direction the other day in passing orders on Mr. Garstin's scheme, so that the future candidates for the Civil Service would bring with them, together with a practical experience of their duties, the advantages of a finished education.

7. I therefore agree with His Excellency in approving the suggestion contained in paragraph 3 of India's letter with the proviso that there should be no limit of age in the selection of persons considered by the Local Government to be fit for promotion to the Covenanted Service; and I would suggest that, as a rule (which need not be hard and fast), the selection should be made from the Uncovenanted ranks. By all means let the persons so selected compete among themselves for the prize. If the examination subjects are properly chosen, we should in this way gain an accession of strength to the higher grades of the services, and no one would have any ground for complaint.

*Minute by His Excellency the Commander-in-Chief,—dated Ootacamund, the 6th June 1884.*

The question raised by the Government of India in the \*letter\* from the

\* No. 19-720 A., dated Simla, 30th April 1884. Secretary in the Home Department is a very important one, and a very difficult one to deal with.

\* See page 164.

2. As I stated on a former occasion, I have always been opposed to the admission of Natives to the *Covenanted* Civil Service, because I think that they are at present, morally and socially, unfit to sustain the credit of that service. I would prefer seeing the proportion of Natives it may be considered desirable to employ in civil capacities placed by themselves in a 'Local Civil Service,' from which they could be selected for any positions under the Government of India they might have proved themselves qualified to fill. If, however, it be determined that there is not to be a 'Local Civil Service,' then, instead of appointing Native gentlemen under the Statutory Rules\* of 1879, and permitting them to be graded with the members of the *Covenanted* Civil Service, I would only allow Natives to enter that service in the following ways:—

- (1) by open competition in England ;
- (2) by drafting into it the most successful members of the *Uncovenanted* Civil Service and the Bar ;
- (3) by appointing, as very special and rare cases, cadets of the highest families.

The first of these three ways is, in my opinion, the best, and the one by which the larger proportion of Natives should enter the *Covenanted* Civil Service ; but so long as admission can be obtained under the Statutory Rules of 1879, it is unlikely that many (if any) Natives will be found amongst the number of competitors at home. Caste prejudice will no doubt stand in the way of high caste Hindus going to England, but this will gradually have less influence ; and if every facility is afforded to successful candidates for proceeding to England, as suggested in the 5th paragraph of the letter from the Government of India, I think it will be found that a sufficient number of young Native gentlemen will always be willing to compete in England for the *Covenanted* Civil Service. It may perhaps be necessary to increase the maximum limit of age from 19 to 20, and this, I think, should be done in fairness to the natives of India. I can see no reason why Native lads should be appointed at once to be Magistrates and to hold high official positions ; they should commence in lower grades, and rise according to their merits, unless they possess sufficient courage and enterprise to go to England, and to undergo the inconveniences which a residence of two or three years in that country would undoubtedly entail upon them. In my opinion, Natives would be infinitely better fitted to take their places in the *Covenanted* Civil Service after having lived for a time in England ; and considering the pay and position that they attain on entering that service, I think they may reasonably be required to make some sacrifices in order to qualify themselves for the same. Whether it would not be advisable to collect all candidates (Native and European) in some sort of an Indian Civil Service College, while completing their two years' training, seems to me worthy of consideration. A separate institution, on the basis of the Haileybury College, would go far to establish a feeling of *esprit de corps*, which is so desirable in a body of officers like those composing the Civil Service of India, and would materially help to weld together with the heterogeneous elements which that service must under a system of recruiting by competition be composed.

There is much to be said in favor of the second method I have proposed, *viz.*, drafting some of the most successful members of the *Uncovenanted* Civil Service and the Bar into the *Covenanted* Civil Service. The numbers would probably be few and might conveniently be limited ; but the *Uncovenanted* Civil Service, especially in Upper India, includes a number of men of very good family, the sons of great Sirdars, who do not disdain to enter the service as *tahsildars* and *munsifs*, or even in lower positions, and very reasonably for in any other country such posts would be thought very responsible ones for first appointments. These men enter the service from 17 to 20, and in 10 or 15 years their worth is exactly known. They are not then too old to become Assistant Magistrates or Commissioners, or to have a chance of rising to high positions before the end of their service. Such men would be more likely to do credit to the *Covenanted* Civil Service than the young lads who are now appointed under the Statutory Rules of 1879. The same may be said of men who have distinguished themselves at the Bar ; and even from the Army I think it quite possible men might occasionally be selected who would be a credit to the *Covenanted* Civil Service.

4. In support of my third proposal, *viz.*, the appointment of cadets of the highest families, I would urge the advisability of being able to make these appointments on political grounds. Such appointments should be very rare, and should be limited to the cleverest and most respectable sons of the leading families in the country. If necessary, more men could be nominated than there are appointments, and they could compete among themselves ; but I think it would be better in these cases to let Local Governments select their men without competitive examination.

\* See page 135.

5. It may be argued that while I object to young Native lads entering the No. 165. Covenanted Civil Service, nothing is said against English gentlemen coming young into the service. To this I would reply that in England young lads are not appointed at once to high positions, but that in India a Civil Service, composed of a certain number of English gentlemen, is as much a necessity for the government of the country as an English Army is, and in order to attract the best kind of Englishmen to this country, it has been found necessary to give him a tempting career between the ages of 20 and 55.

FRED. ROBERTS, *Lieutenant-General.*

*Minute by His Excellency the GOVERNOR of Madras,—dated the 10th June 1886.*

After persuing the opinions of His Excellency the Commander-in-Chief and my Honourable Colleagues, I am inclined to suggest that we should tell the Government of India—

- (1) that we do not think anything will be gained by directly connecting the Universities with the selection of Government servants;
- (2) that we think that, in this Presidency, Statutory Civilians should be supplied in one of two ways,—
  - (a) that this Government should have the right, every second year, to nominate some one, who had done, during a series of years, good work in the Uncovenanted Service, to be a member of the Statutory Civil Service;
  - (b) that it should have the right, every second year, to hold an examination at which any young man, a native of the Presidency, wholly or partly of Asiatic birth, and under 23, might present himself; that the examination should be prescribed by this Government and should be competitive; that it should be the duty of the examiners to certify to it the names of the young men who had highly distinguished themselves to the number of not more than twelve, such names being placed in alphabetical order; that out of these twelve the Government should have a right to select any one it pleased for submission to the Government of India as a person fit to be a Statutory Civilian.

I consider that by this plan we should have a number of young men of high intellectual calibre to select from, while we should be able to take into account character, birth, manner, appearance, health, and indeed anything we pleased. It would be right to consider the claims of the young men who were not selected in filling up other important appointments.

2. By the above two methods I think we could make it certain that we should never recommend a really inefficient person, while the indirect effect of a well-devised examination of the kind proposed could not fail to be good.

M. E. GRANT-DUFF.

ORDER THEREON BY THE GOVERNMENT OF MADRAS.

Ordered, that the following letter be sent:—

(*Vide* letter No. 1332, dated 18th June 1884.)

(True Extract.)

*Secy. to the Govt. of Madras.*

CV.

From J. NUGENT, Esq., Secretary to the Government of Bombay, Revenue Department, to the Secretary to the Government of India, Home Department,—No. 4744—127 (Confidential), dated Bombay Castle, the 12th June 1884. No. 166.

I am directed to acknowledge the receipt of your letter\* No. 19—720 A., dated April 30th last, in which certain modes which have been suggested for the improvement of the Statutory Rules regarding the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Indian Civil Service are mentioned, and the opinion of the Governor in Council is asked generally upon the best manner of improving the working of the existing rules, and specially concerning the suggestions contained in your letter.

2. To deal first with the suggestions made as above referred to, I am to state that no one of them commends itself entirely to the

\* See page 164.

Governor in Council. As regards the first, which is set forth in No. 166. paragraph 3 of your letter under reply, I am directed to observe that the Governor in Council is unable to approve of it, as it involves the continuance of a system of nomination which has been found to be altogether unsatisfactory. The sole reason, as it seems to the Governor in Council, which can, even to a certain and limited extent, justify a scheme by which young Natives are appointed to the Civil Service by nomination is that young men of high family and fair education might thus find employment in the Covenanted Civil Service. But the present system of nomination cannot, in so far as this Presidency is concerned, be upheld even on this ground. Few, if any, suitable youths of distinguished birth are available for nomination. When, therefore, three candidates have to be nominated yearly by this Government, of whom one is selected by the Government of India, the Governor in Council is compelled to fall back on the sons of merely respectable parents, young men of fair abilities as far as can be ascertained without any positive knowledge of their attainments, and of moderate birth. The Governor in Council, however, fails to perceive that it is advantageous to the country or the public service thus to give to men of this class a career in the picked Civil Service with its attendant responsibilities. Such a policy appears to him wrong in principle, because it lowers the prestige of the service and is prejudicial to its high reputation, and because the Asiatic nature requires the stimulus of high effort and aim, and is demoralised by receiving reward without labour; and it further seems to him injurious in its results, because many of the men nominated and appointed prove failures, and their employment will lead hereafter to difficulties of several descriptions.

3. As regards the second suggestion which is contained in paragraph 4 of your letter, I am to remark that the Governor in Council would deprecate its adoption. It would be very unsuitable to place a Local Government and a University on a footing of co-ordinate or alternate initiation, and the scheme is at the same time open to the objections specified in the preceding paragraph of my letter.

4. With reference to the proposal put forward in paragraph 6 of your letter, the Governor in Council would observe that it appears to him to be undesirable in that it is based on the selection of youths of good birth and family; that it leaves to the Government of India the power to choose for appointment one or more from amongst the persons nominated by the Local Government, whilst the latter must be the better qualified to decide between candidates of whom they have some actual knowledge; and that it is not intelligible why in the case of candidates so nominated and selected ultimate competition should follow the University course, whilst in the case of ordinary competitors it would precede it.

5. The suggestion made in paragraph 5 of your letter is one to which the Governor in Council would be prepared to accede as supplementary to the proposals which this Government would recommend for adoption as set forth in paragraphs 6 and 7 of this letter. It is in his opinion expedient that candidates appointed under the Statutory Rules direct to the Civil Service, without any previous employment under Government, should, after they have been selected, proceed to England, and there have the advantage of a two years' course at one of the principal Universities. If caste rules preclude any Native candidate so nominated from visiting England, it is not, in the opinion of the Governor in Council, desirable that any person who considers himself debarred by those rules from residing for a certain period in Europe should be held eligible for the higher administrative posts.

6. After very careful consideration of the subject, the Governor in Council inclines to the view that if the existing system of nomination is to be continued at all, it should be greatly restricted, and that

only youths who are really of high family should be nominated, and No. 166. they only when they show good promise. The term of probation should then be longer than it is now, and the power of final rejection should be more rigidly exercised.

7. The Governor in Council would remark that if the nomination system is to be maintained in any form, the least objectionable mode of carrying it out consists in the nomination of men of riper age, "of merit and ability proved in the service of Government or the practice of a profession." This appears to him a far more legitimate way of admitting Natives to the higher offices than that now in vogue. Those offices are now necessarily filled by Covenanted Civilians appointed in England, and it is distinctly preferable that Native gentlemen who have proved their worth should make their way to these posts from below than that crude youths should be suddenly placed in positions to which they have established no title. A Local Government should, the Governor in Council considers, be empowered to promote highly deserving men of exceptional ability from the Uncovenanted into the Covenanted Service, with the prospect of further advancement in the latter service, such advancement not being guaranteed as a matter of course, but being dependent on further proof of merit. Acting on this principle, an exceptionally able Deputy Collector might be promoted to the rank of Assistant Collector of such grade as give him the same or increased pay on the understanding that his merits would be considered for higher promotion. As under the system now in force in this Presidency the ranks of the Mamlatdars and Deputy Collectors will henceforth be recruited exclusively from University graduates, it is obvious that the plan above mentioned would offer a great and a just inducement to the best men of the University to enter the Government Revenue Service. The same argument and the same procedure would apply to the Judicial Service.

8. Selections for the Civil Service might be made from among the following Native officials and professional men who have given proof of merit and ability :—

- (1) Subordinate Judges.
- (2) Small Cause Court Judges.
- (3) High Court Pleaders.
- (4) Presidency Magistrates.
- (5) Deputy Collectors.
- (6) Mamlatdars.

And the following appointments, of which those entered under heads (1), (2) and (5) are reserved for the Civil Service, might be eventually granted to men so selected, provided that it should be understood that these appointments should not be filled by Natives absolutely as a matter of course, but only as the Local Government can find men who really come up to the definition and the required standard of merit and ability :—

- (1) One-fourth of the District Judgeships.
- (2) One-fourth of the Assistant Judgeships.
- (3) All the Small Cause Court Judgeships, except the first Judgeship of the Presidency Small Cause Court, which should be open to Barristers, European and Native.
- (4) The second and third Presidency Magistrateships.
- (5) One-fourth of the Assistant Collectorships of all grades.

The Governor in Council would not specially reserve for Natives so appointed any fixed proportion of Collectorships, though he would regard them as eligible in their due seniority; but he would not guarantee to the Native whether entering by competition or nominated



on the ground of proved merit or of high birth, any more than is No. 166.  
guaranteed to the European—a right to the responsible and important post of Collector and District Magistrate. This is in fact no alteration of the existing practice, for Government are not bound to promote any Covenanted Civil Servant, English or Native, to a high post for which he is obviously unfit.

9. The enjoyment of the appointments mentioned above, in addition to a High Court Judgeship and a fair proportion of posts in the Financial, Customs, and other departments, should, for the present at least, suffice to satisfy all reasonable aspiration on the part of the Native community.

10. To prevent injury to the prospects of the present members of the Civil Service, it would be necessary to provide that no Native should be appointed to a District Judge until all the existing Assistant Judges who may be deemed fit for such promotion have been raised to Judgeships, and that no Native appointed to be an Assistant Collector should supersede any of the present Assistant Collectors except in a case where one of the latter is passed over as unfit for promotion. The adoption of this scheme would necessitate a reduction in the number of Civilians annually sent out from England proportionate to the number of Natives appointed to the service in India.

11. In reply to paragraph 8 of your letter, I am to solicit a reference to the remarks contained in paragraphs 7 and 8 of this letter, and to state, with regard to the suggestion made by the Government of India, that the Governor in Council is unable to see that much advantage could be derived from the adoption of a proposal which would empower Government to appoint to the Statutory Civil Service once in every ten or even in every six years an officer who had done good work in the Uncovenanted Civil Service.

12. With reference to the very general appeal from the Native press and public against the early limit of age fixed for candidates for the Indian Civil Service who appear at the competitive examination in London, I am to state that the Governor in Council would recommend that in the case of Native candidates the limit should be raised one year in order to enable them to compete on terms of greater equality with the English-born candidates.

13. I am directed to forward with this letter copies of the Minutes recorded by His Excellency the Governor, the Honourable Mr. Peile, and the Honourable Mr. Melvill. His Excellency the Governor has in his Minute made a proposal for competition in India by candidates being the best scholars of their year in the colleges affiliated to the Universities. The Council are unable to support unanimously a proposal for a separate competition in India, but would deem such an expedient more satisfactory than the present system of nomination.

## CVI.

[CONFIDENTIAL.]

*Minute by the Honourable J. B. PEILE, C.S.I.,—dated the 14th May 1884.* No. 167.

The best amendment of the Statutory Civilian would be to abolish him from off the face of the earth. He is unsatisfactory to Government and disliked by his fellow-countrymen. Hereafter when in his riper years the Government of the day has to decline to appoint him to be a District Magistrate, there will be heart-burnings and wailings.

2. However that is not what we are asked.

3. The only justification I can conceive for bringing young Natives into the Covenanted Civil Service by the back door of nomination, when there is a front door of admission by regular competition open, is that young men of high family and also fair education may thus be recruited. I do not see it distinctly said in the papers put up, but I believe it was understood that "birth" is an essential qualification. If it be not, I can see no ground for the system.

4. And if it be, I think the system on its present scale is unsuited to this No. 167 Presidency. We have hardly any suitable youths of distinguished birth. I can only name one or two. Harbhamji, the younger brother of the Morvi Chief, now at Cambridge, is the best I know.

5. But when we have to name three and accept one Statutory Civilian every year, we are compelled to fall back on the sons of what the Secretary calls army contractors and ships chandlers. What benefit is it to the country to make a present of a career in the picked Civil Service with its attendant responsibilities to such youths as these? The thing is bad in principle, because it lowers the service and makes it cheap, and because the Asiatic nature requires the stimulus of high effort and aim and is demoralized by receiving reward without labour; and is bad in effect, because the men are failures and will cause all sorts of difficulty hereafter.

6. I think therefore that, if the present system is continued, it should be much restricted. Only youths who are really of good family should be nominated, and they only when they show good promise, and the probation should be longer and the power of final rejection more rigidly exercised.

7. I see far less objection to the nomination on the present plan of men of riper age "of merit and ability proved in the service of Government or the practice of a profession." This is a far more legitimate way of admitting Natives to the higher offices. Those offices are necessarily at this time recruited from England and it is better that Natives who have proved their worth should make their way up into them from below, than that crude youths should be foisted into positions to which they have proved no title.

8. I should like to see this done, and the method seems to me to be that Government should promote highly deserving men of exceptional power from the Uncovenanted into the Covenanted grade, with the prospect of further promotion in the latter, not guaranteed as of course, but depending on further proof of merit. Thus an exceptionally good Deputy Collector should be promoted to the rank of Assistant Collector of such grade as to give him the same or increased pay on the understanding that his merits will be considered for higher promotion.

9. As we now recruit our Mámlatdárs and Deputy Collectors exclusively from the graduates of the University, it is obvious that the above plan will offer a great, and I may add, a just inducement to the best men of the University to enter the Government revenue service. The same argument applies to the judicial service.

10. But the proposals of the Government of India are of a different kind. They are all directed to improving the Statutory Civilian of the existing order, by making him compete, or again by sending him to England to study.

11. Now it would be an absurdity to make our nominees, as at present available, compete. We should have a young Chief, say, or Chief's brother, brought up in Káthiáwár or Kolhapur, competing with a smart young Parsi fresh from an improving two years in London, and the result would be a certainty for the latter.

12. If, on the other hand, we are to let go the consideration of "family" and look only to education, to get the best educated set of nominees we can, through the University or otherwise, and send them to England to complete their education, there then occurs to me the objection which seems to me to lie against all the suggestions now made by the Government of India, which is this.

13. The statutory nominee will no doubt be all the better for a training in England, but is it worth while to go to considerable public expense for travelling and maintenance, and to undertake the trouble of holding competitive examinations as a means of carrying out the *plan of direct nomination*? The result is not a proceeding under Statute 33 Victoria, Chapter 3, Section 6, at all, but a left-handed branch of the competition system with the peculiarity that it is open only to Natives. The question occurs, if all this is to be done, why not apply the same money and trouble to remove any disadvantages which now handicap Natives in competing in the regular ordeal with the rest of Her Majesty's subjects? It seems to me that a nominee-competition (wholly or partly separated from qualification of birth) for one-sixth of the Civil Service appointments is a plan which India, in regard to its own best interests, should decline. Opinion would always attach to the nominations, the nominee-competitors would always be under a stigma of inferiority, as men who have entered the service by the back stairs, and yet few Natives would have the resolution and self-respect to refuse to seek for a nomination and devote themselves to the more arduous ordeal of the really open competition.

14. The result would be altogether demoralizing to the self-respect of the Indian student. I should prefer to limit nomination as I have suggested in paragraph 6 and extend it as I have suggested in paragraphs 7, 8, &c., and remove any

disqualifications under which Native candidates for the open competition can now be No. 167. proved to lie, and give them reasonable help in money and facilities for residence at an English University when preparing for examination.

14th May 1884.

J. B. PEILE.

*Minute by His Excellency the Right Honourable SIR JAMES FERGUSSON, BART.,  
K.C.M.G., C.I.E.,—dated 17th May 1884.*

I generally concur with my Honourable Colleague. No excuse can in my opinion be found for the present system except the introduction of young men of high Native family and consequent social influence. We had not such ready to our hand, and being desired to nominate found the best we could.

2. If there is to be any nomination in future it should be as proposed by my Honourable Colleague in paragraphs 6 and 7.

3. But I apprehend that the purpose of the appointment of Natives to the Civil Service is not to improve it, for then a larger proportion than one-sixth would be the object of attainment, but the satisfaction to some extent of the Natives by admitting them to share in the higher appointments of the service. I believe that this will in no way be attained by nomination unless so extensive as to give a much larger share than one-sixth.

4. If we can believe the Native newspapers on this subject they would be satisfied were competition for the Civil Service to take place in India, for they say that, even were the age of competition in England raised to what would suit natives of India, such would be severely over-weighted. I am inclined to think that to some extent their plea is deserving of consideration; and that as it has been resolved not to raise the age of competition in England, a certain competition might be allowed in India—thus.

5. Each affiliated College might be allowed to present one candidate selected by competition, either on papers sent out by the Civil Service Examiners, or on a basis fixed by the governing body for the discovery of their best man, such candidates being satisfactory in physique and character; such candidates might again compete for the number of appointments to be given to natives of India in the year, say one-sixth of the whole *minus* those specially selected as above. The successful candidates should pass at least two years at an English University as do the successful competitors in England, and the remainder have the first vacant appointments in the Uncovenanted Service.

6. If it be objected that this would bring in three separate classes of Native candidates, (1) those who are educated and compete in England, (2) those competing in India, (3) those nominated, I reply that the Natives would give up (1) if they got to (2), and that (1) is almost extinct, but I would rather give up (3) in favour of a scheme which I believe would be more popular and satisfactory.

*Minute by the Honourable M. MELVILL,—dated 19th May 1884.*

The proposals of the Government of India all presuppose that a supply of educated Natives of good birth and family is available. In Bombay this is not the case. At present we cannot find three such Natives annually; and fifty years must elapse before there is a sufficient number to make anything like competition among them possible.

2. The competition proposed by His Excellency the Governor is of a less exclusive character: and if selection is to be by competition, it seems to me as good a scheme as can be devised. But I am myself opposed to selection by anything like open competition. The few specimens of Native Civilians whom competition in England has produced are not of the class we want; and all the objections which are ordinarily taken to open competition among English youths apply with greater force to Natives, and have not the same advantages to counter-balance them.

3. I should prefer that paragraphs 6 to 9 of the Honourable Mr. Peile's Minute should be adopted as the basis of our reply to the Government of India. But I should wish to enlarge the scheme which we propose, and to enter somewhat more into detail.

4. The scheme involves the appointment of a few well educated Natives of really good family, and of a good many Natives "of merit and ability proved in the service of Government or the practice of a profession."

It is the latter portion of the proposal to which I desire to give my strongest support.

5. The Act of 1870 (33 Victoria, Chapter 3, Section 6) under which the present system of Statutory Civilians has come into existence declared that it

was "expedient that additional facilities should be given for the employment of No. 167. natives of India, of approved merit and ability, in the Civil Service of Her Majesty in India."

It is difficult to maintain that the appointment of young men of good birth and family, of whose merit and ability but little can be known, is in accordance with the intention of the Legislature. I cannot doubt that the Legislature intended that the selection should be made on the ground of proved merit and ability in the service of Government or the practice of a profession.

6. The principle would, I think, have been made the foundation of the Statutory Rules if it had not been felt that it would be inconvenient, and not even advantageous to the person selected, if Government servants of advanced age were introduced at the very bottom of the Civil Service.

7. That the limited number of young men, whom Mr. Peile would select for their social position, should enter at the bottom of the service, is natural and right: but I see no such necessity in the case of Government servants or professional men. As His Excellency the Governor observes, our object ought to be to gratify the natural desire of the Natives to share in the higher appointments of the service; and the question is how this object can be obtained without undue interference with the rights and privileges of the service as at present constituted.

8. I think that the selection for the Civil Service should be made from among the following Native officials and professional men who may have given proof of merit and ability:—

- (1) Subordinate Judges.
- (2) Small Cause Court Judges.
- (3) High Court Pleaders.
- (4) Presidency Magistrates.
- (5) Deputy Collectors.
- (6) Mamlatdars.

9. The appointments reserved for the Civil Service which I think they should be entitled to hold are the following:—

- (1) One-fourth of the District Judgeships.
- (2) One-fourth of the Assistant Judgeships.
- (3) All the Small Cause Court Judgeships, except the first Judgeship of the Presidency Small Cause Court, which should be open to Barristers, whether European or Native.
- (4) All Presidency Magistracies, except the first.
- (5) One-fourth of the Assistant Collectorships of all grades (but not Collectorships).

10. The exclusive enjoyment of the above appointments (in addition to a High Court Judgeship, and a fair proportion of appointments in the Finance, Customs and other Departments) ought, for the present at all events, to satisfy all reasonable aspirations on the part of the Natives. And the system of promotion to such appointments from the ranks of the Uncovenanted Service would render that service more attractive to Natives of all classes, and would stimulate the zeal and energy of the members of it.

11. In order to prevent injury to the existing Civil Service, it would be necessary to provide that no Native should be appointed a District Judge until all the present Assistant Judges have been provided with Judgeships, and that no Native, appointed an Assistant Collector, shall supersede any of the present Assistant Collectors.

12. And in future it would be necessary to reduce considerably the number of Civilians annually sent out from England.

13. The only deprivation which the introduction of this scheme would cause to the junior members of the existing Civil Service would be the loss to those who are not already in the Judicial Department of the chance of promotion to one-fourth of the District Judgeships and Assistant Judgeships. But as at present we find it difficult to induce young Civilians to accept Assistant Judgeships, their loss would involve no great hardship.

14. On the other hand, in the Revenue Department, the prospects of the present members of the service would not be affected and the prospects of future English members would be improved. For three-fourths of the present number of recruits will have three-fourths of the present number of Assistant Collectorships reserved to them, while there will be the same number of Collectorships and Revenue Commissionerships as at present, to which the diminished number of Assistant Collectors will have the exclusive right of promotion.

*Minute by the Honourable J. B. PEILE, C.S.I.,—dated 24th May 1884.*

No. 167.

We appear to be agreed in the opinion that nomination should in future be confined—

- (1) To the occasional nomination of Native youths of high birth and promise, as they are found.
- (2) To "natives of India of proved merit and ability"—proved, that is, "in the service of Government or the practice of a profession."

To give some definiteness to the prospects of the latter especially I am prepared to support the more detailed proposals of the Honourable Mr. Melvill, only adding that the reserved appointments should be filled by Natives not absolutely as a matter of course, but as Local Governments find men who really come up to the definition.

3. The Honourable Mr. Melvill is opposed to admission of Natives to the Covenanted Civil Service by competition in any form. But I apprehend that it is not practicable to exclude Natives from a competition so open as that for the Covenanted Civil Service. As long as the competition system is in force, we must, I think, admit Natives to it, by whatever system of nomination we supplement it, as long as they demand it.

4. If this is so, I confess myself averse to any branch competition in India. If it were established for Natives only, I think that English boys born in India and educated in India would have a right to complain of exclusion, and if we admit youths of all races who are held to be unfairly handicapped by having to go to England to compete, serious complications would result. I entirely concur that residence in England for a year or two is the most important for Indian candidates, and if this is assumed, such residence may well afford the necessary facilities for competing in the open competition. If it is found to be true that the present limit of age is unfair to Natives because they have the additional task of learning English and studying and being examined in English, then I think Natives should be allowed, say, a year more than English competitors. I think it is possible to put English and Native competitors on an equality at the door of the English examination room by giving the latter allowances, and if this can be done, I think the same ordeal for both is better for India than any separate, which will always be deemed an inferior, ordeal.

5. I think also that the entrance by open competition meets the aspirations of a class of Natives distinct from both the classes of nominees above defined. If those who have entered the service by it are not in all ways as strong men as we could wish, yet they do not gain by competition any superior advantage to what the Honourable Mr. Melvill proposes for the nominees of proved merit, because Government is not bound to promote any Covenanted Civil Servant to high posts for which he is obviously unfit. For instance, no man, whether he be English or Native, is made a Collector and District Magistrate, if the Government cannot trust him to fulfil the responsibilities of the executive head of a Collectorate. Thus neither the competition Native nor the Native of proved merit should be able to claim as of right promotion to be a Collector and District Magistrate, though either of them should be eligible to such promotion if Government is satisfied that he is fit for it.

## CIVIL.

[CONFIDENTIAL.]

From F. B. PEACOCK, Esq., Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments, to the Secretary to the Government of India, Home Department,—No. 1166 A.—D., dated Darjeeling, the 12th June 1884. No. 168.

I am directed to acknowledge the receipt of your letter\* No. 19—720 A., dated the 30th April last, in which the opinion of the Lieutenant-Governor is invited generally upon the best mode of improving the working of the existing rules for the admission of natives of India to the Statutory Civil Service, and especially upon the suggestions made in your letter on the subject.

2. In reply I am to say that Mr. Rivers Thompson is quite at one with those upon whose statements the Government of India have come to the conclusion that the present system of appointing to the Statutory Civil Service in India fails to secure sufficient guarantees of ability and education in the gentlemen seeking appointment to that service under the existing rules. Indeed, he would go further, and say that the present plan of appointment has

\* See page 164.

failed not only in these respects, but absolutely in its results, and No. 168. that, in Bengal at least, there is very little room for the consolation that "in most instances the nominations actually made have been

- (1) Kumar Rameshwara Singh.
- (2) Nunda Krishna Bose, M.A.
- (3) Kumar Susty Sree Ghosal.
- (4) Kumar Girindra Narain Deb.
- (5) Ahsanuddin Ahmad (Barrister-at-law).
- (6) Gopendra Krishna, M.A. and B.L.
- (7) Ambica Churn Sen.

fairly satisfactory." The actual experience of this Government of the Statutory Service arrangements amounts to this: Seven officers (named in the margin) have been appointed in the Lower Provinces

under the new system. Excluding from this number the gentlemen appointed last year, whose actual work has come under no practical test, very little is found in the cases of the remaining six, which can fairly justify a commendation of the system which includes them in the Civil Service of the country. Two out of these six officers have failed to pass the ordinary departmental examinations of the Service—one has been between four and five years under probation, and during all this period has succeeded in passing only by the language test, which is his own vernacular; and the second, although he has exceeded the period to which the probationary term extends, has not fully passed by the first standard of the examinations. Both these gentlemen received nominations to the Service solely because they were the sons of their fathers, who held some position in society, and had in their day done good work under Government; but in neither case has the nomination fulfilled expectations; and, under

<sup>1</sup> Letter\* from the Home Department, No. 389; dated the 29th February 1884.

the recent orders<sup>1</sup> of the Government of India, the services of one officer certainly, and of both officers probably, will have to be dispensed with. In these two cases it may be accepted that there is a want of intellectual capacity which at once disqualifies them for the public service. The case of a third officer furnishes an illustration of another kind. The young gentleman here referred to is a direct descendant of one of the noblest families in the country. He is not wanting in intelligence, though it is not of the schools, but the outcome of natural gifts, which, rightly directed, might lead to distinction. He personally enjoys a high social status, and he is so wealthy that the salary attached to his office is a matter of indifference to him, and is never drawn. Under the circumstances he seems to think that he is bound to render only so much work as his personal inclinations suggest, and accordingly he attends office fitfully, transacts a little occasional business, and apparently considers that his position entails nothing more than half an hour's attendance in the afternoon upon official duties. When the Lieutenant-Governor ascertained this state of things on visiting the station where this officer was employed, and pressure was brought to bear to exact a severe service, this young officer applied for a year's leave, which he has since extended by a second year, and under the rules can extend to five years; and his object evidently is to retain his lien upon a service which gives him an official position that adds something to his social rank in the eyes of his countrymen, but to do no work. This, I am to observe, is scarcely the type of officer whom the Government need for the hard practical work of every day administration.

3. Of the remaining three Statutory Civil Servants, one is a Premchand Roychand scholar, the second is a Master of Arts of the Calcutta University, and the third is of average intellectual capacity. None of them have ever been out of India. Nothing whatever can be said against any of them in the discharge of the ordinary routine duties of a subordinate position, and it may be added that no opportunity has as yet been afforded to any of them to test any higher qualifications; but upon the information before him, the Lieutenant-Governor is not able to say that they are superior, as a class, to the good men in the Subordinate Executive Service. Mr. Rivers Thompson has little doubt that the Government must

look to a radical change and a different system of appointment if men are to be obtained equal to the traditions of a great service, and who can hold their own with the men recruited by the competitive examinations in England. No. 163.

4. It is to this end that your letter under acknowledgment is addressed; and, with a view to submit the expression of a competent outside opinion upon this important subject, the Lieutenant-Governor

\* Notes by—

- (1) W. B. Oldham, Esq.
- (2) The Lord Ulick Browne.
- (3) J. Boxwell, Esq.
- (4) A. P. MacDonnell, Esq.
- (5) A. W. Croft, Esq.
- (6) The Hon'ble H. L. Dampier, C.I.E.
- (7) J. Ware-Edgar, Esq., C.S.I.
- (8) H. H. Risley, Esq.

has referred to such officers as, in the short interval allowed him, he has been able to consult, and he now submits a copy of their replies.\* It is noticeable in these papers that, though they represent a diversity of opinion as to many details, they are unanimous on this

one point, that, at some stage prior to their actual appointment, these new candidates for the public service should pass a residence of at least two years in England, and, if possible, complete their education at one of the English Universities. It will be remembered that this idea of the advantages of a residence and final education in England was accentuated by the discussion of recent events in India. It was urged that the tone, manners, intelligence, and usefulness of Native gentlemen seeking employment in Government service were all improved and elevated by contact with European culture and civilization; and Mr. Rivers Thompson has himself no doubt that, of the various modes of effecting the objects contemplated in the letter of the Government of India now under reply, none are worthy of consideration, having regard to the aims and interests involved, which do not recognize the necessity of proceeding to England in order to complete the training for high public service in this country. The two proposals having this object in view are set forth in paragraphs 5 and 6 of your letter. The first is on the lines, that, after local competition among nominated candidates, the successful men should be required to proceed to England to finish their education; and the second suggests that the competition should be in England of natives of India, partly selected by Government and partly obtained by provincial competition, and that those who failed in this competition should, in recognition of the toil and risks and inconveniences incurred, have a preferential claim to appointments in the Uncovenanted, Executive, and Judicial Services of their province. The Lieutenant-Governor thinks the last condition may be open to many objections, but he does not care to press them in the view of a wider scheme which, in his judgment, should be adopted. All the suggestions put forward are based upon a system of either full or partial nomination, and nomination as a principle of appointment should, he thinks, be adjured. It is put forward, Mr. Rivers Thompson supposes, in the desire to exclude men who are objectionable on social or other grounds, and to secure in the working of the system the admission of men connected with a high social status in India. The Lieutenant-Governor agrees with Mr. Croft in thinking that "undue importance may be attached, as regards social status, to the fact of connexion with the territorial aristocracy of India;" he is of opinion that certainly, under a scheme so limited, the best men will not be obtained; and that no such distinction is found to prevail among those Native gentlemen who are already in the Covenanted Civil Service, and who, to a man, represent the upper middle classes of society, exactly in the same way as the English members of the Covenanted Civil Service come generally from the same classes at home.

5. In the plan which commends itself to him, the Lieutenant-Governor would recommend the abolition of a Statutory Civil Service altogether. As far as he comprehends the views of the Natives themselves on the subject, he does not think that such a service is popular

with them. The men appointed to it are ranked and graded with the regular service, and have outwardly the same position, and, to some extent, its privileges; but under the conditions attached, although doing exactly the same work, less pay by one-third is given to its members, and the very fact that they enter the service by nomination, and have never been out of India, leads them to be regarded as of an inferior position, and even, further, that the Natives themselves compare these Statutory Civilians with the members of the Subordinate Executive Service, and allege that they cannot stand the comparison. The abolition of the Statutory Service would not involve any recourse to Parliament to repeal the Statute, which, for the time being, might be allowed to remain in abeyance, its place being taken, as it affects the interests of the natives of India, by the plan which I am now to submit.

6. It is accepted that henceforth one-sixth of the Civil Service should be comprised of natives of India. The Lieutenant-Governor would maintain this rule in its integrity; but instead of the device of a Statutory Service which was introduced to satisfy the rule which a very short experience has generally condemned, and which contains in itself no elements of permanent good, he would suggest that one-sixth of the regular Covenanted Civil Service appointments should be exclusively reserved for natives of India. The examination should be held in England, and should be open for every candidate who brought a certificate from the Government under which he lived that he was a native of India in the statutory sense, and who fulfilled the requirements as to certificates of character, health, and age, which the rules in force demanded. The examination should be in every detail the same as that to which English youths who are candidates for the service are subjected; but in the matter of age Mr. Rivers Thompson is not sure that an advantage would not be secured in raising the limit as regards Native competitors. This would satisfy a Native grievance without either affecting public interests or the question of retaining the present limit of age (which has many advantages) as regards English candidates. It will be seen that this is the first of the two alternatives which the Director of Public Instruction puts forward in his paper, though he rejects it in his preference for a system of selected candidates, which, in the Lieutenant-Governor's opinion, involves a vicious principle and still maintains a distinctive Statutory Service. It has also the demerit of making a residence in England optional. For the rest, Mr. Rivers Thompson thinks that all Native candidates should pay their own passages to England, and should make their own arrangements for residence and study there.

7. If such a scheme as that sketched out in the foregoing paragraph is practicable (and Mr. Rivers Thompson can see no insuperable objection to it), it secures many advantages. It places the whole Civil Service of India on a uniform basis, and it should satisfy, for the time at least, the aspirations of the Native community, who have now some reason for complaint. The doubt may arise whether, on the lines of such a scheme, sufficient competition would be ensured in the religious objections which prevail in the Native mind against a voyage to England and the possibility that the expenses involved would limit it to the rich, to the exclusion of better men. Both objections are met by the facts which experience brings to our notice. Native students voluntarily go to England for medical and legal and even scientific education, and every day adds to their number. They go from all parts of India, and they are not limited to the wealthier classes or to any particular section or creed. They proceed to our English Universities in considerable numbers; they have been heard of in our English public schools; and it seems to the Lieutenant-Governor to be open to no kind of question that, if the prizes of six or seven appointments in the regular Covenanted Civil



Service of India are reserved for such candidates every year, a much wider impulse would be given to a voluntary resort to England. The offer of prizes of such great value would of itself tend to promote higher education in India. Mr. Rivers Thompson is of opinion that advantage should be taken of these undoubted facts to place the Indian Civil Service on a proper footing. They relieve Government of all pecuniary or other considerations which embarrass the adoption of other systems of procedure, and they possess the great advantage of leaving the acceptance of them to the will and interest of the people themselves. The present supply of candidates regularly proceeding to England from one motive or another is quite sufficient for our purposes, and under the additional inducements offered by the suggestions now made there can be little doubt of a yearly increase.

8. I am to add that, in view of the necessity of strongly encouraging recourse to England for candidates for the Indian Civil Service, the Lieutenant-Governor would not support the suggestion made by the Government of India in the concluding paragraph of your letter.

### CVIII.

Note by W. OLDHAM, Esq.

No. 169.

(1.) The only Statutory Civilian whom I have seen is Rameshwara Singh, the Durbhunga cadet. He has, I am told, a private income of 2½ lakhs a year, never draws his Government pay, drives to office in a barouche and pair, and does very little work, and it of the merest routine kind. He rides, plays a fair game of racquets, and converses in English fluently; but otherwise the footing on which he is with his brother officers cannot be called cordial, still less confidential. There is absolutely no feeling of *esprit de corps* with regard to him among officers of the regular service who are at the same station. He was recently at Deoghur, in my old district, for some days on pilgrimage. Throughout his visit his part was exclusively that of a Hindu of rank, and not in any way of a civil servant, nor did he attempt to make or invite the acquaintance of the civilians then there.

If, as a condition of his appointment, he had been required to spend a certain time in England, he would not, I presume, have accepted the post. It remains to be seen what has been gained by foregoing this condition in his case. He belongs to the senior branch of the best family in all Bengal, has good abilities, and has received and profitted by an English education; so much so, that he may be said, I suppose, to have been made competent to administer the duties of his service in accordance with Western ideas. Nevertheless, there is still so much wanting that his appointment cannot be looked on as a success. If this failure is granted, the reasons appear to be—(1) that no part of his training has been in Great Britain or at a University in Great Britain; (2) that he was too highly placed to begin with, and is too conscious of his large independent means and of his princely position to be a useful member of a service which must work hard.

Taking, therefore, this individual example, as well as a general estimate of the duties which a Statutory Civilian ought to perform, and the *esprit de corps*, or, stronger still, the *camaraderie* which is essential to their successful performance the basis of any suggestion which I could make would be enforced residence for at least two years at a University in Great Britain or Ireland. Considering the prevailing outcry against the refusal to lower the age for the regular service, this does not seem a condition rigorous enough to be repugnant to the general feeling of natives of India. The condition would undoubtedly exclude candidates of the high caste and rank combined of Rameshwara Singh. Perhaps I generalize from a single example in thinking that no essential would be thereby lost. At the same time I bear in mind that I have known no young Native, brought up solely in India, of rank or position at all approaching to Rameshwara Singh's in whom appeared to exist a basis for the equality and cordiality on which I lay stress, though in many men of the old school it, or the germ of it, exists, while other necessary conditions—enlightenment, ability, or youth—are wanting.

Had the condition been applied to Rameshwara Singh, the results in his case must have been much less disappointing than they are.

In the above remarks, I have nothing to say against the general standards of eligibility proposed. Eligible candidates nominated by the Local Governments and Universities concurrently, might compete in India for appointment, and those successful be then sent home. I advocate the appointments being gained in India. I do not advocate the proposal to send home a number of candidates who would compete there, and for those of whom who did not succeed provision would have

to be made. The unsuccessful men would be embarrassing in many ways. Taking alone the point of view now under consideration, the existence of such a candidate, who had failed to secure the civilian appointment by one or two marks, would when he was back in India, be only attended with disadvantage.

W. OLDHAM.

The 20th May 1884.

(2.) No one of the four suggestions, taking each by itself, seems to me calculated to attain the object in view. But I think a better system might be devised by a combination of part of the scheme suggested in paragraph 3 of the extracts with the suggestions in paragraph 5.

At present the Natives appointed under the Statute are, in so far as my knowledge of them goes, decidedly inferior to good Deputy Magistrates, while it is obvious that the former should be the superior. I do not believe that superiority can be secured without a residence in England and the Continent of Europe for at least two years, education being completed there at one of the Universities. It seems unnecessary to enlarge on the advantages of a residence in Europe, and I think it will suffice to say that, as a general rule, it has secured the desired superiority in the case of Natives who have entered the regular Covenanted Civil Service by open competition in London.

I would let the Local Governments select as many young gentlemen of good family as it is decided to appoint. The selected candidates should then be subjected to an examination in order to ascertain if their educational attainments and qualifications come up to a certain standard, which should be a high one. Those who reach that standard should be sent to England, and not the others; a Local Government making a fresh selection for another examination in case of the gentleman first selected failing to attain the standard.

If Government prefer to accept an inferior article for the sake of respecting religious prejudices in the matter of sending Natives to England, I would follow the rest of the course suggested above, and give appointments to those who reach the standard. But the article will assuredly be an inferior one, and so inferior that I think a residence in England should be insisted on.

I think anything like an open competition in India for such appointments most objectionable, and in this matter I am averse to competition in any shape and at any stage whatever.

The 23rd May 1884.

H. ULICK BROWNE.

(3.) The reasons for admitting Natives to service under the Empire are three—

1st, the actual value of their work, which is seen everywhere, from *piadas* to High Court Judges and Members of Council:

2nd, to train the Natives in administration:

3rd, to gratify the natural wish of the Natives for an honourable career in the service of their country.

There is a danger that the third reason may not be kept in proper subordination to the first. There is also a special danger in the case of the Bengalis. The sharpness of their intellect is out of all proportion to other qualities necessary for the work of administration. This facility for acquiring knowledge renders the present examination-door very easy for them. I supposed at one time that the institution of Statutory Civilians was expressly meant to give an opening to other natives of India, who had less than Bengali cleverness and more of the harder and more fundamental virtues.

There is something incongruous in the idea of the British army supporting Bengalis as administrators in the land of the Sikhs. Bengali cleverness is so very much the national *forte*, that a Bengali without his cleverness and consequent book-learning seems to have little claim to advancement. I therefore do not see why Bengal Proper should have Statutory Civilians at all.

Now, on paragraph 3 of the questions. I would have no competitive examination for Statutory Civilians. First class Bengalis get in by the open competition in England. Second class Bengalis, who are not wanted, would get in by the restricted competition. A pass examination is sufficient. It should be declared that the institution is meant to admit first class men of a different type, not second class men of the same type as the successful Bengali.

On paragraph 4.—The same objection lies against this proposal. The Indian Universities would select exactly the same kind of man as the open competitive examination, but of inferior excellence.

Paragraph 5 is good.

Paragraph 6 would be good if the words "partly obtained by provincial competition" were left out. Competitive examinations are more useful and less

harmful for Englishmen than for any other people on the face of the earth, because No. 169. Englishmen are, of all men, the least book-worms. An Englishman who is a scholar, is sure to be not only a scholar. In competitive examinations in India, Bengalis would make all the running, and what they put down on paper would be their whole stock. I know nothing about the Punjab and other places where the fighting men of India are found, except Behar, which is with Bengal. I should fancy that the first and the last Sikh at a competitive examination might be equally good men, always allowing for the necessary minimum of literary education.

I admit in the fullest way that Indian ability should be utilized in all ranks. But I can see no reason in the mixture of Natives and Englishmen in the same service. It implies that there may be indiscriminate substitution. But the limit of one-sixth of the service acknowledges that there cannot be indiscriminate substitution. The truth is that an administration and services essentially English can endure a certain amount of alloy without much harm. But it is as certain as a theorem in geometry that to put Englishmen and Bengalis indiscriminately to do the same work is radically wrong. If the Bengali can do the work as well the Englishman ought to stay at home.

I think there ought to be two Civil Services, one for Natives and one for Englishmen. In certain cases Englishmen and Natives might be put to similar work, not by way of substitution, but by way of co-operation.

To repeat the essential points—

For Bengal Proper, I think the open competitive examination in England amply sufficient.

There are also positive reasons against admitting to the Civil Service Bengalis who have not passed that examination.

The intervention of the Indian Universities would not do any good, and would do harm.

For Behar and the North-West of India unfettered selection by the Local Government is the only plan.

These Governments would naturally fix a fair minimum standard of literary qualification.

Facilities to Natives for visiting, residing, and studying in England are by all means to be commended.

If these principles are approved, details could be easily arranged. Rules for pass examinations could be published. Commissioners of Divisions could give qualifying certificates to candidates for appearance at the examinations. The Government would make the appointments from the lists of passed candidates sent up by the Commissioners.

The 24th May 1884.

JOHN BOXWELL.

(4.) I have thought a good deal over the amendments which it would be well to introduce into the present system of recruiting the Statutory Civil Service, and the following seems to me to hold out promise of satisfactory results:—

- (a) Nomination by Local Governments of scions of good families ~~and of~~ *who also are* University alumni, well recommended and of good training and attainments.
- (b) Competition among such nominees. I would have a minimum standard, the best above it to win the prizes.
- (c) Admission of selected candidates to the full emoluments of European members of the service, provided they proceed to England and spend two years at a University, just as candidates selected in the open competition in England do.
- (d) Free passage to England of selected candidates proceeding there, with the same allowances, while there, as are given to English-selected candidates. I would not give a free passage back if one is not given to the English-selected candidate. This is, however, a small matter.
- (e) Retention of the present scale of two-thirds emoluments to selected candidates who do not choose to go to England.
- (f) Those who go to England to take rank with the men of their year according to their place in the periodic and final examinations, but not to be liable to lose their appointments through failure in those examinations. They should, however, be eligible for the prizes which are given as the reward of ability and application.

In conclusion, I may add that I am of those who think that for some considerable time to come we should not contemplate a larger proportion of Natives in the Covenanted Service than one Native to five Europeans. But I think that there are several posts now filled by Europeans, and carrying high pay, which might well be filled by Natives.

The 25th May 1884.

A. P. MACDONNELL.

(5.) There seem to be only two satisfactory modes of dealing with this question.

*I. The appointments may be made in England.*—In this case it would be necessary to notify a year beforehand that, at a certain examination for the Covenanted Civil Service in England, so many appointments would be reserved for natives of India. No further trouble need then be taken, beyond, perhaps, giving each intending candidate a certificate that he was a native of India in the statutory sense. Candidates would find their own way to England, and would make their own arrangements for residence and study. In their case it would be necessary to raise the limit of age considerably.

The objections that might be raised against this method appear to be the following:—In the first place, it would give occasion to an outcry, on religious grounds, that Government was “offering a premium to apostasy” by requiring all Hindu candidates to abandon their caste as a condition of entering the Covenanted Civil Service. In the second place, it would be urged that Government was restricting the competition to those candidates who were wealthy enough to undertake the cost of a journey to, and residence in, England, to the possible exclusion of men of better social position and greater ability. In the third place it might be objected that few, even of the comparatively wealthy, would venture on a voyage to England in the face of an absolutely unrestricted competition from the whole of India; and this objection would have only less force if a certain number of appointments were allotted to each presidency and province. The chances of success, it might be held, were too indefinite to encourage men to take so bold, and, in case of failure, so disastrous a step.

The first of these objections may be wielded effectively for polemical purposes, though I do not believe that it now has any deep root in popular convictions. To the second and third I attach less weight. From among the men who are wealthy enough, and self-reliant enough, to face the expense and risk of competition in England, I believe that Government would secure a very efficient body of public servants, likely to command public confidence. An exceptionally good man might often be excluded under this method, and a man possibly objectionable on social or other grounds might occasionally be admitted; but, as a class, the men would, I believe, be quite satisfactory.

*II. The appointments may be made in India.*—In this case it would be necessary to select the best intellect of India, combined with the proper physical, moral, and social qualifications. I have placed intellectual qualifications first, because it seems to me that the requirements of the public service, no less than the tendency of public opinion, demand this. But among candidates so qualified, it would be essential to give the preference to those who possessed in fullest measure the other qualifications, of which probably the social is the most prominent, if not the most important. It seems possible, however, that undue importance may be attached, as regards social status, to the fact of connection with the territorial aristocracy of India. Things may take a different turn in future years; but at present the landed aristocracy (of Bengal at any rate) does not seem to present the best field for the selection of candidates. I may also remark that, outside the landed aristocracy, there is a Brahmin (and even a Baidya and Kayasth) aristocracy possessing almost equal claims upon the respect and confidence of the people. To take examples from my own department as the one best known to me:—The sons of men like Babu Bhoodeb Mookerjea, Pundit Mohesh Chandra Nyayaratna, and Babu Prasanna Kumar Sarbadhikari, would appear to be, in point of social status, fully equal to any position of respect and dignity in the service of the State. All three belong to the superior branch of the Education Department; the first has been a Member of the Bengal Legislative Council; the first two are Companions of the Indian Empire; and the last has recently become closely connected with the Sobha Bazar Maharajahs. The list might be easily multiplied from other departments of the public service and from independent families. From among the University lists of candidates who have graduated with honours (for that, after all, seems to supply the best and most certain test of intellectual qualifications, far better than a special examination *ad hoc*), Commissioners of Divisions could readily decide who possessed in the highest degree the requisite social and other qualifications. I have long considered that men of the stamp of Babu Nanda Krishna Bose, M.A., now Assistant Magistrate and Collector of Mymensingh, were likely to turn out the most efficient of the Statutory Civil Servants. Babu Nanda

Krishna Bose was a Premchand student, and therefore one of the most distinguished graduates of the University. He also belonged to a highly respectable family, bore an irreproachable character, and had an excellent address and manners. These, I believe, formed the real and sufficient grounds of his selection as a probationer; but it was necessary to show his connection with a Rajah (which happened in his case to be a somewhat distant one), and so in the Resolution the Rajah was "dragged in" with some appearance, as it seemed to me, of effort and irrelevancy. It is probable that his connection with the Rajah has in no way helped or hindered his efficiency as a public servant, or the estimation in which he is held. I am informed that, as a matter of fact, he is a very promising young officer.

To the probationer selected in the way described above, it would be eminently desirable to offer facilities for a residence at one of the English Universities under the special arrangements now made for Indian students. For reasons indicated above, I do not think it advisable to impose that condition explicitly as necessary to confirmation in the service. Such a regulation would be inveighed against as a violation of religious neutrality. I believe that in the present day any opposition on that score would be largely factitious; still it is more than probable that an outcry would be raised. But I believe the desired result could be easily and safely attained in a different way. Let residence in England for two years, with a sufficient allowance, be offered to selected candidates, but made perfectly optional, and I am convinced that every candidate would go. His position as a member of the governing service being assured, he would be confident of entering at Oxford or Cambridge, and of being received into English society under the most favourable auspices. He would thoroughly understand the prestige which residence in England would confer on him, and he would think lightly of any social disqualifications that might encounter him on his return to India. In fact, the feeling that such disqualifications are an anachronism, and ought no longer to exist, is daily growing stronger in native society. I do not speak without book; I have confidential assurances to this effect from some of the most orthodox and respected members of Native society. The opposition to it finds much louder expression in the public journals than it does in the familiar talk of private life. In the next generation I believe it will be practically silenced.

On the whole, I am of opinion that the second of these two methods—that, namely, of selecting the candidates with great care in India, and of offering them facilities for a subsequent residence at an English University—is the one most likely to be successful. It avoids the danger of not always getting the best men, or of sometimes getting other than the best men, which appears to be incident to the first method. The single objection to it is that the probationer selected might occasionally decline the offer of residence in England; but I believe that danger to be but slight. To reduce it to still smaller proportions it would be desirable to provide that residence, whether in England or in India, for a certain period after the date of appointment, counted equally as regards service, the period being for example reckoned in each case as probationary.

*The 25th May 1884.*

A. W. CROFT.

(G). If the system proposed in paragraph 6 of the Secretary of State's despatch could be partially carried out, it would no doubt be the best; but I do not think that the sons of good and well-to-do families would care to go to England with the chance of eventually receiving appointments in the subordinate services only; nor do I think that the sons of poorer parents, who may be distinguished by ability and

educational qualifications, would, as a rule, be able to do so unless No. 169. their expenses, were guaranteed to an extent to which I suppose the Government would not be inclined to go.

2. If the greater part of the expense of their sojourn and education in England is to fall on the candidates, I think that it would be necessary to guarantee statutory appointments to all who are sent home, subject only to their passing by certain minimum standards in prescribed subjects within specified periods of their stay in England; that is, the appointments should depend on a "pass" examination, and not a competitive examination among themselves.

3. The selection in this country of nominees to be sent home for the above purpose might be made on a system of combined nomination and competition. Let the Government nominate three persons for each available appointment, and let them compete among themselves. Such a plan would not work if the nominations were left partly to the Governments and partly to the Universities on the understanding that the Government nominations should take birth into consideration, and that the Universities should not do so; for in such a case the Universities' nominees would presumably beat off the Government nominees in competition.

In the interests of education generally it might be possible to insist on a certain standard of University education (such as the B. A. degree) being a *sine quâ non* for nomination by Government. This would be an inducement to scions of high families to take the degree; for that degree once obtained, it would be understood that these would stand a better chance of nomination than others.

4. If any arrangement could be made by which the successful candidate, in the competition held in India could be allowed to compete in England for the *full* Civil Service appointments, it would be very desirable; I do not see how this could be done without giving the man advantage over other competitors as to the limit of age.

*The 26th May 1884.*

H. L. DAMPIER.

(7). None of the proposals made in the letter\* of the Government of India of the 30th April last seems altogether unobjectionable. In the two first the element of nomination appears to preponderate to an unsafe extent. The third suggestion makes no provision for the selection of the candidates, and the fourth in its present shape has the drawback of being likely to call into existence a useless and probably dangerous class of public servants, disappointed at their failure to get into the Covenanted Service, and discontented with their position in the Uncovenanted Service.

I should be inclined to throw open the competition for the appointments annually available in each province to all candidates not below or above a fixed age, of undoubtedly respectable birth and

\* See page 164.

position, of thoroughly good moral character, and of sufficient education. No. 169. The two first qualifications should be guaranteed by the Local Governments after careful enquiry, and the fact of having passed a given University standard, say the examination for the B. A. degree, might be taken as presumption of the last. The examination for the appointments should be made equivalent in difficulty to that held in England for entrance to the Indian Civil Service; and a rather high minimum of marks should be fixed in each subject. The candidate selected in this manner should be required to proceed to England, and there to pursue the course of study and pass the examinations prescribed for candidates selected by the open competition. The failure to pass these examinations should entail forfeiture of the appointments to the Civil Service. Of course the candidates would, if necessary, receive assistance from the State in proceeding to England and carrying on their studies there. It has been urged that orthodox opinion in India would be offended at all candidates being required to proceed to Europe, and that it would be sufficient for the present to afford facilities for the purpose, leaving their acceptance optional with the selected candidates. This course seems objectionable. A native of this country, who has not become conversant with the European modes of thoughts and ways of looking at things, may be, and very often is, an extremely valuable public servant, useful alike to the State and to the subject. When such men are found, I should strongly advocate their appointment to any posts for which they may be fitted irrespective of service considerations. But I should not admit them into the Covenanted Service, the main justification of which is that it provides machinery for the application to India of Western principles and methods of Government. It therefore seems to me indispensable that every officer in it should have all possible opportunities of becoming familiar with those principles and methods, and this can scarcely be the case unless he spends some time in England and gets the same training there as those who are to be his fellow-servants in after life. In this connection I may be permitted to touch on a subject not directly raised in the present reference, but to my mind intimately connected with it. I mean the pay of Statutory Civilians. It seems to me that if they are to form part of the Covenanted Civil Service, to be graded with its members, and to share their responsibilities and duties, there should be no difference in the pay. No matter how valid the arguments in favour of the difference may be in theory, they will not satisfy the recipients of the lower pay, who will always be discontented at what they will consider an injustice, and who will (not altogether without reason) think that they are looked upon as in some way inferior to their higher-paid brethren. Now I would urge most earnestly that discontent among officers holding the positions reserved for members of the Indian Civil Service must be a serious danger to the State, and the comparatively slight saving to be obtained by keeping the Statutory Civilians on their present pay would be dearly purchased at the cost of such discontent. On the

other hand, experience has shown that the present average pay of the No. 169. European members is barely sufficient to command a full supply of competent candidates in England. There can therefore be no question of reducing the pay of the great body of the Service to the level of that received by Statutory Civilians.

*The 26th May 1884.*

J. WARE-EDGAR.

(8). I think all schemes for selecting Native civilians in India, whether by nomination, competition, or a combination of these two systems, may be condemned off-hand as unlikely to secure any of the higher objects in view. These I take to be generally the following:—

- (I) A liberal education.
- (II) Personal integrity.
- (III) Freedom from caste prejudices.
- (IV) Personal energy.

If education is understood as implying nothing more than the acquisition of so much positive knowledge, and if by integrity we mean nothing more than enough honesty to keep a man beyond the reach of the criminal law, then I would admit that sufficient of both qualifications might be looked for from young men brought up in the best Indian colleges. But if we go beyond these limited definitions, and give to the terms in question the meanings which they bear in the best English schools and universities, I think no one will deny that in the vast majority of cases they represent a stage of development unattainable in India by Natives, Eurasians, or even Europeans. In saying this I intend no slur on the large body of educated Natives who, in the first instance, do most of the actual work of administration in India, and who find the data upon which the orders of higher authorities are based. For most ordinary purposes their intelligence, honesty, and moral courage are adequate enough. It is only when some unexpected crisis drives them, so to speak, into a corner that one finds out that their education is narrow and superficial, and that their notions of honour and morality rest upon Oriental, not European, notions. Perhaps our system of education is to blame, perhaps corrupt surroundings, perhaps national character. Anyhow, the facts remain and must be reckoned with.

Turning now to the more practical requirements of freedom from caste prejudices and personal energy. No doubt the old caste system is being departed from, in respect of some of its positive injunctions, by many of the more educated Natives. But the influence of the system does not rest so much on what it enjoins or prohibits as on the extremely intimate set of ties and connections of all kinds which it maintains between any one man and a large number of others. It makes the conventional moral standard of the majority binding upon the one and it gives means of bringing pressure upon him which no official position can enable him to evade or defy with any comfort. No officer who has served in the mofussil and been at all intimate with



Deputy Magistrates, successful pleaders, and men of that class, can No. 169. have failed to notice how real a power on special occasions caste may be even among men who profess to have shaken off its positive obligations, and who affect European modes of life. I would even go so far as to say that country-bred Europeans and Eurasians are by no means inaccessible to influences of the kind suggested above. In their case there is no positive caste compulsion, but they are liable to be got at and have their judgment tampered with in ways impossible in the case of most officers educated in England.

Lastly, in respect of personal energy, I think there is very little to choose between a good Native and the average Eurasian or country-bred European. My own experience has been that Natives will do more work of all kinds than most men of the two latter classes. This view is borne out by the experience of most large zemindari and indigo firms. Some of the largest of these have tried the experiment of employing Eurasians and country-bred Europeans with the natural object of working cheaply and buying knowledge of the Indian vernaculars ready-made. The experiment has been a thorough failure, simply because, as a rule, the men had not energy enough to do the work they were wanted to do, and it has been found to answer better to bring out youths from the English public schools. Necessarily they are not the pick of the schools, but they are found in practice to have more energy and driving power than men of twice their experience who have been brought up in this country.

The object of this somewhat lengthy preliminary discussion, and in particular of the reference to country-bred Europeans, is to suggest that the defects ordinarily noticed in administration by Natives are defects not so much of national character as of education and surroundings, and that the only chance of eradicating or minimizing them is by arranging for the training of Statutory Civilians in Europe.

Once let this point be admitted, and it seems to me that the scheme set forth in paragraph 6 of the Home Department's letter\* is one of considerable promise. It may well be, as has often been said before, that the English Universities do not provide quite the best machinery imaginable for acquiring knowledge. But mere knowledge is not by any means all we want. Indeed the classes from whom our Statutory Civilians will be drawn are, I believe, considerably more apt in acquiring knowledge than most English youths of the same age. We may be quite confident that they will learn any subject which it is thought desirable to teach them. Whether they will learn the other less definite lessons which a place like Oxford has to teach, whether they will be permanently influenced by the tone and traditions of the University, and will realise that manliness and good sense are of themselves valuable official qualities—these are harder questions upon which it is difficult to hazard an opinion. One can only say that the special personal qualities which the English Universities are supposed to inculcate are precisely the qualities most

\* See page 164.

wanted for the work which civilians have to do in India, and that if No. 169. Statutory Civilians are to occupy the positions which covenanted civilians occupy now, they should at least have a fair chance of getting the best procurable training.

If University training in England is as good a thing as it is supposed to be, it further follows that the more Native officials can be subjected to it the better. At present Natives who have been to England are in a rather uncomfortable position when they return to India. There are so few of them that they are almost forced to take up an attitude of social antagonism to their fellow-countrymen. So far from being "centres of light and leading," it is common matter of complaint that they are more European than Europeans, and decline even the small amount of social intercourse which at present goes on between Europeans and Natives. They belong neither to one society nor the other, and are not numerous enough to form a society of their own. Any movement which puts an end to this anomalous state of things, and gives a recognised status to Natives who have been to Europe, will, I believe, be welcomed by the leaders of Native society.

So far as to the general aspects of the question. I do not understand that any expression of opinion on possible details is now invited. But I may be permitted to draw attention to three points which will require careful consideration. The first and the most obvious is the difficulty on a competitive system of securing any appointments to the men of good birth and family, who will be nominated by the Government of India. Another is the question whether all the nominees sent to England should be collected in a single institution like the Indian Institute at Oxford, or scattered among such colleges as are willing to accept students of the kind. For European students I should certainly not advocate a special college. None of the so-called "school colleges" have been successes as such, and in one notable case the opening of a "school college" to outsiders produced after a few years most brilliant results. In the case of Natives it is not so clear that the standard arguments apply. The subject, however, is too large and too difficult to be treated at length here. Thirdly, I venture to express a hope that the course of reading prescribed during the University course will not be too special and technical. After all, official work is the best and only training for official work. Indian subjects, except the purely literary ones, are best learnt in India; while general culture, unless acquired before official work begins, is probably never acquired at all. One sees too many European officers of whom it may be said that their official work has been their only education, and that outside of their work they have no intellectual interests at all. That, I submit, is exactly the result which we do not wish to lead up to in the case of Native students, who are at all times too ready to learn only that which pays, and to neglect all knowledge which is valuable only for its own sake. A

course of study drawn up with direct reference to official work in No. 169. India would defeat one of the main objects of sending Native civilians to study in Europe.

*The 26th May 1884.*

H. H. RISLEY.

CIX.

[CONFIDENTIAL.]

From the Chief Secretary to the Government of the North-Western Provinces and No. 170. Oudh, to the Secretary to the Government of India, Home Department,— No. 11, dated Naini Tal, the 16th July 1884.

I am directed to acknowledge the receipt of your confidential letter\* No. 19—720A., dated the 30th April 1884, in which the Government of India desire the opinion of the Lieutenant-Governor and Chief Commissioner upon certain suggestions regarding the Statutory Rules† of 1879 for the appointment of natives of India to offices ordinarily held by members of Her Majesty's Civil Service of India, and generally upon the best mode of improving the working of the existing rules.

2. In reply I am directed to state that the Lieutenant-Governor and Chief

Mr. B. W. Colvin, C.S.  
Mr. C. A. Daniell, C.S.  
Mr. J. F. F. Lumsden, C.S.  
Hon'ble W. Dutoit, C.S., D.C.L.  
Mr. G. E. Ward, C.S.

Mr. M. A. McConaghey, C.S.  
Mr. A. Cadell, C.S.  
Lieutenant-Colonel G. E. Erskine.  
Mr. R. T. H. Griffith.  
Mr. A. S. Harrison.

Commissioner has consulted the gentlemen marginal-

ly noted, and to forward in original the opinions submitted by them.

3. Considering in their order the different suggestions set forth

I.—That a provincial list of eligible candidates be maintained, and an annual competition held among them, for the number of available vacancies with a minimum qualifying standard.

in your letter, it will be seen that the principle of selection by competitive examination is generally disapproved. It obtains complete support only from Colonel Erskine, Sayyid Ahmed Khan,

the Raja of Bhinga, and in a modified degree from Mr. Lumsden. One strong practical objection to the scheme is that advanced by Mr. Quinton. If the standard of eligibility be that laid down in the Resolution‡ of the Government of India, No. 59—2324-29, dated 24th December 1879, it would be impossible to obtain a sufficient supply of qualified candidates to render the competition a reality, while that field of selection could not be widened without departing from the standard, and without opening the Statutory Civil Service to those classes from which Government can already freely recruit the uncovenanted grades of its service. It is not clear that under a system of limited competition those nominees would be selected who would make the most efficient public servants; and it seems certain that the system would be highly distasteful to the class to secure the enlistment of whom in Government service the rules were designed, and would operate to limit still further the number of qualified candidates of that class.

\* See page 164.

† See page 125.

‡ See page 147.

4. The second suggestion meets with even less favour. A system No. 170.

II.—To assign to Universities jointly with Government a certain number of nominations, either concurrent or alternate.

of concurrent nominations would end almost invariably in the appointment of University nominees; and though a system of alternate nominations would not be open to the same objection, yet there is no guarantee that candidates nominated by Universities, presumably on the ground of their scholastic acquirements, would possess those moral, social, and physical qualities which must be regarded as absolutely indispensable. A University Board or Senate does not seem to be in even so favourable a position as the Government for forming a correct judgment on these points. It will be observed that the officers of the Educational Department (Mr. Griffith and Mr. Harrison) are among the strongest opponents of this suggestion, and that its only supporters (Sayyid Ahmad Khan and the Raja of Bhinga) go no further than to propose that Universities be permitted to suggest to Government suitable names for nomination.

5. The third and fourth proposals can be conveniently considered together. They are both open to the

III.—To send successful candidates to England to complete their studies.

IV.—To send candidates, partly nominated, partly selected by open (Provincial) competition, to England to study and compete among themselves for the available vacancies. Unsuccessful but qualified candidates to be provided with uncovenanted appointments.

objection which has been forcibly stated by Raja Shiva Prasad and the majority of the officers who have been consulted. Until the repugnance of orthodox Hindus to cross the seas has lost its force, a time still apparently distant, the effect of a compulsory residence in England, either before or after selection, would be to exclude from these appointments the very considerable and important class of Hindus whose scruples still prevent them from freely adopting foreign habits and ways of life, a class which, for many reasons, ought still to be represented in the upper ranks of our administration.

6. There is force in the argument adduced by Mr. Colvin, Dr. Duthoit and others, that while the effect of sending young men of this country to England is to anglicise them to a degree which, their numbers and influence still being comparatively very small, separates them widely on their return from the majority of their fellow-countrymen, it is clearly desirable that there should be room in the Civil Service for men who are less out of touch with the ordinary Indian public. This is a consideration which may gradually lose force; but at present it is too strong to be disregarded.

7. On these suggestions (III. and IV.), however, there is considerable difference of opinion among those who have been consulted by this Government. Colonel Erskine, Messrs. Quinton, Daniell and others think that the advantages to be gained by an English training are so great as to outweigh the drawbacks above noticed. But the

present system of open competition in England affords, or could be No. 170. made to afford, all necessary opportunity for candidates of this class; and as the principle of admitting candidates by open provincial competition is subject, in a much stronger degree, to the objections already urged against University nominees, this Government is not prepared to advocate its adoption. A still further objection to this scheme is that it might call into existence a number of unsuccessful and discontented candidates. To reserve for them superior uncovenanted appointments would at once affect the Uncovenanted Service by depriving its members of legitimate promotion. Such a step would seem neither advisable in the interests of the Government itself, nor fair to the many able and meritorious men who are attracted under present conditions into the uncovenanted grades.

8. The fifth suggestion obtains a very wide acceptance among the gentlemen consulted. The only dissentients are Sayyid Ahmad Khan, the Raja of Bhinga, and Mr. Daniell. It is believed that the present system of statutory appointments is generally regarded with disfavour by many members of the Uncovenanted Service, who are inclined to feel their own subordination to young officers of the same nationality, whose merit and ability have never been proved by the test of actual service, and whose social position differs very little, if at all, from their own. The existence of such a feeling can scarcely be ignored. It does not, however, seem advisable at present to reserve any fixed proportion of statutory appointments for uncovenanted servants. Among the opinions submitted will be found suggestions that Government be empowered simply to make such nominations from time to time as instances of conspicuous merit and ability present themselves. This is the course which the Lieutenant-Governor and Chief Commissioner recommends.

9. In the enclosed correspondence will be found several suggestions for improving the present method of making statutory appointments which do not appear to call for extended criticism. The imposition of a high educational test, and a preliminary probation of some years in the rank of Deputy Collector or Extra Assistant Commissioner for young men selected to enter the Civil Service at the lowest grade of covenanted officers, are the two measures which, in the opinion of this Government, may be expected to improve the working of the existing rules upon the principles that have been finally prescribed for their application. I am, however, to enclose herewith, for submission to His Excellency the Governor General in Council, a Minute in which the Lieutenant-Governor and Chief Commissioner has recorded his general views upon the manner in which effect should be given to the rules made under the Statute 33 Vic., Cap. 6.

10. In conclusion, I am to ask that, should the opinions of the officers consulted in these Provinces be printed by the Government of India, 25 spare copies may be forwarded to this office.

## CX.

[ CONFIDENTIAL. ]

From B. W. COLVIN, Esq., Senior Member of the Board of Revenue, North-West- No. 171.  
ern Provinces, to the Secretary to the Government of the North-Western  
Provinces and Oudh, dated Naini Tal, the 18th June 1884.

I have to honour to reply to your letter in the General Department No. 5, dated June 7th, 1884.

2. Of the four plans that are proposed in the letter from the Government of India which accompanied it, in order to secure a better guarantee for educational fitness in candidates for the Civil Service nominated under the Statutory Rules of 1884, I think that the two first and the last, which more or less admit the principle of competition, would not be well adapted to the purpose in view.

3. The intention of the Statutory Rules, so far as I understand them, was to open a means of entrance into the higher grades of the public service to young men of good family and position, who, while possessing the other requisites for such employment, might, from whatever cause, have been unable to obtain access to it by open competition, and also to give admission to it to men of more advanced age but of conspicuous merit and ability, whose services the Government might wish to demand or secure by high employ.

4. Confining what I have to say for the present to the first of these two classes, I think that it would be found very difficult in practice to subject them to anything like a competitive test in the manner that is proposed in the first plan. It would be hardly possible, as far as I can see, to do this without bringing out into a sharp relief—that would be rather awkward—their educational inferiority to the other members of the service alongside of them who had entered it by open competition. It may be assumed that as a class candidates for appointment under the rules would not be able to stand such a test themselves or they would not have required nomination. Their numbers at any given examination would also necessarily be small; and from these two causes alone (omitting others) the standard of competition among themselves would, I think, inevitably fall greatly below that of open competition. It need not dwell upon the inconveniences which would be caused by any such marked and conspicuous disparity between members of the same service. They are so great that I do not think they would be prudently encountered.

5. It is true that under the second plan which is proposed this difficulty would be escaped. The standard of competition according to that plan might become as high as, or even higher than, that of the competition held at home: because, if nominations were given to Universities, they would necessarily give them to their best men, and the Local Government, if their nominees are to have any chance of success, would be obliged to select candidates not inferior to the best

University men. But such a plan involves a complete departure No. 171. from the spirit, even if it may be compatible with the letter of the Statutory Rules. It is not competition which really forms the basis of it; and as its result then would be two entrances, both by competition, to the Civil Service—the one in India available to natives of this country only, and other in England open to them and to Englishmen as well,—I do not think that any such system of divided and unequal competition could for long continue to work satisfactorily. I say nothing of the proposal to give nominations to Universities, though it seems to me to be open to a good deal of criticism, because I would unhesitatingly reject the second plan upon the first and broader ground.

6. The fourth plan proposed in paragraph 6 of the letter of the Government of India does not commend itself to me at all, because it combines the faults, as I consider them, of both the other plans, *viz.*, that nominees would have little or no chance of success under a scheme which admitted of competition; and, secondly, that it would be impossible to maintain a system of provincial and limited competition by the side of one that was open and unlimited.

7. In the third plan (described in paragraph 5 of the letter of the Government of India) I suppose the words “successful candidates” to refer to candidates for nomination, not to candidates successful by any mode of competition; otherwise this plan would be no better than those previously discussed. If it is applicable to nominees only, then it would probably have the advantage of ensuring a fairly high minimum of educational qualifications in the young men selected. But I am not sure that it has much else to recommend it. If a residence in Europe were made compulsory for all candidates, the Statutory Rules would lose some of their attraction for the class whom, as I suppose, they were intended to enlist. There would be danger also of nominees failing to qualify by the appointed standard at home, although that might not be a very high one. In such cases it would not be very easy in practice, however reasonable it might be, for the Government to get rid of unsuccessful nominees whom it had sent to England. Besides this the effect of sending the young men of this country to England is to anglicise them to a degree, which, whilst their number and influence are so very small at present, almost completely separates them on their return from their fellow-countrymen; and it is clearly desirable that there should be room in the Civil Service for men who are less out of touch with the ordinary Indian public.

8. I am quite aware in making these criticisms upon the plans which have been suggested that it is much more easy to find fault with them than to propose anything better, and I only put forward what I have a say on the subject, because I have been called upon to do so and because mere negative criticism is not likely to be of much use.

9. It is said in the letter of the Government of India that "the No. 171. plan of nomination is by many authorities considered to fall in securing sufficient guarantees of ability and education in those appointed under those rules." I have very little personal knowledge of any of the young men who have been so appointed; but from what I have heard, I imagine the defects indicated to be not so much in intellectual ability, though there may have been instances of this also, as in the moral qualities, that are requisite. If I am right in what I have said above about the intention of the Statutory Rules, no very high educational qualifications are to be expected of them. The candidates are not selected on the supposition that they possess these, but because it is believed or hoped that they have other important qualities, such as energy, force of character family influence, administrative capacity, and the like, which will make them valuable servants to the State. Unfortunately the Government has no means at present of ascertaining whether the young men who are selected really possess these good qualities with which they are credited by anticipation, and it is not to be wondered at if, on trial, a good many of them should be found to disappoint the expectations formed. The present rules do indeed prescribe a period of probation for nominees who are under 25 years of age, but this test really excludes nothing but marked misconduct or incompetence. It affords the Government no *locus penitentiae* in cases where it may have made a mistake and selected a man who, without any great fault, shows himself unfit for the position he holds.

10. The obvious mode of remedying this defect would be to make the nomination follow, instead of preceding, the exhibition of the qualities wanted; and there is a way in which this might apparently be done. Young men of good family, as well as older men from the subordinate ranks of the service, are admitted every year to the list of Deputy Collectors; and I imagine that it would be quite possible to confine the annual nominations of young men to the Civil Service to that list, selecting those for the purposes who had shown themselves after two or three years' experiment to be the best. The appointment of older men might continue to be made, as the rules allow, either from among the most meritorious of the older public servants or from among distinguished professional men. I do not anticipate that there would be any difficulty in getting young men of good birth and family to come forward for these appointments either as Deputy Collectors or as Honorary Deputy Collectors; for candidates of the stamp required are willing to accept these appointments, as things now are, and without any prospect of admission to the superior grades of the service.

11. The changes (if any) that would be necessary in the rules in order to give effect to these proposals would be very slight.

12. In the case of young men entering at the bottom of the list and not from the higher grades of subordinate service, some kind of educational test might very properly be required; but according to



the view that I take of the question, this test would not be of primary No. 171. importance, and I would only apply it with the object of excluding those whose education did not reach the ordinary standard in the upper ranks of the public service. At present nothing is required but ability to pass the ordinary assistant's examination. I am not sure that for the present this would not be found sufficient, or, at the utmost, whether the addition of one or two supplementary papers set with a view to testing the applicant's acquaintance with English and his general knowledge would not make it sufficient. These also might be dispensed with where a candidate had previously passed an University examination, say not lower than that of First Arts.

13. In all that I have written hitherto, I have only had in my mind the case of young men commencing their career in public employ. But I have little doubt that it will be possible in the future to make more use of the rules, and with great advantage, for the admission of older men to the Civil Service than has hitherto been the case. It would not be difficult to find men both among those in the service of the Government and among those at present not employed by it whom it would be a good thing, both on administrative and political grounds, to bring into the ranks of the Civil Service. I think myself, with respect to the question put in the last paragraph of the letter of the Government of India, that it would be better not to define the proportion in which appointments should be reserved for senior men, leaving the Local Government free to weigh the respective merits of the older and younger candidates: but if any proportion were to be laid down, I do not think that it would be too much to fix it at one-sixth, which in these provinces would, I believe, allow of about one such appointment in every three years.

#### CXI.

*Note by MR. C. A. DANIELL,—dated Naini Tal, the 16th June 1884. No. 172.*

The principles on which such appointments may best be made are, in my opinion, as follows:—

1. Selection at the age of 17 or 18 of young men of well known and thoroughly respectable family, as understood in India; of good character and general attainments; and of sufficient means for the purpose hereafter proposed.

2. Selection to be made by Governors, Lieutenant-Governors, and Chief Commissioners of Provinces, who would send up their nominations to the Governor General for approval.

3. Each approved nominee should be prepared to pass a qualifying examination, when he has completed (say) his twentieth year of age. Having passed such qualifying examination, the nominee should obtain the following certificates:—

(a) Of good moral character, over a period of not less than three years previous to his having qualified.

(b) Of sufficiently sound and healthy constitution to admit of No the candidate undergoing a suitable course of study in England.

4. The father or guardian of the candidate should at the same time enter into a contract to furnish funds sufficient to support the youth during the course of study in England.

5. The above things having been secured, the candidate will then be appointed as a probationer of the Statutory Service.

6. The probationer will then proceed to England, and there accomplish the course of study laid down at a University.

7. The residence in England should not be less than  $2\frac{1}{2}$  years, and should be limited to probably a maximum of  $3\frac{1}{2}$  years.

8. On completion of the above course, the probationer would obtain a certificate of good character, and, having returned to India, would then be appointed as an Assistant Collector.

9. No person should be appointed as an Assistant Collector under the Statutory Rules until he has completed his 24th year of age. It may be desirable to fix the maximum age for appointment at full 27.

10. The State should not be charged with the cost of journeys, voyages or education, or maintenance of such candidates in England or elsewhere. But scholarships of £50 or £60 a year might be granted to candidates who proceed to England on probation for a period (say) of 3 years.

11. It may be considered impracticable to demand that every Statutory probationer should be obliged to undergo a course of study in England. If so, a few exceptions may be made in behalf of young men of good family who have distinguished themselves at an Indian University and who bear good characters. But I am entirely in favour of the obligatory study in England, and any exception should be most rare. The age-rule of full 24 years should never be infringed as the earliest age for appointment.

12. The proposal in paragraph 6 of the Government of India letter of 30th April with respect to appointment by competition is not at present called for. I should say that for some years to come the nominations should be made from selections by the Governors of Provinces. Choice from out of such selections may of course be influenced by the result of examinations, if the nominating Governor so chooses; but I would not let go the necessary qualifications required for a nominee.

13. I do not see that there is necessity or advisability for making appointments to the Statutory Service from the Uncovenanted Service as suggested in paragraph 8. I think such a procedure would do harm to the superior service.

CAIRNES A. DANIELL.

## CXII.

From J. LUMSDEN, Esq., to the Secretary to the Government of the North- Western Provinces and Oudh,—dated Benares, the 12th June 1884. No. 173.

I have the honour to reply to your confidential letter No. 5, dated the 7th instant, requesting an expression of my opinion on the suggestions in paragraphs 3, 4, 5, 6 and 8 of Home Secretary's letter,\* dated 30th April 1884, and generally on the best mode of improving the working of the existing rules for the admission of natives of India to the Statutory Service.

2. The object of the Statutory Rules† of 1879, as I understand, was to provide for the admission of natives of India, belonging to good families and who had received liberal education, to offices ordinarily held by members of the Covenanted Civil Service without the necessity of their having to go to England and compete for such appointments at an open competitive examination.

3. If the system is to be successful, it appears to me essential that the selected candidates should (1) be men of good family, who from their social position and standing command the respect of the Native community; (2) men who have received a sound liberal education and who have evinced abilities at least above mediocrity; (3) men of sound constitution and of active physical habits.

4. If the selected candidates fail in any of these qualifications, the interests of the public service are likely to suffer by their admission to the appointments in question. A successful scholastic or University career is no guarantee that a native will make a good civil servant, and the mere fact that the nominee belongs to a good family is equally no guarantee of his success and efficiency in the high appointments to which in ordinary course he will rise.

5. It would therefore seem indispensable that the rules for the appointment of the Statutory Civilians should be framed as far as possible so as to secure the possession by the candidates chosen of all the qualifications I have above indicated; and the weak point in the present system undoubtedly is that it affords no guarantee in this respect.

6. The various Local Governments have yearly to submit a certain number of nominations for the consideration of the Governor General in Council. They can only submit the names of such persons as appear to them the most eligible from among the names brought under their notice. Satisfactory evidence, however, or anything like a guarantee that the nominee possesses what must be held to be the indispensable qualifications for success, must often be wanting. It appears to me that a system of competition among nominated candidates is that best calculated to secure the objects in view, and the suggestion made in paragraph 3 of the Home Secretary's letter is that which most commends itself to my approval.

\* See page 164.

† See page 135.

7. I do not approve of the suggestion in paragraph 4, in so far as No. 173. it proposes to place the nomination of candidates, who will compete for the appointments, in the hands of the Universities. The Universities would naturally consider themselves bound to reward their most distinguished students; but their most distinguished Native students would, I fear, often not be the men most likely to turn out distinguished civilians.

8. The proposal in paragraph 6 also does not commend itself to my mind. It involves the sending of the Statutory Civilians to England at Government expense and their residence there for some time (I presume at least for two years if any real benefit is to be derived from the expatriation and course of study in that country). Now, I understood one of the objects of the Statutory Rules was to open a way for the admission of natives of India to the upper ranks of the Civil Service without the necessity of their going to England.

9. If Native candidates are to go to England, why should they not compete at the open examination? If it be considered advisable to assist selected Native candidates in a pecuniary way to enable them to go to England, study there, and compete, let Government do so by means of scholarships or otherwise, but any one so assisted and who is prepared to visit England and study there should, in my opinion, find his way into the Civil Service by the front door.

10. The system proposed in paragraph 6 would, in my opinion, exclude many, to provide for whose admission the Statutory Rules were made, and it would involve a considerable expense on Government, and at the same time create a considerable body of discontented and disappointed men.

11. My opinion is that a system of competition among nominated candidates in this country is the most likely to meet the objects aimed at; and in working out such a system, I would suggest that beyond the qualification of social position (and I think high social position should be insisted on), a minimum educational qualification in the nominee should be required. What that minimum educational standard should be, it is for Government to decide; but it should not be a low one.

12. If nominations were made with reference (1) to the social rank of the nominees, (2) a minimum educational standard of qualification, (3) certified sound physique and unblemished character, and the appointments were given according to the result of competition among the selected nominees, I think we should have every guarantee it is possible to have under the circumstances against unsatisfactory results.

13. The present period of probation should however be maintained; and when a successful candidate has failed to acquit himself satisfactorily during the period of probation, there should be no hesitation in refusing to confirm him. It may be an invidious and disagreeable

duty to refuse to confirm a probationer, but the success of the No. 173. system depends so much on the thorough fitness of the men brought into the service under it, that I think this consideration should outweigh all others in dealing with such cases.

14. As regards the proposal made in paragraph 8 of the Home Secretary's letter, I think it would be a great mistake to reserve "a certain (fixed) proportion of the Statutory appointments in each year for Natives who have done good work in the Uncovenanted Service"; but I am at the same time of opinion that in cases of exceptional merit and specially distinguished service, combined with high social position, appointments should be made from among the members of the Uncovenanted Native Service.

### CXIII.

*Note by the Honourable W. DUTHOIT,—dated Allahabad, the 23rd June 1884.* No. 174.

My opinion is asked (1) on the suggestions contained in paragraphs 3, 4, 5, 6 and 8 of a letter\* from the Government of India, dated the 30th April 1884; (2) generally as to the best mode of improving the working of the existing rules for admission to the "Statutory Civil Service."

The subject appears to me to be one of extreme difficulty. I may perhaps best approach it by stating what I suppose to be the objects aimed at (I have not had the advantage of seeing the papers on the subject) in the creation of a Statutory Civil Service, and the conditions which I suppose is to be desirable that the members of that service should fulfil.

I suppose the objects aimed at in the creation of the Statutory Civil Service to be:—

- (a) The political advantages of providing an outlet for the energies of young men of good family and attainments, who are natives of British India, and of proving to the people of the country that no distinction of race or creed will prevent our employing, in the higher ranks of our administrative service, those who may be fit for such employment.
- (b) A means of escape from the necessity of making a journey to Europe a condition of entering the Covenanted Civil Service.
- (c) The economy resulting from the payment of reduced salaries to members of the Statutory, as compared with those paid to members of the ordinary Covenanted Civil Service.

There is, I presume, no intention of making between men who have once been admitted into the service any distinction as to the line

\* See page 161.

(executive or judicial) in it which they are to follow; but all alike No. 174. are to have their own option between the two lines.

If this be so, the conditions to be fulfilled by members of the Covenanted Civil Service appointed in India would seem to be the following :—

- (1) Absolutely trustworthy moral principle;
- (2) Such administrative capacity as will fit the nominee to be a leader of men, and will prevent his shrinking from responsibility in cases of difficulty when immediate action has to be taken under his orders;
- (3) Such intellectual capacity as will enable him to weigh evidence and arguments and to form lucid and logical conclusions upon them.

I may now consider the suggestions contained in paragraphs 3, 4, 5, 6 and 8 of the Government of India letter.

The fault of the suggestion contained in paragraph 3 of that letter appears to me to be the undue prominence which it would give to the third of the conditions noted above, and the absence from it of security for the fulfilment of the first and second.

The suggestion contained in the 4th paragraph of the Government of India letter appears to me to err in the same direction and to have this additional drawback that the most successful *alumni* of the Universities they are the men who would surely be the nominees of the Universities are very often men of low birth, and that natives of India dislike the appointment of their countrymen of low birth to rule over them most intensely.

The suggestions contained in the 5th paragraph of the letter appears to me to be altogether vicious. An Oxford man myself, I appreciate most fully the advantages which residence at one of our two great Universities confers. But I cannot help seeing that one of the objects (*b*) aimed at in the institution of the Statutory Civil Service would be lost by adopting this suggestion; and I feel certain that (*a*) would also disappear. I can speak from personal experience of the North-Western Provinces and Oudh only; but, so far as those provinces are concerned, I have no hesitation in asserting that, by the mass of the people, a Hindu or Mahomedan who has been to Europe and has adopted, as such men almost always do adopt, European habits is looked upon as being no longer one of themselves.

In the case of a Mahomedan this prejudice is doubtless unjust, and the outcome of the hybridism with Hindu customs which Islam has undergone in India. There can be no doubt that at present the bulk of the Mahomedans of these provinces look with disgust upon the Europeanizing tendencies of some of their number. But there is in middle-class Mussulman society a widening leaven of educated opinion which is opposed to semi-Hinduism of the majority

of Indian Mussulmans ; and it is quite possible that before very long No. 174.  
 this leaven may leaven the whole lump. But there is no reason, so far as I can see, for thinking that for many generations to come a similar change in public opinion can be looked for among Hindus. The precepts of Hindu religious and family law, as at present received, make it impossible for an orthodox Hindu to visit Europe without becoming a despised outcast from his family and among his Hindu fellow-countrymen.\* It might be

\* I have added as an appendix a note upon the subject of Hindus visiting Europe.

cheaper to employ such men than to employ civilians appointed in England ; but their countrymen would prefer to have the Englishman set over them. They would not view the appointment of such men to the Civil Service as a concession, but would say that the whole thing was a trick on the part of Government to bribe Hindus to become Christians. In themselves too what would such men be worth ? I submit very little. They would be men of no religion ; and without some religious sanction, what becomes of morality ? The practical result of adopting this suggestion would, I take it, be to confine the Statutory Civil Service to Mahomedans and Bengalis.

The suggestion contained in the 6th paragraph of the Government of India letter seems to me to be even more mistaken. In Upper India, at any rate, Hindus of good family would not come forward to compete, but men of low birth educated in our schools and colleges would, and would be ready to sacrifice religious and family ties for the sake of worldly advancement. What their orthodox compatriots would think of such men—even now there have been in these provinces murmurs at the position in Government service of a carpenter and a goldsmith—goes without saying. And what trust could be placed in such men ? In my judgment very little.

The fifth suggestion (paragraph 8 of the Government of India letter) is I think good ; but I think that it needs to be safeguarded by a proviso that the men selected must not be brought upon the covenanted list elsewhere than at the bottom. One-tenth of the year's appointments would, I think, be enough to reserve at first. The task of selecting the nominees would be difficult ; but I do not think there would be any lack of candidates, even though pay had to be sacrificed. The prospect of rising into the covenanted ranks would be a means of attracting good men into the Uncovenanted Service, and an incentive to good work in it ; and as time went on the proportion of selections in this way might be raised somewhat.

My own idea as to the best mode of working the Statutory Civil Service Rules is as follows :—

I would establish an Indian "Haileybury," with a man as Principal, who should be of robust mind and body, and of high religious character,—a man who would respect the creed prejudices of those placed under him, but would at the same time develop and

accentuate the moral principles which are to be found in all the religions of India,—who would be *en rapport* with the moral as with the intellectual life of the young men,—and who would develop and encourage in them habits of physical manliness. I know that Bensons and Arnolds are not easily found, especially for work in India; but I think that a sufficiently good man might be found if sufficiently good terms (not less than Rs. 2,500 a month, with a house) were offered. I would not confine this college to the Statutory Civil Service, but would divide it into two departments, *viz.*—

(a) for the civilians appointed in England;

(b) for the civilians appointed in India.

I would place it somewhere in Upper India, where a long and bracing cold season is to be had and a High Court is established. Lahore, Lucknow, or Allahabad suggest themselves as suitable places: Lahore perhaps for choice.

For the (a) department, I would bring out to India, so as to arrive early in November, the young men appointed in England, and I would keep them in the college till March of the following year. This is the season when, owing to the return of men from leave the service is fully manned; and by the young men themselves little would be lost, and much would be gained by a period of further training. The young men should be allowed a net sum of Rs. 100 a month to be spent as they please. The rest of their pay less fund deductions should be taken as their contribution to the expenses of their maintenance, &c., at the college. Their position should resemble that of the student interpreters at the Embassy in Peking. The only private servants allowed should be in the stables. All the other establishment should be in common and provided by the College. The young men should mess together and should be occupied in studying the languages (colloquially as far as possible) which they will afterwards have to use, in mastering the laws which they will have to administer, and in attending the courts, reporting cases, and seeing how business is transacted. They should be encouraged to spend their leisure hours in the society of the senior Native students, and all out-door games should be played in common.

To the (b) department, I would nominate yearly the prescribed number of young men, natives of India, of good birth and family, who might succeed in passing a minimum education standard. I would admit them up to the age of sixteen. I would make the college course ordinarily one of five years; but I should allow an extra year before rejecting altogether a man who might have failed to pass out in his proper year. The annual examinations should be held at the end of April; and from the 1st May to the 15th July should be kept as long vacation, in which the students would be able to visit their homes, wherever they might be, in India. The only other break in the



course should be a week at Christmas. The training should be adopted No. 174. to the standards of the Lahore or Calcutta University, as the case might be, with special regard to instruction in law; and towards the close of their course the students should attend the Courts, report cases and make themselves acquainted with the way in which business is transacted. Government should provide the buildings and other necessary appliances. As regards the salaries of Professors, pay of establishment, &c., the college should be self-supporting. The Mahomedan students should mess together, and the Hindus should do the same as far as possible. Private servants, except in the stables, should not be allowed. All out-door games should be played in common.

I claim for the plan I have suggested the following advantages :—

I.—It is, I think, admitted on all hands that the chief fault of the present system of appointment by competition in England is that the young men come out knowing little or nothing of one another, and without having had their “edges rubbed off.” This defect would be greatly remedied by giving the young men a five months’ run together. And the advantages to both the classes of covenanted civilians would in other ways be great. For while, on the one hand, the young men arriving fresh from England and thrown at once among young men of Indian races brought up in manly straightforward habits would be far more ready than they are at present to appreciate the good points of native character, they would, on the other hand, give a tone to the sports and tastes of their native fellow-civilians, an *esprit de corps* would be created which could not but be of great advantage in the future. To the young men appointed in India, not only would the college be a means of bringing together men of the same standing, but it would bring together men of different races who, as things are at present, rarely come into contact, and are therefore prejudiced against each other. The Madrasi, the Hindustani, the Mahratta, the Sikh, and the Bengali would all meet on common term for at least five years—a fact which would surely be of great advantage to them all in their future careers. This seems to me to be the best possible substitute for the expansion of ideas which a visit to Europe would afford, but which is to my thinking impracticable.

II.—If the proper man could be found for the Principalship of the college, we might hope that a student would leave it with a good moral backbone, with the tone and principles of an English gentleman, which would help him to hold his own among the varied temptations to which in after-life he must be exposed, and with a sense of independence and self-reliance which would enable him to face responsibility. This may perhaps be thought a fanciful and quixotic notion; but I speak of what I have seen. I have been more than twenty-five years in India; but I have only

noted two places of education as having turned out Native No. 174. students with the high standard of moral feeling which is habitual among lads educated at our English public schools and universities,—one was a Mission School at Chunar, as it was some forty years ago under a Mr. Bowly,\* and the other is the Muir College at Allahabad, as it is now under Mr. A. S. Harrison.

III.—The plan I have suggested needs no breaking of family ties; no sacrifice of religious scruples. The student might leave the college and enter the service of Government without being made despicable in the eyes of his fellow-countrymen.

W. DUTHOIT.

OXIV.

From G. E. WARD, Esq., Officiating Commissioner of Jhansi, to the Secretary to No. 175. the Government of the North-Western Provinces and Oudh,—dated Jhansi, 17th June 1884.

I have the honour to submit the following reply to your No. 5, dated 7th June 1884, in which you ask for an expression of my opinion on certain suggestions contained in letter\* from Government of India in the Home Department, No. 19—720A., dated 30th April 1884.

2. To the first suggestions, *viz.*, that there should be a competitive examination in each province for the selection of nominees to the Statutory Service from a standing list of those considered eligible, I see the following objections:—

- (1) The standard of success would necessarily vary in each province.
- (2) Unless the examination were conducted exclusively in English, it would be exceedingly difficult in practice to maintain an equal minimum standard.
- (3) An examination of the same character as the initial examination in England for admission to the Civil Service, which, glancing at every possible variety of previous training, determines the moral and intellectual capacity of the examinee from the use he has made of such instruction as has fallen to his lot, would I think be impossible. Not only would the number of subjects for examination be limited, but probably it would be found necessary to specify text-books.
- (4) Whatever may be the cause (and I believe there are several), examinations held in this country (at least in the provinces) do not at present command that general confidence and acquiescence in their results which is accorded to examinations in England.

3. The second suggestion, that Universities should have a share in the nominations, is unsuitable to these provinces which have no

\*See page 164.

University of their own ; but I doubt if in other provinces the proposal would have any other result than would be obtained by conferring the power of nomination on the Universities alone. The nominees of the latter would invariably be successful in competition.

4. With reference to the third suggestion, it is not clear if the successful candidates spoken of are to be nominated or selected by competition, nor whether by facilities is meant pecuniary or other aid. But that the Government should confer one boon upon any individual however selected, in order that without further effort of his own he may be in a position to accept from it another boon, seems in the abstract to be opposed to the general principles of political economy.

5. With reference to the fourth suggestion, I believe that few acts of the Government would be more generally acceptable to the educated people of this country, whether of European or Indian descent, than a resolution to assign annually a certain number of scholarships to each province for the purpose of enabling boys of promise to complete their education in England, and the boon would not be less appreciated if competition were limited to boys of good birth ; but I would leave the nomination to the Statutory Service dissociated from this great act of benevolence, and, so long as the Statutory Rules are in force, would continue to leave the nominations in the power of the Government. The course proposed would still have an indirect but very powerful effect in improving the quality not only of the Statutory but of the Uncovenanted Service.

6. The last suggestion, that a fixed proportion of the nominations should be reserved for officers who have distinguished themselves in the Uncovenanted service, has my hearty concurrence. In order to avoid difficulties which might arise in giving effect to it in any particular year, I would suggest that the proportion might be spread over a period of five years. That the provision would improve the character as well as the prospects of the Uncovenanted Service, I have no doubt.

7. I have shown that I am not in favour of any of the suggestions for guaranteeing the fitness of nominations, but I have only two suggestions for offer :—

*First*, that no person be nominated who has not a thorough knowledge of English.

*Secondly*, that before final approval confidential enquiries should be made from two English and from two Native gentlemen of the nominee's acquaintance.

I am convinced by experience that a good English education effects a decided moral improvement in its recipient, chiefly by inducing habits of accuracy both of thought and expression ; and that of two Native gentlemen equal in all other respects, the one who thinks in English has a decided advantage over the one who thinks in the vernacular.

Of course, an imperfect knowledge of the English tongue and the slovenly use of it would constitute disqualifications.

The making of confidential enquiries into a man's character is no doubt a delicate matter; but I think the nominee might without impropriety be asked to refer the Government to four gentlemen of his acquaintance to whom it might apply for information. I do not see why a course should not be adopted somewhat similar to that in vogue with insurance companies when they require a confidential report. But the exact mode of enquiry is a matter of detail. What is essential is that the information on which the Government act should be derived not from general recommendatory letters from persons whose opportunities of forming an opinion may have been inadequate, but from answers to distinct questions on specified points from persons who can speak positively of their own knowledge.

8. I wish to add on the chance of their being read the following remarks.

It is my firm belief that the scheme for the admission of Natives to the Civil Service under the Statutory Rules is universally regarded in these provinces as a most inefficient compromise of a great question. It gives satisfaction to no class or party. It emphasises the argument used by Natives against the continued importation of Englishmen into the service. It has a tendency to increase the subordination of all other rank to official rank, and to undermine what feelings of independence survived among Natives of high birth and large possessions. It is calculated rather to increase than to diminish race hostilities, and has practically done nothing to improve the position of that strangely neglected class—the Indian descendants of Europeans. It has aggravated the most substantial evil of the former system, *viz.*, the want of sympathy with the people and interest in the country of an imported bureaucracy; for while the vast majority of the Covenanted Civilians are still selected by competition from the youth of the English middle class, who have no concern with India beyond its forming a field of adventure, the unfortunate element of discontent, and the feeling of insecurity which have become traditional in the service, have been strengthened by what is considered an encroachment on its privileges.

I think I am safe from the charge of exaggeration when I say that the prevailing sentiment among the civilians imported into the North-Western Provinces since the date of the mutiny is the desire to do their duty and get away. What the people of these provinces want is not that this or that man should be brought into the governing caste because he is a Native, but that the governing class as a body should be inspired with a sentiment of nationality akin to that which is being developed in their own breasts. For I maintain that this national instinct has been created among the people, and that it is daily growing stronger and stronger. And I think it is an instinct which will have a very powerful influence in the future. These considerations urge me to put forward again a suggestion which I made in my replies to the Famine Commission's questions, that competition for the Indian Civil Services should gradually be restricted to persons born in this country. Such a restriction would not for years to come

operate to exclude men of English birth from holding the highest No. 175. administrative appointments.

On the contrary, by increasing the chances of success at examination of the sons of Englishmen residing in this country, it would confer on that part of the community a well deserved advantage.

But while the actual change would be insignificant, the theoretical change would be immense. Recognition would be given to the fact that India as a country is able to provide for her own civil administration. The English residents would be no longer aliens, but would take their place, the highest possibly, but within, not outside, the social scale of the country. The different classes would be knit together by a sense of their common interests, and patriotism would be possible without factious hostility. A fictitious importance would no longer be given to official rank, and eventually the invidious distinction between covenanted and uncovenanted officials could be removed. A great impetus would, I think, be given to higher education, not only among the better families of Indian origin, but among the Indianised European families who would thus have a career open to them from which they are now practically shut out. The schools in the hills as well as those in the plains would increase in numbers and efficiency.

The change would injure no one except a small percentage of the youth of the English middle class; and if it were fixed to come in force at a prospective date, the injury to those would be unappreciable.

But my chief argument in favour of the change is after all this, that if measures are not now taken to alter the character of the Civil Service gradually, the necessity for an abrupt transition will inevitably come upon the Government within the next twenty years, and the transition by its abruptness will cause an amount of discontent, rivalry and ill-feeling which the country can ill afford to support.

#### CXV.

From M. A. McCONAGHEY, Esq., Commissioner, Kamaon Division, to the Secretary to the Government of the North-Western Provinces and Oudh,—dated Naini Tal, the 14th June 1884.

In reply to your confidential letter No. 5 of the 7th instant, I have the honour to submit the following remarks on the best mode of improving the working of the existing rules for the admission of natives of India to the Statutory Civil Service.

The principal objection to the plan suggested at paragraph 3 of the Government of India's letter is that the introduction of an element of competition, even in the limited sense proposed, would undoubtedly (if I judge Native feelings rightly) prevent to a very great extent cadets of the leading families in the provinces from aspiring to become members of the Covenanted Civil Service. Very few even of the most advanced Native gentlemen would care to enter their sons for a competition in which they would run the risk of being defeated by others of inferior or even equal rank. They would much prefer

the present system of nomination; and if we want to recruit from No. 176. their body, we must respect their feelings and prejudices.

The same objection applies with even greater force to the suggestion contained in paragraph 4 as to the concurrent nomination of eligible candidates by the Local Governments and the Universities; and rather than empower the Universities to nominate candidates to compete for a certain number or percentage of the appointments, I would prefer to throw such appointments open to public competition.

The proposal contained in paragraph 6 is open to the grave objection that a large proportion of the selected candidates sent home to England to complete their education at one or other of the Universities must of necessity fail at the final competition for the Civil Service; and as the majority of these unsuccessful candidates would not care for appointments on probation in the Uncovenanted Service of their provinces (supposing even such appointment could be kept open for them), and as they would hardly be able to find any suitable employment in England, they would be obliged to return to India disappointed men, ready in all probability to swell the crowd of educated discontents, which is large enough already.

I am strongly in favour of reserving a certain proportion of the Statutory appointments for those who have done good work in the Uncovenanted Service, and I would even go so far as to throw open a certain percentage to general competition, reserving, however, the remainder and bulk\* of the appointments for nominees of the Local Governments from amongst the Native gentry of the different provinces. Amongst these nominees no competition should be allowed; every facility should, in my opinion, be offered to successful candidates and successful nominees to enable them to proceed to England to complete their education and to expand their minds. This would not be so necessary in the case of members of the Uncovenanted Service promoted for exceptionally good work.

\* Or at least half. Supposing there were eight vacancies in a year, four might be allotted to the nominees of the Local Governments, two might be filled up by open competition, and two set aside for members of the Uncovenanted Service who had done exceptionally good work.

#### CXVI.

From ALLAN CADELL, Esq., to the Secretary to the Government of the North-  
Western Provinces and Oudh,—dated Naini Tal, the 13th June 1884. No. 177.

In reply to your confidential letter No. 5 of the 7th instant, I have the honour to state my opinion on the subject of the best method of selecting Statutory Civilians.

2. With reference to the 3rd paragraph of the Government of India letter† No. 19—720A., of the 30th April 1884, I do not think that at present it is desirable to introduce competition. To make the competition at all respectable, the number of candidates would have to be considerably increased, and if this were done, it is to be feared that the class which has hitherto contributed the great majority of Statutory Civilians would be left out in the cold. I am of opinion that the educational standard requires to be raised; but I would effect

† See page 164.

this object by gradually insisting upon a University education. I No. 177. would announce forthwith that a good degree will be held to give a preferential claim to these appointments; that from, say, 1888 onwards, half the appointments that may be reserved for the landed gentry as such will be given to men who have taken a degree; and that from 1890 onwards, in only exceptional cases shall these appointments be given to men who are not graduates.

I think too that the number of possible candidates should be increased. Of the five Statutory Civilians in these provinces, three are the sons of Rajas, one a member of an Oudh taluqdar and official family, the fifth and last appointed is the son of a landed proprietor in the Bulandshahr district.

The stock of candidates belonging to Rajas and Nawabs' families who are fit for the appointment will not last, and there are many untitled families which have as strong a hold upon the people as those which have titles, and the best specimens of the smaller landed families if they can only be got to educate themselves, as they are now beginning to do, appear to be worthy of the position of Statutory Civilians.

3. With regard to paragraph 4, I do not think that the time has come for giving the Universities any authority in the matter. Government can, it is presumed, obtain any information it requires from the Educational Department; and as there is not yet a University in these provinces, Government is in a much better position to arrive at a proper conclusion than the University with which we have to do. And even if we had an Allahabad University, I am of opinion that still Government should remain the sole authority in the matter. We do not want mere scholars, and it can hardly be doubted that many Native students whose peculiar merits might commend them to the favor of the University authorities, are but little suited to the position under consideration.

4. At the same time it is desirable that some concession should be made to the distinct feeling of dissatisfaction with which the present system of nomination is viewed by many highly educated Natives. The view of the class appears to be that the lowering of the age in England has shut out from the Civil Service them and their relations, while the orders with regard to the Statutory Civilians have done nothing for them, have merely opened the service to a class hardly any member of which could have looked for entrance to it under the competitive system. Consideration for scholarly attainments, and for "merit and ability proved in the service of Government or the practice of a profession" might in a great measure be combined, for the majority of those most distinguished by such merit and ability are men of good education. I should like to see for the present two-thirds of the appointments given to men of good landed and old official families, and one-third divided among men of "tried merit and ability" and men of first class education. A system of nomination which with trifling exceptions shuts out the Brahmin from judicial and administrative office in the higher grades, cannot be looked upon as

satisfactory either from the point of view of Government, or from No. 177. that of the community at large. It seems doubtful whether any Native Judge hitherto appointed to the High Court would at any time of his career have been considered eligible for an appointment as Statutory Civilian under the existing system.

5. Without questioning for a moment the advantage of foreign travel and study, I am opposed to study in England being insisted upon at present, in the case of either candidates or nominees. The visit to England has its advantages, but it has also many disadvantages. The Indian becomes more or less Anglicised, and as a consequence more or less of an alien to his own people. He is led, moreover, to look for a position of social equality, which Anglo-Indian society does not always concede to him, and the result may be disappointment and discontent. I would encourage, rather than insist on, foreign travel and study, and would make these obligatory only in the case of those whose knowledge of English remains deficient; and I would encourage it in the case of men rather than of mere lads. I would give the Statutory Civilian furlough on full pay and perhaps other favourable conditions, after four or five years' service, on condition of his utilising it in visiting England, under such conditions as to University residence as might appear desirable; but I would not insist on it in the case of competent men. Family ties might make it more difficult to get men of 25 to 30 to leave this country than would be the case with men of 20 to 25; but I would rather forego the advantage of western education than force it upon the people at present.

6. My opinion then shortly is—

- (1) that the recruiting ground of the Statutory Civilian should be extended;
- (2) that a higher standard of education should be gradually insisted upon and should be forthwith encouraged;
- (3) that the claim of the highly educated Native as such to a share in the number of the appointments should be met;
- (4) that for the present the introduction of the competitive system is undesirable;
- (5) that for the present the Statutory Civilian should be encouraged, not compelled, to visit England.

7. In compliance with Mr. Stoker's demi-official reminder, I have written somewhat more hurriedly than I should otherwise have done, and I have not stated in each case the grounds for the opinions which I have expressed.

#### XCVII.

From Lieutenant-Colonel G. E. ERSKINE, Commissioner, Sitapur Division, to the No. 177 Secretary to the Government of the North-Western Provinces and Oudh,—  
No. 2242, dated Sitapur, the 16th June 1884.

I have the honour, with reference to your letter No. 5 of the 7th instant, to submit the following remarks on the suggestions which have been put forward for improving the working of the Rules for the admission of Natives to the Statutory Civil Service.



2. The object of the rules has been said to be "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."<sup>1</sup> Can it

<sup>1</sup> Paragraph 3 of the Government of India Resolution No. 59—2324-29, dated 21st December 1879.

be said that this object has been attained? My own impression is that it has not, and that there has been no real competition for the appointments amongst young men of the class indicated whose character and attainments were such as to give fair promise of their possessors becoming useful public servants; but that on the contrary, it has been a difficult task to select from this class a sufficient number of persons to perform, with fair efficiency, the not very responsible duties which have hitherto devolved on them. Moreover, so far as my personal experience goes (and it is confined to only two cases), the nominees are not likely, when, by reason of their seniority in the service, their claims to the promotion come under consideration, to be appointed to the charge of a district, or the office of the Civil and Sessions Judge; and yet I may, I think, assume that it is also an object of the rules to secure the services of young men who may reasonably be expected to fill efficiently those higher appointments to which members of the Civil Service have hitherto succeeded, almost as a matter of course, in order of seniority.

3. The reasons why at present so few youths of good family and position are eager to enter on the career of an Indian Civil Servant are not far to find. The cadets of the taluqdari families, and of the families of the more prosperous of other classes, still prefer hanging about the ancestral domain, and subsisting on the *guzara* which custom continues to secure them from the head of the house, to going abroad and maintaining themselves. The prolonged separation from home and relatives and the liability to constant change of residence are conditions of life very repugnant to young gentlemen of this class, and they dislike the discipline, the long and regular hours, and the constant drudgery of kachheri life. No doubt as time goes on these prejudices will be gradually overcome. They are not so strong now as they were a few years ago; but still I speak of things as they are, and as they are likely to be for some time to come.

4. I venture to think that if the Government desires to recruit the ranks of the Civil Service, to an appreciable extent, with Natives generally competent to fill those posts to which a Civilian ordinarily succeeds, it must be content not to confine its search for material too exclusively to the higher classes, but to accept members of respectable families who possess the necessary qualifications as regards character, abilities, and education.

5. I am of opinion that it would be well to substitute for the present arrangements some such plan as that sketched in paragraphs 3 and 5 of Mr. Mackenzie's letter of the 30th April. The Local Government might, from the wider field indicated in the preceding paragraph of this letter, select a certain number of persons (being members of families not only resident in the province, but belonging to, and connected with it) who would, within prescribed limits as to age and the number of trials allowed, compete for the appointments allotted to the province, and the successful candidates might then be sent to England to study at one of the Universities for at least two years.

6. I fear that the last portion of this programme will for the present deter many a promising young Hindu of these provinces from competing for the service, and I feel that this result is very much to be regretted. But I see no way out of the difficulty; for it seems to me quite essential that an officer to be entrusted with the great powers and responsibilities which devolve on the head of a district in British

India, should have had an European training of some duration. In No. 177A. the course of a recent controversy now happily set at rest, much stress was laid, and I think rightly, on the great advantage, in general efficiency, with a Native Civil Servant who had entered the service by competition possessed over the Statutory brother, by reason of his European training and experience.

7. I do not think that the proposal referred to in the 4th paragraph of Mr. Mackenzie's letter, to empower the Universities to nominate a certain number of candidates as a matter of course, is suitable to these provinces. It is better that the power of nomination should be vested in the Lieutenant-Governor alone; but His Honour would, I think, be aided in making suitable nominations were he, from time to time, to allot nominations to particular colleges or schools to be either competed for by the scholars or assigned to that one of the scholars whom the authorities of the institution in question might select.

8. You have asked for a very early answer to your letter. I trust, therefore, that I may be excused for the incompleteness of my suggestions.

### CXVII A.

From R. GRIFFITH, Esq., Director of Public Instruction, North-Western Provinces and Oudh, to the Secretary to the Government of the North-Western Provinces and Oudh,—dated Naini Tal, the 11th June 1884. No. 177B

I have the honour to reply to your letter (strictly confidential) No. 5, General Department, dated the 7th instant, asking the expression of my opinion on paragraphs 3, 4, 5, 6, and 8 of a letter\* from the Government of India, Home Department, dated the 30th of April 1884, and generally on the best mode of improving the working of the existing rules for admission to the Statutory Service.

2. As regards paragraph 3, I cannot see that the proposal it contains is preferable to the present practice. The objection to the existing plan of nomination is in the first paragraph of the letter stated to be that many authorities consider that it fails in securing sufficient guarantees of ability and education in the gentlemen thus appointed. The presence or absence of this general ability and education in gentlemen whom the Government proposes to nominate may, I think, be ascertained by reference to responsible officers of the Education Department. With this safeguard I prefer the present plan to selection by competitive examination from a list of persons who have been considered eligible for the service. I need hardly say that success in a competitive examination does not prove the possession of tact, temper, truthfulness, common sense, energy, or many other qualities which are more essential than mere book-learning, and I do not think that in the case of Statutory Civilians an examination of this nature should be adopted as the final test of fitness.

3. The proposal contained in paragraph 4 appears to be open to still stronger objection. Nominations made by Local Governments, even without reference to their Educational Departments, will be at least in some respects judicious; but there is no guarantee that Universities would not nominate students distinguished only by success in the examinations and possessing no single qualification beyond this for the work which they may have to perform. Moreover, the proposal involves a competitive examination as the final test.

4. I do not quite understand the suggestion contained in paragraph 5. I do not know what is meant by "successful candidates" or what further test (if any) it is intended that they should undergo. But the plan proposed is, I think, hardly suitable for adoption in these provinces where the obligations of caste are still so strong, and where such respect is still paid to the wishes, feelings, and prejudices of parents and elders and to the opinions of society. The plan would exclude from selection a large number of the very best of our young men, and the field, while open to Mussulmans, would be narrowed and practically almost closed against orthodox Hindus.

5. The proposal contained in paragraph 6 is open to the same No. 177B. objection of excluding young Hindus of good birth and family who are unwilling to break the ties of caste. Nor does "provincial competition" open to all Natives or of the province commend itself to my judgment, for reasons which I need not repeat.

6. In short, not one of the proposals contained in the letter under notice is, in my opinion, preferable to the plan of nomination by the Local Government when safeguarded by guarantees including general ability and education in the gentlemen selected. I should be inclined to recommend a somewhat higher stand of education than that attained by the Statutory Civilians in these provinces, and the First Arts Examination standard would not, I think, be too high. But the most carefully considered nominations, even when the general ability and education of the nominees are guaranteed, may disappoint hopes and expectations; and actual work is in my opinion the only trustworthy touchstone of special fitness. The appointment of Statutory Civilians on probation is not, I venture to think, a sufficient and satisfactory test of qualifications. When a young man thus appointed has been regular and attentive to his duties, has done his best to discharge them, and has escaped severe censure, there will always be reluctance to refuse him confirmation at the expiry of his period of probation, and in the course of time the service will deteriorate through the admission of men who, if not actually incompetent, are at least imperfectly qualified. I would make all Statutory Civilians pass through the ordeal of a Deputy Collectorship, and recruit the list every year from a select roll of eligible Deputy Collectors of respectable birth, family, education and character, whose work has shown that they possess the qualifications required. The Deputy Collectors on this select list should be young men who have distinguished themselves in the higher examinations of the University, and afterwards done good work in some Department of the State. The field of selection is small at present, but is gradually growing larger. If this plan is considered impracticable, I would retain the present system, with the addition of the guarantees whose absence appears to be the only objection that has been raised against it.

7. At all events, as suggested in paragraph 8 of the letter under notice, I would strongly recommend the reservation of at least one-sixth of the appointments in each year for those who have done good work in the Uncovenanted Service; but these men should first pass the Deputy Collectorship examination and serve with credit for a year as Deputy Collectors.

#### CXVII B.

From A. S. HARRISON, Esq., Muir Central College, Allahabad, to the Secretary to No. 177C. the Government of the North-Western Provinces and Oudh,—dated Naini Tal, the 11th June, 1884.

I have the honour to acknowledge your (strictly confidential) communication of the 7th instant, General Department, directing me to express my opinion on the suggestions in paragraphs 3, 4, 5, 6 and 8 of the Home Department's letter\* of the 30th April last, and generally on the best mode of improving the working of the existing rules for admission to the Statutory Service.

2. The enquiry starts from the assumption that those who have hitherto been nominated to that service are inferior in ability and education to many of their countrymen, particularly to many uncovenanted servants with whom most obviously they would be compared. I do not gainsay the inferiority, but should regret to see any measures adopted which would *practically* exclude the young nobility and men of good birth from the public service. Their influence with the masses is very great, as was seen in 1857, and it is of the highest moment that it should be exerted on the side of our (alien) Government. Their association with us simultaneously prevents their being

\* See page 164.

arrayed against us, and their decay by an unnatural process, either of No. 177C. which would be calamitous. For to allow them to be ousted by *nobi homines*, whose superiority is merely that of intellect—a superiority which cannot be appreciated by the masses—amounts to a revolution which must be fraught with danger to the country. Our Government is in contact with the people not directly, but only through its officers; and unless among these there is a large admixture of the leaders of the people, no sympathy or even tolerant acquiescence in our rule can be hoped for. I therefore think that the families who live in the mouths, in the songs, and in the history of the people should, under all circumstances, be kept in the ranks of our subordinate administrators.

3. Yet whilst I urge this, I would by no means have them continue inferior to the average public officer in ability or in educational attainments. That they are so now, and will be so for some time to come, is due to causes for which we ourselves are mainly responsible. We have established schools and colleges which open preferment to all, but have not at the same time taken care that the class of which I am now speaking, and for which high education is most desirable, shall get it. The nobility of this most conservative country cannot be expected to enter schools which receive all classes and castes, and there incur a contract which in their idea is contamination. Their pride, which within the limit of self-respect deserves to be fostered rather than rudely humiliated, forbids them. The poverty that has overcome the scruples of the Brahman, has not yet reached them. And till within the last few years and still only in what may be termed outlying provinces, we have not attempted to supply an Eton for them. Have the wards' institutions anywhere fitly educated those who as minors were wholly placed under their charge? I fear not. The inferiority we are discussing is the sure and pure outcome of this neglect; and I see no remedy for it until the higher officers of Government—they who alone have frequent intercourse and sufficient authority with the leading families of their divisions or districts—shall by counsel persuade, or by stronger measures compel them to give their sons the high education which they especially need in virtue of their position. In this particular the Education Department is powerless and therefore free from all blame. Schools and colleges can only open their doors, but have no power to bring in the passer-by. Indeed, our present schools are not suited to them. Each province should have one or more special schools to which only such as might subsequently become Statutory Civilians should be admitted and commensurate fees should be levied, so that no burthen should fall on the State.

4. Having indicated in part what I consider to be the cause of the inferiority of the present Statutory Civilians, and how it may be removed, I now comment briefly and seriatim on the remedies which have been proposed for adoption as enumerated in the Home Department's letter.

5. I deprecate, as to that in paragraph 3, the annual competition which is there suggested. Statutory Civilians should be appointed on other and better considerations than the mere total of marks. It is enough that the eligibility of gentlemen for that service shall have been pronounced by a competent officer, say the Commissioner of the Division or a Magistrate and Collector of some standing, and further approved by the Local Government. A minimum standard educational attainments may be very well insisted on, and that I would make the Entrance Examination of an Indian University. This is not the highest that might in a few years be required, but it is not a very low one, and may suffice for the present. Moreover, those examinations have the cardinal advantage of being general and not specially devised for a few candidates.

6. I cannot subscribe to the proposition of paragraph 4, that No. 177C. the Universities should be invited to nominate, concurrently or alternately candidates for these appointments. The most distinguished students from the Universities can readily, obtain Government employment in the Uncovenanted Service, and, by what I advocate below, they might still have access to the Statutory Service. But I think the most distinguished students generally choose an independent profession as being the more lucrative. If so, the Statutory Service would only receive those of the second rank, and that is not to be desired.

7. To that of the *fifth* paragraph, I object that proceeding to England would totally destroy the influence with the people which the Statutory Service utilises, and which, if I err not, is the Chief ground on which it was constituted.

8. The same objection, with me, lies against the scheme of paragraph 6. What may be the case as to the Bombay Presidency, I do not pretend to say; but I am confident that in these provinces and in the Punjab any native gentleman going to England certainly loses touch, not only with his family, but still more with the people, and a Government officer in this condition is almost useless. It will be so for ten or twenty years to come.

9. I can, however, cordially approve the suggestion of paragraph 8. The proportion of one-sixth there spoken of might be swelled even to one-fourth of the appointments being filled by those who have done good work in the Uncovenanted Service without subverting the fundamental idea of the Statutory Service. The high distinction which would thereby be conferred on a few Subordinate Judges and Deputy Collectors would go far to elevate the tone of the whole Uncovenanted Service, and raise the discharge of their duties above the mere mechanical though honest performance which is now too common. Many of the best University men might be attracted by the prospect of such prizes, even though they could not come within the reach of all.

10. If no more can be alleged against the working of the rules than is put forth in the Government letter, *viz.*, that the nominees hitherto have not come up to the desired standard, a little patience with these wise experiments supplemented by better provision for the early education *in the country* of the class from which the nominees come, will at no distant period prove its complete justification, strengthen the Government, and increase the contentedness of the people.

#### CXVII C.

*Minute by the Honourable Sir A. C. LYALL, Lieutenant-Governor No. 178. and Chief Commissioner of the North-Western Provinces and Oudh,—(No. 178, dated the 10th July 1884).*

It has been represented to the Government of India that the Statutory Rules\* of 1879 for the appointment of natives of India to Her Majesty's Civil Service in India are considered to fail in providing an antecedent guarantee of the fitness of the persons selected under those rules. And the Local Governments are invited, in a letter† from the Home Department, dated 30th April 1884, to give an opinion generally upon the best mode of improving the working of the existing rules; and especially upon four modes that have been particularly suggested.

It may be worth while, for a thorough understanding of the matter, to glance back at the earlier stages of the discussion over the proper method of giving effect to the Statute 33 Vic., Cap. 3, Section 6. This Statute was passed in 1870, with the declared intention of giving additional facilities for the employment of Natives of proved merit and ability in the Civil Service of Her Majesty in India; and it distinctly recognised, as the Secretary of State at the time pointed out, the policy of leaving the selection for offices, places, and employment

\* See page 135.

† See page 164.

in the Civil Service, to the authorities in India, subject to No. 178. certain rules that were to be made. The original intention, thus expressed, appears to have been to enable the Local Governments, under proper restrictions, to recognise merit and ability by appointing from time to time Natives of special acquirements or distinction to any office for which they might be specially fitted—the statutory privileges of the Covenanted Service notwithstanding. The idea, in fact, may be thought to have been to relax the system of a close service, and to approximate in some small degree our administrative constitution to the practice of European countries where the selection of men for the higher civil offices has little to do with service rules.

2. The rules\* first drafted in 1873 were negatived; and in 1875 the Secretary of State sanctioned fresh rules,† whereby the statutory appointment might be given to any native of India, “if of proved merit and ability,” whom the Local Governments or the Government of India should nominate, under proper sanction, to the offices within their respective jurisdictions; and the nominee was to undergo a term of probation *after* his appointment. It will be observed that in regard to the authority who should make the appointment, no alteration, except a condition of previous sanction, was made; the ordinary authority was empowered to select Natives of proved merit and ability. But on these rules nothing was done; and it was not until the end of 1879, nine years after the Statute had passed, that a third set of rules‡ issued, by which appointments under the Statute were at last actually made in 1880.

3. It will be seen, however, that these last mentioned rules, as explained by the Resolution‡ of the Government of India, dated 24th December 1879, initiated a policy somewhat different from, or at any rate not expressed in, the earlier proceedings. According to these rules, which are now under reconsideration, natives of India under the age of 25 years can be nominated for employment in Her Majesty's *Covenanted* Civil service, without any previous proof whatever of merit and ability; and may be appointed after two years' probation in that service. If a native has passed the age of 25, he can only be appointed on grounds of merit and ability proved in the service of the Government or the practice of a profession. In the Resolution§ (December 1879) that conveyed to Local Governments instructions for proceeding under these rules, the Government of India divided the persons eligible for nomination into “two distinct classes,” the probationers under 25 and the proved men over 25, and the Resolution recorded a strong opinion, which amounted to a direction, that the appointments should, as a rule, be made from the first class, save in exceptional cases of persons greatly distinguished in some office or profession. The main object of the rules was announced to be “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 the *Uncovenanted* Service, have not proved sufficient inducement.” All the appointments made in these Provinces have been accordingly from the first class, and it would be difficult to show that the gentlemen nominated have not fulfilled the prescribed qualifications. Their abilities are very fair in all cases, their conduct has been excellent, and they are young men of good social position. The system has been in force four years only; and five young men have been appointed under the rules, the last in 1884; so that it must be admitted that the experiment has not yet been tried for a period of time, or on a scale of numbers, sufficient to afford material for a proper opinion upon it.

4. The point, however, that deserved attention is that Resolution‡ of 1879 appears to have relaxed the statutory condition of *proved merit and ability* as the antecedent qualifications for these appointments,

\* See page 6.

† See page 44.

‡ See page 135.

§ See page 147.

save very exceptional cases. And since two years' novitiate in No. 178. the petty work of our district officers is no very stiff test of merit and ability, such as the Statute is understood to require, the result has been to substitute a scheme for admitting young men of good family and decent education into the lowest grades of the Covenanted Civil Service, without competition or any preliminary examination. The natural consequence has been that doubts have been raised as to the fitness of some of our nominees, who are measured by a very high and somewhat inelastic official standard, and who are exposed to the criticism to which a very small and apparently privileged minority must always be liable. There is nevertheless in these Provinces no positive evidence showing that these gentlemen are inferior to the Native civilians who have passed in by the competition system; nor is there any ground for a clear presumption that, on the whole, after taking into account all considerations, social and political, as well as purely administrative, they are likely to prove less useful servants of the British Government than five Native youths selected by competition, who might have been sent to these Provinces from various distant parts of India. The five statutory civilians are probably neither better nor worse, in average ability, than would be five young gentlemen of good position and fair education, who might any day be appointed to the offices in England or France that are not yet open to competition. But they are not of *proved merit and ability* because, under the instructions of 1879, it is next to impossible that such persons could be nominated; nor do I believe that any of the four amending proposals now suggested will secure for us the class of men who are supposed in this Minute to have been contemplated by the Statute.

5. For the policy and purposes of the Statute may, I think, be interpreted to have been to enable the local authorities, under the control of the Supreme Government, to avail themselves, as all other Governments usually do, of the best local talent, skill and experience available, outside the official gradation lists; and usually within the province. This is a plain and intelligible object, and it fits in with the natural course of things according to which the Native officials of a large Government are generally selected from among persons resident within the administrative jurisdiction. But all the four proposals now under consideration are only different modes of providing local candidates, or of making sure that they provide themselves with a good education, either in India or England. And upon these proposals those who have been consulted have passed much effective criticism, which may be summed up, mainly, thus:— (1) That educational schemes and tests do not secure, may even exclude, proved merit and ability, and will throw various obstacles, religious and social, in the way of selecting men of good position in the country. (2) That if our present policy is to rely principally on the educational test for young men, we cannot do better than go back altogether to the system of open competition.

6. This criticism seems to me certainly effective and to a large degree unanswerable. The new proposals do not take sufficient regard of what I conceive to have been the original intention of the Statute. The statutory appointments were apparently intended to vary the system whereby almost all the important civil offices in India are filled up by promotion in the ranks of the Covenanted Service, which young untried men enter at the bottom by open competitive examination in England. Now it should be remembered that in no other country in the world is the system of a close service entered by competitive examination used as the avenue to such public employ as that to which it leads in India. In England the Civil Service appointments, accessible through the open examinations, do not include the high administrative or political offices; but in India a young civilian acquires, by virtue of passing examinations,

a prior statutory claim to all the best and most influential posts No. 178. in the country. The reasons upon which our administration is thus organised are good and sound; yet there is no doubt that the organisation is peculiar and has its inevitable drawbacks; and it may be conjectured that the policy of the Statute was to mitigate these necessary but exceptional conditions.

7. It seems reasonable enough, indeed, that, having regard to the peculiarity of our system, the gradual introduction of another element should have been thought expedient, especially as the needs and circumstances of India must gradually change. And the plan of 1870 appears to have been to bring in, from time to time, men with other recommendations than that of having distinguished themselves by educational standards in their youth. There is much to say on political grounds for the view adopted in 1879, that one of these recommendations ought to be a man's connexion with a family known in the country, possessing property and influence, because such men have some unquestionable advantages over strangers. But in my opinion the rules\* of 1879 went too far in this direction, and attached too much dead weight to the question of family, thereby over-balancing and throwing into the background the essential statutory qualification of "proved merit and ability." It is quite certain that for the arduous and responsible business of administering India we want the best men that can be obtained; and that although in India, as everywhere else, it is well to enlist other influences on the side of administration, we can afford to abate very little, on this score, in the matter of superior capacity.

8. As the case now stands, nevertheless, I should agree with the general conclusion indicated in the letter from the Government of India, that "it may be possible, without altering the Statutory Rules, to secure an ampler guarantee for educational fitness in the nominees," this is, in the young men who are nominated on probation under 25 years of age. I think that this part of the existing rules, thus amended, ought to have a further trial; mainly because it seems to me plainly disadvantageous for a Government to be continually altering its plans and prospectus; and also because, as high education spreads among the upper and middle classes in these provinces, the field for selection is likely to widen rapidly, while the number of statutory appointments annually available is, after all, exceedingly small. I would require each nominee in this class to pass a somewhat high educational standard in English before entering upon his probation; and I would usually try him for a year or two in the upper ranks of the Uncovenanted Service, where a man's industry and ability can be properly tested, young men of good social position, who desire advancement in the service would rarely object to this preliminary trial; and there is as yet no reason to conclude that, if the primary selection is carefully made, the present rules thus administered will not give us valuable men; though in all such experiments time and patience are necessary. But I do not support any of the four particular modes of providing a good education and special training that are described in the letter from the Government of India. They appear to be all open to various practical objections forcibly stated in the letters submitted with this Minute; while the general criticism upon them, as has been said already, is that they are inferior modes of providing education for young Indians, which is not what we really want. The open competition gives us the best men procurable by educational tests; the object of the Statute of 1870 was to infuse a different element, the same element in dilution. Moreover, some of these modes greatly weaken the power of selection which it was the policy of the Statute to place in the hands of the authorities in India; and

\* See page 135.



this would be a material departure from the original intention of No. 178. the Legislature.

9. But, besides making this arrangement which is likely to improve the working of the Rules, I would take the more important step of a distant return towards what I suppose to have been the original purpose of the Statute; by revising, if not reversing, the instructions contained in paragraph 3 of the Resolution\* of December 1879, which prescribe against appointing persons who have already, either in the Government service or in the practice of a profession, proved their merit and ability. It seems to me that the local authorities should have full discretion to nominate such men whenever they can be found (with due regard to the general interests of the Covenanted Service), whether from the Uncovenanted Service (though I would not reserve a fixed proportion) or from any other class or profession.

### CXVIII.

(CONFIDENTIAL.)

From LINDSAY NEILL, Esq., Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Home Department,—(No. 2764—133, dated Nagpur, the 11th June 1884).

I am directed to acknowledge your letter † No. 19—720-A, dated 30th April, detailing certain suggestions upon the best mode of altering the rules and improving the working of the existing rules for the admission of natives of India to the Statutory Service, and inviting the Chief Commissioner's opinion thereon.

2. Mr. Crosthwaite thinks that there is no doubt that the present system of nomination has failed to secure men who are in point of education or natural ability any better than the average of those appointed to the higher ranks of the Uncovenanted Service. The gentlemen nominated are perhaps more highly connected; on the other hand, they are not so industrious or energetic in some instances. The Government service has not gained by those appointments; on the contrary, the administration is weakened by having places that would have been occupied by Covenanted Civilians filled by inferior men.

3. But the object of Government in framing the rules was, Mr. Crosthwaite apprehends, not to strengthen the Civilian Service or to obtain the best possible recruits for it, but to induce "young men of good family and social position, possessed of fair abilities and education" to take employment under the British Government. There can, the Chief Commissioner thinks, be no doubt that if we could get really good men of this class—men who not only had a high social position, but were influential among their countrymen—it would be an advantage. It would also be a public benefit if the hope of obtaining appointments in the service led to the better education of young men of good birth and position. The rules have not been in force long enough to create a class of eligible candidates.

4. They originated in a desire to carry out a long series of pledges made by the British Government, and they were intended to benefit a class which will not usually take posts in the Subordinate Civil Service, and for the most part has no chance of succeeding in the open competition in England. The Chief Commissioner is inclined, therefore, to deprecate any material alterations in the rules until there has been sufficient time for them to produce results. It may be found that the number and quality of those to whom nominations can be given will increase and improve. Or it may be found that the service will be materially weakened by having one-fifth of the appointments filled by inferior men, and that an alteration will be forced on the Government.

\* See page 147.

† See page 164.

5. The Chief Commissioner thinks, however, that without altering the rules in other respects, an educational test may very well be enforced. He would propose that for the present nominations should be confined to those who have passed the First Arts Examination, and that notice should be given that after (say) five years no one will be nominated who has not taken a B.A. Degree. This will ensure that the nominees not only possess education, but have some industry, energy, and desire to succeed—qualities in which, he fears, men of their class are often deficient.

6. Mr. Crosthwaite is not in favour of the proposal made in paragraph 3 of the letter under acknowledgment to have a provincial competition for the appointment or appointments allotted to the Province. In this Province the number of possible nominees is so few that it is hardly worth while to hold an examination for them. Selection will work better for the present.

7. The proposal of paragraph 4 is, the Chief Commissioner thinks, at variance with the object of the rules. The Universities would, he presumes, nominate the most promising students. The rules are meant to provide for young men of good family who would seldom succeed against the Universities' nominees.

Of any proposal to introduce competition, the Chief Commissioner is inclined to say that it is not in accordance with the intention of the rules. If Government wants the best possible servants it had better trust to the open competition. If Government wants to secure young men of good family, Government must nominate. To introduce any competition with outsiders will be to defeat the express object of the rules without securing the best possible servants.

8. The suggestions made in paragraphs 5 and 6 should, in the Chief Commissioner's opinion, be set aside. It is quite enough for the Government to open the service and offer appointments on very easy terms to young Native gentlemen. He does not think Government is called upon to educate them or to fit them for the appointments. It is far better to insist on a certain educational test and to leave the rest to the candidates themselves. If they will not make the necessary exertions to fit themselves for their appointments, they are not worth further thought. Mr. Crosthwaite would not encourage them to suppose that their assistance is indispensable to the Government of India.

He is, moreover, opposed to sending lads to England for a short time in the manner contemplated. He doubts whether it is always a successful method of completing a young Indian's education, and he is not prepared to say that it will make him a better Government servant. We do not want semi-Anglicised Natives, who have to a certain extent broken with their own people. Our object should be to obtain the service of gentlemen separated indeed from the ordinary run of their fellow-countrymen by education, but who are still in complete harmony with them, sympathetic with their feelings, and enjoy an influence with them which they are willing to use on behalf of the British Government.

9. Lastly, as to the proposal to reserve a certain proportion of the statutory appointments in each year for those who have done good work in the Uncovenanted Service, Mr. Crosthwaite is not able to support it. His reasons are that if we select young men who have shown unusual aptitude, the senior men of the service will be disheartened. On the other hand, if we select men near the head of the Uncovenanted Service, they will be men of mature years, near the time of their retirement and drawing already higher pay than they would get as junior Civilians.

They will seldom, if ever, have a chance of holding high executive appointments, for which, indeed, men of their training and standing would not always be fitted. It is better, the Chief Commissioner thinks, to reward such men in other ways.

### CXIX.

From E. S. SYMES, Esq., Officiating Secretary to the Chief Commissioner of British No. 180. Burma, to the Secretary to the Government of India, Home Dept.,—No. 616, dated Rangoon, the 16th June 1884.

I am directed to acknowledge the receipt of your letter\* No. 120A., dated the 30th April, concerning the best mode of selecting natives of India for appointment to the Civil Service under the rules framed according to Statute 33 Vic., Cap. 3. In reply, I am to submit copies of brief reports furnished by three Divisional Commissioners upon the subject of your letter. For Burma persons appointed under these rules must be natives of the Province; probably only one appointment would be made in four years; the standard of education in the Province is not at present very high; and so experience in, and the requirements of, Burma do not warrant the formation of any confident opinion upon the questions under discussion.

2. The Chief Commissioner observes that the nominations made under the existing practice have been found to be only "fairly satisfactory." So far as Mr. Bernard has been able to learn, the shortcomings of nominees hitherto have been due not to their having fallen short of a reasonable standard of liberal education, but to their lack of special ability, industry, energy, and force of character. It is apparently thought that, when five or six young men are chosen yearly for admission to the highly paid Civil Service of their own country, all the selected nominees ought to be persons eminently gifted with one or more of these qualifications.

One reason why nominees have hitherto fallen short of these somewhat high expectations is to be found in the instructions regarding the classes from which nominees were to be taken. It was laid down that the main object of the rules was "to attract to the service of Government young men of good family and social position, possessed of fair abilities and education." In Burma the officials of Government—whether Native or British—are the only aristocracy. But in India the case is different. Good family and high social position are there held to belong to the descendants of former princes, to houses ennobled by former or by British rulers, to scions from the stock of robber or other chieftains, and to people who have by inheritance or otherwise acquired great estates. As a rule it may be said that selected cadets of such families in India,—and perhaps elsewhere too,—will fall behind young men of the poorest professional classes in intellectual ability, in industry, and in some kinds of energy. In other kinds of energy, and in that force of character, which implies power to command or influence others, a selected scion of a great Indian house would often excel the selected professional candidate. In Northern India, at any rate, a selected cadet of some "great old house" who has proclivities and opportunities for sport and for managing affairs, is likely to have more physical energy and force of character than a youth of a poor professional family, who has been carried by one scholarship after another from the village school up to a B. A. degree. Our Indian schools with their unavoidable straining after university successes have not as yet succeeded in developing the physique, perhaps they have also failed in improving the morale, of the successful Indian school boy.

\* See page 164.

† NOTE.—Sons of richer or of highly successful professional men are perhaps liable to fall into the way of, and to share the disabilities of their comrades of good family. Among old families and among the sons of very successful men are sometimes found youths of remarkable attainments. But the source of supply is wider, the incentive to labour is greater, and the temptations to idleness or pleasure are fewer among the poorer professional classes.

3. If it be granted—and in the Chief Commissioner's opinion No. 180. it should be granted—that we ought to attract to the Government service under the Statutory Rules both selected young men of good family, and also selected young men of intellectual ability and industry, then it must also be granted that different processes of selection ought to be applied to candidates of the two classes. For candidates from the professional classes a competitive examination, pure and simple, in well-selected subjects would be the best method of selection. But to such successful candidates the test of health and physical capacity should be very rigorously applied before they are passed for the Native Civil Service. The candidates eligible in virtue of their good family could not compete on equal terms with professional candidates. They would have to be chosen on the same grounds that have influenced Local Governments in making recommendations heretofore; and the best of the selected candidates might be chosen either by competition among themselves, or at the discretion of the Government of India. There are no doubt drawbacks to having two methods of recruiting and two kinds of recruits for the same service; but this result is unavoidable if the Government desires to get for the public service men of two different classes.

4. If the principle advocated in the next foregoing paragraph be accepted, then it could be carried out somewhat as follows:—A Local Government would be told beforehand how many statutory recruits it was to have next autumn. It would then decide what proportion it would draw from the professional classes, and what from the upper classes. It would either hold a competitive examination for professional candidates eligible\* under certain rules that might be laid down, or it would call upon the Vice-Chancellor of the University to nominate the best men from the examination-lists of the previous year or years. The first men at the competitive examination, or the men nominated by the Vice-Chancellor, would be the final candidates. The Local Government would select, as heretofore, three candidates of the upper classes for each vacancy, and it would either hold a competitive examination between the selected candidates, or would give a full account of each, leaving the choice to the Government of India.

One advantage of such a plan would be that as the requirements and circumstances of the several provinces vary, so each Local Government would suit its arrangements to the circumstances of each province. For instance, Bengal might select its recruits mainly or wholly from the professional classes, or from those who excel in intellectual attainment. The North-West Provinces might take half its recruits from one class and half from the other. The Punjab again might draw its recruits mainly or wholly from the ranks of its many chiefs and nobles. Burma having no clearly defined upper class would select its occasional recruits from the professional classes by means of competitive examination.

5. If the view advanced in the foregoing paragraphs is accepted, the suggestion described in your 4th paragraph would not be entirely feasible. In any case nominations could hardly be made satisfactorily by the University as a body, that is to say, by the Senate; such nominations ought to be made by the Vice-Chancellor, and on his sole responsibility. University nominations should be made on the ground of success at University examinations alone, and even then such nominations had better be made to the Local Governments for acceptance or otherwise, and not direct to the Government of India.

\* NOTE.—As an example of the sort of the rules that might be made, a copy of the rules† under which candidates are enrolled for admission to examination for the Subordinate Civil Service in Burma is appended.

† See page 226.

6. With reference to the suggestion described in your 5th paragraph, I am to submit that it would generally be desirable that selected candidates should pass two years or more in England. Such an arrangement would be specially expedient in the case of candidates from the upper classes who perhaps know less than the professional classes about England, English aims and modes of thought. The sojourn in England, should not, however, be made compulsory, lest individuals or classes, who hold strictly to their ancient customs, should thereby be kept away from the public service. An allowance of at least £200 a year would have to be made to selected candidates going home, besides passage-money and a small allowance for outfit. A candidate going to England should be required to stay at a University for not less than two years, and not more than three years. For the cause of ill health a candidate might cut short his time and return to India. If he were under 25 years of age he should be required to attend lectures and present himself for periodical examinations, just as do the English selected candidates for the Civil Service. If he were over 25 years of age, he should be required to pursue such definite course of study in law or other subjects and attend such examinations, as the India Office, or Indian Educationalists, like Professors Monier Williams and Markby, might be entrusted to prescribe. Ordinarily a selected candidate would not be sent to England at the public expense until his term of probation was over.

7. With reference to the suggestion described in your 6th paragraph, I am to submit that the result would be hardly worth the cost of sending to England a number of youths who would eventually compete there for vacancies under the Statutory Rules. It would be cheaper and better, and it would tend more to the encouragement of education in India, that the examination should be held here, and that only selected candidates should be sent home after the term of probation. The object of sending them home is less to promote their education than to give them some insight into English ways, thoughts, and aims, and to enlist their active sympathy more fully with the alien Government under which they are to serve, and in the conduct of which they are to take part.

8. With reference to the enquiry in your 8th paragraph, it is doubtful whether any fixed proportion of the Statutory Rules offices can usefully be reserved for deserving uncovenanted officers. Occasionally it may be very desirable to make a specially good Subordinate Judge into a District Judge, or to promote a remarkably efficient Deputy Collector to a Collectorship. But such cases will be rare, and such cases can be treated under the present rules. It will be better for all parties and will create less ill-feeling if a Native rises through the lower ranks of the Civil Service to the office of Judge or Collector. A middle-aged or elderly uncovenanted officer has, if successful, reached a salary of Rs. 500 to Rs. 1,000 a month. He will be out of pocket if he enters below the rank of Joint Magistrate, or of Collector, under the two-thirds salary rule. It will create heart-burning among junior men, European and Native, if many senior officers were transferred from the Uncovenanted Service to Judgeships or Collectorships. It is not desirable that middle-aged or elderly Natives should come in at or near the bottom of the Civil Service, for such recruits, while their duties still required much personal activity and readiness, would reach the age when average people of all races (and especially people of some Indian races) are disinclined for physical exertion.

#### CXX.

From G. J. S. HOBKINSON, Esq., Commissioner of the Irrawaddy Division, to the Officiating No. 181.  
Secretary to the Chief Commissioner of British Burma, — dated the 30th May 1884.

With reference to your General Department No. 378, dated the 14th instant, I have the honour to state that the only remarks I have to make on the rules for

the appointment of natives of India to the Covenanted Civil Service are as No. 181. follows :—

It will be in my opinion sufficient to ensure a guarantee of educational fitness if the examination in each case be made subject to passing an examination for which a certain minimum standard should be laid down.

I am averse at present to a system of competition, for I believe it will tend to exclude from the service men of good family, whose educational attainments are not as great as we often find amongst the middle classes.

I think a much larger proportion than one-sixth of the appointments should be reserved for those who have already done good service for Government. In Burma especially it is difficult to obtain young men who will not be spoilt by their sudden promotion to the Covenanted Service; and the people themselves who greatly respect age are unable to appreciate the reasons why untried youngsters should be preferred to those who have for years worked for Government and obtained the respect and good-will of all with whom they have been brought into contact.

From Colonel E. B. SLADEN, Commissioner of the Arakan Division, to the Officiating Secretary to the Chief Commissioner of British Burma,—dated the 2nd June 1884.

I have received your Confidential (General\*) No. 378, dated the 14th May 1884, on the subject of amending the Statutory Rules of 1879 for the appointment of natives of India to the Covenanted Civil Service.

The old rules appear to me to be ample in their scope to meet all practical purposes; and it is admitted that the nominations made under them have been fairly satisfactory.

Certain suggestions are made in the Government of India letter† No. 19 of the 30th April 1884. Of these I would support No. 3, which lays down that facilities shall be offered to successful candidates for proceeding to England to complete their education at one of the home Universities.

I would go further and say that candidates who had completed such a course would, in the matter of eligibility for appointments, be in a higher grade than those whose training and education had been confined to India.

I am in favour of reserving at least one-sixth of the statutory appointments in each year for men of approved merit and ability, who have done really good work in the Uncovenanted Civil Service.

From Lieutenant-Colonel W. C. PLANT, Commissioner of the Tenasserim Division, to the Officiating Secretary to the Chief Commissioner of British Burma,—No. A., dated the 7th June 1884.

In reply to your General No. 373, dated 14th May 1884, paragraph 2, I have the honour to remark that the suggestions in paragraphs 3, 5 and 6 of the Government of India letter† No. 19—720 A., appear to me as suitable for adoption in this Province, and that if paragraph 6 were adopted in the case of sons of existing officials who have proved themselves men of ability and done good service, the advantages gained would be considerable.

I am certainly of opinion that a reservation should be made in favour of the Uncovenanted Service which contains many men of proved ability and good service.

### CXXI.

#### *Rules for Admission to the Subordinate Civil Service of British Burma.*

No. 182

An application for admission to the roll of competitive candidates for appointments in the Subordinate Civil Service should, as a rule, be made through the Deputy Commissioner of the district to which the applicant belongs or in which he is serving or living at the time. Every application should be accompanied by a medical certificate from a Medical Officer in charge of a civil station, testifying to the applicant's physical and constitutional fitness for active work. Applicants must be natives of India as defined in Section 6 of 33 Victoria, Chapter 3, or natives of some country immediately contiguous to British India.

2. It will be in the discretion of the Deputy Commissioner to forward such application to the Commissioner of the Division or not. If the Deputy Commissioner refuse the application, the applicant may represent the matter to the Commissioner, whose decision will be final.

3. If the application be forwarded, a nomination-roll in the form annexed should be submitted. The Deputy Commissioner should record a distinct opinion regarding the applicant's qualifications for office, and should state in what part of the country he is best qualified to serve.

\* See page 135.

† See page 164.

4. If the Commissioner approve of the nomination, he should forward the No. 182. papers to the Secretary to the Chief Commissioner with a clear expression of opinion respecting the applicant.

5. Commissioners of Divisions and Heads of Departments may, without any recommendation from the Deputy Commissioner, send to the Secretary to the Chief Commissioner applications on behalf of applicants who may have served directly under their orders, or in respect to whose qualifications they may have had special opportunities of forming an opinion. All such applications should be in the form and accompanied with the information required by Rule 3.

6. In recommending applicants for the appointment of Myoók, special weight should be given to the following points :—

- Good character.
- Education and knowledge of English.
- Previous good service.
- Local standing and influence.
- Hereditary claims.
- Constitution and physical fitness for active work.

7. If the Chief Commissioner approves the application, the applicant's name will be entered in the roll of competitive candidates ; and two copies of the entry will be forwarded to the Commissioner or Head of Department making the nomination, by whom one copy will be filed in his office and the other will be furnished to the candidate.

8. "Candidate" means an applicant for appointment as Myoók whose name has been entered on the roll of competitive candidates under Rule 7. "Selected candidate" means a candidate who has been successful in a competitive examination as provided in Rule 12. Ordinarily no person will be admitted to the roll of competitive candidates who may be over twenty-five years of age, unless he is already in the public service or a licensed advocate in British Burma. Ordinarily no one will be admitted to the roll of competitive candidates after he has passed the age of thirty-five.

9. In the present year and in subsequent years there will be an annual examination of candidates held at Rangoon in the month of December under the management of the Educational Syndicate, who will notify in the *British Burma Gazette* the time and place for the examination. A list of the candidates eligible for the ensuing examination will be published in the *British Burma Gazette* not later than the 1st November of each year.

10. The number of appointments to be competed for will be calculated on the average number of vacancies of previous years and will for the present be five in each year. Any change in the number of appointments open for competition will be announced in the *British Burma Gazette* not later than the 1st November of each year.

11. A candidate proposing to compete must submit his name through the Deputy Commissioner of the District in which he is serving or permanently residing, or through the Head of his Department, to the Secretary to the Chief Commissioner. Names submitted under this rule must reach the Secretariat before the 1st December.

Every candidate, unless specially exempted by the Chief Commissioner, shall be required to compete not later than the second examination held after his admission to the roll of competitive candidates. For the purposes of this rule the date of the publication of these rules will be taken as the date of admission of candidates already on the list.

12. The candidates up to the number corresponding with the number of appointments fixed under Rule 10 who obtain the largest number of marks will become "selected candidates" and will be entitled to be appointed as Myoóks subject to the following conditions :—

- (a) A selected candidate must declare in which division he may prefer to serve *permanently* : but he may volunteer for general service over the whole province if he so desires, or he may request that his name be entered both in the list for one particular division and in the general service list.
- (b) A separate list of selected candidates will be maintained for each division, and also a list of the selected candidates available for general service ; and the name of every selected candidate will be entered either in the list of the division he prefers under clause (a) or in the general service list, or in both lists, in the order of merit at the annual examination.
- (c) Ordinarily, when a vacancy occurs in any division, the selected candidate highest on the list of such division will be appointed to the vacancy,

or, in the absence of a selected candidate on that list, the highest on No. 182. the general service list will be appointed.

- (d) If such vacancy be temporary only and the selected candidate reverts to his substantive appointment, his name will be retained in its original place on the list.
- (e) In special cases, for strong local, personal, or other good and sufficient reasons, persons who are not on the lists of selected candidates may be appointed to be Myoòks in the districts of Toungoo, Arakan Hill Tracts, Salween, and Mergui.
- (f) Where a vacancy does not exceed three months in duration, a person who is not on the lists of selected candidates may be appointed to act as a Myoòk.
- (g) Where it appears expedient to the Chief Commissioner in the interests of the public service, a selected candidate below the highest on the list may be appointed to a particular vacancy, and a selected candidate on the list of one division may be appointed to a vacancy in another division.
- (h) Persons who may be officiating as Myoòks on the 1st December 1882 will, unless the Chief Commissioner in any case otherwise directs, be treated as selected candidates of the year 1882, and will be eligible to be confirmed in the office of Myoòk, provided they pass the departmental examination by the lower standard not later than November 1883.

13. The name of a candidate who does not obtain the position of selected candidate either at the first examination he attends under Rule 11 or at the next ensuing examination will be struck off the roll of competitive candidates.

14. The subjects of examination shall be the following :—

	Marks.
I.—Burmese reading, handwriting, composition, and conversation . . . . .	200
II.—English reading, handwriting, composition, and conversation . . . . .	150
III.—Law, that is to say, the Penal and Procedure Codes, the Burma Land and Revenue Act and Rules, and the Evidence Act . . . . .	100
IV.—Arithmetic . . . . .	50
V.—Surveying . . . . .	50
VI.—Agriculture as practised in Burma and the theory as taught in schools or elsewhere . . . . .	50

Every candidate must obtain not less than half marks in Burmese before he can be allowed marks in any other subject. The remaining subjects are optional. No marks below a minimum of 20 per cent. in any subject shall count. If that minimum be attained, all the marks obtained shall count, and the marks obtained in each subject shall be added together. The Syndicate may from time to time decide and notify, at least two months before the date of each annual examination, what values, for the purposes of the competition under these rules, shall attach to the several Syndicate or University or advocate's and departmental examinations, or survey pass certificates, in subjects I., II., III., IV., and V. But any candidate may elect to go in for examination in any subject instead of availing himself of the marks attached to the pass certificates he may possess.

15. Marks may be awarded for—

Previous good service as a thugyi in British Burma . . . . .	60 marks.
Other previous good service to Government . . . . .	40 "
Hereditary claims in virtue of good service done to the British Government by father, grandfathers, or uncles . . . . .	40 "

The examiners appointed by the Syndicate, of whom the Secretary to the Chief Commissioner shall be one, shall award marks under this section after consideration of the certificates presented by each candidate, and of the reports of District Officers or Commissioners or Heads of Departments on each candidate's hereditary claims.

16. The aggregate of the marks obtained under Rules 14 and 15 will determine the position of the candidate in the examination.

17. The officer appointed by the Syndicate to preside in the examination-room shall have full power to eject from the examination any candidate who may be detected in using book or notes, in copying from the papers of another candidate,



or in other dishonourable conduct in connection with the examination. The No. 182. name of the candidate so ejected will be struck off the roll of competitive candidates.

18. Each successful candidate must appear before a Medical Board at Rangoon as soon as possible after the publication of the result of the examination. No candidate will be considered eligible for an appointment as Myoök unless the Medical Board certifies that he is constitutionally and physically thoroughly fit for active service.

*Nomination-roll under Rule 3.*

Date of nomination, with name and title of officer making it.	Name.	Son of.	Date of birth, tribe or nationality, and religion.	Native of what place and belonging to what family.	Educated at what school.	Acquainted with what languages and to what extent.	Whether acquainted with land-measuring and surveying.	If so, by whom taught; possesses what certificates.	The several situations in which previously employed; whether under Government or otherwise.	How employed now.	What relatives in Government employ at present and their appointments.	Whether ever a candidate at any of the Government examinations, which, and results.	Abstract notice of testimonials, if any, in consecutive order, according to date.	Extract of description of character from service-book.	Substance of medical certificate.	Remarks.

By order,

G. D. BURGESS,

*Secretary.*

**CXXII.**

(CONFIDENTIAL.)

From E. STACK, Esq., c.s., Offg. Secretary to the Chief Commissioner of Assam, to the Secretary No. 183. to the Government of India, Home Department,—No. 3657, dated Shillong, the 27th June 1884.

In reply to your No. 19—720-A.,\* dated the 30th April 1884, I am desired to submit to the Government of India a note on the subject of the appointment of Statutory Civilians drawn up by the Chief Commissioner, together with notes written at his request by Mr. H. Luttmann-Johnson, Officiating Commissioner of the Assam Valley Districts, and by myself.

**CXXIII.**

*Note on the letter\* from the Government of India, Home Department, No. 19—720-A., No. 184. dated the 30th April 1884.*

There are no Statutory Civilians in Assam, and I have no practical acquaintance with any of the Native gentlemen who have been selected by the Government of India under the rules† of 1879. But I understand that some disappointment is felt with the manner in which they have thus far acquitted themselves, and that there is a general and widespread feeling that the experiment has so far been unsuccessful, and that we have not yet hit on the best method of selecting natives of India for the higher class of official appointments.

2. My impression is that there are two weak points in the present system. One is that the selection is made on very insufficient grounds, and at a time when the young men selected could hardly have given evidence of the possession of the necessary qualifications. A lad may do well at school and may be very promising at the age of 21, and yet in a few years may prove to be indolent, sensual, and incapable of acquiring new ideas. We have seen too many instances of this in the cases of Government wards and of independent princes trained under English supervision, who have shown promise as youths and have turned out ill as men for

\* See page 164.

† See page 135.

this position to be controverted. The other weak point lies in the postulate that the lad should be of good family. It is, no doubt, a taking assumption that the people would prefer to be ruled by descendants of their own former rulers, but it has not, as I understand, been borne out by experience. Certainly the Native newspapers, if they are to be accepted as exponents of public opinion, have not assented to this view. Perhaps in some cases the line has been drawn too low, and we have treated families as "good" which the people would not consider worthy of respect. The standard has been fixed low enough to include the local head of a petty Rajpoot clan, a man of unknown lineage who rose to favour with the corrupt Oudh Court, and even "a distinguished Bengal family." It is not by such help, not by these defenders, that the prestige of the Native official class will be increased. But even if the standard were greatly raised, the qualification is not without its defects. In most cases to be a member of a good family is to be brought up under conditions which arrest the growth of manly faculties, and which open temptations to sloth and debauchery which few are strong enough to resist. I look on this postulate as one which we have invented for ourselves, in our attempts to get an insight into the mind of the people, not as one which the people have formulated and pressed upon us.

3. I conclude, then, that in drawing up new rules for the selection of Native Civilians we should aim at discovering conditions which will provide (as the Home Secretary's letter phrases it) an "antecedent guarantee of fitness," and should not fetter ourselves by the necessity of choosing members of "good families and social position."

4. A fair *presumption* of fitness can be secured when a young man has distinguished himself at school and college and has shown by an examination that he has made good use of his time; when he has been trained at an English University and has mixed to some extent in English society, under the eyes of watchful supervisors who have the means of testing his moral and intellectual growth; and when, at the end of this time, he proves his intellectual superiority over competitors. A *guarantee* can only be given by approved merit and ability in the career he has chosen and by success in the struggle of life. In other words, while I look favourably on the suggestion sketched in paragraph 6, I strongly support the mode of selection adverted to in paragraph 8.

5. That the men who have risen to eminence in the Subordinate Civil Service ought to be promoted to the higher ranks, and may be expected to justify their promotion, seems to me such a truism that I am at a loss to think what valid arguments can be urged on the other side. The work they do in the lower position is of the same character as the work they would have to do in the higher. The experience gained in the lower position would be eminently useful to them in the higher. The fact that they have served for some years under the keen eyes of British officers and the keener eyes of their rivals and fellows, and have acquired credit for honesty and ability, is the best possible guarantee that they will carry that honour and ability into higher office. We have not indeed tried the experiment very largely, but where it has been tried I believe it has succeeded. The Natives who have been appointed to be High Court Judges have, I believe, in all cases done well, and some remarkably well. In Mysore I know two Natives who were district officers. One was but moderately good, the other had a better grasp of his district and carried out famine relief measures more efficiently than any English Deputy Commissioner in that province except one. In Hyderabad there are many men of my acquaintance who were Deputy Collectors and office clerks under the British rule, but who hold under the Nizam's Government posts corresponding to those of High Court Judges, Revenue Board, Commissioner, and Settlement Officer, and most of these have, I understand, risen to the magnitude of their office. In Assam I have a few Native Extra Assistants who are in charge of subdivisions: they exercise there precisely the same functions as English Assistant Commissioners of the covenanted grades; and if I were permitted I should have as much satisfaction in promoting them as in promoting English officers to be Deputy Commissioners of ordinary peaceful districts, though I might hesitate to give them authority over tea planters or to place them where they would be liable to a frontier raid.

6. The only arguments I have heard against the selection of Native Civilians from this class are that men who rise from the lowest grades must touch pitch and be defiled with it; that a reputation is as often due to subservience flattering blindness as to ability attracting the eye of discrimination; and that promotion in the subordinate grades is so slow that by the time a man achieved any distinction he is too old to benefit by being raised to the higher grade. No doubt there was weight in the first and second of these objections once, but I hold that there has been so much improvement in the moral of the lower grade and in the application of scientific method to Government among the upper grade that they are now almost or quite obsolete. In the third objection there is certainly some truth, and I admit that the scheme of largely recruiting the upper from the lower grade is only possible on the understanding that the rules of appointment to, and promotion

among, the subordinate service, or at least its upper grades, are recast. If some system similar to that in force in the Bombay Presidency, on which the Famine

Commission founded its recommendations,\* were in force throughout India, the stain of favouritism would be entirely removed from first appointments. Young men would be appointed to the superior posts after having given proof of a good education and some presumption as to aptitude, and it would be easy for the best of the tenants of these superior posts to find scope for evincing their capacities and bringing themselves to notice before they were too old to benefit by promotion to the grade of Assistant Magistrate or Assistant Commissioner.

7. I venture strongly to recommend that at least half the appointments to the grade of Statutory Civilians be made in the manner I have thus indicated, and in accordance with the suggestion of paragraph 8 of the letter from the Government of India.

8. Turning now to the other suggestions, which are framed with the object of securing a supply of younger men to be appointed direct to the higher grades of the service, those in paragraphs 3, 4, and 5 seem all open to the objection that they offered no guarantee, and hardly any valid presumption of fitness for Government service when the selected candidates come to maturer years. But the suggestion in paragraph 6 is so framed as to provide considerably greater security and to offer wider hopes of success, and I think that with some modifications it deserves to be tried. It seems to be based in some degree on the analogy of the system adopted at Coopers Hill College, and perhaps that analogy might be followed more closely. The system there adopted is, if I am rightly informed, that a fixed number of students are admitted annually, that admission is obtained by competition in passing an entrance examination, and a certain number of appointments are promised annually to those students who, after going through the college course, pass out at the head of their year. The following is the scheme I would suggest in modification of that sketched in paragraph 6.

9. No special favour should be shown to men of good birth and family nominated by Local Governments, though a certain number of such nominations might be reserved by the Government of India, on the understanding that the right should be exercised only in favour of families of really exalted rank and old pedigree. An annual examination should be held, identical and simultaneous in all Provinces, at which a certain fixed number of probationers should be selected by competition, the number being at least double (I should prefer to see it treble) the number of appointments to be ultimately given. The successful competitors, together with the nominees of the Government of India, should be sent to England, with their passage paid and an allowance of £150 a year to pass through a course of two or three years at an English University, subject to periodical examinations like those prescribed for the competition Civilians. At the end of this time the fixed number of annual appointments should be bestowed on those who come out highest, the unsuccessful men having only their return passage paid and being left to shift for themselves. This would be an expensive scheme for the State, but a liberal and philanthropic one for the people of India, and I conceive that it would do as much as can be done to secure a presumption of fitness for Government service among the young untried men thus appointed. Those who do best among the men thus selected would perhaps in the end be more distinguished and capable servants of the Crown than those who are selected by merit from among the subordinate service, but who have had an inferior education and no opportunity of making themselves acquainted with European life. But there would be some failures among them as there are now among men appointed from England by open competition. And I do not see any reason why this scheme should not be grafted on the system to which I most strongly lean, or why the appointments thus given should not be appointments to the upper branch of the subordinate service, from which, after a sufficient period of service, promotion should be given by merit to the superior grade.

10. I venture to add, in conclusion, that whatever system is adopted, there are two pre-requisites essential to its successful working. One is that the subordinate service must be revised in some such manner as the Famine Commission recommended: it must be divided by a clear line into two branches, one confined to clerical duties in offices, the other to the lower executive and judicial posts in which the experience gained and the capacity shown will entitle the holders of those posts to rise to the highest positions; and suitable positions must be laid down to govern the admission into either branch. The other requisite is that the scale of salaries must be revised; the subordinate service should end, nearly or quite, where the superior service begins, and should not as now overlap it, and it should be distinctly laid down that the remuneration of the natives of India, serving in their own country, should be assimilated to that which obtains in France and Germany, not to that which it has been found necessary to offer to tempt Englishmen into exile. I do not dwell on these subjects because they are beyond the limits of the topic on which my opinion has been asked, and my views have already been laid before His Ex-

cellency the Viceroy : but I should not be discharging my duty to the Government No. 184. of India if I did not indicate my opinion that these are matters which are cognate to the question before them, and which demand an early solution.

## CXXIV.

*Note on India's confidential\* No. 19-720 A., dated 30th April 1884, about method of No. 185. selecting Statutory Civilians.*

My acquaintance of late years with provinces where these Civilians exist is limited to an occasional tour. I do not know exactly in what respect these Civilians have failed. When the proposal to appoint them was made I said the plan would fail.

1. Because men whose fathers and ancestors have been in easy circumstances tend to be below the average.

2. Because young men in good circumstances in India especially do not work as hard (struggle for life) as young men in bad circumstances—their easy training is terribly against them. And my experience very distinctly supports these general views. I have rarely found young men of good family good for much in India. I have found it impossible to imbue them with any idea of the “dignity of labour.”

I therefore think that the plan has broken down simply because what is called “young men of good birth and family” have been chosen. It is hardly necessary to remark that in India the phrase “young men of good birth and family” has no relation to the same phrase used in England or on the Continent of Europe.

I would, if political grounds do not forbid, drop the good family qualification.

Now of the five suggestions in paragraphs 3, 4, 5, 6, and 8, those in paragraphs 3, 4, and 6 contain this as I consider a fatal condition—

3. “Persons eligible in their opinion.”

4. “A certain number of eligible candidates.”

6. “Men of good birth and family.”

I feel certain that the men who struggle to the front in the subordinate executive and judicial services will be better men than the men chosen on these principles, and we are inevitably landed in the absurdity of having a superior service composed of men markedly inferior to the members of the inferior service.

All the suggestions in paragraphs 3, 4, 5, and 6 contain the element of competitive examination. Now competition is at best a miserable method of selection, at any rate an examination such as that held for the Indian Civil Service is, it is admitted, only accepted for want of something better, and because it is not so horribly bad a method as the “men of good birth and family” farce. The men selected in India by a competitive examination would turn out better than the present Statutory Civilians, but we should have no guarantee of the qualities which go to make a valuable official which may be summed up as “physical and moral strength.”

Fortunately it is unnecessary to have recourse to such a rule-of-thumb test. If the suggestion in paragraph 8 supplies a real test, proved capacity in Government service when we have a body of men of proved capacity anxious to be made members of the Civil Service, who have been employed all their lives on the very work they will have to do as members of the Civil Service. Men who were originally appointed (as a rule) because they were young men of good physique and good education from whom to choose our Statutory Civilians, why should we look further for them. There is very little chance of favouritism and none of nepotism, for the Native members of the subordinate services are never related to, and rarely intimate with, the officers with whom the duty of selection would lie.

I long ago characterized the Statutory Civilians as an “insult” to the Native servants of Government—now as honourable, as able, as useful a body of public servants as exists under any Government in the world, who bear the main burden of administration, both executive and judicial, without hope of rising to the higher appointments.

To place young untried men over their heads, except so far as our continued occupation of the country renders it necessary, is bad policy, and unjust in itself. I would, therefore, reserve all the statutory appointments for those who have done good work in the subordinate services.

If some of the statutory appointments must be given to men who have not proved their capacity, I will give them to the most distinguished graduates of our Universities. No competition beyond what our University examinations give seems to be necessary ; of course only men of good physical constitution should be selected

It must not be assumed that I approve of this method of admitting natives of the country to higher posts. I have always said, and say still, that they should first be admitted to the other subordinate services—Medical, Police, Public Works, &c.—before they are admitted to the Civil Service, so that we may not have to ask Europeans to serve under Natives. No. 185.

## CXXV.

*Note on the subject of the appointment of Statutory Civilians.*

No. 186.

My own decided opinion is that, to get a really good Native Covenanted Service, you must admit competition (though selection need not be entirely excluded), and you must insist on a period of training in England. A residence of two years in England will not, of course, convert the oriental character into an English one, but it will help the young man immensely to understand English thought and manners, which, after all, are the highest standard we can set before the best youth of India: it will set him free from some prejudices, and will vastly facilitate his intercourse with both official and non-official Englishmen on his return to this country. The special arrangements for Indian students at the English Universities (including Professor Monier Williams' Oxford Institute) have been made on the assumption that it is for India's interest that her best talents should go through a course of education in England. It seems to me that we should make a great mistake if we neglected these opportunities. The appointments to be given away are extremely valuable, and the Government has a right to insist on a term of residence in England as one of the conditions.

The conditions for admissions to the Native Covenanted Service might therefore be something like those proposed in the 6th paragraph of Home Department's letter\* (No. 19-720 A, dated the 30th April 1884). Half or one-third of the number of candidates annually required might be *selected* without examination by Local Governments and approved by the Government of India; and an examination in India might be held for the admission of a number of candidates somewhat in excess of the balance of the places vacant. The men thus admitted might read at an English University for two years (holding scholarships the while) and might pass examinations every 6 months, much in the same way as probationers for the English branch of the service, who would, indeed, be reading at the same University with them, and the two courses might be partly or wholly assimilated. The final examination might be made a pass examination for the *selected* candidates, and a competitive examination among themselves for the others, the unsuccessful ones being rewarded with posts in the Uncovenanted Service, which would benefit greatly by such a stream of recruits.

In this way the Government could throw open a larger number of scholarships to annual competition in India than the rate of recruitment for the Covenanted Service requires. This is a point of some importance, for the popularity of the new system will probably depend a good deal upon the extent and freedom of the preliminary competition in India. While looking to this mixed system of competition and selection, combined with a period of training in England, to supply the bulk of the Native Covenanted Service, I think it would be both just and expedient to allow promotions to statutory appointments to be made from the ranks of the Native-Uncovenanted Service, which contains many men of tried excellence. It is perhaps unnecessary to prescribe any fixed proportion of appointments to be given away in this manner. It is a question that might be left to the Local Government's discretion. But if a proportion is to be fixed, I should be inclined to recommend a higher one than is suggested in paragraph 8 of the Government of India's letter. One-fourth of the whole number of annual appointments would not, for the present at least, be an excessive proportion.

## CXXVI.

(CONFIDENTIAL.)

From J. B. LYALL, Esq., C.S., Chief Commissioner of Coorg, to the Secretary to the Government No. 187. of India, Home Department,—No. 306—1-43, dated Bangalore, 3rd June 1884.

I have the honour to reply to your confidential letter\* No. 19—720A. of the 30th April last.

2. I do not think that the rule described in paragraph 3 of your letter should be imposed upon Local Governments as an order, but perhaps they might be allowed to use such a method of selection from among eligible candidates when in doubt. If the number of the candidates on the list was small, I myself think that a Local Government would be much more likely to pick out the best man all round for

\* See page 164.

cellency the Viceroy : but I should not be discharging my duty to the Government No. 184. of India if I did not indicate my opinion that these are matters which are cognate to the question before them, and which demand an early solution.

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I have the honour to reply to your confidential letter\* No. 19—720A. of the 30th April last.

2. I do not think that the rule described in paragraph 3 of your letter should be imposed upon Local Governments as an order, but perhaps they might be allowed to use such a method of selection from among eligible candidates when in doubt. If the number of the candidates on the list was small, I myself think that a Local Government would be much more likely to pick out the best man all round for

\* See page 164.

the service by inquiry, and by seeing the men, than by trusting merely to the result of a competitive examination. If, on the other hand, the number on the list is to be large, the system would have some of the disadvantages which open competition would have in most if not all Provinces of India: all the candidates would no doubt belong to respectable families, but the successful men would be almost certain to belong to one or two tribes or castes which happen to have a hereditary gift for book learning and innate tastes and inclinations which make early application at school and college easy to them. In the Punjab, for instance, the Khattris and Kashmiri Pandits would, I think, almost invariably beat members of the old ruling and landholding races, such as Sikhs, Pathans, and Hindu and Mahomedan Rajputs. For this reason when about a year ago the Punjab Government proposed that a large proportion of the Tehsildars and Naib Tehsildars should be appointed by competition examination, I wrote a long note giving my reasons for thinking the proposal dangerous and unsuited to the present condition of the country. The same objection does not apply to all Provinces with the same force: in the South of India the candidates belonging to Brahman office-holding families would almost always win, but the political disadvantages of their success would not be so great.

3. I like the proposal described in paragraph 4 still less. I think the power of nomination should remain with the Local Governments who can, of course, consult the Heads of Universities, and would often do so.

4. The proposals described in your paragraphs 5 and 6 do not commend themselves to my judgment. I am against any system by which candidates for the Statutory Civil Service would be forced to go to England. I think such a rule hard upon orthodox Hindu, or Sikh, or even Mahomedan families. In the south of India men of certain classes lose their caste apparently for ever if they go to England, merely for going there. In other parts of India loss of caste does not, I believe, necessarily ensue; but speaking generally well-born lads will be allowed to go with great doubt and hesitation. The most respectable and well-to-do families will probably not allow their sons to go; perhaps rightly, as putting caste aside, the risk of loss of health or of character is no doubt great. No doubt a young Native has a great opportunity of expanding his mind and his ideas while staying in England, but he often gets denationalized and loses as much as he gains. I do not think that the sending young Natives to England and associating them there for two years with young Englishmen appointed by a different method is likely to induce greater cordiality and more *esprit de corps* between the English and Native Members of the Civil Service. I think they will, on the whole, be more likely to respect each other and to pull well together if they first meet in India at a rather older age as officials and members of the same service. I think the liability to provide for candidates sent by Government to England who failed in the competition there would be found to be most difficult and troublesome. Considering the risks of all kinds, I am entirely against the Government taking the responsibility of sending young Natives to England.

5. In order to give an opinion on the points referred to in your paragraphs 7 and 8, I must go to some extent into the whole question. I consider that a Covenanted Civil Service composed mainly of men specially recruited for it in England is as necessary in its way for the English Administration of India as an English Army. If by an unduly large infusion of the Native element or in other ways the sense of cohesion and strong *esprit de corps* of the service are destroyed, I believe our Administration will become politically a very weak machine, and will otherwise greatly deteriorate in efficiency and character. To form a service fit for the high work it has to do, the best men we can tempt to leave England are required; and as they



have to do their work in India from lowest to highest employment No. 187. between the ages of 20 to 55, it is necessary to give them from the first pay which, even from an English point of view, is very high: it is also necessary, for the same reasons, to appoint them at once to posts which properly considered are high and responsible ones, to the like of which they would not rise in their native country till they had served some years in lower grades and given practical proof of merit and ability. Though I think it would be wrong to intentionally put any obstacle in the way of natives of India entering the Civil Service by the open competition in England, yet the rules of the examination there should be, in my opinion, framed simply with the object of arriving at the best system of recruiting Englishmen for the service. With rules so framed, whether the maximum age is put a little higher or lower, the number of natives of India who will succeed in passing in England will be insignificant, so long at any rate as the service remains popular in England and highly educated Englishmen compete keenly for it. As to the method of recruiting the proportion of the service which it has been rightly decided to assign to natives of India appointed in India, it seems to me that the question should be considered on its own merits with very little if any wish to assimilate the method to that used for recruiting the service in England. It must be remembered how infinitely small, even if the proportion be hereafter increased, the number admitted to the Covenanted Civil Service must always be to the great multitude of Indian office seekers and office holders who will hope for admission. There is no similar necessity for putting young Native gentlemen (whether they have passed competitive examinations in India or not) into high appointments at the commencement of their service. They should ordinarily commence, as in other countries, lower down and give practical proof of merit and ability before attaining what are, properly considered, highly responsible and (especially in a poor country like India) highly paid appointments. You disgust and degrade the Native Uncovenanted Civil Service by treating it as if it was composed of men of an inferior class, and by putting a number of young Natives, of no great distinction and necessarily of untried merit, at once into appointments which give them the right to command their brethren in the Uncovenanted Service. In the Punjab numbers of well educated young men of the best Sikh and Mahomedan families are most anxious to be appointed Tehsildars or Munsiffs and are quite ready to take lower appointments, such as that of Naib Tehsildar, of Police Deputy Inspector, and of Clerk of the Courts. In Madras young men of good birth and graduates of Universities are eager to take clerkships in Government offices, Revenue Inspectorships and other appointments on very small pay. I expect that this will be still more the case presently when high education is more universal among the Native gentry. These appointments are in fact, if viewed in their proper perspective, all high appointments to give to young gentlemen at the commencement of their service in their own country, and in a poor country like India. In other countries they would be thought too high and responsible for beginners.

6. My view is therefore that at least half the Statutory Civil Service appointments should be filled up by promoting to them young men of proved merit and ability from the Uncovenanted Civil Services and from the Native Bar. The rest I would leave to be filled, as at present, by young men selected by the Local Governments from among the most highly educated cadets of the old ruling families of their Provinces. To have the influence of these families on our side is still of very considerable value, and the masses of the people in most Provinces are glad to see these appointments made. The difficulty of finding sufficiently educated men is likely to decrease very rapidly. In order to facilitate appointments from the Uncovenanted Service and Bar and to give Local Governments wider scope for selection, I would allow candidates for the Statutory Civil Service to be appointed at any time

not later than 30 years of age and would let them serve on till 60 No. 187. years of age if appointed after 25, and for the full period of 35 years allowed by the rules of the Covenanted Civil Service, if appointed at 25 years of age or younger. I do not think they would ordinarily be incapacitated before 60 years of age. I have known several Native Uncovenanted Civil Officials who have been thoroughly active and efficient up to 65 years of age. The highly educated men in the Uncovenanted Civil Service generally enter at from 18 to 20 years of age, and in 5 to 10 years they have shown clearly what sort of officers they are likely to make in respect to ability, energy, judgment and character. By that time also they have acquired an experience of the details of administration which is invaluable to them.

**CXXVII.**

(CONFIDENTIAL.)

From COLONEL SIR OLIVER ST. JOHN, K.C.S.I., Officiating Resident, Hyderabad, to the Secretary to the Government of India, Home Department,—No. 175-G., dated Hyderabad Residency, 2nd June 1884. No. 188.

Your confidential letter\* No. 19—720A., of the 30th April, desires my opinion upon the best mode of improving the working of the existing rules for the admission of natives of India to the Statutory Civil Service, especially with reference to suggestions given in your letter.

2. The suggestion in paragraph 3, that Local Governments should hold annual competitions for Statutory Civil appointments, appears to me a good one, likely to raise the standard of ability and education in the Statutory Civil Service, and to relieve Local Governments of much of the embarrassment of selection. As regards suggestion 2, I see no object in permitting Indian Universities to have any share in the nomination of candidates, who, I understand, are to belong exclusively to families of standing and influence in the Province. If the object were to bring forward obscure talent, the Universities might be usefully asked to co-operate; but if I am right in my supposition as regards the qualification of birth, I see no object in inviting their aid.

3. The third suggestion is to offer facilities to candidates to proceed to England to complete their education. In the advisability of this course I quite concur, though I should not feel inclined to go so far as to hold competitive examinations in England after the completion of the course of study, promising unsuccessful candidates minor uncovenanted appointments.

**CXXVIII.**

From LALA KUNHYA LAL, Pleader, Chief Court, Punjab, President of the Public Meeting assembled at Amritsar, to the Private Secretary to His Excellency the Viceroy and Governor General of India,—dated Amritsar, the 28th May 1884. No. 189.

I beg to forward a copy of a memorial which has been adopted by the inhabitants of Amritsar. The memorial is addressed to the Secretary of State for India, and it prays that the maximum limit of age for the Civil Service of India be raised to 21 years. The memorial has been submitted through the proper channel.

**CXXIX.**

To the Right Honourable the EARL OF KIMBERLEY, Secretary of State for India in Council. No. 190.

The humble memorial of the inhabitants of Amritsar (Punjab), in Public Meeting assembled.

RESPECTFULLY SHEWETH—That your memorialists venture to approach Your Lordship with the prayer that Your Lordship will be pleased to direct that the maximum limit of age for the open competitive examination for the Civil Service of India be raised from 19 to 21 years.

\* See page 164.

2. That your memorialists would crave leave to refer for a moment to the No. 190. changes which have taken place, from time to time, in regard to the limit of age for the open competitive examination with a view to point out that the consensus of opinion, on the part of the highest authorities, has, on the whole, been in favour on a higher limit of age being maintained, as the means of attracting suitable candidates and of securing the general efficiency of the service itself. It is worthy of remark that the maximum limit of age, under the old Haileybury system, was 21 years, and that this limit after earnest consideration by one of the strongest committees that ever sat was deliberately raised to 23 years, when the competitive system was first instituted in 1855. And with reference to the effect of this change, the following remarks of the Civil Service Commissioners in their letter\* of the 16th March 1875 to the Marquis of Salisbury is worthy of attention :—“The effect of the increase in the age of civilians appears from the first to have been thought beneficial in this respect that it supplied the service with persons of more matured judgment and wider experience of life.” Lord Macaulay’s Committee of 1854 observed that they “believe that men who have been engaged, up to one or two and twenty, in studies which have no connection with the business of any profession and of which the effect is merely to open, to invigorate, and to enrich the mind, will generally be found in the business of every profession, superior to men who have at 18 or 19 devoted themselves to the special studies of their calling.”

3. That your memorialists submit that opinion so weighty, coming from quarters so influential, should be regarded as an authoritative settlement of the question in regard to which it was offered. But fortunately enough in this case this opinion is further confirmed by views subsequently elicited from men of great Indian experience, and competent to speak upon this subject with the weight of high authority. The reduction in the limit of age to 19 years under the orders of the Marquis of Salisbury, then Secretary of State for India, your memorialists beg to point out, was made in opposition to the opinion of a large body of officers and administrators experienced in the Government of India, and of several educational authorities of distinguished position. Lord Northbrook was consulted before the limit of age was reduced from 21 to 19 years, and his Lordship observed :—

“With every deference for the opinion of those who would reduce the age, I am disposed to believe that the junior civil servants are the best judges of the question, and I think whatever small advantage may possibly result from men coming to India younger than now, would be dearly bought by the lowering of the standard of education which must follow from reducing the higher limit and the great discouragement to University education which such a change would involve.”

Lord Northbrook gave it as his deliberate opinion that the limit of age, instead of being reduced, should be actually raised to 22 years; and your memorialists would now humbly press upon Your Lordship the importance of re-considering the question and of deciding whether it is not necessary, after the experience that has been gained since the rule has been in operation, to raise the maximum limit of age again to 21 years which was the former limit?

4. Many of the apprehensions which had been entertained when the limit of age was reduced are now being almost literally fulfilled. It was feared at the time that the severe strain of the competitive examination would operate prejudicially upon the health of the youthful candidates. Mr. Wren, a most competent witness, observes that these difficult examinations have in many cases been ruinous to the health of the candidates, who, under the new rules, are obliged to compete at an age when the physical powers are least able to bear over-exertion. It will be sufficient to quote in this place an extract from Mr. Wren’s letter to Your Lordship in Council :—

“The question how to get the best man is the question. The cutting down of the age is what does the mischief. The prizes are great. The competition is severe. The more the age is cut down the more severe is the competition. The Old Regulations prevented “Cramming.” The new ones make it compulsory. You cannot put five years’ work into three; you cannot make boys with immature brains do young men’s work without injuring those brains. The medical reports of the successful competitors are, I am informed, far less satisfactory than they were of the candidates of higher age. I believe it to be a well-established fact that the percentage of mortality among young officers and young civilians is higher than that among older men. The class from which candidates are chosen is a more limited one. The more limited the class the more limited the number of competitors, i.e., there are fewer good men to choose from. The fewer the competitors the lower the average of quality. The racing of yearlings is known to be ruinous to those raced. The risks to the mind from too early racing are greater and worse than those to the body.”

5. That your memorialists understand that the Bombay Government had addressed a despatch to Your Lordship, complaining that some members of the Bombay Civil Service were unequal to the labours of district work, and that subsequently the same Government forwarded to Your Lordship in Council a list of

\* Not printed.

gentlemen who had proved to be "not sufficiently robust to stand the work" which No. 190. the Government had a right to require at their hands. It is true, the experience of Bombay has not been uniformly repeated throughout India. But sufficient appears in the correspondence relating to the subject to indicate that in the other Presidencies of India, the fear is entertained that the reduction in the limit of age is calculated to interfere with the efficiency of the service. The Lieutenant-Governor of the North-Western Provinces thinks it possible, though he cannot speak with certainty, that the younger men may turn out less hardy than their predecessors, "owing to the hard competitive training" they have gone through in England. The Lieutenant-Governor of the Punjab has found no difference as yet between the physique of the two classes. But the *Civil and Military Gazette*, the leading English journal of the Punjab, thus remarks upon the consequences which the reduction in the limit of age has produced in that important province of the Empire:—"From every Province in India the cry is the same—that the men are sent out too young, while, at home, the weight of opinion is now, as it always has been, against the change. Setting aside the question of mental immaturity, military experience has long ago shown us that it is not safe to expose to the trials of a tropical climate youths who are not fully developed, and serious inconvenience is now being felt in the Punjab, owing to the large number of junior civilians who are on the sick list. Men now come out so young that for the first few years of their service, it takes them all their time to grow up—a feat which would be better, more cheaply, and more safely performed in England. The present system is fair neither to the officers themselves nor to the administration under which they serve. Sooner or later, it must and will be altered, and the sooner the better for all concerned."

6. Thus for the maintenance of the efficiency of the Civil Service itself which governs this vast Empire, your memorialists submit that the maximum limit of age for the open competitive examination should be raised to 21 years. The chief reason that was urged in favour of the reduction of age was that it would help candidates to obtain University degrees. All the weight of experience was against this assumption, for in former years when the limit of age was 23 years, the percentage of selected candidates who were University men, was higher than when the age was reduced to 21. In 1858, when the limit of age was 23, out of 20 men selected for the Civil Service, 18 or fully 90 per cent. were University men, *i.e.*, from the Universities of Oxford and Cambridge, and Trinity College, Dublin. In 1874, however, out of 40 selected candidates, it would seem that only 6 or just 15 per cent. were from those Universities, or, taking the five years from 1870 to 1874, out of a total of 186 selected candidates, only 19 or less than 11 per cent. were from all the Universities taken together.

7. These are facts, gathered from the reports of the Civil Service Commissioners previous to the enforcement of the rule reducing the limit of age. Since the rule has come into operation, your memorialists feel confident that the results obtained will point to the same conclusion, *viz.*, that it is not by reducing but rather by raising the limit of age that a large percentage of University men could be tempted to join the Indian Civil Service. These are the general considerations which make it desirable that the limit of age should be raised. It is evident that if the present rules remain in force, they cannot fail seriously to impair the efficiency of the service and to weaken the character of the Indian administration.

8. But there is another consideration to which your memorialists would beg leave to refer. They would respectfully venture to point out that the reduction in the limit of age has proved disastrous to the prospects of Indian candidates. It is now nearly eight years that the rule has been in force, and though so many as twenty-eight natives of India have competed, only a single candidate from Bombay has successfully passed the open competitive examination. It is one thing to appear at an examination and quite a different thing to pass it successfully. If it be urged that there is the Native Civil Service, where the people of this country may employ their talents and show their usefulness, your memorialists would respectfully submit that that service, with the career which it offers to Indian youths and with its mode of appointment, has failed to give public satisfaction.

9. The fact that appointments to the Native Civil Service are made under a system of nomination and that admission to the European Civil Service is regulated by the results of a difficult competitive examination, must necessarily create a difference in the status of the two services. Moreover, the highest offices in the State are not open to the members of the Native Civil Service. It is only a limited number of subordinate appointments that they are entitled to hold in common with the junior members of the European Civil Service. Practically, the Native Civil Service forms only another branch of the Subordinate Judicial and Executive Services. It is clear that a service thus constituted can never satisfy the legitimate and growing aspirations of the educated community of India.

10. The Charter Act of 1833 declared that "no native of the said territories (India) nor any natural-born subject of His Majesty resident therein shall, by

reason only of his religion, place of birth, descent, colour or any of them, be disqualified from holding any place, office, or employment under the said Company." This noble declaration of the Charter Act was further emphasized by the beneficent words of the Proclamation of 1858:—"And it is our further will that so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge." Not many years ago, Lord Lytton declared that the pledge contained in the Proclamation "still remains inadequately redeemed." It is a sufficient drawback for Indian students that they should be required to proceed to England to compete for appointments in the service of their own country. It is yet a greater hardship that they should be practically excluded from the more responsible appointments in their country by a rule, which, while it is calculated to interfere with the efficiency of the Civil Service, frustrates the beneficent policy of the Queen's Proclamation. Your memorialists therefore fervently appeal to Your Lordship in Council to direct that the maximum limit of age for the open competitive examination for the Civil Service of India may be raised to 21 years, so that justice may be done alike to the claims of Indian candidates and to the interests of the service itself.

And your memorialists, as in duty bound, shall ever pray.

Endorsed by the Private Secretary to the Viceroy, dated Simla, the 2nd June 1884.

Transferred for disposal to the Secretary to the Government of India in the Home Department.

#### CXXX.

From G. S. FORBES, Esq., Officiating Under-Secretary to the Government of India, to LALA KUNHYA LAL, Pleader, Chief Court, Punjab, Amritsar,—No. 948, dated Simla, the 12th June 1884. No. 190‡.

I am directed to acknowledge the receipt of your letter\*, dated the 28th ultimo, giving cover to a memorial\* to the address of Her Majesty's Secretary of State for India, from the inhabitants of Amritsar, in which they pray that the maximum limit of age for the open competitive examination for the Covenanted Civil Service of India be raised from 19 to 21 years.

#### CXXXI.

From the Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 229—III-199-5, dated Naini Tal, the 17th June 1884. No. 191.

In continuation of this Office No. 259—III-199-2,† dated 7th June last, I am directed to forward, for the orders of His Excellency the Governor General in Council, the enclosed memorial‡ to the Secretary of State, adopted at a public meeting of the inhabitants of Cawnpore, in which the memorialists pray that the maximum limit of age for the open competitive examination for the Civil Service of India be raised from 19 to 21 years.

#### CXXXII.

From J NUGENT, Esq., Secretary to the Government of Bombay Revenue Department, to the Secretary to the Government of India, Home Department,—No. 5155 (Revenue), dated Bombay Castle, the 26th June 1884. No. 192.

I am directed to forward herewith a memorial to the address of His Excellency the Viceroy and Governor General of India, together with another to the address of Her Majesty's Secretary of State for India, from the Anjumani Islam of Bombay, praying that the limit of age for admission of candidates for the Covenanted Civil Service of India to the annual competitive examination held in England may be raised from 19 to 21 years.

I am to state that the views of the Governor in Council on this subject have been communicated to the Government of India in paragraph 12 of my letter§ No. 4744—127 (Confidential), dated 12th instant.

\* See page 236. † See page 274. ‡ Not printed. § See page 170.

## CXXXIII.

From C. Z. ABIN, President, and BODRADIN TYABJEE, Honorary Secretary, Anjumani Islam, No. 193. Bombay, to His Excellency the Most Honorable GEORGE FREDERICK SAMUEL, MARQUIS OF RIFON, K.G., P.C., G.C.B., Viceroy and Governor General of India, dated Bombay, the 12th June 1884.

The humble memorial of the Anjumani Islam of Bombay.

RESPECTFULLY SHEWETH,—That your memorialists have in common with the other Indian subjects of Her Majesty learned with deep regret the terms of the reply recently given by His Lordship the Secretary of State to the deputation, which waited upon him with a view to induce him, if possible, to raise the age of the candidates for the Covenanted Civil Service of India.

2. That your memorialists are deeply convinced that the present limit of 19 years presses with undue and disproportionate severity upon the natives of India, and practically shuts them out from competing with their English fellow subjects, and that this difficulty presses with still greater severity against the Mussalman subjects of Her Majesty whose interests this Association is formed especially to protect and maintain.

3. Your memorialists submit that the reasons for this are obvious. An Indian, and especially a Muhammadan student, must, unless he chooses to be looked upon as a perfectly ignorant and illiterate man by his own countrymen, acquire some knowledge at least of his own language, literature and religion before he begins to study English. A respectable Muhammadan gentleman, for instance, would certainly disdain to send his son to an English school before he had acquired a fair proficiency in the Koran, Urdu and Persian. Now it is impossible to acquire even a superficial knowledge of these subjects in less than 4 or 5 years; in other words, before the boy has attained the age of 10 or 12 years. None of these subjects are, however, of any value in the Civil Service examination: so that an English boy starting with the overwhelming advantage that the very language in which the examination is conducted is his own mother tongue, has the additional advantage of being 4 or 5 years in advance of his Indian rivals. The result, therefore, is that taking the minimum age at 17, an English student competes with his Indian adversaries not only in his own language, literature and sciences, but can prepare himself in his own country for not less than 12 years, while the Indian student, handicapped as he is, has never more than 6 or 7 years at the utmost to prepare himself for the contest under all the disadvantages of a foreign language and a strange country.

4. These difficulties, overwhelming as they appear to be, are not however the only ones that Indian candidates have to struggle against. The examination being held in England, it is of course essential, even for Indian students, to study in that country. Having to compete with English boys on their own ground and in their own country in sciences and literature which are taught in Europe to boys almost from their infancy, it would be impossible for an Indian student to have the smallest chance of success without a preparation in English for at least 3 or 4 years before the examination. In other words, Indian parents must part with their sons at the early age of 13 or 14 and send them away to a strange country with possibly no friends to look after them, and incur the expense of an English education for 3 or 4 years, simply for the chance of sending them up for the examination.

5. Your memorialists confidently submit that when the significance of the above-mentioned facts is fully understood when it is considered how essential it is for boys of 13 or 14 to be under strict parental supervision when the temptations in the way of young Indian students with no one to guide them in England are considered, the wonder is not that so few Indian candidates go up for the competitive examination, but that so many should have the courage to brave all these difficulties for the mere chance of success.

6. Your memorialist further submit that, considering the extreme difficulty of the examination, it is obvious that no candidate would have the smallest chance of success unless he was above the average both in mental and physical vigour. Now the expense of sending one's sons to England for education is so great, and the chances of Indian children of tender age, being unable to stand the severity of the English winter, have so much to be taken into account that no prudent parents would care to undertake the risk unless there was a fair prospect of success. But what means have the Indian parents of ascertaining the intellectual or physical capacities of their children at the early age of 13 or 14? How can they tell at that early age whether their boys would be able to stand the mental and physical strain upon their constitution or not? Your memorialists venture to submit that even the shrewdest parents, nay even the most experienced teachers, would be unable to say whether any Indian boy of 13 or 14 years of age would be worth sending to England at a very great expense with a view to compete for the Indian Civil Service.

7. Your memorialists therefore earnestly hope that, on a consideration of the above difficulties, Your Excellency will be pleased in bare justice to the natives of this country to press upon the Secretary of State to reconsider his decision in regard to the limits of age and to raise the maximum to not less than 21 years. This would, your memorialists believe, lessen the difficulties in the way of the Indian candidates, though it would not altogether remove them. No. 193.

8. Your memorialists are, however, convinced that the advantages to the State by raising the age would perhaps be greater than even to the candidates themselves. The State would in that case have young men of fairly developed faculties and not merely raw youths of 17 or 18. The strain upon the constitution of the candidates would be proportionately less, and their health so much the better and more vigorous. Considering the enormous powers which are at once placed in the hands of young civilans on their arrival in India, it is surely not too much for the people of India to demand that they should at least be men who have attained in age which may fairly be considered some guarantee of their discretion and intellectual development.

9. Your memorialists do not on this present occasion wish to say anything as to the advisability of holding the examination in India, and as to the hardships which the Indian candidates have to undergo by reason of the examinations being held in England. That is an entirely different subject on which your memorialists may perhaps take the liberty of addressing Your Excellency on a future occasion, but in the meantime your memorialists are anxious that their silence on that point should not be construed as an approval of or an acquiescence in the present arrangements.

10. Under the circumstances hereinbefore stated, your memorialists pray that Your Excellency will be pleased to transmit the accompanying memorial to His Lordship the Secretary of State, with an expression of opinion on Your Excellency's part supporting the prayer of your memorialists, and with such observations as Your Excellency may think fit or expedient.

And your memorialists, as in duty bound, shall ever pray.

#### CXXXIV.

From J. NUGENT, Esq., Secretary to the Government of Bombay, Revenue Department, to the Secretary to the Government of India, Home Department,—No. 5524, dated Bombay Castle, the 10th July 1884. No. 194.

In continuation of the letter\* from this Government, No. 5155, dated the 26th ultimo, I am directed to forward, for transmission to its destination, the accompanying memorial† to the address of Her Majesty's Secretary of State for India, from the Sind Sabha, praying that the limit of age for admission of candidates for the Covenanted Civil Service of India to the annual competitive examination held in England may be raised from 19 to 21 years.

#### CXXXV.

MEMORIAL.—(*Sent to Secretary of State.*)

Endorsed by the Private Secy. to the Viceroy,—dated Simla, the 7th August 1884. No. 195.

Transferred for disposal to the Secretary to the Government of India in the Home Department.

#### CXXXVI.

From J. B. LYALL, Esq., Resident in Mysore, to the Secretary to the Govt. of India, Foreign Dept.,—No. 946—132, dated Bangalore, the 24th July 1884. No. 196.

I have the honour to forward, for transmission by the Governor General in Council, the accompanying petition† addressed to the Right Honourable the Secretary of State for India by certain native inhabitants of Bangalore, on the question of raising the age of candidates for admission to the Covenanted Civil Service of India; but I think it right to remark that only a very small number of the petitioners are natural-born subjects of Her Majesty within the meaning of Act 21 & 22 Victoria, Chapter 106, and eligible for admission to the Covenanted Civil Service of India.

MEMORIAL.—(*Sent to Secretary of State.*)

Endorsed by the Foreign Dept.,—No. 1532 G., dated Simla, the 7th August 1884.

Transferred to the Home Department for disposal.

\* See page 239.

† Not printed.

**CXXXVII.**

From Babu KRISHNAJI SUKHARAM MAHAJUNEE, President of the Public Meeting, No. 197. Satara, to the Private Secretary to His Excellency the Viceroy and GOVERNOR GENERAL of India in Council,—dated Satara, the 18th July 1884.

I am directed to forward to you the accompanying memorial\* of the inhabitants of Satara (Bombay Presidency), in public meeting assembled on the 1st June last, and to request that you will kindly lay it before His Excellency the Viceroy, for transmission to Her Majesty's Secretary of State for India, with such support as His Excellency may deem fit to give.

The Viceroy has already laid the people of this country under deep obligations by many wise acts of enlightened policy, and the people of this part of the country feel confident that His Excellency will not fail to support the just prayers of Her Majesty's Indian subjects entrusted to his wise rule and beneficent care.

*MEMORIAL.—(Sent to Secretary of State.)*

Endorsed by the Private Secy. to the Viceroy,—dated Simla, the 28th July 1884.

Transferred for disposal to the Secretary to the Government of India in the Home Department.

**CXXXVIII.**

From C. L. TUPPER, Esq., Officiating Secretary to the Government of the Punjab, No. 198. to the Secretary to the Government of India, Home Department,—No. 2116, dated Lahore, the 25th August 1884.

In continuation of this Office letter No. 231-S., dated the 11th of July 1884, I am directed by the Lieutenant-Governor to submit a copy of the letter noted on the margin, from Jhinda Ram, enclosing a memorial\* addressed to the Secretary of State for India by the inhabitants of Multan, praying that the maximum limit of age for the open competitive examination for the Civil Service of India may be raised from 19 to 21 years.

Dated the 30th of July 1884.

**CXXXIX.**

From JHINDA RAM, Pleader, Chief Court, and Municipal Commissioner, Multan, No. 199. to the Secretary to the Govt. of the Punjab,—dated the 30th July 1884.

I have the honour to request, on behalf of the people of Multan, that you will be good enough to move His Honor the Lieutenant-Governor to forward the accompanying memorial\* to His Excellency the Viceroy for submission to the Secretary of State in Council.

It is the fervent hope of the memorialists that His Honor will find himself in a position to support the prayer contained in the memorial.

**CXL.**

From KALIKAPRASAD VARMA, Secretary, and Members, to His Excellency the Most Honourable the MARQUIS of RIFON, K.G., P.C., G.C.B., Viceroy and Governor-General of India,—dated Moradabad Arya Samaj, the 1st August 1884. No. 200.

MAY IT PLEASE YOUR EXCELLENCY,—In submitting herewith, for transmission to the Secretary of State for India in Council, a memorial\* on the question of age for the Civil Service of India, we, the members of the Arya Samaj, Moradabad, North-Western Provinces, and others too many to name here, convinced as we are of Your Excellency's great goodness and well-known sympathy with the natives of India in their just grievances, are filled with cheerful hopes that Your Excellency will be so pleased as to support it with your recommendation.

And we shall, as in duty bound, ever pray.

Endorsed by the Private Secy. to the Viceroy,—dated Simla, the 11th August 1884.

Transferred for disposal to the Secretary to the Government of India in the Home Department.

**CXLI.**

\* MEMORIAL from the inhabitants of Belgaum.—( Sent to Secretary of State.)

Endorsed by the Private Secy. to the Viceroy,—dated Simla, the 4th Sept. 1884. No. 201.

Transferred for disposal to the Secretary to the Government of India in the Home Department.



## CXLI.

To the Honourable the House of Commons in Parliament assembled.

No. 202.

The humble memorial of the Literary Association,  
Cocanada.

SHEWETH,—That your memorialists, representing the inhabitants of the Godavery District, consisting of a population of 18 lakhs, learn with great regret the adverse decision arrived at by the Secretary of State in Council on the question of raising the present limit of age prescribed for Indian youths competing for the Covenanted Civil Service Examination in England.

2. In 1854, when the Covenanted Civil Service was thrown open to the natives of India, the age up to which a candidate was allowed to compete for admission was fixed at 22 years. In 1866, it was reduced by one year. After a lapse of ten years, it was again reduced from 21 to 19.

3. The gradual reduction in the limit of age caused great discontent throughout the length and breadth of India, and the consequence has been that for no Native youth has it since been possible to successfully compete for the examination.

4. Apart from the other obstacles placed in the way of an Indian youth competing for the Civil Service, the restriction of age now in force would hardly allow of a youth finishing within so short a period even a part of his physical and mental education in this country.

5. Granting that such youths might pass through the necessary ordeal, your memorialists submit that they will on their return be found utterly unequal to the grave and important duties they have to perform on account of the pressure brought to bear upon their physical and mental constitution.

6. The gradual reduction in the limit of age is highly unsuited to the circumstances of this country, and it can be accounted for on no other ground than that the Government of India under the Viceroyalty of Lord Lytton intended to exclude the Natives from the Covenanted Service.

7. By thus practically shutting the door of admission into the Covenanted Service to the natives of India, you memorialists respectfully submit that the repeated declarations of Her Majesty the Queen-Empress and of the British Parliament of establishing perfect equality in this respect between all Her Majesty's Indian and British subjects, have been rendered almost nugatory.

8. Your memorialists have perfect confidence in the British sense of justice, and are aware that it will not perpetuate any wrong thus committed to the Indian subjects.

9. Your memorialists therefore respectfully pray in conclusion that your Honourable House may be pleased to take up the question into its own hands and restore the former limit of age, *viz.*, 22 years. Your memorialists, as in duty bound, shall ever pray.

Endorsed by the Private Secretary to the Viceroy,—dated Simla, the 2nd September 1884.

Transferred for disposal to the Secretary to the Government of India in the Home Department.

## CXLI.

Demi-official from S. H. CHITLONKAR, Esq., Secretary, Sarvajanic Sabha, Poona, to the Private Secretary to His Excellency the Viceroy,—dated Poona, the 13th August 1884. No. 203.

I beg to forward herewith a memorial\* from the Sarvajanic Sabha and the people of Poona to His Excellency the Right Honourable the Viceroy and Governor General of India on the subject of the Indian Civil Service, and have to request you to lay the same before His Excellency for his favourable consideration.

You will remember that the *Bombay Gazette* in its issue of 25th June last published a leading article on this subject, in which the writer of that article criticised the prayer contained in the accompanying memorial to His Excellency the Viceroy. I then felt it my duty to answer some of the objections urged against the Sabha's memorial by the writer in the *Gazette*. My letter, as you will probably remember, was published in the *Bombay Gazette* of 30th June last, and I beg to enclose herewith a copy of that letter, with a request that you will be good enough to lay the same before His Excellency along with the memorial.

## CXLI.

From S. H. CHITLONKAR, Esq., Secretary, Sarvajanic Sabha, Poona, to the Editor of the *Bombay Gazette*, Bombay,—dated Poona, the 27th June 1884. No. 204.

In your impression of the 25th instant you have reviewed the memorial of the Poona Sarvajanic Sabha to the Government of India on the subject of the

\* Not printed.

Indian Civil Service, expressing your unqualified concurrence in that portion of the No. 204. prayer which asks for the restoration of the old limit of age, and expressing a disapproval of the other portion of the prayer, to wit, that "the examinations be held simultaneously in England and India." You think it to be "obviously undesirable" that a "distinct" examination should be held for Natives, and that, too, in India. You then proceed to add that if the second portion of the two-fold prayer contained in the Sarvajanic Sabha's memorial were granted, both the service itself would suffer, and the Native members themselves would be at a disadvantage, in so far that in filling up higher situations the members of the English portion of the Covenanted Service would be preferred and would be promoted over the heads of the Native members, simply because the latter would not have had the advantage of education in England.

Now, permit me in the first place to observe that the Sarvajanic Sabha is as much opposed as you are to instituting any "distinct" examination for the natives of India as the means of entering the Covenanted Service. What the Sabha prays for is that Native youths should be subjected to the same intellectual tests which English youths are subjected to, but with this difference only that to satisfy those tests it should not be compulsory on the former to undertake a journey to a foreign and distant country. There ought certainly to be no difficulty in arranging to send to India the same examination papers that are intended to be issued to English candidates, nor in forwarding back to the examiners in England the answers of Native candidates in India. All this, I submit, can be arranged without any difficulty, and this is exactly what the Sarvajanic Sabha proposes in its memorial on the subject. You will thus see that the Sarvajanic Sabha does not propose to have a "distinct" examination for Natives instituted.

Now a word as regards the propriety and justice of this prayer. The Sabha no doubt holds, and rightly too I think, that the mere restoration of the old limit of age will not be sufficient to satisfy in an adequate manner the just and legitimate aspirations of my countrymen. The Sabha no doubt further holds, and rightly too, I think, that to insist upon Native youths competing in England for the Civil Service Examination is like throwing an artificial barrier in their path, which, although experience has proved that it does not throw a quite insuperable barrier, has pretty nearly the effect of denying to Native youths an entrance into the Civil Service. Moreover, this barrier does not serve any very useful purpose as far as can be seen. To convince you that this is by no means a novel view, let me refer you to the debates that took place in the House of Commons in 1853, when for the first time the Indian Civil Service was thrown open to unlimited public competition. Even then some attempts were made by some generous Members of Parliament to effect what is now sought to be effected. And such proposals were even then supported by Mr. John Bright and Lord Stanley (now the Earl of Derby). It was then proposed that as the East India Company had established the East India College, or, to give it its more popular name, the Haileybury College, the Company should establish a similar college or colleges in India, admissions to which, as in the case of the Haileybury College, should be thrown open to unlimited public competition. Even Sir Charles Wood, the then President of the Board of Control, was so struck with the fairness and reasonableness of the proposal made, that he said that there were then no colleges in India, and that "it would be time to make regulations for the examination and admission of persons in India when colleges had been actually instituted there" (*vide* Hansard Volume 129, p. 684). Lord Stanley, who was one of the few that supported the proposal, said that upon the acceptance or otherwise of that proposal "turned the whole question whether or no the natives of India were to be admitted to the Civil Service of the Company." His Lordship then added that "he did not think it at all likely that many of the natives of India would come over to be educated at Haileybury." But this he said was not to be regretted much, "because the educational establishments in Calcutta and other large towns in India were of a very superior character." It should be remembered that Lord Stanley bore this testimony from his personal knowledge and experience, because shortly before that the young nobleman had made an extended tour in India. His Lordship then proceeded to add that "it had been stated more than once in the evidence before the Indian Committee,"—(the noble Lord was himself a Member of the Parliamentary Committee of Inquiry to which he refers), and indeed he might take it on himself, from his own personal knowledge, to state the fact that, so far from there being any deficiency of educational establishments in Calcutta and other great towns of India, there would not be the slightest difficulty in any Native properly qualified by nature obtaining, without the necessity of a voyage to Europe, every kind of knowledge that was necessary in order to render him fitted for office in India." And then he added that "he did not believe that in point of intellect or ability there would be found the slightest difference, speaking generally, between those who received their education at Haileybury and those who were educated at those establishments in India." It deserves to be noted that the period of which Lord Stanley spoke thus was the period

before the establishment of Universities in India. Since then, however, the educational institutions of India have been vastly strengthened, and have admittedly improved. So on this score there is nothing to complain of.

It will be again granted that the condition involved in holding the annual examination in England has a prohibitive effect in more ways than one. On this point Lord Stanley spoke on the occasion referred to as follows:—"Let them suppose, for instance, that instead of holding those examinations here in London, that they were to be held in Calcutta. Well, how many Englishmen would go out there or how many would send out their sons, perhaps to spend two or three years in the country on the chance of obtaining an appointment? Nevertheless that was exactly the course proposed to be adopted towards the natives of India." If time and space permitted, I would give extracts from the speeches of Mr. John Bright and Lord Monteagle, but I trust that those that I have given are sufficient for the purpose of my contention. And I hope you will be inclined after reflection to admit the propriety and justice of the second portion of the two-fold prayer in the Sarvajanik Sabha's memorial, both of which you have questioned in the article under notice.

Now, as regards residence in England prior to the date of the annual competitive examination, I do not think that even under existing conditions such residence is absolutely necessary, for Native candidates can prepare for the examination here and present themselves in England at the time of the examination. If such be the case, then it becomes very clear that the condition you propose to perpetuate can have no other than a prohibitive effect. The mere restoration of the old limit of age cannot have the desired effect, for during a period of 13 years, from 1866 to 1878, both inclusive, when the limit was 21, how many Native youths succeeded in effecting their entrance? Only ten, as is seen from a recent statement of Mr. Cross in reply to Mr. O'Donnell's question. Ten successful candidates in 13 years is, as you will doubtless admit, a very insignificant and inappreciable number. And I do not believe that there are any reasonable grounds to hope that in future years the number, though it may increase to some extent, will ever come up to what will generally be considered a reasonable proportion. And the only way in which that can be brought about is to allow Native candidates for the competitive examination to be examined in India, or in other words to establish one or more centres in India on the same principle which has recently been recognized by the Bombay University in the case of its Matriculation Examination. And it was on such considerations as the above that the Sarvajanik Sabha felt itself bound to submit a two-fold prayer.

It will be thus apparent from the foregoing statement that the Sarvajanik Sabha does not wish to have a "distinct" examination instituted for Native candidates, and also that in submitting the second portion of its two-fold prayer, the Sabha has simply followed a course which recommended itself to the judgment of such distinguished men as Mr. John Bright, Lord Stanley, Lord Monteagle, and several others as early as thirty years ago.

In conclusion, I wish to state clearly that the Sarvajanik Sabha is in no way inclined to undervalue the many-sided advantages which Native youths would derive from a residence in England, and from a contact with the superior civilization of the West, and I think that the Sabha would have accordingly no objection to the selected Native candidates being required to spend a couple of years in England and on the Continent of Europe. As regards the question how these candidates should spend that period, it is a matter of detail, which need not be gone into here, more especially because this letter has already exceeded the limits I had originally proposed to myself.

Endorsed by the Private Secretary to the Viceroy,—dated Simla, the 8th September 1884.

Transferred for disposal to the Secretary to the Government of India in the Home Department.

#### CXLV.

*Minute by His Excellency the Viceroy of India,—dated 10th September 1884.* No. 205.

1. Several of the replies which have been received from Local Governments, in answer to the Circular on the subject of the present system of admission to the "Statutory Service," contain references to the reduction made in 1876 in the maximum limit of age for competitors at the examinations held in London for candidates for the Covenanted Civil Service, and various memorials have also been received from different parts of the country, praying that that limit of age may be raised again at least to 21 years. Under these circumstances the Govern-

ment is bound, as it seems to me, to consider the question carefully. No. 205. The reasons which induced me last September to express my agreement with the opinion entertained by the majority of my Hon'ble Colleagues that that was not a favourable moment for re-opening this question are no longer in force. They were connected with the excitement which existed at that time upon the subject of the amendment of the Criminal Procedure Code then under the consideration of the Legislative Council, and that excitement having subsided, arguments which had weight during its continuance do not now apply. I am therefore of opinion that the time has come to examine upon its own merits the subject of the limits of age which ought to be laid down for persons desirous of competing for admission to the Covenanted Civil Service, and the reports recently received from Local Governments show, I think, that it would be convenient and desirable to do so in connection with the question of the reform of the "Statutory Service."

2. In order to form a correct judgment upon the question to which I now invite attention, it will be desirable, in the first place, to inquire what was the view taken of it by the authors of the competitive system of admission to the Covenanted Civil Service and by Parliament at the time when that system was first established in 1853. The debates upon the Bill of that year do not contain many allusions to the question of age, which was left to be settled by the regulations to be framed by the Board of Control, but in the course of the discussion in Committee on Clause 32, some weighty observations were made by Lord Stanley (now Earl of Derby). He said:—

He did not think that, on the whole, they could have a better or fairer test than that which was furnished by competition at the age at which academical degrees were usually granted, namely, at about 20 or 21 years of age; but it would be a different thing if the test were applied three or four years earlier, and if the competition was a competition between boys, and not between young men. He did not believe that the accidental distinction which one might obtain at the age of 17 or 18 was any great test of real ability, because, obviously, distinctions at that age depended more frequently on the effect of cramming and artificial training than on the spontaneous efforts of the mind. He thought, then, that the principle of competition, as against the principle of nomination, was one which deserved the sanction of the House; but at the same time it was very important to see that the period of the competition was not fixed at too early a period of life." (Hansard, Vol. CXXIX, p. 664.)

3. By the Act then passed (16 & 17 Vic., c. XIV), the system of competition was first introduced, and was made open (see Section XXXVII) to "any person being a natural-born subject of Her Majesty," though it was contemplated at that time that the successful competitors should go through a course of instructions at Haileybury before proceeding to India. In the course of the discussions in Parliament it was fully understood that the competitions then established were to be open to natives of India. Lord Granville distinctly declared that he "had not the slightest hesitation in saying that if natives of India arrived here" (in England) "competent to pass the required examination, they would gain the appointments awarded in free competition the same as if they had been born in Europe." (Hansard, Vol. CXXVIII, page 48.) Mr. Macaulay said:—

Under the proposed system it would depend on the Natives themselves, and upon them alone, at what time they should enter into the Civil Service. As soon as any young Native of distinguished parts should, by the cultivation of English literature, have enabled himself to be victorious in competition over European candidates, he would, in the most honourable manner, by conquest, as a matter of right, and not as a mere eleemosynary donation, obtain access to the service. It would then be utterly impossible for his European fellows to look down upon him; he would enter the service in the best and most honourable way; and I believe that in this mode, and in this mode alone, can the object which so many friends of the Native population have in view be attained in a manner at all satisfactory. (Hansard, Vol. CXXVIII, p. 758.)

Mr. Lowe, Secretary to the Board of Control, stated that "the principle of the Bill was that if Natives could be found to enter into

competition and to undergo the test of examination with the educated youth of Haileybury, they were to be allowed to do so." (Hansard, Vol. CXXIX, p. 787.) There can, therefore, be no doubt that it was the clear intention of the Government and of Parliament in 1853 that the words which I have just quoted from section XXXVII should not be a dead letter, but that the competitions for the Civil Service should be really open to natives of India.

4. After the Bill became law, Sir C. Wood appointed a Committee, consisting of Mr. Macaulay, Lord Ashburton, Mr. Henry Melvill, Mr. Jowett, and Mr. J. G. Shaw Lefevre, "to take into consideration the subject of the examination of candidates for the Civil Service of the East India Company," and that Committee sent in its report in November 1854. In it they discuss very fully the age for admission to the examination, and give their opinion in the following terms:—

It seems to us that it would be a great improvement to allow students to be admitted to the college up to the age of 23, and to fix 25 as the latest age at which they can go out to India in the Civil Service. It is undoubtedly desirable that the civil servant of the Company should enter on his duties while still young; but it is also desirable that he should have received the best, the most liberal, the most finished education that his native country affords. Such an education has been proved by experience to be the best preparation for every calling which requires the exercise of the higher powers of the mind; nor will it be easy to show that such preparation is less desirable in the case of a civil servant of the East India Company than in the case of a professional man who remains in England. Indeed, in the case of the civil servant of the Company a good general education is even more desirable than in the case of the English professional man; for the duties even of a very young servant of the Company are more important than those which ordinarily fall to the lot of a professional man in England. In England, too, a professional man may, while engaged in active business, continue to improve his mind by means of reading and of conversation. But the servant of the Company is often stationed, during a large part of his life, at a great distance from libraries and from European society, and will therefore find it peculiarly difficult to supply by study in his mature years the deficiencies of his early training.

The change which we propose will have one practical effect, to which we attach much importance. We think it desirable that a considerable number of the civil servants of the Company should be men who have taken the first degree in arts at Oxford or Cambridge. At present the line is drawn as if it had been expressly meant to exclude bachelors of those universities. It will, we believe, be found that the great majority of our academic youth graduate too late by a few months, and only by a few months, for admission into Haileybury.

We propose to fix 18 as the lowest age at which a candidate can be admitted into the college. We are indeed of opinion that except in very rare and extraordinary cases, it is not desirable that a lad should be admitted so early as 18. But we are convinced that, except in very rare and extraordinary cases, no lad of 18 will have any chance of being admitted. Hitherto the admissions have been given by favour. They are henceforward to be gained by superiority in an intellectual competition. While they were given by favour, they were frequently, indeed generally, given to persons whose age was not much above the minimum. A director would naturally wish his son or his nephew to be handsomely provided for at 19 rather than at 23, and to be able to return to England with a competence at 44 rather than at 48. A majority of the students have, therefore, been admitted before they were 19, and have gone out before they were 21. But it is plain that, in any intellectual competition, boys of 18 must be borne down by men of 21 and 22. We may therefore, we believe, safely predict that nine-tenths of those who are admitted to the college under the new system will be older than nine-tenths of those who quit it under the present system. We hope and believe that among the successful competitors will frequently be young men who have obtained the highest honours of Oxford and Cambridge. To many such young men a fellowship, or a tutorship, which must be held on condition of celibacy, will appear less attractive than a situation which enables the person who holds it to marry at an early age.

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Nor do we think that we should render any service to India by inducing her future rulers to neglect, in their earlier years, European literature and science, for studies specially Indian. We believe that men who have been engaged, up to one or two and twenty, in studies which have no immediate connection with the business of any profession, and of which the effect is merely to open, to invigorate, and to enrich the mind, will generally be found in the business of every profession, superior to men who have, at 18 or 19, devoted themselves to the special studies of their calling. The most illustrious English jurists have been men who have never opened

a law book till after the close of a distinguished academical career; nor is there any reason to believe that they would have been greater lawyers if they had passed in drawing pleas and conveyances the time which they gave to Thucydides, to Cicero, and to Newton. The duties of a civil servant of the East India Company are of so high a nature that in his case it is peculiarly desirable that an excellent general education, such as may enlarge and strengthen his understanding, should precede the special education which must qualify him to despatch the business of his catcherry. No. 205.

5. This report was accepted by Sir C. Wood, and he determined at the same time that it was inexpedient permanently to maintain Haileybury College. In communicating his decision to the Court of Directors, he wrote thus:—

Upon the best consideration which I have been able to give to the subject, this college, as it is now constituted for the education of youths from the age of 17, appears to me to be altogether unsuited to the instruction of gentlemen, many of whom may have passed through the full course of education at one or other of the universities, and some of whom may perhaps have even entered upon their studies for the bar.

6. In January 1855 the Regulations\* for the admission of candidates to the Civil Service of the East India Company were issued, and the first of them commenced as follows:—

Any natural-born subject of Her Majesty who shall be desirous of entering the Civil Service of the Company will be entitled to be examined at such examination, provided he shall, on or before the 1st May 1855, have transmitted to the Board of Commissioners—

(a) A certificate of his age being above 18 years and under 23 years.

The right of natives of India, being subjects of Her Majesty, to compete was thus fully recognised, and the limits of age recommended after very careful consideration, by the eminently competent men who composed Mr. Macaulay's Committee, were prescribed.

7. In 1858 the Government of India was transferred from the Company to the Crown by the 21 & 22 Vic., c. 106, and, although that country had in the meantime passed through the convulsion of the Mutiny, the right of the Native subjects of Her Majesty to compete for admission to the Civil Service was re-affirmed by Section 32 of that Statute. Fresh Regulations for the competitions were issued by the Civil Service Commissioners, and the limits of age laid down in 1855 were retained without alteration. In 1859 the maximum limit was lowered to 22, but, as Mr. Walrond observes in his letter\* of 16th March 1875, "at the same time a year's probation in England was prescribed, so that the average age of actual entrance into the service probably remained nearly as before, *i.e.*, about 22½." In 1864 a further change was introduced, and the upper limits of age was reduced to 21 years. This reduction appears to have had its origin in a correspondence between the Secretary of State and the Government of India concerning a perfectly distinct question relating to the training to be provided for young Civilians upon their arrival in India, and to have been resorted to mainly in order to counterbalance the addition then first introduced of a second year's probationary training in England (see Mr. Walrond's letter just quoted).

In the year 1874 the question was re-opened, and Lord Salisbury, who was then Secretary of State for India, invited the opinion of the Civil Service Commissioners upon it in common with a variety of other subjects connected with the system of admission to the Indian Civil Service. The Commissioners in their reply to this reference (see Mr. Walrond's letter of the 16th March 1875), pointed out that a reduction of the maximum age to 18 or 19 would alter completely the rules then in force, and they went on to say:—

Amid these various views and conflicting considerations, it appears to the Commissioners that the question at issue cannot be determined satisfactorily except with reference to the experience of those who have seen the practical working of the system in India; and in the absence of any evidence that the Government of

\* Not printed.

India is desirous to disturb the settlement which was effected in pursuance of the opinion of Sir John Lawrence and his colleagues in 1864, they are not prepared on their part to suggest any departure from it. No. 205.

Thereupon the Secretary of State referred the question to the Government of India and the Governments of Bombay and Madras, by whom a great body of opinion was collected which disclosed much difference of view among the persons consulted, but which, as it seems to me, left the weight of authority against a further reduction of the upper limit of age. The majority of the Government of India, including the Viceroy (Lord Northbrook), were opposed to it. Lord Northbrook wrote:—

7. The present limits of age for candidates at the competitive examination are 17 and 21. Assuming that young men are to be chosen for service in India who have completed their general education, I agree with those who recommend that the higher limit should be raised to 22, and I think that the lower limit should also be raised, and that the future limits should be the ages of 19 and 22. I therefore agree

\* Letter † to Lord Salisbury of 27th December 1874. with the opinion of Professor Jowett, the Master of Balliol,\* in respect to raising the limit of age, with the difference that I recommend that the extension

of the higher limit shall not be confined to candidates who have resided at the Universities and passed certain examinations, but that it shall be applied equally to all candidates. The effect of raising the limit of age to 22 would be to enable a young man to take his degree at an University before competing for the Indian Civil Service, and so to remove one of the present discouragements to University candidates. I may observe that this proposal would not only suit the educational course of Oxford and Cambridge, but also that of the Scotch and Indian Universities, as will be seen from the answers given by Mr. Justice Nanabhai Haridas, Judge of the Bombay High Court, and by Mr. W. Jenkyns. It will be seen further on that I propose to reduce the period of training in England from two years to one; so that although the maximum age at the competition would be raised from 21 to 22, the age of civil servants when they arrive in India would remain the same as it now is.

8. Several high Indian authorities recommend a reduction of the higher limit from 21 to 20. The change is apparently a small one, but I am satisfied that it would be followed by consequences which have been not sufficiently considered.

9. The real choice seems to me to lie between (1) making a radical change in the system of entry into the Indian Civil Service by fixing the limits of age at from 16 to 18 (the age at which boys leave a public school and enter the University, the army, or other professions in life) and requiring them to complete their education by a 3 or 4 years' study at a special College; and (2) maintaining the present system, which fixes the limits of age so as to ensure that the successful candidates shall have obtained a good general education, and limits the subsequent training to the special subjects required for Indian service. If the former plan is to be adopted, a reduction of the higher limit of age from 21 to 20 would clearly be insufficient. If the present system is to be maintained, the reduction of a year in the higher limit for the competitive examination seems to me to be open to more serious objections than the slight difference would at first suggest.

10. The object is to invite candidates to compete for the Civil Service after finishing their general education, and it is obviously desirable to fix the age for the competition so as to admit men who have just passed through the ordinary course at the principal Universities. Our Universities should fill their proper place and provide that general liberal education which fits a man for Indian service as much as for other important duties of life. No one can, I presume, deliberately desire to discourage University education, and to force all candidates for the Indian Civil Service to resort to other expedients. It seems to me that this is precisely what a reduction of the higher limit from 21 to 20 would effect. It has been pointed out by the best authorities that even the present limit of 21 discourages University candidates, because many men do not take their degree until they have passed that age. It is obvious therefore that if the maximum age be reduced to 20, the discouragement will be still greater, and indeed it is highly improbable that any University man would compete. It may be said that he could do so, and afterwards complete his University course; but excepting in extraordinary cases I do not think this would occur, for the special course of training for Indian service ought to occupy the whole of the period allowed for such training, and leave no time for completing the ordinary University course.

11. Again I do not think that those who advocate this reduction of the higher limit have fully appreciated the alteration in the scope of high education which has been made during the last 20 years, the longer time which is consequently devoted to education than was formerly the case, and the necessity of bringing out to India

men of the highest attainments that the prospects of service in India can secure. No. 205. To raise the maximum age by a year would tend to raise the general standard of acquirements of the successful candidates, while to lower it would have the opposite result.

12. As this is greatly a question to be determined by authority and experience, I have taken the pains to analyse the answers given by civil servants, and I find that a very large majority have expressed their opinions against reducing the higher limit of age. Out of 101 officers of all ranks 5 either do not refer to the subject of age, or give replies of doubtful import. Of the remaining 96, only 27 recommend a reduction of the present higher limit, 36 would retain the present limits, and 33 would raise the maximum age, most of them adopting Professor Jowett's suggestion that it should be raised to 22.

13. One of the reasons given by those who wish to reduce the age of candidates is that civil servants are more likely to be satisfied with their lot in life and to adapt themselves to an Indian career if they come to India younger. This does not appear to be borne out by the opinions of the men themselves. Taking the more junior civil servants I find that of the men who came out to India in and after the year 1861, only 11 out of 53 wish the age lowered. The opinions of the most junior men are almost unanimous. Out of 26 men who came out in and after 1870, only 2 recommend a reduction of the age, 15 would leave the present limits as they are, and 9 would raise the maximum.

Mr. (now Sir Arthur) Hobhouse recorded his opinion as follows:—

14. The question of the age for competition is two-fold; there are those who would reduce it, and those who would raise it. To the former it seems to me to be a conclusive reply that it would make an essential change in what is probably the most essential part of the system laid down in 1854, and that there are no bad effects which should induce us to demand such a change. We should adhere to the principles that the probationers are to take leave of their general education and enter upon a special one, and that at least the bulk of these should have reached an age at which a sound general education may ordinarily be completed. I think it impossible to affirm that the 19th year is such an age, though there may be exceptionally forward boys; or to deny that the 21st year is such an age, though there may be exceptionally backward men.

The quotation made above from Lord Northbrook's Minute shows that out of 101 officers of all ranks consulted on the subject, 69 were opposed to a reduction of age, 27 were in favour of it, while the remaining 5 gave no distinct opinion on the subject. And if we turn from the consideration of numbers to examine the names of those who expressed views unfavourable to the proposed change, we find among them Sir C. Aitchison's, who says:—

I have always been of opinion that the reduction of age was a mistake, and that the limits fixed in 1855 should be reverted to, *viz.*, minimum 18 and maximum 23, or at the very lowest 22. With two years' study in England, this would bring young civilians out at ages varying from 20 to 24 or 25. It cannot be said that at that age the mind and habits are so formed as to have destroyed or even impaired the plasticity of youth; it was not found so, I think, with the men of the earlier years who, with few exceptions, were 22 or upwards when they reached India. There was perhaps an advantage in catching lads young in old times, when Indian life meant actual severance from English ties, English literature, and even English news for indefinitely long periods; but matters are changed now. The great advantage of raising the age is that we get young men of more matured mind, wider and more liberal education, and men who, having reached a period of life at which they have deliberately to choose a career for themselves, are less likely to regret their choice hereafter.

Mr. Gibbs, Mr. Peile, and Mr. Pedder were also opposed to any lowering of the maximum limit of age, as was also Mr. T. C. Hope, who was of opinion that—

2. As regards age, there appear to be decided advantages in candidates coming to India with 'more matured judgment' and wider experience of life. At home likewise it is not always possible for parents to select a career for their sons, or for young men to settle down seriously to the work of life, as early as is ordinarily requisite in order to prepare for the competitive examination. I should, therefore, be glad to see the maximum age for admission to probation raised again from 21 to 22 and the minimum to 18. The statement (F) at page 52 of the papers shows that few would be



affected by the latter change, but that probably a good many men of riper value would be secured by the latter. No. 205.

Sir C. Turner, Sir H. Davies, Sir L. Griffin, Mr. P. S. Melvill, Mr. C. L. Tupper, Sir R. E. Egerton, Mr. J. F. D. Inglis, Sir J. H. Morris, Colonel Keatinge, Mr. Luttman-Johnson, Mr. C. J. Lyall, Mr. Henvey, and Mr. A. P. Howell took the same view. It would not be easy to pick out from the ranks of the Civil Service a more distinguished list of persons. At the beginning of the year 1876 Lord Salisbury decided to reduce the maximum limit of age from 21 to 19; but, as the facts stated above show that decision was taken in opposition to the advice of the majority of the Members of the Government of India, of a majority of the officials consulted in India, of the Civil Service Commissioners at home, and of Professor Jowett, the Master of Balliol, whose authority upon all questions of education is so high, and who was the only surviving Member of the Committee which, under the presidency of Lord Macaulay, laid down in 1854 the original scheme of competitive examinations for the Indian Civil Service.

9. It is necessary, therefore, to consider the grounds upon which a change opposed by so much authoritative opinion was introduced. They are to be found stated in Lord Salisbury's Despatch\* to the Government of India, dated 24th February 1876, and are, first, that the change was "recommended by the Universities;" second, and "most cogent," that "a University education could not be secured for the candidates by any other" course; and, third, that the consequences of failure in the competition are more serious at 21 or 22 than at 19, and that prudent parents are deterred from reserving their sons for competition till the age of 21 from a fear that, in case of failure, it would be difficult at that period of life to find them another career, and that this risk must diminish the field of competition especially among the professional "class." With respect to the first of these statements, I must point out that the expression "the Universities" in Lord Salisbury's Despatch appears to be limited to Oxford and Cambridge alone, and that I can find no proof in any of the papers that the University of Cambridge ever did recommend a reduction of age. Oxford, speaking through the Vice-Chancellor, the Dean of Christ Church, Dr. Liddell, did so no doubt; but, so far as I know, Cambridge expressed no opinion on the subject. The Civil Service Commissioners indeed held that the Cambridge view of the matter was that the then existing limits of age were not liable to objection, for Mr. Walrond, in the letter from which I have already quoted, writes—

In a similar letter from the Vice-Chancellor of Cambridge, written with a view to the removal of all obstacles to the residence of the selected candidates at that University, no mention is made of the subject of age; and it may, therefore, be assumed that in his opinion the present limits are not liable to objection on that score.

It would seem, therefore, that the Secretary of State's decision was founded upon the recommendation of the University of Oxford alone, and that one at least of the greatest authorities of that University upon such a question, Professor Jowett, dissented from the recommendation.

10. The second ground alleged for the change "is that a University education cannot be ensured for candidates by any other" course. This language is somewhat wanting in precision, because it is not clearly explained whether the University education referred to is the education given by the Universities to their own members, or special education to be given at the Universities to young men intended for the Indian Civil Service. Lord Salisbury in his Despatch seems to claim Lord Macaulay's authority for the new arrangements which he introduced, for he says in paragraph 7,—“It is obvious that if the theory upon which Lord Macaulay and others founded the competition is right, the exclusion of University education cannot be defended.”

\* Not printed.

But nothing can be clearer than that the University education which Lord Macaulay and his colleagues of the Committee of 1854 had in their minds was the regular education of the Universities, for their desire was that the Indian Civil Servant "should have received the best, the most liberal, and the most finished education that his native country affords," and that "a considerable number of the Civil Servants of the Company should be men who have taken the first degree of Arts at Oxford or Cambridge." The theory, therefore, upon which their scheme was founded cannot be satisfied by merely giving the men, who have passed the competitive examination, a special training at one of the Universities. Such training will not supply them with the most *finished* education which the country affords, and so far from securing that a considerable number of Indian Civil Servants shall have taken the first degrees of Arts in our Universities, the adoption of this system was calculated to produce an exactly opposite effect. What the authors of the system introduced in 1853-54 wished was that the Indian competitions should be, as Lord Derby urged in the debate on the Bill of 1853, competitions between young men and not competitions between boys, and that the competitors should be men who had already received the best general education provided by our Schools and Universities. The change made in 1876 involved an entire reversal of this system; it altered completely, as the Civil Service Commissioners pointed out, the rules previously in force, and instead of maintaining "the theory upon which Lord Macaulay and others founded the competition," it abandoned it altogether. Up to the date of the change more than 66 per cent. of the men appointed to the Civil Service since 1856 had, as I shall show presently, been educated at one or other of our Universities, and it is therefore difficult to understand what the Secretary of State meant when he said that "a University education cannot be secured for the candidates by any other" course than that of lowering the upper limit of age. Under the regulations as to age as they stood in 1876, two-thirds of the successful candidates had received a University education; if it was desired to secure that education for a still larger number, the most effectual method of effecting that object would have been to raise the age to that originally fixed by the Committee of 1854, a course for which there is a great deal to be said. This was evidently Professor Jowett's opinion, for in his letter of the 27th December 1874 he says:—

During the first ten years of the present system the age was fixed at 22, and about two-fifths of the competing candidates were selected from Oxford and Cambridge. Since the limit of age was reduced (in 1866) to 21, the number of University candidates has proportionately diminished. I am inclined to think that this is a loss which has not been compensated by the arrival of the candidates in India a few months sooner. The service has probably been deprived of some of the best men who would have offered themselves.

11. If the changes made in 1876 were meant to apply "the theory upon which Lord Macaulay and others founded the competition" more perfectly than had previously been the case, they have completely failed; if they were intended to introduce a new theory, they are open to serious objections as I shall hereafter endeavour to show.

12. The third ground put forward in Lord Salisbury's Despatch relates to the alleged unwillingness of parents to reserve their sons for competition from a fear that in case of failure it would be difficult to find them a career. This argument was met by anticipation by Professor Jowett in the letter to which I have already referred, in which he says,—“If the age were reduced from 21 to 18 or 19, I should expect that the number of well-qualified candidates would be diminished by at least one-half.” This expectation has been to a great extent realised, as since the age was lowered the falling off in the

number of candidates has been remarkable, as is shown by the following statement:—

Total number of competitors in—

1873	.	204	for 35	appointments.	
1874	.	205	"	38	"
1875	.	198	"	37	"
1876	.	202	"	30	"
1877	.	203	"	30	"
1878	.	{ 69	"	13	" Under the old conditions.
		{ 134	"	13	" Under the new conditions.
1879	.	181	"	28	"
1880	.	194	"	27	"
1881	.	147	"	31	"
1882	.	140	"	39	"

13. From these figures it appears that in the four years before the change was introduced, the average proportion of competitors to appointments was almost exactly 6 to 1, while in the four years since the change it was a fraction over  $5\frac{1}{4}$  to 1. It will also be observed that, although the number of appointments to be competed for has been increasing during the last three years above referred to, the number of competitors has fallen off, until in 1882 the proportion of competitors to appointments dropped to  $3\frac{3}{9}$  to 1, or not much more than half the rate before the limit of age was lowered. The truth appears to be that, instead of parents disliking to 'reserve' their sons till 21 before deciding whether to adopt an Indian career for them, the real fact is that parents are very unwilling to fix on India as the destination of their sons at the early age of 15 or 16.

14. It seems to me, therefore, that the three grounds alleged by the Secretary of State in 1876 for the change then made are not supported by the facts of the case, or borne out by the results of experience. There is nothing to show that the change was recommended by more than one University, that of Oxford; the University education which the new system encourages is a special education at a University, not a University education in the true sense of the word in which it was used by Lord Macaulay and his colleagues on the Commission of 1854; University education in this latter sense has been so discouraged by the system that members of the Universities are now almost excluded from the competition; and so far from parents being more willing than formerly to let their sons compete for the Indian Civil Service, the proportion of competitors to appointments has so seriously diminished since 1878 that at the last competition of which I am in possession of the details, that of 1882, the proportion of candidates to appointments was little more than half of that which prevailed before the reduction of age.

15. But, although these are the only grounds brought forward in the Despatch of the 24th February 1876, others have been urged by the advocates of the present arrangement in the course of the discussions to which it has given rise. I will now proceed to refer to some of them. And first it is said that unless men come out to India very young they do not "take to Indian life" and devote themselves earnestly to their duties in this country. What are the facts in regard to this question? What has been the career of the men who have gone up late for competition? Have they turned out less capable servants of the Government than their younger rivals? Let us see. How does the list stand from the beginning of the competitive

Age.	Age.
H. J. Reynolds . . . . . 23	C. H. T. Crosthwaite . . . . . 23
C. U. Aitchison . . . . . 23	H. LePoer Wynne . . . . . 23
J. G. Cordery . . . . . 23	W. Tyrrell . . . . . 21
J. B. Peile . . . . . 23	W. Wedderburn . . . . . 21
J. D. Sandford . . . . . 23	L. H. Griffin . . . . . 20
W. B. Jones . . . . . 23	W. E. Ward . . . . . 21
W. G. Pedder . . . . . 23	J. W. Edzard . . . . . 20
R. West . . . . . 23	M. A. McConaghey . . . . . 21
W. Young . . . . . 23	E. C. Buck . . . . . 20
J. W. Quinton . . . . . 23	J. O'Kinealy . . . . . 20
J. W. S. Wyllie . . . . . 21	W. W. Hunter . . . . . 20
C. A. Elliott . . . . . 21	S. O. B. Ridsdale . . . . . 20
J. B. Richey . . . . . 23	A. C. Turp . . . . . 21
D. G. Barkley . . . . . 22	H. W. Bliss . . . . . 21
W. Duthoit . . . . . 23	D. M. Barbour . . . . . 20
A. P. Mowell . . . . . 23	

system? I give in the margin a series of names of gentlemen, who went up for competition at ages beyond the present maximum limit, and I would ask whether any one will venture to say that they, and many besides who come within

the same category, have shown any inability to accommodate themselves to Indian life, or to perform the duties of the important offices which they have filled with eminent advantage to the public service. It seems to me that no answer, other than this appeal to facts, is needed to refute the argument to which I am now referring, but I shall have occasion hereafter to give my reasons for holding that it is very desirable that men should come out to India older than they do now.

16. It was again contended that by lowering the age of examination the resort to "crammers" would be stopped. I must acknowledge that I do not share the feelings of unmitigated abhorrence with which many persons regard the "cramming" system. That system has its evils, no doubt, like any other; but they are easily exaggerated and may be successfully met to a great extent by a well devised scheme of examination. I cannot do better than refer to the "Observations on Cramming" which form appendix O to Mr. Walrond's letter of the 16th March 1875. The result may be summed up in Mr. Walrond's own words—"The inference is irresistible. In individual cases cramming (in the bad sense of the word) may be successful; but as a system it does not 'pay,' whatever candidates or their friends may think on the subject." I have every reason to believe that this statement is quite correct; if it is not, the true remedy lies, not in a reduction of age, which only makes the evils of cramming greater, but in an improvement of the examinations. But in regard to this matter also let us apply the test of fact. Has the reduction of the maximum limit of age driven the "crammer" out of the field? The recent reports of the Civil Service Commissioners prove most conclusively that it has not done so. These reports did not show regularly before 1879 the number of successful candidates "specially prepared," but since that date the figures stand as follows:—

	No. of successful candidates.	No. specially prepared.	Percentage.
1879 . . . . .	28	16	57
1880 . . . . .	27	20	74
1881 . . . . .	31	18	58
1882 . . . . .	39	23	59
Total . . . . .	125	77	61·6

Some reduction in the number of candidates attending "cramming" establishments appears to have taken place, for I find it stated in one of the Civil Service Commissioners' Reports that out of the 110 last candidates who passed under the old system, 88 had received special preparation; but the difference is not very great, and it will be observed that the figures given above show that in 1880 the percentage of specially prepared boys was nearly as high as that which prevailed before the reduction of age, and that it was higher in 1882 than in 1879 or 1881. Resort, therefore, is still freely had to "cramming" while the real dangers of the system are much more serious than before, inasmuch as candidates are now exposed to the temptations of a London life at an earlier age.

17. I have now replied briefly to what I understand to be the principal arguments put forward by the advocates of the present limit of age. I proceed to state some of the reasons, which may, as it appears to me, be urged against it. The question divides itself into two branches; the first relating to the manner in which the existing arrangement affects European candidates; the second, relating to its operation in respect to Native candidates. I will deal with each of these subjects separately. I hold that the present system works injuriously in the case of European candidates for the following reasons:—In the first place it has fundamentally altered "the theory upon which Lord Macaulay and others founded the competition." That theory, as I have shown above, was that the Indian Civil Servant ought to receive "the best, the most liberal, and the most

finished education that his native country affords," and also that it is "desirable that a considerable number of the Civil Servants of the Company should be men who have taken the first degree in Arts." I find from Mr. A. C. Tupp's Indian Civil Service List for 1880 that of 903 persons who entered the Service between 1856 and 1879, 618, or more than two-thirds, were University men, and that at least 324 or 36 per cent. of the whole number were graduates. Up to this period, therefore, the regulations devised by Lord Macaulay's Committee had fully answered their purpose. The education of the candidates had been a liberal and finished education, and a considerable proportion of those who passed into the Civil Service were graduates of some University. Since 1878 the highest percentage of graduate has been 7, and the lowest, that of the last year for which I have information, has been 3. So that we have now a system under which boys who have only just left school are the competitors, and University graduates are almost entirely excluded from the Service.

18. Secondly, I object to this system, because it has substituted a competition among boys for a competition among young men, for I entirely agree with what Lord Derby said in the passage\* which I have quoted above from his speech of 1883 that "he did not believe that the accidental distinction which one might obtain at the age of 17 or 18 was any great test of real ability, because, obviously, distinctions at that age depended more frequently on the effect of cramming and artificial training than on the spontaneous efforts of mind." I am but expressing the opinion of one of the highest educational authorities in England when I say that "the great defect in the present system is the youthfulness of the candidates. They are too unformed in manners and character, they are not matured men, but boys who have passed the last three or four years before going out to India in working for examinations. Being two years younger than formerly, they have two years' less education, less physical strength, less knowledge of the world. Their moral principles are also likely to be weaker, as the extreme limit of age is 19, probably on the average they are about 18, or somewhat less, at the time of receiving their first appointment, and reach India soon after 20. But very few young men are fit to hold responsible positions at so early an age." The difference between the two kinds of competition is of the most substantial kind, and the qualities tested by each are essentially distinct; to put the matter shortly the one tests mainly the skill of the teachers, the other the real qualities of the pupil. The successful boy overstrained by premature effort is only too likely to subside into a listless unenergetic man; the youth, who wins by the 'spontaneous efforts of mind,' exerted at an age when that mind can bear the strain, will in all probability maintain his superiority throughout his career.

19. The low limit of age is inconsistent with the views which have always been held by those who have taken the strongest interest in the system of competitive examinations. In their Report of 1853 upon the organization of the Permanent Civil Service, Sir Stafford Northcote and Sir Charles Trevelyan wrote thus upon this point—"With regard to the age of admission, we are of opinion that in the case of candidates for superior situations the limits should, as a general rule, be 19 and 25; in the case of candidates for inferior offices 17 and 21." The Regulations for admission to the Home Civil Service have ever since been framed upon these general lines. It is clear that Sir Charles Trevelyan has not changed his mind upon this matter, for I observe that he signed the Memorial which was recently presented to the Secretary of State by the Indian Association in London, and which prayed that the maximum limit of age might be raised.

20. And, thirdly, I object to the present system, because I am strongly convinced that it is becoming every day more and more

\* See page 246.

important that the men who enter the Indian Civil Service should be men trained by the best English methods and thoroughly imbued with the highest English thought. The influences to which English youths are exposed in this country are to no small extent of a narrow kind, powerful in a limited society, but not calculated to keep alive the best tendencies of English opinion. The boy whose real education is stopped at 18 or earlier, and who, after that age, instead of receiving the widest and most complete education of the day, is thenceforth to be trained specially for an Indian career, will not have acquired before he arrives in India that grasp of sound principles, moral, economical, and political, which it is of the utmost importance that as the future representative of English opinion and feeling among the natives of India he should possess. What we want in India are Englishmen in the best and fullest meaning of the term, able to hold their own in the midst of narrowing influences and local prejudices, not English boys, who are too young and too unformed in character not to fall as a rule into the current of the opinions in the midst of which their lot is cast.

21. My fourth argument against the existing arrangement is that by lowering the proportion between competitors and appointments, it tends directly to lower the standard of the examination. It requires no discussion to prove that in a competitive examination the fewer the competitors the lower will be the educational standard of those who pass. I have shown above that the proportion is now little more than half of what it was before the change, and there can, therefore, be no doubt that the present examination is less testing than the old one used to be. This I regard as a serious matter.

22. Turning now to the question of the way in which the change of 1876 has affected Native candidates, the facts of the case are plain; up to the year 1883 only one Native has been successful in the English competitions since the limit of age was reduced. It is not that Natives have retired sulkily from the competitions because of their dislike of that reduction, or have not done their best to evercome the serious difficulties which it placed in the way of their success. They foresaw the probable results of the change so far as their interests were concerned and their views upon the subject were clearly and forcibly stated in the memorial\* of the British Indian Association dated the 1st December 1876, in which it is pointed out that "the result would obviously and practically be the closing of the competitive door to the people of this country." In spite, however, of the belief that the new conditions of the competition were such as to close the door against them, Native candidates were still found to make the trial. It appears that in the six years of the new system, 10 Native candidates have presented themselves for examination, though but one of them has passed. The forebodings of the British Indian Association have been therefore largely realised. I do not say that it was the intention of the Secretary of State in 1876 to close the door to Natives; there is nothing in any of the papers which I have seen to show that there was any such intention on the part of Her Majesty's Government of that day, or even to indicate that the way in which the new regulations would affect Native candidates was considered at all before the change was made. But there is undoubtedly a widespread belief in India that one object of the alterations made in 1876 was to exclude educated Natives from the English competitions, and this belief has been confirmed in the minds of many persons by a passage in a Despatch† of Lord Lytton's Government to the Secretary of State, dated 2nd May 1878, in which it is said that "the recent reduction of the standard of age for the competitive examination will practically render the competition of Natives, educated in their own country, a matter of exceptional difficulty." It is argued that these observations show that the Government of India of that date, who were admittedly in favour of closing the English examinations to Natives, were content

\* Not printed.

† See page 99.

to leave that matter to the decision of the Secretary of State, because they were satisfied that, whatever that decision might be, the reduction of age did practically render it impossible for Natives to compete with success. But whatever may have been the views and wishes of the Government of India, it is impossible to suppose that Lord Cranbrook, who, in 1878, had succeeded Lord Salisbury as Secretary of State, had any desire to exclude Natives from public competition for the Civil Service, because in his Despatch\* of the 7th November 1878 he rejected the proposal of Lord Lytton's Government for the establishment of a close Native Service, and the suggestion that the Covenanted Civil Service should be no longer open to Natives on the ground that those recommendations would "involve an application to Parliament, which would have no prospect of success, and which he certainly would not undertake." It is clear therefore that Lord Cranbrook did not in 1878 consider the door of admission to the London competitions to be closed to natives of India. He can never have meant to allow that to be done by a side wind, which he felt would not be sanctioned by Parliament, if it were openly applied to on the subject. I am bound therefore to reject the idea that Her Majesty's Government in 1876 or 1878 intended to exclude natives of India from the competitive examinations for the Covenanted Civil Service. But whatever the intention may have been, about the effect of the new regulations upon Native candidates, there can be no doubt. Six years have elapsed since those regulations were introduced; Native competitors have put them to the test and have shown that the fears entertained from the first as to the consequences which would flow from them were only too well founded; and a return to the old system is now asked for in consequence not of any *à priori* conceptions, but of practical experience of the working of the system now in force.<sup>a</sup>

23. The case of the Natives appears to me to be very strong. Parliament, as I have shown in the earlier part of this Note, intended to give them free admission to the Covenanted Civil Service through the door of competition in England; this right was secured to them by the Act of 1853, and was renewed by the Act of 1858. Lord Cranbrook in 1878 felt that any application to Parliament to reverse that policy would have no chance of success, and yet six years' experience has demonstrated that it has been almost totally reversed not by the deliberate decision of Parliament, but by an India Office regulation not meant, as it would seem, to have that effect. As I said in my Minute† of the 26th September last,—“If the exclusion of Natives from competition was one of the objects with which the new regulation was adopted, of which, as I have said, there is no proof, then it seems to me that the end sought was inconsistent with the intention of the law, and that the only legitimate mode of attaining it was by an application to Parliament to change the law; but if the exclusion of Natives, which has resulted in practice from the present regulation, was not contemplated by its authors, the sooner steps are taken to restore to Native candidates the privilege which Parliament undoubtedly intended to confer on them, and of which they have been accidentally deprived by the action of the Executive Government, the more consistent it will be with due respect for the intentions of the Legislature, and for the claims which are founded upon those intentions.”

24. I have received a memorandum on this subject from Syud Ahmed, C.S.I., a well known Native gentleman, in which he says,—

A kind of political discontent has arisen among the educated classes of the Natives of this country on account of the reduction of the limit of age for candidates for the Indian Civil Service. When this measure was brought forward, the

\* Stress has been laid by the advocates of the present system now upon the fact that from the first institution of the competitive examinations up to 1883, three Natives under 19 years of age have been successful in the London competitions, and since this paper was first written news has been received that two others have passed in London. I append a note‡ upon the subject which shows how very exceptional the cases of these gentlemen are, and that only one of them, that of Mr. Kharegat, can really be made to afford support to the existing regulations.

\* See page 109.

† See page 159.

‡ See page 263.

educated Natives thought that the real object of Government in doing so was to exclude Natives from the Civil Service appointments, and by this means the Government wanted to deprive its subjects of one of their rights. They also thought that even the then existing difficulties were more than could be borne, and when some Natives bravely bore those difficulties the Government thought that similarly other Natives will also be encouraged to bravely meet those difficulties, and consequently secured its object by reducing the limit of age, and thereby debarring the Natives from trying to obtain those appointments. Some good-natured people said that we should not be suspicious of Government in such a way; but when the Natives saw the Despatch\* of Lord Lytton, dated the 2nd May 1878, which contained the request that 'the ordinary Covenanted Civil Service should no longer be open to Natives,' they were confirmed in their suspicion, and that political discontent has since then taken a firmer root, and I consider it the duty of every one who is loyal to his Government to pray to God to erase the root of that discontent. Though the Secretary of State did not entertain the request contained in that Despatch, yet the Natives think that, while the limit of age was reduced, it was altogether immaterial whether or not to grant that request.

25. Putting aside the question of Parliamentary obligation, I would ask whether it is wise or politic to keep up this "kind of political discontent," especially among men from whose ranks are drawn the writers in the press, the speakers at public meetings, the pleaders before our Courts, and not unfrequently the officials of Native States. If it could be proved that the former system had not produced suitable European candidates for the Indian Civil Service; if the men who had come out to India under it had been found as they rose to high positions to be wanting in the qualities of intellect or of character required for the efficient discharge of the duties of such positions; if the new system were now sending us young men of more complete education and more finished English training than those who came to us under the old, I should admit that the desire and aspirations of educated Natives must be met in some other way than by the abandonment of regulations which had been proved by experience to conduce to the greater efficiency of the main body of the Civil Service; but if I have been successful in showing in the first portion of this Minute that none of these things can be proved from experience, and that they are really contradicted by facts; or even if it should be thought that I have only so far succeeded as to show that it is difficult to determine on which side (as far as English candidates are concerned) the arguments predominate, then the Government is bound, as it seems to me, to give full weight to the case of the Native candidates and to allow the arguments, from their point of view, to turn the scale.

26. But farther I believe it to be of great importance in itself, apart from any consideration of the interests or wishes of the Native community, that the Native portion of our Civil Service should, at all events, be leavened by the presence of such men as are admitted by the testing method of competition in England, and whose admission can be secured by that method alone. The test involved in competition in England in English with able young men from England, Ireland, and Scotland is so severe as to make it surprising that any native of India can pass it, and as to render it certain that any Native who does pass it must be possessed not only of high intellectual attainments, but of great force of character. It seems to me unquestionable that the door of competition in England is the most searching entrance to the Civil Service through which natives of this country can pass. Those who succeed are necessarily the cream of educated Indians, and I am thoroughly convinced that in the great majority of instances the men who get through the ordeal of competition at home will be the very best recruits you could possibly have for the Service.

27. In spite of the experience of the six years, during which although Natives have competed, only one has passed, doubts are, I believe, expressed occasionally whether it is really impossible for Indian youths to compete now just as well as formerly; and the precocity of Easterns as compared with Europeans is brought forward in support of this view. In order to test the value of objections of this kind, I

\* See page 99.



consulted Mr. R. C. Dutt of the Bengal Civil Service, an officer of acknowledged ability, who passed third in the competitive examination and second in the final examination. I annex the interesting memorandum with which he has furnished me, and which he winds up by saying,—“Under the present limit of age they” (the difficulties which beset the Indian candidate) “cannot be overcome, and the doors of the Indian Civil Service are practically closed against the natives of India.” Indian youths may be precocious, but their precocity must be great indeed if they are often able, before the age of 19, to master a foreign language so completely as to secure success in competitive examinations conducted in that language over young men who have spoken it from their earliest youth.

28. But then it is said that since the institution of what is called the “Statutory Service,” the admission of Natives to the Civil Service is sufficiently provided for by that means, and that they have, therefore, no right to complain of being to a serious extent shut out from the examinations in England. Upon this argument I would remark, in the first place, that for the reasons which I have given above, it must be held that Lord Cranbrook intended that natives of India should gain admission to the Civil Service through both modes of entrance, by competition at Home, and by appointment to the Statutory Service, and that to close either of them is to withdraw an advantage which the Secretary of State in 1878 meant to leave to the Natives. In the next place, the men who enter the Statutory Service are not the same kind of men as those who go to England to compete. At present the two classes are, generally speaking, very wide asunder; the changes which are now proposed in the mode of appointment of Statutory Civilians will give greater weight than is given at present to the claims of education, but there is no chance, and indeed no possibility, of their affording any such means as the English competitions afford of sifting out the pick of the educated classes. As Sir A. Lyall says in his *Minute*\* of the 10th July 1884, “the open competition gives us the best men procurable by educational tests.” The men supplied by the two methods will always be different, and will be differently regarded by the public and by their own class. That the new system would not be accepted with satisfaction by the natives of India was foreseen as long ago as 1870, when the Act under which the scheme of Statutory Civilians was subsequently established was first passed by Parliament, for in the Debate of the Second Reading of the Bill in the House of Commons Sir C. Wingfield, a distinguished Indian Civilian, who held high offices in this country, and was finally Chief Commissioner of Oudh, spoke as follows:—

He feared, however, that the selection of the Native candidates for appointment and promotion would hardly fail to create dissatisfaction; that if the appointments were not made exclusively by competition nomination would degenerate into favouritism, and invite jealousy between those who had entered the Service by competition and those who had gained appointments by interest. Beside this, the disposition among young Natives to come to England and enter into competition would receive a check, and this was the more serious when it was considered that no training was so excellent for a young man destined to administer the laws in India as a study of the workings of English law and life in this country. Last year four natives of India obtained Civil Service certificates. Natives of India were, however, placed under a disadvantage, as compared with Englishmen, in being obliged to reside here, at a distance from their friends and at great expense, while preparing for their examination; and it was desirable to find out, if possible, a means of relieving them from that disadvantage, and placing them on a more equal footing with Europeans \* \* \* From conversations with Native gentlemen prosecuting their studies in England, and from articles in the Native Indian Press, he gathered that the Native educated opinion was by no means in favour of a nomination system. They asked for no favour. They were prepared to compete with the youth of England. But they would prefer that the first competitive examination should be held in India, a certain number of appointments being allotted to India, and that the selected candidates should be required to reside in England, until they passed the final examination, during which time they would receive £100 a year. This proposition, although he did not mean to say he gave in his adhesion

\* See page 214.

to it, appeared to him to be at all events worthy of consideration \* \* \* No. 205.

\* \* He feared that although it might be in a small way, the principle of competition was affected by the clause, and he should be sorry to see the principle imperilled. His experience of the working of the competitive system in India was that it had raised the average of ability and attainments in the Civil Service in a great degree. He did not say that it would produce men more eminent than some whom the nomination system had given us, but it had raised the average of efficiency, while the instances of glaring inefficiency which, under the nomination system, were not infrequent, were now entirely unknown.

Experience has amply established the correctness of Sir C. Wingfield's views, and no arrangement likely to be made under the Act of 1870 will compensate the best educated Natives for the obstacles now interposed to their competition for admission to the regular Covenanted Civil Service.

29. The communications which we have recently received from Local Governments upon the subject of the present system of admission to the "Statutory Service" afford a confirmation, the more important because it was unsought, of the views which I have expressed above.

The Bombay Government\* say,—

With reference to the very general appeal from the Native press and public against the early limit of age fixed for candidates for the Indian Civil Service who appear at the competitive examination in London, I am to state that the Governor in Council would recommend that in the case of Native candidates the limit should be raised one year in order to enable them to compete on terms of greater equality with the English-born candidates.

Mr. Peile writes† :—

The Statutory nominee will no doubt be all the better for a training in England ; but is it worth while to go to considerable public expense for travelling and maintenance, and to undertake the trouble of holding competitive examinations as a means of carrying out the *plan of direct nomination*? The result is not a proceeding under Statute 33 Victoria, Chapter III, Section 6, at all, but a left-handed branch of the competitive system with the peculiarity that it is open only to Natives. The question occurs, if all this is to be done, why not apply the same money and trouble to remove any disadvantages which now handicap Natives in competing in the regular ordeal with the rest of Her Majesty's subjects? It seems to me that a nominee-competition (wholly or partly separated from qualification of birth) for one-sixth of the Civil Service appointments is a plan which India, in regard to its own best interests, should decline. Odium would always attach to the nominations; the nominee-competitors would always be under a stigma of inferiority as men who have entered the service by the back-stairs, and yet few Natives would have the resolution and self-respect to refuse to seek for a nomination and devote themselves to the more arduous ordeal of the really open competition. The result would be altogether demoralizing to the self-respect of the Indian student. I should prefer to limit nomination as I have suggested in paragraph 6, extend it as I have suggested in paragraphs 7, 8, &c., and remove any disqualifications under which Native candidates for the open competition can now be proved to lie, and give them reasonable help in money and facilities for residence at an English University when preparing for examination.

And again in a subsequent Minute‡ Mr. Peile says,—

If it is found to be true that the present limit of age is unfair to Natives because they have the additional task of learning English and studying and being examined in English, then I think Natives should be allowed, say, a year more than English competitors. I think it is possible to put English and Native competitors on an equality at the door of the English examination room by giving the latter allowances, and if this can be done, I think the same ordeal for both is better for India than any separate, which will always be deemed an inferior, ordeal.

The Secretary to the Madras Government§ writes,—

I am to remark in passing that this Government would be much pleased to see greater facilities given to young natives of India for proceeding to England and entering the service by the channel of ordinary competition. They believe that youths who had beaten at their own weapons English schoolboys, and who had shewn the force of character required for undertaking a journey to England, would form a better element in the administration of India than can be obtained by any system of selection of young Natives in this country.

\* See page 173.

† See page 174.

‡ See page 177.

§ See page 165.

Sir F. Roberts\* says,—

The first of these three ways is, in my opinion, the best, and the one by which the larger proportion of Natives should enter the Covenanted Civil Service. \* \* \*

It may, perhaps, be necessary to increase the maximum limit of age from 19 to 20, and this, I think, should be done in fairness to the natives of India.

The Secretary to the Bengal Government† writes,—

The examination should be in every detail the same as that to which English youths who are candidates for the service are subjected; but in the matter of age Mr. Rivers Thompson is not sure that an advantage would not be secured in raising the limit as regards Native competitors.

Sir Charles Aitchison gives his opinion‡ as follows :—

I for one have never ceased to regret the reduction of the age for competition for the Civil Service. The more we have departed from the principles laid down in Macaulay's Report of 1854, the more we have created difficulties for ourselves. The object aimed at by the Parliament of the day was to secure for the Indian Civil Service men who had received 'the best, the most liberal, the most finished education,' and then to train them specially in those branches of knowledge which it is essential an Indian Civilian should possess. 'Such an education,' the Report of 1854\* went on to say, 'has been proved by experience to be the best preparation for every calling which requires the exercise of the higher powers of the mind; nor will it be easy to show that such preparation is less desirable in the case of a Civil Servant of the East India Company than in the case of a professional man who remains in England. Indeed, in the case of the Civil Servant of the Company a good general education is even more desirable.' \* \* \* The reduction of the age was not a mere alteration of detail; it was an essential change of principle. Instead of giving to India men who have received a finished education, it gives half-educated schoolboys especially trained for an India career, while it has practically closed the door to the admission of natives of India by competition and opened the side door of charity, and nomination, and patronage with the attendant embarrassments.

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"I entirely sympathise with the present agitation among the Natives to raise the age. I think they are right in rejecting the statutory system and resenting it as an unjust imputation upon their capacity and intellectual ability, and in demanding that the conditions of competition shall be so framed as to make it possible for them to enter the competition on a fair footing as regards their European fellow-subjects, and to win by their own exertions an honourable position in the Civil Service. I therefore cordially support the prayer of the petitions submitted, though I would rather have the maximum limit of age fixed at 23 than at 21; for I believe that the nearer we can return to the position of 1854, the better will it be for the country, the more just to the people, and the less need will there be to have recourse to the statutory arrangements, which, if defensible at all, are only defensible as a very temporary means of admitting natives of India to appointments now practically closed to them by the present rules for the open competition.

The Secretary to the Government of the North-Western Provinces§ writes,—

But the present system of open competition in England affords, or could be made to afford, all necessary opportunity for candidates of this class.

The heads of the minor Local Governments have given no opinion upon the subject in their reports on the "Statutory Service," but I am in a position to state that Mr. Crosthwaite (Central Provinces) and Mr. Elliott (Assam) are in favour of raising the present limit of age, while Mr. Bernard (British Burma) is opposed to a change of the existing rules.

30. It is sometimes argued, however, that the difficulties now thrown in the way of competition by Natives constitute a mere sentimental grievance, and that after all only some 12 Natives have succeeded in the competitive examinations since they were first established. But it must be remembered that what are called "sentimental" grievances are often those most keenly felt, and that the

\* Report dated November 1854 from the Committee requested to consider the subject of the examination of candidates for the Civil Service of the East India Company. (Blue Book of 1876 Appendix A.)

\* See page 169.

† See page 180.

‡ See pages 219 and 220.

§ See page 190.

motive which prompts men to prefer to enter the service of the Government by the difficult path of open competition rather than by favour of any kind is an honourable motive which it is important to encourage. The fact also that the right of the Natives to compete has been granted to them twice over by Act of Parliament makes any interference with it the more hard to accept and leaves on the minds of those who desire to enter the list of the English competitions a sense of being kept out of what the law intended to give them, which it would be sound policy to remove.

31. The argument to which I have just adverted rests on the supposition that if the maximum limit of age were raised again, Natives would not be more successful in the examinations than they were in former years. But some persons object to a return to the higher limit of age upon an exactly opposite ground. They fear that if the English competition were again freely opened to Natives they would enter the Service in large numbers to the exclusion of Europeans. Past experience, it will not be denied, is against this belief, neither does it appear to me that the probabilities of the case justify it. The consideration which I have given to this subject, since I wrote my Minute of last September, has strengthened the opinion which I then expressed, and I cannot think it probable that natives of this country, however intelligent and well educated they may be, will ever be able to go to England and win their way in large numbers into the Service in a competition against the pick of the youths of the United Kingdom carried on at their own doors and based upon the educational system of their own schools. I cannot believe it, for it could not come to pass unless the natives of India were possessed of intellectual qualities greatly superior to those of the English, Irish, and Scotch competitors whom they have to meet before the Civil Service Commissioners; to require natives of India to compete in England is to handicap them heavily in the race; and that any but men of exceptional ability can succeed under such circumstances seems to me to be out of the question. The idea, therefore, that a return to the old regulation as to age would, as is sometimes said, 'flood the Civil Service with Natives,' is to my mind unsubstantial. But if it be desired to take precautions now against such a possibility, this may be done by proportionately diminishing the number appointed to the Statutory Service.

32. There is one more argument against altering the existing system at the present time to which I must advert before I bring this Minute to a close. It is said that it may have been a mistake to have made the change in 1876, but that we have not as yet had sufficient experience of its effects to render it desirable to alter it again. What, I would ask, is the kind of experience required? If it is the experience of those persons who have had most to do with the Indian Probationers in England, I have every reason to believe, as I stated in my Minute\* of September last, that that experience has been unfavourable to the arrangements now in force, and that those best qualified to judge are of opinion that we are not getting the sort of men most fitted for an Indian career. If what is wanted is experience of the effect of the new regulations in regard to Native candidates, we have it ample and conclusive; their chances of success in the competitions have been most seriously impaired. We have also quite sufficient experience, as I have shown above, to prove that the objects for which Lord Salisbury introduced the change have not been attained. But if when we are asked to wait for further experience, it is meant that we should wait until the men, who have come in under the new system, rise to positions in the Service in which it will be possible to pronounce a fair judgment upon their qualifications as a body, we must wait for 5 or 10 years more, and during the whole of that time the Service will be filled up under the present plan, and if that plan is giving us men less good than we might other-

\* See page 159.

wise get, we shall in the end find ourselves burdened with a body of inferior officers who may depress the character of the Service for a whole generation. This would be so very serious a result that it seems to me that if there is good reason to believe that the new system has failed to secure the purposes for which it was established and is open to substantial objections, it ought to be modified without delay. No. 205.

33. The conclusion therefore at which I arrive upon the whole matter is that the regulations of 1876 by which the upper limit of age was reduced from 21 to 19 have failed to attain the objects for which they were introduced; that so far as the European candidates are concerned the education which they now receive is fundamentally different from that which was contemplated when the system of open competition was first established, and is much less well calculated to bring into the Indian Civil Service the kind of men with whom it is most desirable that it should be filled; and, lastly, that those regulations have rendered it, to use Lord Lytton's words, "a matter of exceptional difficulty" for natives of India to compete successfully in England for the Covenanted Civil Service, and thus tend to deprive them of a privilege which Parliament deliberately conferred upon them and upon which they set a high value. I am, therefore, strongly of opinion that the maximum age for competition should again be raised.

RIPON.

10th September 1884.

#### A P P E N D I X .

*History of the five Natives of India who have passed successfully in the London Competitive Examinations for the Indian Civil Service when under the age of 19.*

1. *Mr. Cursesjee Rustomjee*—passed 1874. Was taken to England when a little over 11 years of age. Was first placed at a Boarding School in Chiswick, and stayed there from 2 to 3 years. He then studied at King's College School till he passed the Matriculation Examination at University College, London, in January 1872. Then went to Mr. Scoones, and worked at his chambers till March 1874, when he passed the open competition.

2. *Mr. P. Ratnavilu Chetty*—passed 1874. Was educated at the Presidency College, Madras. He began the study of English at an unusually early age, 7, and, being precociously intelligent, made very rapid progress. He matriculated at the Madras University at the age of 13 and graduated at 16, the average age of matriculation being 16, and of taking the B. A. degree 20. He went to England in the spring of 1873, studied at Mr. Wren's Establishment, and passed the open competition in March 1874. He obtained the highest marks given at the examination for mathematics, for which he had a remarkable turn. His tutor at Madras mentions that he was fairly strong in other subjects, but particularly good only in mathematics. His severe early study injured his health, and he died prematurely soon after returning to India.

3. *Mr. Munchersha Pestonji Kharegat*—passed 1882. Was born in Bombay 18th December 1864. Entered the Bombay Proprietary School 3rd February 1871, and left in December 1878. He then went to the St. Xavier's College. Matriculated at the Madras University in December 1880. Returned to Bombay in January 1881, and having gained a Gilchrist Scholarship, he left for England in May 1881. He attended classes in the London University, and took lessons in Biology and other subjects under a tutor of the name of Ashton. He passed the Civil Service Examination in June 1882, coming out 26th in a list of 39. Besides English he is proficient in Latin, Persian, and Sanskrit, and has some knowledge of French and Arabic, but Mathematics and Science are his special forte.

4. *Mr. A. G. Chuckerbutty*—passed 1884. Went to England as a child, and has been brought up there. His mother was not a native of India. He never learnt any of the Vernacular languages of India, and was never at any school in India.

5. *Mr. Loken Palit*—passed 1884. Was born in September 1866, and went to England in September 1878 with his parents. His father took a house in London, and brought his whole family there, remaining with them himself for

18 months and leaving them there when he returned to India. Mr. Loken Palit No. 205. studied in University College School, London, and under special tutors at home. He learnt Latin, French, and German, and was well up to Mathematics. He afterwards went for a year to Mr. Wren's, and passed the open competition in 1884.

*Note on the limit of age prescribed for candidates for admission into the Indian Civil Service, dated Borisal, the 6th May 1884.*

The lowering of the limit of age from 21 to 19 has practically resulted in excluding Indian candidates from the open competition for the Civil Service of India. In the open competition held in 1869 three natives of Bengal and one native of the Bombay Presidency were selected. One native of Bengal was selected in 1870, another in 1871, and another in 1873. Some candidates from the other Indian Presidencies also obtained admission before the limit of age was lowered. No native of Bengal has succeeded since then, and I do not know if any candidate from any other Indian province has been selected.

2. The subjects in which candidates for the Indian Civil Service are examined are pretty much the same as are prescribed for boys in the public schools in England. Natives of India commence study of these subjects at a somewhat later period of their life, *i. e.*, after they have learnt a little of their own vernaculars and their own system of arithmetic, and they also find them more difficult to acquire because they are mostly taught in English. At the age of 16 or 17, or even 18, the Indian boy is still hopelessly behind the English boy in the subjects which are prescribed for the open competition. The former has not, in most cases, yet learnt to write correct or decent English, or to master the difficulties of that language, which is admittedly a difficult one for foreigners to acquire. In History and the Sciences, Mental and Physical, which are all taught in English, the Indian boy at 17 or 18 has necessarily made less progress than the English boy of the same age. The former has an advantage in learning Sanskrit in school, but the latter has a far greater advantage in learning Latin, Greek, and French, which are taught in English schools, and not in Indian schools. At 17, or even at 18, the Indian candidate is therefore hopelessly behind his English rival in the subjects of examination for the Indian Civil Service.

3. The case is somewhat altered when young men of 20 are allowed to compete. The ablest and brightest among the young men of the Indian Universities have then some chance against the average men from the English institutions who generally compete for the Indian Civil Service. The Indian University man has then had time to acquire some knowledge of the English language, and of the other subjects of study which are taught in English. The odds are still greatly in favour of the English candidate, not only because he has learnt Latin and Greek and French, and probably German and Italian, but also because the English is his native language, and he has had an earlier start in the English subjects of study, and, therefore, ought to be still ahead, other things being equal. Nevertheless, when candidates are allowed to compete at 20, the Indian candidate of extraordinary parts has had time to overtake the average English candidate, and has therefore some chance of success. The chances would be still more equalised, and probably a better educated class of candidates would be obtained if the limit of age were raised to 23.

4. The open competition takes place in London, and it is nearly impossible for Indian candidates to appear there at the early age of 17 or 18. At that early age he has probably just passed his matriculation examination, he has not formed any plans of his future career, and he has probably not entertained any higher aim than to pass the University examinations with credit. The idea of leaving home, of performing a long journey by sea, of residing in a foreign country, and competing with hundreds of educated Englishmen for admission into the Civil Service, comes later in life, and the will to act upon this ambitious idea comes later also. It is no reproach to the Indian youth, who has always lived in his home, that at the early age of 17 or 18 he has not yet formed the idea or the determination of undertaking so hazardous a task. In the rare instances in which he may be prepared to act thus, he is not so completely his own master as to be able to disregard the wishes of his guardians, and his guardians naturally feel a hesitation in sending so young a man to Europe, with no experience of life, and probably with no friends to advise and help him there. Difficulties of a social nature also come into operation; the young man of 17 or 18 is often unable to break through the prejudices of his orthodox relations against a visit to Europe, and in the rare instances where such prejudices do not exist, he is probably not yet sufficiently strong to break through the bonds of time-honored custom which bind him to Hindu society and to his home. The difference of two years at this period of the Indian student's life makes an enormous difference in all these respects. At 20 the student has completed, or nearly completed, his University education; he has made a fair estimate

of his chances of success, and has formed his plans of life ; he is to a great extent his own master, and if money is forthcoming, he can in most cases act for himself, or induce his guardians to consent to his plans. The able and educated Indian youth of 20 will, therefore, sometimes be equal to the task of leaving his home and travelling to Europe to compete with educated Englishmen for the Indian Civil Service, but the young lad of 17 or 18 can scarcely be expected to undertake this work, and will scarcely be trusted by his guardians to undertake it. Should the limit of age be raised to 23, as has been recommended by very high authorities on the subject, the difficulties alluded to above would be still further lightened, and graduates of the Indian Universities, as well as of the English Universities, would find it possible to compete for the Civil Service of India.

5. Unlike the English candidate, the Indian candidate has to incur a heavy outlay in voyage, &c., before he can hope to compete, and he incurs this merely for the chance of success, which experience has proved to be a poor chance. The Indian youth is more likely to find this requisite outlay at 20 than at 17 or 18. If he is poor, as is often the case, he has a better chance of obtaining a scholarship, or the assistance of some friends, at a more advanced age ; while if his parents are men of competence, they are more likely to risk a large outlay for him, after he has finished his University career with distinction and credit, than when he is a mere lad and his chances of success are wholly unknown. The risk in the latter case is so great that it is seldom undertaken. The chances of obtaining pecuniary assistance would be greatly improved if the limit of age were raised to 23, and the Premchand Roychand Scholarship for instance, which at present does little good in the way of promoting study, would then be available for candidates from India wishing to compete for the Indian Civil Service.

6. To sum up :—The Indian candidate for the Civil Service of India labours under many special disadvantages as compared with the English candidate, and all these disadvantages are increased many fold under the present limit of age. The Indian candidate has to compete with Englishmen in the English language and in English subjects of study, and he is hopelessly behind his English brethren in these subjects at 17 or 18. The Indian candidate again has to leave his home, travel some thousands of miles by sea, and live in a foreign country before he can appear at the open competition, and he can scarcely be expected or trusted by his guardians to do all this at 17 or 18, when his experience, his self-reliance, and his strength of will have not been matured, and his plans of life have not been formed. And, lastly, the Indian candidate has to incur a heavy initial outlay for voyage and foreign residence for the mere chance of success, and he is unable to find this at the early age of 17 or 18. All these difficulties will still exist if the limit of age be raised, but the difficulties will be lessened, and lessened very considerably, if the limit be raised to 23, and it will be then possible sometimes to overcome them. Under the present limit of age they cannot be overcome, and the doors of the Indian Civil Service are practically closed against the natives of India.

R. C. DUTT.

#### CXLVI.

From the Secretaries of a Public Meeting held at Sholapur, to the Secretary to the Government of India, Political Department, —dated Sholapur, the 12th August 1884. No. 206.

We beg to forward herewith a memorial of the inhabitants of Sholapur adopted at a public meeting held on the 29th June 1884, and request you to be kind enough to place it before His Excellency the Governor General in Council.

#### CXLVII.

To the Right Honourable the MARQUIS OF RIPON, K. G., M. S. I., Viceroy and Governor General of India in Council. No. 207.

The humble memorial of the inhabitants of Sholapur in public meeting assembled.

MOST RESPECTFULLY SHEWETH,—That ever since the age of candidates for the Indian Civil Service was reduced to its present limits, the people of India have been painfully impressed with a belief that a disposition has been prevalent among the authorities, both in England and India, to multiply the existing difficulties in the path of Native students desiring to compete for the service. The united voice of India has not since then ceased to press upon the attention of Indian and Home authorities the necessity of radically changing the policy which governs the Civil Service question. The people of India rested their hopes of the ultimate

triumph of their cause in the enlightened and liberal sense of the English people and the Parliament. But the reply of the Secretary of State for India to the recent deputation of Native community in England on the subject has once more dissipated their hopes. No. 207.

2. Your memorialists however cannot but feel grateful for the call made by Your Excellency's Government on the people of India for an expression of their views on the question. Your memorialists therefore approach Your Excellency with a firm conviction that, consistently with the righteous endeavours of your administration to vouchsafe a number of liberal concessions to Natives, Your Excellency will support the prayer which your memorialists hereby make and move the Secretary of State to grant it.

3. The history of the Covenanted Civil Service of India for the last fifty years has been one of retrogression; from comparatively liberal concession it has degenerated into a most illiberal and narrow policy. The publication of Lord Lytton's despatch has, moreover, shown that the illiberal modifications which successive Governments, with but a few exceptions, have made in the examination rules were not either the direct or indirect results of considerations induced by a desire to see the service manifesting the maximum of efficiency which Government ought to expect from its public servants to whom the most important functions of an imperial administration are delegated, but that they had a direct purpose and an end, namely to prevent deserving Native youths, with plausible consistency with the maintenance of pledges of the Sovereign and Parliament, from entering the service, and your memorialists have reasons to persuade themselves that the reduction of age was mainly intended to accomplish this result without coming into conflict with the Parliament, with whom rested the power to repeal the Statutes under which the examination was thrown open to all Her Majesty's subjects without distinction of creed or colour.

4. The frequent fluctuations in fixing the age-limit of candidates, which ultimately resulted into its present reduction has operated very injuriously on the interests of both Native and English candidates, and the examinations for the last five years have more than justified the fears entertained by the people of this country, when the reduction was first announced. Your memorialists submit that there has arisen in consequence a wide-spread discontent among all classes of Her Majesty's subjects. It seems to your memorialists that during the closing years of the Viceroyalty of Lord Lytton the recognition of this living grievance was forced upon his attention, and it was to allay it that the now universally condemned and unpopular Statutory Civil Service was created.

5. Your memorialists further observe with sorrow the serious results of the said reduction. The number of candidates that annually competed for the service has fallen, and candidates from Home Universities have found it practically impossible now to enter the service. While in the case of Native candidates the reduction has almost excluded them from competition.

6. A few years ago the newspapers of this Presidency discussed the question of the physical fitness of the covenanted civil servants sent out from England. Although that discussion called forth indignant rejoinders from certain quarters and no consensus of opinion on the question could be obtained, yet the fact of their unfitness had been officially stated by the Government of Bombay, and your memorialists beg to assure that the strain put on candidates at so early an age cannot in the long run fail to justify the opinion of the Bombay Government. Even now your memorialists are often painfully impressed with the fretful dispositions, impatience of argument, exhibitions of ill-temper, and the unsympathetic and narrow imperialistic tendencies, manifested by young civilians, serving in the various departments of Government, but notably so by those in the Revenue line, and they attribute this result to the fact of their being invested in India with large and irresponsible powers at a time of life when even English youths, living in England under all the educating and controlling influences of that country, cannot be expected to form that catholic and noble English character for which the English nation as a whole is deservedly distinguished. Your memorialists are constrained to observe that Her Majesty's Indian civil servants do not now secure that admiration and respect which they once universally commanded.

7. This is not all. The reduction of age has affected still more injuriously, nay almost disastrously, the interests of Native candidates. Your memorialists do not intend to go into details which have already been urged upon the attention of Government in various memorials adopted at public meetings by inhabitants of different towns and by associations throughout the Empire, but they beg to point out that to ask of Native youths at nineteen to master, other subjects of the examination apart, a most difficult language which has attained the stature of a great classic, in addition to a knowledge of their own vernacular and classic languages and their literature, is to ask them to perform a miracle; nor is it just to ask Native parents to send their infant sons to England to compete with English



youths placed comparatively in a more advantageous position. It is almost impossible to persuade them, moreover, to subject their immature youths to a foreign climate, far from those who can take care of them, with a view to enable them to embark on an enterprize, the issue of which cannot be, under the most favourable circumstances, otherwise than uncertain. No. 207.

8. The Statutory Civil Service, your memorialists submit, has never been favourably received by Natives, and the subsequent nominations have amply justified its unpopularity. Its artificial elevation to the dignity of Covenanted Civil Service has produced no other results than those that might have been logically expected from it. The members of that service cannot but be conscious that they have not that prestige and those traditions which surround the Covenanted Civil Service in the popular imagination—a service wherein each member is alive to his position and dignity and to its exclusive rights and privileges fought for and won by his own ability and industry, unaided, as in the case of statutory civilians, by pedigree or interest with Government. The service thus occupies an equivocal and unenviable position, being both unpopular with Natives and held in contempt by covenanted civil servants. Such a service, your memorialists submit, cannot satisfy the legitimate aspirations of Natives.

9. The recent discussion in newspapers has shown to your memorialists what objection could possibly be made to the examination being held in India. The advocates of the present system urge that residence in England and an acquaintance with English life are imperatively necessary to impart a moral tone to Native character, foster its independence, and develop in it that courtesy and delicacy of manners which are indispensable to Natives for supporting the dignity and honour of their position in society. Your memorialists beg to submit that they cannot subscribe to these observations in their entirety. Admission by competition, whether in England or India, in the Covenanted Civil Service pre-supposes a high degree of intellectual and educational acquirements, and it has been officially recognized by persons most competent to judge that educated Natives do as a rule manifest a high moral tone. Educated Natives, moreover, are proverbially independent, and your memorialists are not aware of any distinct charge having been ever made against them of awkwardness of manners when they have occasion to mix in European society. Such occasions are few and far between it is true, but they are so independently of the inability of Native youths to support their dignity in it, and your memorialists are sure that no such charge can justly be made against them when they have occasions to mix in the society of their own countrymen. But if being awkward and discourteous in society is a defect in character in a high functionary of State, the charge might justly be laid at the door of European civil servants who are notoriously ignorant of the manners and modes of thought and feeling of a people whom they rule and whose destinies they in a measure shape.

10. Your memorialists in conclusion beg that Your Excellency's righteous administration has endeavoured to redress some of the standing grievances of Natives, and they feel assured that consistently with the broad sympathies of your rule, Your Excellency will, as a supplement to those endeavours, move the Secretary of State to raise the limit of age from nineteen to twenty-three and hold the competitive examination simultaneously in England and India. This reform, which is a legitimate demand of the people of India, has hitherto been persistently refused. The attachment of the people of India to Your Excellency's person and rule, and the recognition of your efforts to do good to them, have induced your memorialists to prefer their prayer to Your Excellency, and to confide their hopes of success in nothing else but Your Lordship's support in moving the Secretary of State to grant your memorialists' prayer.

For this act of grace your memorialists shall ever pray.

Endorsement by the Foreign Department, —No. 1743 G., dated Simla, the 11th September 1884.

Transferred to the Home Department for disposal.

### CXLVIII.

From the Secretary to the Eurasian and Anglo-Indian Association, to the Secretary to the Government of India, Home Department, —No. 70, dated Calcutta, the 8th July 1884. No. 208.

I am directed by the Board of this Association to submit the following representation on the subject of the selection of "Statutory Civilians" for the consideration of His Excellency the Viceroy and Governor General of India in Council.

2. In the year 1879, shortly after the promulgation of the rules No. 208 for the selection of Statutory Civilians, the Board, in their letter\* No. 230, dated 12th November, expressed the hope that, as the construction put on the term "Native" made it include domiciled Anglo-Indians, the claims of the resident Christian population of the country would not be overlooked. The Government of India in their reply,\* dated 24th December 1879, stated that "the terms of the Statute admitted of the appointment of persons of the class represented by this Association," and that "the claims of such persons of this class as might be of conspicuous merit and ability would doubtless receive due consideration from the Local Governments."

3. Since the above correspondence took place, Natives of pure Asiatic descent have been nominated for the Civil Service from almost every province in the Empire, including British Burma, which does not possess a territorial aristocracy like most other provinces; and the Board, while rejoicing in the advancement of other classes of Her Majesty's Indian subjects, feel that they would be wanting in their duty if they did not respectfully point out that the class represented by this Association has been entirely overlooked.

4. In order that they may be able to show the reasonableness of their appeal, the Board desire briefly to point out the persons on whose behalf the appeal is chiefly presented. These are, *firstly*, persons who have distinguished themselves in the public service, and who, as having acquired both experience and influence, may naturally look for official advancement in the country which is their home; *secondly*, the sons of such persons who, having qualified themselves by a good education, may well look for advancement to the State which their fathers have served; and, *thirdly*, young men who, whether sons of Government servants or not, have won intellectual distinction in Indian colleges and schools, and may reasonably expect that no career shall be barred against them which is open to other natives of the country.

5. The claims of the two former classes speak for themselves. As regards the third, the Board feel sure that it will not be considered unbecoming if they point out briefly that the peculiar social and political position of the domiciled Anglo-Indian and Eurasian community seems to single out, as specially deserving of considerate treatment from Government, promising young men, whose special abilities would mark them out for distinction in any other country in the world.

6. If it be maintained that domiciled Anglo-Indians and Eurasians are a small class compared with the Native masses round them, I am desired to urge that this argument from a numerical majority may be said to have been satisfied by the precedence already given to Natives in their selection as Statutory Civilians. I am directed, however, respectfully to point out that this argument from numbers is misleading. Any fair comparison which can be drawn between Anglo-Indians and Eurasians and Natives must be made between certain sections of the middle and upper classes of society, and not between Eurasians and the Native masses, between whom and their own countrymen of the better classes there is a gulf almost as wide as that which separates them from European society. Be this as it may, the Board earnestly contend that the uneducated and ignorant and politically insignificant class among Eurasians and Anglo-Indians bear a ratio to their whole number which is infinitesimal compared with the corresponding ratio in Native society; and that no true comparison can be made between the flower of their community and the flower of the Native community which is not made on a limited area, and so reduces what is for the purposes of the present enquiry an imaginary disproportion.

7. The Board have in a former memorial\* dwelt on the peculiar hardship in the situation of Eurasians who are excluded from benefits

\* Not printed.

conferred on pure Natives, because of their European descent, while they are at the same time excluded from offices reserved for Englishmen, because they are held not to be English; and they do not wish to deprive this just complaint of its intensity by spreading it over many appeals. But, as the representatives of a loyal community, the Board feel that they only do right in humbly appealing to the Government to save this community, which labours under many drawbacks, from anything that resembles proscription. No. 208.

8. The Board have learned with satisfaction that, in a speech delivered in Madras on the 14th February last, His Excellency the Viceroy declared that the Government of India was about to consider the question of the appointment of Statutory Civilians in communication with the Local Governments; and they therefore think the occasion appropriate and seasonable for submitting the present appeal, and they do so with the hopeful conviction that the Government will find opportunities for satisfying the expectations to which its own generous promise has given rise.

#### CIXL.

From G. S. FORBES, Esq., Officiating Under Secretary to the Government of India, Home Department, to the Secretary to the Eurasian and Anglo-Indian Association,—No. 1132, dated Simla, the 17th July 1884. No. 209.

I am directed to acknowledge the receipt of your letter,\* dated the 8th instant, on the subject of the selection of Statutory Civilians.

#### CL.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 51, dated Simla, the 12th September 1884. No. 210.

We have now the honour to forward copies of the replies of the Local Governments to the reference made to them under the sanction conveyed in Your Lordship's despatch† No. 128 of the 22nd November 1883, on the subject of improving the working of the Statutory Rules regulating the admission of Natives to offices ordinarily held by members of Her Majesty's Covenanted Civil Service of India. We also enclose a copy of the Circular addressed by us to the Local Governments.

2. It will be seen that, although we did not invite discussion upon the general question of the success or failure of the present statutory system, the local authorities, and especially the larger Governments which have had most experience of its working, are seriously dissatisfied with its results. Some of them have indeed recorded criticisms or proposals, the acceptance of which would necessitate radical changes in the existing rules, or lead even to their absolute withdrawal, while the large majority are distinctly opposed to the method of applying and working the rules prescribed in the Resolution of the Government of India in the Home Department,‡ No. 59—2324-30 of 24th December 1879. It will also be observed that none of the suggestions put forward in our Circular entirely commend themselves to the Local Governments generally as sufficient to meet the exigencies of the case.

3. We ourselves should have been glad if it had been possible to avoid disturbing arrangements settled so comparatively recently by the Government of India in communication with the Home Government of the time; but the opinions of the Local Governments are in

\* See page 267.

† See page 163.

‡ See page 147.

themselves so strong, and there is such a practical unanimity as to No. 210. the necessity of some considerable change, that we have been compelled to review the whole question afresh.

4. At present there are two modes by which natives of India are admitted to the Civil Service of the Crown in this country. They may become members of the regular Covenanted Civil Service by success in the London competitions, or they may be appointed under the rules\* of 1879 as "Statutory Civilians." We are of opinion that both these modes of admission should be considered together, and that the latter should be regarded as supplementary to the former. The annual competitive examinations in England should be the first door of entrance to the Civil Service, and resort should only be had to the statutory system in order to make up the due proportion of Natives to Europeans in the service, as it may be determined from time to time.

5. We agree with the Madras Government and the other authorities who hold that the most satisfactory Native Civil Servants will be those who enter by the door of the open competition established under the provisions of 21 and 22 Vic., Cap. 106. Not only have we in their case an ample guarantee of educational attainments, but we may assume that Native youths who have faced the difficulties at present attendant upon a visit to Europe, and who have passed two years or more at an English University, and mixed with English society of a superior class, will have something of that force of character and knowledge of the principles actuating our Government which it is desirable that our administrative staff should everywhere possess.

6. We think, therefore, that all proper facilities should be afforded to Native students to enable them to proceed to England, and there compete on reasonably equal terms with other candidates for appointments in the Indian Civil Service. We are not satisfied that this is at present the case. Your Lordship is aware that the reduction to 19 of the maximum limit of age for intending candidates, effected in 1876, is universally declared by the Native community to be an effectual stumbling block in the way of students educated in this country. On this subject we have received numerous memorials from all parts of India, which we take this opportunity of submitting for Your Lordship's consideration. We have no doubt that the low limit of age does seriously interfere with the success of Native candidates at the London examination. It will be observed that not a few of the authorities consulted by us on the question of the Statutory Rules express opinions favourable to raising the limit of age for Natives, though this matter was not in any way put before them. We feel, however, that there might be grave objections to establishing a differential age for one class of candidates at the open competition. But we think sufficient grounds have been shown for re-considering the age question; and we believe that to fix the limits of age for all candidates alike at from 18 years as the minimum to

\* See page 135.

21 as the maximum would remove much of the objection urged No. 210. against the present rule by the Native community, without relinquishing the advantages of the arrangements now made for probationary study at home, to which we attach importance, and without defeating the objects of those who think that English candidates should come out to India at a comparatively early age. We would also suggest a re-consideration of the position assigned to the Eastern classical languages—Arabic and Sanskrit—among the subjects of examination. It would seem to be only fair to Indian students that these subjects should be put upon a par with Latin and Greek in the schedule of marks, the standard of examination in all four subjects being made equally high.

7. It may be doubted whether, even if these facilities are granted, any large number of Native candidates will succeed in gaining admission to the service. But the chance of a disproportionate recruitment of Native civilians would be guarded against by the adoption of the arrangement to which we have alluded above for reducing the number of Statutory appointments in each year in proportion to the number of admission of Natives to the regular Covenanted Civil Service at the English competitive examination. At present the proportion of Natives admitted under the Statutory Rules is one-sixth of the whole recruitment of the year, and a certain number do, from time to time, obtain appointments through the open competition. In fixing a percentage of the whole recruitment to be at once reserved for Natives, we feel bound to recognize the effect of this double mode of admission; and on a scrutiny of the results of past years, we think that this percentage may fairly be taken at 18 per cent.

8. We would then look to the open competition to supply, as far as possible, the required number of Natives for the superior Civil Service. To make up the difference between the number thus appointed and the full 18 per cent., we must fall back upon the Statute of 1870.

9. As to the best mode of selecting candidates under the provisions of the Statute, there are, it will be seen, great differences of opinion among the Local Governments. On one point, however, the great majority are agreed, namely that the attempt made by the Resolution\* of the 21th December 1879 to confine the selections to young men of high family has practically failed. It certainly appears to be the case in Bombay, Madras, and Lower Bengal, that suitable young men of the class desired are not in fact forthcoming. The candidates for appointments in those provinces differ in no respect from the class which willingly enters the Uncovenanted Service. Even in other provinces, though less difficulty is perhaps experienced in finding men belonging to the ranks of the landowning and upper middle classes, members of the highest families are not prepared to accept the subordinate offices offered to them, or to enter upon the drudgery and training necessary to qualify for higher appointments.

\* See page 147.

We must therefore abandon the system of exclusively confining our No. 210. selections to candidates of high birth, and admit the principles of selection on the grounds of intellectual capacity and educational attainments, or on the ground of proved merit and ability shown in the service of Government.

10. We agree with the majority of the Local Governments, that, when selections are being made in India, men who have exhibited marked ability of sufficient trial in the upper Uncovenanted Service have a strong claim to appointment under the Statutory Rules, and are likely to make useful civil servants. There is ample evidence that we shall find in the Uncovenanted Service suitable material for the recruitment of the superior ranks. In Bengal young men of good family have always been ready to accept uncovenanted appointments, and the rest of the recruits belong to those literate and professional classes who everywhere supply the persons best suited for administrative and judicial work of a subordinate character. Of the Punjab, Mr. Lyall, the Chief Commissioner of Coorg, who served long in the former province, writes thus: "Numbers of well-educated young men of the best Sikh and Muhammadan families are most anxious to be appointed Tahsildars and Munsifs, and are quite ready to take lower appointments, such as that of Naib Tahsildars, of Police Deputy Inspectors, and of Clerks of the Courts." "In Madras" (he adds) "young men of good birth and graduates of Universities are eager to take clerkships in Government offices, Revenue Inspectorships, and other appointments on very small pay." The Bombay Government remarks the same thing, and has raised the standard for its minor appointments to the University degree. In fact, admission to the Uncovenanted Service is now in all provinces made dependent on the passing of educational tests; and we shall, if our proposals are approved, satisfy ourselves that these are everywhere made sufficiently stringent. Actual service in the Uncovenanted appointments will be an excellent preparation for work in the superior offices, and will afford those proofs of "merit and ability" on which the Statute of 1870 lays marked emphasis.

11. The younger men promoted from the Uncovenanted Service will of course at starting be posted only to the lowest grade of covenanted appointments, and their further promotion will depend upon their individual merit and capacity. But it is desirable also to promote occasionally men of more senior standing who have earned consideration by a long course of faithful and distinguished service. Such officers can only be suitably provided for by appointing them to superior covenanted offices. We believe that we shall be able to draw up hereafter, in communication with Local Governments, a scheme which shall make arrangements for such exceptional appointments (by seconding or otherwise) without prejudicing the flow of promotion in the regular Covenanted Service, or involving the State in any additional expense.

12. Filling up then the percentage of Native appointments, as far as possible, from the successful candidates at the open competition, we would leave to the Local Governments a wide latitude in

their arrangements for securing suitable outside candidates when No. 210. required to complete the total Native recruitment of the superior service. Some Governments may prefer, as a rule, to promote men from the Uncovenanted Service, or to select them from the learned professions. In some provinces it may be found desirable to select by limited competition among a number of nominated candidates, and to stipulate for a course of study in England before or after selection. Other Governments may prefer to select their candidates from among young men who have already been studying in England. In other provinces, again, the Local Government might prefer to have recourse to simple selection. But whatever rules the Local Governments may adopt, they should all be subject to the control and approval of the Supreme Government, and be based upon certain general principles to be laid down by us, one of the most important of which would be the requiring of a sufficiently high standard of educational attainment.

13. These are the general principles upon which we should wish to see the recruitment of the Native portion of the superior Civil Service regulated for the future.

14. We have so far dealt only with the service as a whole. It would of course be necessary to secure also a proper distribution of the Native element in the different provinces. The number of Statutory appointments would have to be distributed annually, under the orders of the Government of India, between the different provinces, having due regard to the birth-place, &c., of the candidates who succeeded in the open competition in England, so that no province shall on the whole obtain an undue preponderance of Native candidates. It will be seen that the up-country Governments deprecate any free admixture in their superior service of Natives from other provinces. But there will be no real difficulty in controlling the distribution by executive orders.

✓ 15. We have not overlooked the suggestion in paragraph 4 of Your Lordship's despatch\* of the 22nd November, regarding the advisability of encouraging probationers for the Civil Service to complete their education in England. It would not be possible, nor would it, perhaps, be desirable, to insist upon this in the case of men promoted from the Uncovenanted Service. But we are quite in favour of encouraging young men entering the service for the first time to proceed to Europe for purposes of study. We are also prepared to allow probationers under the Statutory Rules to visit England during the term of their probation, on such conditions and with such allowances as may be hereafter determined, and we have reason to hope that place may be found for others who have already been studying in Europe in the ranks of the Uncovenanted Service from which they may hope to rise to the superior service under the system above described.

16. We believe that all the changes above suggested in the mode of recruiting the Native element in the Civil Service can be carried out under the Statutory Rules† sanctioned in 1879. Change is

\* See page 163.

† See page 135.

required in the mode of interpreting and applying those rules rather than in the rules themselves. If Your Lordship should be of the same opinion, we think no time should be lost in making public the principles upon which the Government proposes in future to deal with this important matter. No. 210.

17. On the general question of the maximum limit of age for competitors at the Indian Civil Service Examinations in London, His Excellency the Viceroy has recorded his views in a separate Minute,\* of which we enclose a copy.

#### LIST OF ENCLOSURES.

1. Home Department Resolution (1) No. 59—2324-29, dated 24th December 1879.
2. Circular (2) to Local Governments and Administrations, No. 19—720A., dated 30th April 1884.
3. Letter (3) from Government of Madras, No. 1332, dated 18th June 1884, and enclosures.
4. Letter (4) from Government of Bombay, No. 4744—127, dated 12th June 1884, and enclosures.
5. Letter (5) from Government of Bengal, No. 1166A.—D., dated 12th June 1884, and enclosures.
6. Letter (6) from Government of the North-Western Provinces and Oudh No. 11, dated 16th July 1884, and enclosures.
7. Letter (7) from Chief Commissioner of the Central Provinces, No. 2764—133, dated 11th June 1884.
8. Letter (8) from Chief Commissioner of British Burma, No. 616, dated 16th June 1884, and enclosures.
9. Letter (9) from Chief Commissioner of Assam, No. 3657, dated 27th June 1884, and enclosures.
10. Letter (10) from Chief Commissioner of Coorg, No. 306—I-43, dated 3rd June 1884.
11. Letter (11) from Resident at Hyderabad, No. 175G., dated 2nd June 1884.
12. Memorial (11) from the Inhabitants of Amritsar, Punjab.
13. Memorial† from the Inhabitants of Delhi, Umballa, and Rawal Pindi.
14. Memorial† from the Inhabitants of Cawnpore.
15. Memorial (12) from the Anjuman-i-Islam of Bombay.
16. Memorial† from the Sind Sabha, Karachi.
17. Memorial† from the Nasik Sarvajanik Sabha and Inhabitants of Nasik.
18. Memorial† from the Inhabitants of Bangalore, Mysore.
19. Memorial† from the Inhabitants of the Town of Satara, Bombay.
20. Memorial† from the Inhabitants of Multan.
21. Memorial† from the Members of the Arya Samaj, Moradabad, North-Western Provinces.
22. Memorial† from the Inhabitants of Belgaum.
23. Memorial (13) from the Literary Association, Coconada.
24. Memorial† from the Poona Sarvajanik Sabha and other inhabitants of Poona.
25. Minute (14) by His Excellency the Viceroy of India.
26. Memorial (15) from the Inhabitants of Sholapur.

#### PUBLIC PROCEEDINGS, OCTOBER 1884, Nos. 36 to 39.

##### CLI.

From J. R. REID, Esq., Secretary to the Government of the North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 259—III-199-2, dated Naini Tal, the 6th June 1884. No. 36.

I am directed to forward, for the consideration and orders of His Excellency the Governor General in Council, a letter, dated 18th May

\* See page 245.

- |                   |                   |                   |                    |
|-------------------|-------------------|-------------------|--------------------|
| (1) See page 147. | (5) See page 177. | (9) See page 229. | (13) See page 243. |
| (2) Ditto 164.    | (6) Ditto 184.    | (10) Ditto 233.   | (14) Ditto 245.    |
| (3) Ditto 165.    | (7) Ditto 221.    | (11) Ditto 236.   | (15) Ditto 265.    |
| (4) Ditto 170.    | (8) Ditto 223.    | (12) Ditto 240.   |                    |

† Not printed.



1884, from Saiyid Ahmad Khan, C.S.I., together with the enclosed memorial\* of the inhabitants of Aligarh to the Secretary of State, in which they pray that the maximum limit of age for the open competitive examination for the Civil Service of India be raised from 19 to 21 years. No. 36.

2. The Lieutenant-Governor and Chief Commissioner does not think it necessary upon this occasion to offer any remarks upon the general question of the proper limit of age for the competitive examination for the Civil Service, except so far as this question is touched by the particular point raised in paragraph 8 of the memorial. But if it is demonstrably true that the effect of lowering the age limit has been, and will continue to be, to exclude from competition in England natives of these Provinces, this constitutes, in the Lieutenant-Governor's opinion, an objection to the general system which deserves very serious consideration.

3. In regard to the general arguments adduced by the memorialists in order to prove that the present limit of age is too low, and that in consequence the successful competitors come out to India too young, previous discussion has shown that on both sides of this question there is much to be said. Intellectual development certainly does not come later to natives of India than to Europeans; on the contrary, there is some ground for supposing that a scrutiny of the Indian University class lists will indicate that the younger are more successful than the elder candidates at the Entrance Examinations.

4. It is, however, to be observed that for success in the Civil Service competition it is necessary that candidates shall have a familiarity with English, which can only be acquired by residence and study in England, and that this of necessity requires Indians to go to England when 15 or 16 years old. Parents are naturally unwilling to send their sons at such an early age to Europe, and the consequence may be that fewer Indian candidates are sent, or that, when they are sent, they do not go soon enough to Europe. The memorial, however, does not take this ground, but rather lay stress on the statement that of 28 candidates all but one have failed; nor is it mentioned whether the total number of candidates presenting themselves has been affected by the reduction of the limit in age; or in what proportion, as between English and Indians, this has been the case. If the result has been that the number of English candidates has increased while that of Indians has diminished, it is a reasonable inference that the reduction in the age limit must go some way toward accounting for the ill-success of the Indians; but it is quite possible that a close enquiry may discover other additional reasons.

5. The correspondence of 1875-76, ending with Home Department No.\* 24—1354, dated 28th August 1876, upon which was based the decision reducing the age, makes no reference to the contingency that it might be disadvantageous to Natives; and, as the point may have then been overlooked, the Lieutenant-Governor thinks that it should now be examined; and he is of opinion that, if Indian candidates are found to be under any manifest disadvantages, these should, so far as is possible, be removed.

#### CLII.

From SAYYAD AHMED KHAN, C.S.I., Chairman of Public Meeting of the Inhabitants of Aligarh, to the Secretary to the Government of India, Home Department,—dated Aligarh, the 18th May 1884. No. 37.

I have the honour to say that a public meeting of the inhabitants of Aligarh was held on the 14th instant, at which I was voted to the chair; its object being to take into consideration the effects produced on the efficiency of the Indian Civil Service itself, and the disadvantages to the natives of India, by reason of the reduction of the limit of age from 21 to 19 years. At this meeting it was unanimously resolved to adopt a memorial to His Lordship the Secretary of State

\* Not printed.

for India in Council with the prayer that the maximum age for the open competitive examination for the Indian Civil Service be raised to its former limit of 21 years. No. 37.

The memorial\* prepared for this purpose was adopted by the meeting; and, in compliance with the wishes of the members of that meeting, I beg to forward, through the Government, North-Western Provinces and Oudh, the memorial\* addressed to the Right Honourable the Secretary of State for India, with the request that you will be good enough to submit it to His Excellency the Viceroy and Governor General of India, and that His Excellency will be pleased to transmit the same to His Lordship the Secretary of State for India in Council.

## CLIII

From K. T. TELANG, Esq., Honorary Joint Secretary, Bombay Branch of the East India Association, to the Secretary to the Government of India, Home Department,—dated 16, Marine Street, Fort Bombay, the 10th September 1884. No. 38.

We have the honour to forward herewith, for the information of His Excellency the Governor General in Council, a copy of the memorial\* to Her Majesty's Principal Secretary of State for India, adopted at a public meeting of the Native inhabitants of Bombay, held on the 30th of August last, on the subject of the limit of age for candidates for the Indian Civil Service.

We beg to forward the memorial to His Excellency in Council, in the hope that when the Government of India make their proposals now understood to be under consideration, on the subject of the Statutory Civil Service, they will also take the opportunity of expressing to the Secretary of State their views upon the memorial herewith forwarded, as the subject-matter of this memorial is intimately connected with the constitution of the Statutory Civil Service.

## CLIV

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 52, dated Simla, the 6th October 1884. No. 39.

In continuation of our despatch† No. 51, dated 12th ultimo, we have the honour to transmit, for Your Lordship's information, a copy of a letter\* from the Government of the North-Western Provinces and Oudh, giving cover to a letter from Saiyid Ahmad Khan, C.S.I., and a memorial\* from the inhabitants of Aligarh, on the subject of the limit of age for candidates for the Indian Civil Service. We regret that, through an oversight, these papers were not sent with the Despatch cited above.

2. We also forward a copy of a letter<sup>b</sup> from the Bombay Branch of the East India Association, enclosing a memorial from the Native inhabitants of Bombay on the same subject.

\* No.† 259—III-199-2, dated 6th June 1884, and enclosures.

<sup>b</sup> Dated 10th September 1884, and enclosure.‡

## PUBLIC PROCEEDINGS, MARCH 1885, Nos. 165 to 171.

## CLV

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 1 (Public), dated India Office, London, the 8th January 1885. No. 165.

I have received the letter† of the Government of India, No. 51, dated 12th of September last, proposing certain changes in the system under which natives of India are admitted either to the Covenanted

\* Not printed.

† See page 269.

‡ See page 274.

§ *Vide Supra*.

Civil Service of Her Majesty under Statute 21 & 22 Vic., Cap. 106, No. 165, Section 32, or, under Statute 33 Vic., Cap. 3, Section 6, to offices formerly reserved exclusively to members of that Service. I have considered this letter and its enclosures in Council with the care due to the strong interest which the late Governor General manifestly felt in this subject to the memorials relating to it which have been forwarded to me from a considerable number of Native gentlemen, and, above all, to its intrinsic importance. There is no question more intimately connected with the good government of India, and indeed with the stability of the Indian Empire, than the question of the best mode of recruiting the Civil Service.

2. The changes proposed by the Government of India, although they would affect all candidates for the Indian Civil Service, are in the main intended to regulate the admission of natives of India to that Service, and in particular to give additional facilities for their admission through the competitive examination in London. These proposals may be thus summarized. The number of natives of India admitted in each year to the superior Civil Service is to be limited to 18 per cent. of the total number of admissions. For the purpose of supplying this percentage, the competitive examination held in London under Statute 21 and 22 Vic., Cap. 106, Section 32, is to be primarily relied upon; if it becomes necessary to make up the difference between the number of Native candidates succeeding at this examination and the full 18 per cent., the Government of India would fall back on Statute 33 Vic., Cap. 3, Section 6, as providing a secondary mode of recruitment. But in order that a sufficient number of Natives may pass through the competitive examination, the specially Oriental subjects, Arabic and Sanskrit, are to be marked as highly as Greek and Latin; and the age of competition, now fixed at  $17\frac{1}{2}$  to  $19\frac{1}{2}$ , is to be altered into 18 to 21.

3. For the purpose of carrying out these proposals, very material alterations would have to be made in the regulations for the examination deriving their force from Statute 21 and 22 Vic., Cap. 106, Section 32. It is necessary for me to observe that the power of making or modifying these regulations is not part of the ordinary mechanism of Indian Government, but is a special power confided by Parliament to the Secretary of State in Council, who can only exercise it with the advice and assistance of the Civil Service Commissioners. Before, however, the Secretary of State invites the opinion of the Civil Service Commissioners on any proposals for change, it is manifestly his duty to satisfy himself that these proposals do not contravene the letter or spirit of any Act of Parliament, and are not open to any grave objection of policy. I am desirous, therefore, of asking the attention of Your Excellency in Council to difficulties which have occurred to me in regard to the plan submitted to me by the Government of your predecessor, more especially as to its consistency with the intentions of Parliament.

4. I have pointed out to Your Excellency that the London examination for the Indian Civil Service is held under direct Parlia-

mentary authority. The Act clearly prescribes that it is to be a No. 165. strictly competitive examination. The candidates are to be recommended for appointment "according to the order of their proficiency as shown by the examinations," and the Secretary of State is directed to appoint to the Civil Service such persons only as are so recommended. The proposal which I am now asked to transmit to the Civil Service Commissioners is not only that the age of competition should be raised, but that the marks allotted to Arabic and Sanskrit shall be considerably increased, and the avowed object of the proposals is to afford to a particular class of candidates greater facilities for succeeding in the examination. Now, the marks assigned to the various subjects have been fixed by the Civil Service Commissioners with the utmost care, presumably on the principle of giving to each a number of marks corresponding to what the Commissioners believe to be its value as a test of intellectual capacity. If, however, the marks are changed, not on any principle applicable to all the subjects, but solely with the view of giving an advantage to a particular class of candidates, however deserving on special grounds, I have difficulty in regarding such a change as consistent with the nature of an open competitive examination, and, therefore, with the intentions of Parliament. The precedent, moreover, independently of the question of legality, is one which might be followed hereafter by very mischievous results.

5. I entertain still graver doubts of the possibility of working out, consistently with the directions of Parliament, any scheme for using the open competitive examination in London as the primary mode of recruiting natives of India for the Civil Service, and of limiting at the same time the number admitted. We may suppose that, in some one year, the total number of Natives to be admitted under the two Acts of Parliament before mentioned is to be seven, as against 36 other candidates. The case is always conceivable and possible that eight Natives may obtain the number of marks requisite for success in the competitive examination, and in that case there is no power of rejecting the eighth candidate. The Civil Service Commissioners, in the first instance, know the candidates only by designating numbers; but when their names are ascertained, the Commissioners must recommend all the successful candidates for appointment in the order of their proficiency in examination; and the Secretary of State must appoint the persons recommended to the Civil Service. It is of great importance to understand clearly that, in the present state of the law, if the open competitive examination is so modified as to give advantages to Native candidates, every Native who succeeds in the open competition must, if he passes the probationary examinations and is not physically disqualified, be accepted as a member of the Civil Service of India.

6. The Government of India appear indeed to doubt whether, even if the facilities suggested by them were granted, any large number of Natives would succeed in gaining admission to the Service by the competitive examination. On the whole, I am inclined to

dissent from this view. It is true that the information before me No. 165. does not point to any certain conclusion respecting the effect of the age of selection on the success of Native candidates. The figures—as to which, I may observe, the Native gentlemen who have memorialized the Government seem to labour under considerable misapprehension—show that when the limit of age was 23, that is to say, from the first competitive examination in 1855 to 1859, no Native candidate presented himself. Between 1860 and 1865, when the limit of age was 22, six Natives in all competed. During the eleven years, between 1866 and 1877, when the limit was 21, the average number of Native candidates competing annually was a little above five; the number reached a maximum in 1874, when 12 Natives competed (of whom two succeeded); but before the limit of age had been further lowered, it had declined to two candidates. It would further appear that, of the whole number of Native gentlemen who, since the establishment of the system by the Charter Act of 1853, have obtained admission to the Service through competition, one-half succeeded at an age falling between the present limits of  $17\frac{1}{2}$  and  $19\frac{1}{2}$ . These numbers are, it must be admitted, so extremely small as to render any conclusion from them uncertain; but on the whole, having regard to the earlier development of natives of India, I am disposed to think that the extension of the limit of age would increase an advantage which they now enjoy as compared with home-born candidates for the Civil Service. But that the change proposed in marking the subjects of examination would produce a material increase in the number of successful Native candidates, I cannot doubt. The subjects most highly marked at present are Greek and Latin, and Mathematics, pure and mixed. For Mathematics, several of the Native races have great capacity, and if Arabic and Sanscrit have given to them the marks now allotted to Greek and Latin, the examination would be very favourable to natives of India, even when they have received a minimum of European education. Indeed, it would be a substantially Oriental examination.

7. The proposal that the competitive examination should assume this character raises a question to which it is all the more necessary to attend now, because it must have engaged the attention of Parliament. If it be desirable that natives of India should be admitted to the Civil Service through a substantially Oriental examination, how is it possible to justify the condition that they should cross the sea for the purpose of passing it? The bulk of the population of India is Hindu, and it is matter of common knowledge that the bulk of the Hindu population regard crossing the sea as a breach either of religious or of social obligation. There is much testimony to this effect in the papers before me. Thus an officer of high distinction who possesses singular knowledge of the natives of India, Sir A. C. Lyall, observes (in paragraph 5\* of the letter from the Government of the North-West Provinces, dated 16th July 1884), that “until the repugnance of orthodox Hindus to cross the seas has lost its force, a time apparently still distant, the effect of a compulsory residence in England, either before or after selection, would be to exclude from

\* See page 189.

these appointments the very considerable and important class of No. 165. Hindus whose scruples still prevent them from adopting foreign habits and ways of life"; and this opinion, which is attributed by the Lieutenant-Governor to the majority of the officers he has consulted, is stated in very strong language by one of the Native gentlemen whose views are recorded in those papers, Raja Shiva Prasad, "Orthodox Hindus of high caste," writes the Raja, "who still form the largest, the strongest, and the most influential, though a somewhat silent, class in this country, will not cross the sea." But the evidence for the existence of this scruple does not exist entirely in opinion. You will observe that what is most remarkable in the numbers of the Native candidates quoted above is their extreme smallness, a smallness all the more striking as contrasted with the vastness of the Indian population subject to British rule, usually estimated at 180 millions. It would appear from these figures that the number of Indian families hitherto practically willing to send their sons across the sea to compete in London has its measure in a maximum number of 12 candidates in one year. It would be very difficult to defend on any ground a system under which a native of India was forbidden to pass an examination in two Oriental languages, and in pure mathematics, until he had violated a rule of his religion. But such a system would be open to a far more serious objection, if it tended to confine the privilege of entering the Indian Civil Service to a relatively small class of Natives, and thus to lead the Indian Government into one of the greatest dangers to which it is liable, the danger of governing the country in the interest of minorities.

8. It is undoubtedly true that several very high authorities have entertained serious objection to holding an open competitive examination in India, even in the subjects hitherto prescribed, partly from political considerations, and partly from some misgiving as to the view which the Indian population might take of this method of selection, when it came to be understood. Among these authorities was the late Lord Lawrence, during whose government a strong desire had been expressed by many of the educated Natives that copies of the papers set in London should be sent out under seal to India, so that the competitive examination might be held simultaneously both there and in England. This movement led to a correspondence between the Government of India and the Secretary of State in 1868 and 1869, which ended in the submission of a measure of relief to Parliament. This measure became law as Statute 33 Vic., Cap. 3, Section 6, and its enactment was announced by the Duke of Argyll to the Government of India in the following words:—"I have now to inform Your Excellency in Council that a Bill has been passed by Parliament during the present session, the provisions of which will effectually carry out my desire that natives of India should be appointed to such high offices under Government as they may be fitted for by their qualifications."\* The Act passed in 1870 is in fact the remedy provided by Parliament itself for any inconvenience, or injustice, which the natives of India might be shown by experience to suffer through

\* Educational Despatch of 31st March 1870, paragraph 7†.

the necessary adaptation of the examination in London to the circumstances of home-born rather than of Indian competitors for the Civil Service. I beg your attention to this statement, because I cannot but see that the nature of the Act of 1870 has been somewhat misconstrued in India through the discussion which has arisen on one particular set of rules made under its provisions. Even allowing that the particular application of the Act, criticised in many of the papers forwarded to me, may be open to objection, nevertheless the Act itself remains a measure of remarkable breadth and liberality. It empowers the Government of India and the Secretary of State in Council, acting together, to frame rules under which natives of India may be admitted to any of the offices hitherto reserved to the Covenanted Civil Service, and appointments made under such rules will override the restrictive provisions of any older Act of Parliament. The opinion of the Law Officers of the Crown was subsequently taken on the construction of the Act of 1870, and it would appear that there is no method of selecting Natives for higher employment in India which the provisions of Section 3 would not allow to be attempted.

9. Your Lordship will therefore perceive that I do not take the same view as the Government of India of the principles which Parliament has prescribed for your guidance and for mine in dealing with the subject before me. Looking at the action of Parliament as a whole, I do not think that it intended the examination held under Statute 21 & 22 Vic., Cap. 106, Section 32, to be the primary method of selecting natives of India for the Civil Service, nor did it mean the provisions of Statute 32 Vic., Cap. 3, Section 6, to fall into a secondary place. The opinions of Lord Macaulay and other eminent persons quoted by the late Viceroy in the early portion of his Minute\* unquestionably show that, at the establishment of the competitive system, they hoped and expected that a certain number of Natives would gradually qualify themselves for an examination open to all subjects of the Crown, and that they would succeed in it; but these opinions strongly suggest to my mind that the examination contemplated was to be one adjusted to the conditions of English education and not one so manipulated as to be specially suitable to Oriental candidates. The mature judgment of Parliament must, however, be collected from its later legislation. The Act of 1870 is the Parliamentary remedy for any defects which may show themselves in the competitive system first established in 1853; and it is the plain duty of both branches of the Indian Government to exhaust this remedy before undertaking the possibly impracticable task of completely adapting competitive selection in England to the circumstances both of European and of Indian candidates. No information before me leads me to suppose that a certain number of Natives will not from time to time succeed in the English examination, as they have done hitherto; but, for the purpose of doing full justice to their claims on the Indian public service, Your Excellency will only comply with the directions of Parliament in giving your fullest deliberation to the Act of 1870, and to the question of effecting the

utmost possible improvement in the rules deriving force from its No. 165. provisions. There is no experiment in methods of selection which the law does not permit you to try, and the field of your experiments will not be limited through the operation of a religious prejudice of unknown force, but will extend to the whole of the great Indian population while they may be varied according to the circumstances of the various races which that population comprises. In the long run the best means will be discovered of carrying out the object which Parliament and Your Excellency and I have alike at heart, the admission of the natives of India to the higher appointments of the public service, in numbers determined by their capacity for administration and consistent with overruling political considerations.

10. As the proposals of the Government of India appear to me to be founded on an erroneous view of the legislation of Parliament respecting the Indian Civil Service, Your Excellency will see that I am unable to accept them. I have therefore no alternative but to ask Your Excellency in Council to re-consider the mode in which the Act of 1870 should be applied, and I refrain for the present from discussing in detail the letters from the Local Governments and the other correspondence which accompanied the despatch\* of the 12th September 1884. Meanwhile, I must request that no new Statutory Rules, and no directions respecting the application of the rules already in existence, may be issued without having been submitted to me. Your Excellency will observe that, for the purpose of giving unimpeachable legal validity to any rules made in virtue of the Statute of 1870, it is necessary that the previous sanction of the Secretary of State in Council should be obtained before they are put into operation.

11. The memorials received with the letters indicated in the margin relate to the age of competition at the open examination in London. So far as the proposal to change it affects the home-born candidates, I have already informed† the Government of your predecessor that no evidence before me leads me to think that the rules prescribed after much consideration by Lord Salisbury in 1876 have failed or justifies me in interfering with them. I desire, therefore, that the memorialists may be informed that, after giving my fullest attention to the whole subject to which their representations refer, I have found myself unable to accede to them, but that I have expressed a hope that the mode of advancing natives of India to higher employment in the public service provided by Parliament in 1870 may be so used as to do full justice to their claims.

Dated	12th September, 1884,	No. 51.*
"	6th October	" " 52.†
"	13th "	" " 54.
"	20th "	" " 60.‡
"	10th November	" " 66.‡

\* See despatch§ from Secretary of State, to Government of India, dated 15th May 1884, No. 40.

margin relate to the age of competition at the open examination in London. So far as the proposal to change it affects the home-born candidates, I have already informed† the Government of your predecessor that no evidence before me leads me to think that

the rules prescribed after much consideration by Lord Salisbury in 1876 have failed or justifies me in interfering with them. I desire, therefore, that the memorialists may be informed that, after giving my fullest attention to the whole subject to which their representations refer, I have found myself unable to accede to them, but that I have expressed a hope that the mode of advancing natives of India to higher employment in the public service provided by Parliament in 1870 may be so used as to do full justice to their claims.

CLVI.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 14 (Public), dated India Office, London, the 12th February 1885. No. 166.

I have received and considered in Council the memorial from the residents of Lucknow transmitted with your letter§ dated the 30th of

\* See page 269.

† See page 276.

§ Not printed.



December last, No. 80, on the subject of raising the maximum limit No. 166. of age for admission of candidates for the Civil Service of India, and of holding the annual competitive examinations in India as well as in England.

I request Your Excellency in Council to communicate to the memorialists a reply similar to that given by me in my despatch\* of the 8th ultimo, No. 1.

#### CLVII.

From D. FITZPATRICK, Esq., Officiating Secretary to the Government of India, Home Dept., to the Chief Secretary to the Government of Madras,—No. 454, dated Calcutta, the 23rd March 1885. No. 167.

With reference to two memorialst from the Literary Association of Coconada to the address of the Home Government, which were received and transmitted by the Government of India, praying that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service may be raised, I am directed to request that you will be good enough, with the permission of His Excellency the Governor in Council, to cause the memorialists to be informed that Her Majesty's Secretary of State for India, after giving his fullest attention to the whole subject to which their representations refer, has found himself unable to accede to them, but has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims. It should, at the same time, be explained to the memorialists that the arrangements for the admission of natives of India to the public service under the Act of 1870 will receive early and careful consideration from the Governor General in Council.

#### CLVIII.

From D. FITZPATRICK, Esq., Officiating Secretary to the Government of India, Home Dept., to the Secretary to the Government of Bombay,—No. 455, dated Calcutta, the 23rd March 1885. No. 168.

With reference to your letters marginally noted, transmitting memorials addressed to Her Majesty's Government and to the Government of India by certain persons and public bodies in the Bombay Presidency, in which they pray that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service may be raised, I am directed to request that you will be good enough, with the permission of His Excellency the Governor in Council, to cause the memorialists to be informed that Her Majesty's Secretary of State for India, after giving his fullest attention to the whole subject to which their representations refer, has found himself unable to accede to them ; but has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims. It should, at the same time, be explained to the memorialists that the arrangements for the admission of natives of India to the public service under the Act of 1870 will receive early and careful consideration from the Governor General in Council.

No. 5155,† dated 26th June 1884 (memorial‡ from the Anjuman-i-Islam, Bombay).

No. 5524,§ dated 10th July 1884 (memorial|| from Sind Sabha, Karachi).

No. 7729,|| dated 29th September 1884 (memorial|| from the Vengurla Hitchintak Sabha).

No. 7860,|| dated 4th October 1884 (memorial|| from the Native inhabitants of Bombay).

2. I am further to request, with reference to the memorials noted on the margin, which have been received direct by the Government of India, that similar replies may be communicated to the memorialists.

{ Nasik Sarrajanik Sabha.  
Inhabitants of Satara.  
} Ditto of Belgaum.  
{ Poona Sarrajanik Sabha and in-  
habitants of Poona.  
¶ Inhabitants of Shelapur.  
Bombay Branch of the East Indian  
Association.||

\* See page 276.  
† See page 243.

‡ See pages 239 & 240.  
§ See page 241.

|| Not printed.  
¶ See page 265.

## CLIX.

From D. FITZPATRICK, Esq., Officiating Secretary to the Government of India, Home Dept., to the Secretary to the Government of the North-Western Provinces and Oudh,—No. 456, dated Calcutta, the 23rd March 1885. No. 169.

With reference to your letters marginally noted, transmitting  
 No. 259—III.-199-2,\* dated 6th June 1884 (Aligarh).  
 No. 229—III.-199-5,† dated 17th June 1884 (Cawnpore).  
 No. 948—III.-199-7,‡ dated 20th December 1884 (Lucknow).  
 memorials\* addressed to Her Majesty's Secretary of State by the inhabitants of Aligarh, Cawnpore and Lucknow, in which they pray that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service may be raised, I am directed to request that you will be good enough, with the permission of His Honor the Lieutenant-Governor and Chief Commissioner, to cause the memorialists to be informed that Her Majesty's Secretary of State for India, after giving his fullest attention to the whole subject to which their representations refer, has found himself unable to accede to them; but has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims. It should, at the same time, be explained to the memorialists that the arrangements for the admission of natives of India to the public service under the Act of 1870 will receive early and careful consideration from the Governor General in Council.

2. I am further to request, with reference to a memorial received direct by the Government of India from the members of the Arya Samaj at Moradabad, that a similar reply may be communicated to the memorialists.

## CLX.

From D. FITZPATRICK, Esq., Officiating Secretary to the Government of India, Home Department, to the Secretary to the Government of the Punjab,—No. 457, dated Calcutta, the 23rd March 1885. No. 170.

With reference to your letters marginally noted, transmitting  
 No. 231 S.,§ dated 11th July 1884 (memorials‡ from residents of Delhi, Umballa, Amritsar and Rawal Pindi).  
 No. 2116,|| dated 25th August 1884 (memorials‡ from inhabitants of Mool-tan).  
 No. 2350,† dated 23rd September 1884 (memorials‡ from inhabitants of Dera Ismail Khan).  
 memorials addressed to Her Majesty's Secretary of State by residents of certain districts in the Punjab, in which they pray that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service may be raised, I am directed to request that you will be good enough, with the permission of His Honor the Lieutenant-Governor, to cause the memorialists to be informed that Her Majesty's Secretary of State for India, after giving his fullest attention to the whole subject to which their representations refer, has found himself unable to accede to them; but has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims. It should, at the same time, be explained to the memorialists that the arrangements for the admission of natives of India to the public service under the Act of 1870 will receive early and careful consideration from the Governor General in Council.

## CLXI.

From D. FITZPATRICK, Esq., Officiating Secretary to the Government of India, Home Department, to the Resident in Mysore,—No. 458, dated Calcutta, the 23rd March 1885. No. 171.

With reference to your letter\* No. 946—132, dated the 24th July 1884,¶ transmitting a memorial‡ to the address of Her Majesty's Secretary of State from certain Native inhabitants of Bangalore, in which they pray that the limit of age fixed for the English competitive examination for admission to the Indian Civil Service may be raised, I am

\* To the Foreign Department.

\* See page 274.  
 † See page 239.

‡ Not printed.  
 § See page 217.

|| See page 242.  
 ¶ See page 241.

directed to request that you will be good enough to cause the No. 171. memorialists to be informed that Her Majesty's Secretary of State for India, after giving his fullest attention to the whole subject to which their representation refers, has found himself unable to accede to it ; but has expressed a hope that the mode of advancing natives of India to higher employment in the public service, provided by Parliament in 1870, may be so used as to do full justice to their claims. It should, at the same time, be explained to the memorialists that the arrangements for the admission of natives of India to the public service under the Act of 1870 will receive early and careful consideration from the Governor General in Council.

No. 459.

Copy forwarded to the Foreign Department for information, with reference to endorsement\* thence, No. 1532 G., dated 7th August 1884.

PUBLIC PROCEEDINGS, JUNE 1885, Nos. 205 & 206.

CLXII.

[CONFIDENTIAL.]

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Department, to all No. 205. Local Governments and Administrations,—Nos. 25—1074-83, dated Simla, the 18th June 1885

The Secretary of State has called upon the Government of India to reconsider the mode in which the provisions of the Act 33 Vic., cap. 3, section 6, for regulating the appointments of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, should be applied, and has directed that the regulations under which operation is given to those provisions should, as much as possible, be improved. I am directed to forward a draft set of revised Statutory Rules,† and to request that the Governor General in Council may be favoured at a very early date with (the—your) opinion of His Excellency the Governor in Council upon these Rules, and also with a draft of the subsidiary Regulations (referred to in Rule 3) which His Excellency His Honour You

would propose to lay down for the

Madras Presidency.
Bombay Presidency.
Lower Provinces.
North-Western Provinces and Oudh.
Punjab.
Central Provinces.
Province of British Burma.
Province of Assam.
Province of Coorg.
Hyderabad Assigned Districts.

2. The Secretary of State, in a despatch‡ of the 8th March 1883, desired that it should be made clear, on any revision of the Rules, that "Natives appointed under them are not members of the Covenanted Civil Service, though they may hold offices which under the Act 23 & 24 Vic., cap. 54, are reserved for Civil Servants." In view of these instructions, it becomes necessary to cancel the orders in the Home, Revenue and Agricultural Department Resolution‡ Nos. 36—1322 to 1327 of the 25th August 1880, which directed that the names of Native gentlemen appointed under the Statutory Rules should be "shown in their proper order in the list of Covenanted Civil Servants and not in a separate list." The Secretary of State has pointed out that the Statute permits the appointment of natives of India not to the general ranks of the Covenanted Civil Service, but to specific "offices, places, and employments" reserved for members of the said Civil Service. In the revised Rules this point is made perfectly clear in the preamble.

3. A definition of the term "Native of India" following the words of the Statute, is incorporated in Rule 1 to show that the widest possible application of the term is intended in practice.

\* See page 267.

† Not printed.

4. Rule 2, prescribing the time of nomination, the numerical No. 205. limits imposed upon admissions, and the procedure to be followed, is based upon the present practice and the existing orders of the Secretary of State.

5. Rule 3 permits each Local Government to select its nominees in accordance with the provisions of subsidiary Regulations to be drawn up for each province with the approval of the Governor General in Council. As intimated above, His Excellency in Council desires to be

furnished with a draft of the Regulations for

the Madras Presidency
the Bombay Presidency
the Lower Provinces
the North-Western Provinces and Oudh
the Punjab
the Central Provinces
British Burma
Assam
Coorg
the Hyderabad Assigned Districts

as

soon as possible. The Regulations must in all cases leave it open to the Local Government to nominate without preliminary examination or competition persons who are already in Government service or established in the practice of a profession. They must also in all cases provide for a high standard of educational qualification on the part of untried candidates. The importance of securing a competent knowledge of English is a matter to which the attention of Local Governments should be specially directed. Subject, however, to these conditions, the Governor General in Council is willing to leave to Local Governments the widest discretion in framing their Provincial Regulations. The Home Department Resolution\* No. 59-2324—2330, dated the 24th December 1879, confining selection to young men of high family, is altogether withdrawn.

6. Rule 4 restricts the admission of untried men to the age of 25, but allows the Local Government to nominate, irrespective of age, persons already in Government service or established for a reasonable time in the practice of a profession.

7. Rule 5 makes it clear that the appointment is to be to a precise office, place or employment. Untried men admitted for the first time to service, and the younger men promoted from the Uncovenanted Service, would of course at starting be posted only to be Assistant Magistrates and Collectors or Assistant Commissioners of the lowest grade. Their further promotion to any higher grade would be a fresh appointment to a new office or place, for which under Rule 7 they are declared eligible without further reference to the Government of India, but to which no individual has any absolute claim. Promotion, that is change of appointment, will depend entirely upon individual merit and capacity, and be altogether at the discretion of the Local Government.

8. In the case of men of more senior standing or superior qualification it will be open to the Local Government to nominate them at once to higher offices, such as Joint Magistracies, District Judgeships or other appointments which natives of India may be considered qualified to fill. But the appointment will in each case be to the specific office, and will not confer a right to claim any other appointment. The Government of India will expect that natives of India appointed under these Rules will receive from time to time that advancement for which they may show themselves qualified, but there will be no obligation laid upon any Local Government to promote a Statutory Civilian merely on grounds of seniority to any office for which he is unfit.

9. The Governor General in Council would be glad to know what steps the Local Government would propose to take in order to secure the appointment of natives of India to a fair proportion of the higher offices with due regard to the maintenance of regular promotion in the Covenanted Civil Service.

\* See page 147.

10. Rule 6 places the existing practice of probation and confirmation on a clearer basis. No. 205.

11. Rules 8 and 9 are reproductions of the existing rules.

12. Rule 10 is added to obviate difficulties caused by technical errors in, or doubts regarding, points of procedure.

### CLXIII

[CONFIDENTIAL.]

#### *Draft Rules.*

No. 206.

In exercise of the power conferred by the Statute 33 Vic., cap. 3, section 6, the following rules 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, have been 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.

1. The words "Native of India" in these Rules shall mean 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.

2. On the 1st September of each year, or as soon thereafter as the number of persons appointed for the year to the Covenanted Service of India by Her Majesty's Secretary of State under the provisions of the Statute 21 and 22 Vic., cap. 106, have been ascertained, the Governor General in Council shall call upon the various Local Governments and Administrations (or upon such of them as he may think fit) to nominate a certain number of natives of India for appointment to offices ordinarily reserved for members of the said Covenanted Civil Service; provided that the total number of nominations so allotted to all the Local Governments and Administrations taken together shall not exceed one-fifth of the total number of Civil Servants appointed by Her Majesty's Secretary of State in that year.

3. Each Local Government or Administration shall select its nominees in accordance with the provisions of regulations to be drawn up for each province and published in the local Gazette of the province after having received the sanction of the Governor General in Council.

4. A native of India shall not be nominated by any Local Government or Administration under these rules after he has attained the age of 25 years, unless he is already in the service of Government or has been for not less than five years engaged in the practice of a learned profession.

5. The Local Government or Administration in making its nominations shall specify the precise nature of the office, place, or employment to which it is proposed to appoint each of the nominees.

6. The Governor General in Council may accept the nomination of any Local Government or Administration either provisionally or absolutely. In the former case the nominee shall be appointed to be a probationer for service and shall not be confirmed in the office, place, or employment to which he may be nominated until the Local Government has reported to the Governor General in Council that the nominee has acquitted himself satisfactorily during a period of not less than two years from the date of his appointment, and that he has, unless specially exempted by the Governor General in Council, passed such examination as may from time to time be prescribed by the Local Government, subject to the approval of the Governor General in Council.

7. A native of India admitted to any office, place, or employment under these rules shall thereafter be eligible for appointment to any other office, place, or employment for which the Local Government may consider him fit.

8. A native of India appointed under these rules shall be eligible only for service in the province wherein he was first appointed, unless, under the orders of the Governor General in Council, he is formally transferred to an office, place, or employment in some other province, in which case he will thereafter be eligible for appointment to any other office, place, or employment in the latter province for which the Local Government may consider him fit.

9. A native of India appointed under these rules shall not be dismissed or removed from the service of Government save under the orders of the Governor General in Council.

10. An appointment shall not be deemed void merely on the ground that it was not made in conformity with these rules; but nothing in this rule shall affect the power of the Governor General in Council to cancel any appointment not so made.

PUBLIC PROCEEDINGS, FEBRUARY 1886, Nos. 121 to 149½.  
CLXIV.

[CONFIDENTIAL.]

From the Honourable E. F. WEBSTER, Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 1903, dated Ootacamund, the 12th August 1858. No. 121.

I am directed, with reference to your letter,\* dated 18th June 1885, No. 25—1074, to state that His Excellency the Governor in Council approves of the draft set of revised Statutory Rules† framed by the Government of India, and has directed me to forward, for the consideration of His Excellency the Governor General in Council, the enclosed draft set of subsidiary regulations drawn up under Rule 3 of the draft Statutory Rules.

2. It will be observed that the Government desire that twice in every three years they shall have the right to nominate a native of India who has either done good work in the Uncovenanted Service or who has attained eminence in one of the learned professions, and that once in every three years the selection shall be made by means of examination. With this modification, the Government would wish to adhere to the general lines indicated in my letter,‡ dated 18th June 1884, No. 1332.

3. With reference to paragraph 5 of your letter, I am directed to say that His Excellency the Governor in Council considers that the scheme of examinations specified in the subsidiary rules now forwarded is sufficient to secure in the candidates a competent knowledge of English.

4. I am directed, with reference to paragraph 9 of your letter, to add that the Government consider the most simple plan for securing the appointment of natives of India to a fair proportion of higher offices in the service will be to allow promotion to follow its usual course. Though there will be no obligation to promote officers holding appointments under the Statutory Rules, it will no doubt be found, in practice, that the refusal to promote will be the exception, and not the rule.

CLXV.

APPENDIX.

No. 122.

DRAFT REGULATIONS.

Twice in every three years the Government will select and nominate to the Government of India a native of Madras who has done good work in the Uncovenanted Civil Service or who has attained eminence in the practice of one of the learned professions.

2. Once in every three years the Government will select candidates for nomination to the Government of India in the following manner.

3. A preliminary examination, of which due notice will be given, will be held in Madras for the examination of natives of India and the Madras Presidency for the purpose of selecting candidates qualified to appear at a second examination to be held as soon as possible after the preliminary examination.

At the second examination a certain number of candidates will be selected, from among whom the final selection will be made by the Government for nomination to the Government of India.

4. All candidates for the preliminary examination must produce the following certificates :—

- (a) A certificate showing the candidate to be a Graduate in Arts of a recognised Indian University.
- (b) A health certificate from a gazetted Government Medical Officer showing that the candidate is physically fit for Government service and is free from any organic disease or constitutional affection and has been vaccinated or has had small-pox.
- (c) A certificate showing the candidate to be over twenty-two and under twenty-five years of age.

\* See page 285.

† See page 287.

‡ See page 165.

4. The scheme of the preliminary examination will be as follows :—

No. 122.

*Branch I—English.*

	Hours.	Marks.	
		Paper.	Viva voce.
1. English Literature . . . . .	3	100	50
2. English Language . . . . .	3	100	40
3. Translation from the second or Vernacular Language of the candidate into English . . . . .	2	40	...
4. Essay . . . . .	3	80	...
5. Reading aloud and Conversation . . . . .	...	...	40

*Branch II—Second Language.*

(Sanskrit, Arabic, Persian, Latin, or a South Indian vernacular at the option of the candidate)

	Hours.	Marks.	
		Paper.	Viva voce.
1. Grammar—Structure and Idiom . . . . .	3	100	80
2. Translation from English into Second Language . . . . .	3	70	...
		200	

*Branch III—History.*

1. History of England . . . . .	3	100	25
2. History of India . . . . .	3	100	25
		250	

The questions will be of a general character and calculated also to test a candidate's knowledge of the geography of the countries concerned.

Candidates failing to obtain one-third marks in each branch will be rejected.

5. The candidates who qualify in the above examination will be required to appear at the final examination, of which due notice will be given.

6. The scheme of the final examination will be as follows :—

*Branch I.*

	Hours.	Marks.	
		Paper.	Viva voce.
English Literature . . . . .	3	100	25
English Language . . . . .	3	100	25
Essays (two in number) . . . . .	2 each	100	25
Reading and Conversation . . . . .	...	25	...
		400	

*Branch II.*

History of England . . . . .	3½	125	25
Political and Physical Geography . . . . .	3½	125	25

*Branch III—Law.*

Jurisprudence . . . . .	3½	125	25
or			
Indian History . . . . .	3½	125	25

*Branch IV.*

Geology, Botany, and Agricultural Chemistry for those candidates who wish to take up any one or two of those sciences . . . . .	3½	125	25
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7. The Director of Public Instruction, under whose supervision the preliminary and final examinations will be held, will report to Government, in alphabetical order, the names of not more than twelve of the candidates at the final examination who shall have been awarded the highest number of marks. The Government will finally select the candidates to be nominated to the Government of India from the list submitted by the Director of Public Instruction.

CLXVI.

[ VERY CONFIDENTIAL. ]

From J. B. RICHY, Esq., C.S.I., Chief Secretary to the Government of Bombay, to the Secretary No. 123 to the Government of India, Home Department,—No. 4656, dated Bombay Castle, the 23th July 1885.

The Governor in Council has given a most careful consideration to the important subject mentioned in the confidential despatch\* of the 18th June, No. 25—1075, Home Department, Public.

\* See page 285.

2. This Government does not feel sure that the construction put No. 123. by the Secretary of State on the Act 33 Vic., c. 3, is the right one. It seems likely that the intention of the Act was to assimilate completely Natives appointed under it with members of the Covenanted Civil Service. There is no doubt that the interpretation given to it by the Secretary of State's despatch\* of the 8th March 1883 will cause grievous disappointment in Native circles. This disappointment would be transformed into irritation if the Statutory Civilians now placed on the list of the Covenanted Civil Service were to be removed from it, and this Government would consider such exclusion a breach of promise.

3. This Government therefore takes for granted that the Resolutions† of the Government of India of the 24th December 1879 and of the 25th\* August 1880 will not be rescinded as far as those gentlemen are concerned who were appointed under them, and that the new system will not have a retrospective operation. The old appointments will of course secure to the holders the privileges under existing rules. *Only* the appointments made *after* the revision of the rules will be subject to the revised rules.

4. Approaching the question on its general merits, this Government ventures to observe that the admission of Natives to a service which will neither be covenanted nor uncovenanted will not be appreciated by them, but rather the reverse. Their chief desire is to be enabled to compete on *equal* terms with Englishmen. The great stumbling blocks are the limit of age for examination in England, and the impossibility of passing an examination here in India similar to that undergone before the Civil Service Commissioners in the Metropolis. As long as there are valid objections to any change in either direction, which need not be criticised on this occasion, this Government is of opinion that a competitive examination *sui generis* for a Civil Service *sui generis* would be fraught with considerable risks. The number of successful candidates would be very limited, and the increase of numbers of Natives burdened with the consciousness of failure would constitute an evil which ere long may prove to be one of the greatest problems of our rule. A very difficult question would arise as to the relative positions in the service of Natives who were Covenanted Civilians in the full sense of the word and Natives who had reached the service through a competitive examination in India, which would probably degenerate into a sort of consolation stakes for Natives who had failed to satisfy the Civil Service Commissioners.

5. This Government would therefore strongly deprecate a deceptive invitation to enter the public service through a narrow lane not opening out into the pastures of the Covenanted Civil Service, but into a protected area of a hybrid character.

6. The occasional appointment of a distinguished graduate as a probationer without previous examination would not raise any difficulty and would give satisfaction to the Natives, who already are appointed Subordinate Judges if LL.B.'s, and admitted into other branches of the service as B.A.'s and L.C.E.'s.

7. This Government however will avail itself chiefly of the revised rules to recognise the merits of Natives *already* in the service of Government, or established in the practice of a profession, to whom such promotion would come as an unexpected prize. The categories included would be Subordinate Judges, Judges of a Court of Small Causes, Deputy Collectors and Mamlatdars, besides advocates and pleaders of a Sadar or High Court of not less than 5 years' standing, and in the Medical service and Public Works and Educational Departments similar encouragement will continue to be given, though the officials do not belong to the Covenanted Civil Service.

\* Not printed.

† See page 147.



As the number of nominations at the disposal of this Government will not exceed probably the figure of one per annum, it will hardly leave any opening for "untried men admitted for the first time to service," as the number of men in the uncovenanted service deserving of promotion will always be far in excess of that figure. No. 123.

8. This Government considers Natives in this Presidency especially qualified for employment in the higher Judicial grades, but the number of Judgeships is limited. It is open to doubt whether Natives should be appointed to the highest Revenue offices except under very peculiar circumstances, but Deputy Collectors and Mamlatdars would be quite satisfied to stop short of a Collectorate for the present. To promote the employment of Natives the most practical course at this moment seems to be this: (a) to give very seldom civil employment to Staff Corps officers, increasing the openings and the salaries for Covenanted Civilians in the Political Department; (b) to extend the employment of Covenanted Civilians in Sind, which is being done. A more rapid promotion to the highest grades for Covenanted Civilians and the creation of a greater number of vacancies for Native officials in higher branches of the service than are at present accessible to them, such as Assistant Collectorships, Assistant and District Judgeships, may perhaps hereafter necessitate a decrease in the number of Covenanted Civilians sent out annually from England.

9. The subordinate Judicial and Revenue branches will certainly gain by the prospect of promotion thus held out to Natives in the lower grades of the service. "The change of appointment depending entirely upon individual merit and capacity," the element of seniority would be eliminated. This Government however would feel bound to promote Natives entering as untried men under the revised rules *pari passu* with English Covenanted Civilians who entered that service after the 25th March 1870 (the date on which Statute 33 Vic., c. 3, was passed) except, as stated, to the highest Revenue offices. The 25th March 1870 is the date selected because members of the Civil Service who entered *after* that date must have been aware of the Native competition to which the aforesaid Statute submitted them.

10. This Government would suggest that these Statutory Native Civilians when promoted from the uncovenanted service should receive two-thirds of the pay, but never less than Rs. 400 monthly, that being the minimum salary which could properly be offered to a Mamlatdar or Subordinate Judge.

11. The draft rules which this Government had the honour of receiving do not in any way prevent the Governor in Council carrying out his views and are therefore accepted without any reservation with the exception of Rule 1. The question which this Government thinks should be settled with reference to that rule is the definition of "Native of India." The difficulties to which the existing definition gave rise have been brought under the notice of the Secretary of State by the Government of India in their despatch\* No. 10 of the 10th March 1885.

12. A draft of the subsidiary regulations† which it is proposed to adopt is annexed. This Government would impose with the necessary modifications the same departmental examinations on candidates for promotion from the Uncovenanted Service which are now imposed on Covenanted Civilians after joining the service, taking into account more especially the knowledge of English of such candidates. With regard to untried men, as they would be distinguished graduates whose names would be submitted *confidentially* by the heads of colleges here or elsewhere to Government, all that would be required would be the imposition of the Departmental test during their period of probation.

\* Not printed.

† See page 292.

## CLXVII.

### SUBSIDIARY RULES.

No. 124.

[CONFIDENTIAL.]

1. Appointments of Natives to offices reserved to the Covenanted Civil Service by Statute 24 and 25 Vic., c. 54, shall ordinarily be made by Government from among persons of proved merit and ability in the service of Government or the exercise of a profession.

2. The classes from which the selection shall ordinarily be made shall be the following, *viz.* :—

- (1) Persons who have been Subordinate Judges, or Judges of a Court of Small Causes, for a period not less than 3 years.
- (2) Persons who have been Advocates or Pleaders of a Sadar or High Court for a period not less than 5 years.
- (3) Depty Collectors.
- (4) Mamlatdars.

3. But Government shall be at liberty to select a qualified person from any other profession or branch of the public service.

4. No appointment shall be made under the preceding rules so as to supersede any member of the Covenanted Civil Service who entered that service previously to the 25th March 1870.

5. Persons appointed to any office under the preceding rules shall receive two-thirds of the salary attached to such office: provided that such salary shall in no case be less than Rs. 400 per mensem.

6. It shall be competent to Government to appoint on probation to the lowest grade of appointments reserved to the Covenanted Civil Service by the said Statute any distinguished Native graduate of any University. Such graduate shall be required to pass, within two years from his appointment, such examination or examinations as Government may from time to time prescribe and to obtain a report of general fitness for his duties from the Collector and Commissioner under whom he has been serving before he can be confirmed in his appointment.

7. Persons appointed under the preceding rule shall be eligible for promotion to any of the higher offices reserved to the Covenanted Civil Service by the said Statute.

8. Persons appointed under either of the two last preceding rules shall receive two-thirds of the salaries attached to their appointments.

## CLXVIII

[CONFIDENTIAL.]

From F. B. PEACOCK, Esq., Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments, to the Secretary to the Government of India, Home Department,— No. 125.  
No. 2610A, dated Darjeeling, the 21st July 1885.

I am directed to acknowledge the receipt of your letter\* No. 25—1076, dated the 18th June 1885, forwarding, for an expression of the Lieutenant-Governor's opinion, a draft set of revised Statutory Rules to regulate the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, and asking for a draft of the subsidiary regulations which His Honour would propose to lay down for the Lower Provinces.

2. With reference to the second paragraph of your letter, I am to say that the Lieutenant-Governor understands the intention of the orders therein contained to be that the names of all gentlemen appointed to the Statutory Service shall be entered, not on the general list of the Covenanted Civil Service, promotion being given to them in turn with the members of the regular Service, but in a separate list showing the particular "offices, places, or employments" which they may hold. It is not, however, clear whether it is meant that this rule should apply retrospectively to the gentlemen who have already been appointed to the Statutory Service, and I am accordingly to ask for definite instructions on the point.

3. As to the question of the mode in which the Local Governments are to select their nominees, the Lieutenant-Governor, having regard to the very limited number of appointments to be made in

\* See page 285.

each year, considers that the only way in which the system could be No. 125.  
worked would be by nomination either—

- (a) of officers already in the service of Government, who have specially distinguished themselves; or
- (b) of gentlemen who have taken at least the B.A. degree at the Calcutta University, and can produce a special certificate of a competent knowledge of English.

In the case of the latter, the rules should require that the nominees are under 25 years of age, physically fit for the service, able to ride, and possessing certificates of good character. The nominees finally selected by the Government of India should only be appointed as probationers for two years, and would have to pass the departmental examinations prescribed for members of the regular Service within that period.

4. Under rule 5 of the draft rules, local Governments are required to specify the precise nature of the office, place, or employment to which it is proposed to appoint a nominee. As stated in paragraph 7 of your letter, untried men admitted for the first time to service, and the younger men promoted from the Uncovenanted Service, would at starting be posted only to be Assistant Magistrates and Collectors or Assistant Commissioners of the lowest grade. Such men would, for two years after first appointment, work as probationers. It is stated that promotion will depend entirely upon individual merit and capacity; but whatever rules may be laid down on the subject, Sir Rivers Thompson apprehends that when once these men are confirmed in the public service, it will be totally impossible to arrange for their subsequent promotion by any system of pure selection. "The Government of India," it is observed, "will expect that natives of India appointed under these rules will receive from time to time that advancement for which they may show themselves qualified." It seems, however, to the Lieutenant-Governor that the only fair general rule to apply to men in the lower grades is one of seniority; for generally speaking, there is no opportunity in these grades of a man so distinguishing himself that he can be given special promotion out of his turn. Regarding men of senior standing in the Government service, or possessing superior qualifications, who are nominated for the Statutory Service, I am to say that it appears to His Honour to be out of the question to appoint such men directly to the grades of Joint-Magistrate or District Judge or to other appointments in the ordinary run of the service, as this would be unjust to those who had already entered the Service in the lower grades and were working their way up to the higher positions. The objection might probably not apply with equal force to special appointments like those of Collector of Customs and Superintendent of Stamps and Stationery, if it was thought proper to throw these appointments open to the Uncovenanted Service; whilst in the Judicial Service two or three District Judgeships (for instance, the Judgeships of Beerbhoom, Bankoora, Durbhunga, and Khoolna) might be reserved for natives of India, and the Lieutenant-Governor be empowered to appoint to them the best among the Subordinate Judges.

5. Any measures of the kind above referred to would of course affect the interests of the Covenanted Civil Service, which is open both to Europeans and Natives; and Sir Rivers Thompson is unable to see how the claims of natives of India, appointed under the Statutory Service rules, to a fair proportion of the higher offices in the Administration can be reconciled with the maintenance of an equitable flow of promotion in the Covenanted Service as at present constituted. A Covenanted Civilian, supposing he performs his duties in a satisfactory manner, has now a right, after he has passed the prescribed departmental examinations, to rise, by virtue of seniority, to a Joint-Magistracy of the second grade, of the first grade, and to the

charge of a district. A declaration to the effect that natives of India No. 125. entered in the Statutory Service and kept on a separate list are to be eligible *out of their turn* for promotion to any one of these offices would, Sir Rivers Thompson ventures to submit, impose an invidious duty upon the Local Government, and be unjust to the large body of men who had entered the Civil Service of India through the severe ordeal of the competitive examination in England.

6. I am to add that the Lieutenant-Governor is of opinion that the whole principle upon which the rules for admission to the Statutory Service is based is wrong. It implies selection and nomination at every "change of appointment," and with the Native Press clamouring for every vacancy of any value in the public service on behalf of Natives, the position of a Lieutenant-Governor would, if the Statutory Service were placed upon the footing proposed, be a very difficult and unpleasant one. The Natives themselves dislike the Statutory system, because it places them upon a lower scale than the members of the regular Covenanted Service, and Sir Rivers Thompson considers that the right way of dealing with the question of giving natives of India a chance of rising to the higher offices in the State would be to reserve for them one-sixth of the appointments thrown open to competition in England, and to confer upon the successful candidates for these appointments exactly the same position and privileges as are enjoyed by the members of the Covenanted Civil Service.

#### CLXIX.

Telegram—No. 1363, from Home, Simla, to the Government of Bengal, Calcutta, dated 5th August No. 126. 1885.

Your 2610\* of 21st July. Please submit at once subsidiary regulations for admission of untried candidates to Statutory Service. Any method of selection competitive or other is allowable.

#### CLXX.

[CONFIDENTIAL.]

From F. B. PRACOCK, Esq., Secretary to the Government of Bengal, Judicial, Political and Appointment Departments, to the Secretary to the Government of India, Home Department,—No. 1359 A. D., dated Darjeeling, the 15th August 1885. No. 127.

In compliance with the request made in paragraph 5 of your letter† No. 25—1076, dated the 18th June last, I am directed to submit the accompanying draft of the subsidiary regulations for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service which the Lieutenant-Governor would propose to lay down for the Lower Provinces.

#### CLXXI.

*Draft of subsidiary regulations for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service in the Lower Provinces of Bengal.* No. 128.

With reference to the Rules published by His Excellency the Governor General in Council 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, the following subsidiary regulations for the selection of persons to be appointed to such offices in the Lower Provinces are published by the Lieutenant-Governor of Bengal with the sanction of His Excellency the Governor General in Council.

1. The Lieutenant-Governor may nominate for the aforesaid offices, places, or employments—

(a) Officers already in the service of Government who have specially distinguished themselves.

\* See page 292.

† See page 285.

- (b) Persons who have taken the degree of B.A. of the Calcutta University : No. 128.  
 Provided that such persons can produce certificates of their possessing a thorough practical knowledge of the English language, and of their being physically fitted for the service, of their being of good moral character and of active habits and able to ride.
- (c) Persons of proved merit and ability in the practice of a learned profession.

2. No candidate not in the service of Government, or who has not been at least five years engaged in the practice of a learned profession, will be nominated after attaining the age of 25 years.

F. B. PEACOCK,

*Secretary to the Government of Bengal.*

CLXXII.

[CONFIDENTIAL.]

From A. MACKENZIE, Esq., c.s., Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bengal,—No. 1507-A., dated Simla, the 8th September 1885. No. 129.

I am directed to acknowledge the receipt of your letters marginally noted, the first of which communicates the remarks of His Honour the Lieutenant-Governor on the draft of the revised rules proposed by the Government of India for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service; and the second gives cover to a draft of subsidiary regulations which Sir Rivers Thompson would propose to lay down for the selection of nominees in the Lower Provinces of Bengal.

2. With reference to paragraph 2 of your letter of the 21st July, I am to say that the Lieutenant-Governor is correct in assuming it to be the intention of the Government of India that the names of gentlemen appointed under the Statutory Rules should not be entered in the general list of the Covenanted Civil Service. As regards the promotion of persons so appointed and the effect of exclusion from the general list on gentlemen who have already been appointed under the Statutory Rules, I am to explain that it is not intended that the removal of the names of such officers from the graded list should involve any injury to the legitimate prospects of promotion which they enjoy under existing arrangements. The position of Statutory Civilians under the new rules will be that, while they will have no claim as of right to promotion to a new office, their claims on the ground of merit will be considered as being equally strong with those of their contemporaries in the Covenanted Service. On the occurrence of a grade vacancy the claims of the next senior man on the lists either of the Covenanted or of Statutory Officers would be taken into consideration. If the Covenanted Officer were senior, he would be promoted unless he were actually unfit; if the Statutory Officers were senior, he would receive promotion to the grade vacancy as to a new office if he were deemed thoroughly fit for such promotion. The object, in short, of the revised rules under this head is simply to make it clear, in accordance with a ruling of Her Majesty's Secretary of State, that Statutory Officers are not members of the Covenanted Civil Service, although they may hold offices which under Act 23 and 24 Vic., cap. 54, are reserved for Covenanted civil servants; that their promotion accordingly involves a fresh appointment to a new office or place; that such promotion cannot be claimed as of right, but that it depends entirely on individual merit and capacity, and is altogether at the discretion of the Local Government. The inclusion of Statutory Civilians in the same lists with the members of the Covenanted Service was a mistake which has been pointed out by the

\* See page 292.

† See page 294.

Secretary of State. As above explained, no practical injury will No. 129. follow from their exclusion.

3. With regard to the subsidiary regulations submitted with your letter\* of the 15th August, and to the remarks made in paragraph 3 of your letter of the 21st July, in which it is stated that the Lieutenant-Governor, in view of the very limited number of appointments to be made each year, considers that the only way in which the system can be worked is by means of nomination, I am to point out that it was the desire of the Governor General in Council to leave Local Governments the widest discretion in the selection of a method or methods for regulating nominations under the Statutory Rules. It was in no way intended to limit their choice to any particular system, and it was accordingly quite open to the Lieutenant-Governor to have adopted a system of competition in the event of such a system commending itself to his judgment. If Sir R. Thompson has deliberately decided to abandon the competitive system which was adopted by the Bengal Government in connection with the nominations made last year, His Excellency in Council would be glad to learn the reasons which may have induced His Honour to modify his views on this point. If, on the other hand, the omission to provide for selection by competition has been due to a misapprehension of the wishes of the Governor General in Council, I am to request that the draft subsidiary regulations may be amended accordingly, a system of examination, competitive or otherwise, being provided for either in conjunction with, or in substitution for, that of nomination, as may seem to His Honour best suited to the requirements of the Lower Provinces. As regards the last sentence of paragraph 3 of your letter† of the 21st July, which appears to contemplate the appointment of *all* nominees on probation, I am to explain that it is not the intention of the Government of India to require a probationary period in the case of officers nominated for appointment under the rules on the ground of merit and ability proved in the service of Government. In such cases it appears to the Governor General in Council that the preliminary test of fitness afforded by a period of probation is unnecessary and may be dispensed with.

4. The remarks made in paragraph 4 of your letter on the subject of the promotion of persons appointed under the Statutory Rules have been sufficiently dealt with in paragraph 2 of this letter; but with reference to the objections raised by Sir R. Thompson to the immediate appointment of natives of India under the Statutory Rules to the higher grades of Joint Magistrate or District Judge, on the ground that such appointments would be unfair to officers already in the service, I am directed to observe that objections based on the effect which appointments to higher offices made under the Statutory Rules would have on promotion in the Covenanted Civil Service cannot be allowed to interfere with the policy of giving full effect to the Statute of 1870, or with the claims to promotion of persons appointed under the Statutory Rules. Her Majesty's Secretary of State has already decided, on memorials presented by certain members of the Bengal Civil Service against the Statute of 1870, that due effect must be given to the intentions of Parliament as embodied in the Statute. As regards the last sentence of paragraph 5, it will be clear to His Honour the Lieutenant-Governor from the remarks made in paragraph 2 of this letter that it is not the intention of the Government of India to declare that "natives of India entered in the Statutory service and kept on a separate list are to be ordinarily eligible *out of their turn* for promotion."

5. With reference to the proposal put forward in the 6th paragraph of the letter† of 21st July, that one-sixth of the appointments thrown open to competition in England should be reserved for natives of India, and that the successful candidates for these appoint-

\* See page 294.

† See page 292.

ments should be accorded exactly the same position and privileges as No. 129. are enjoyed by members of the Covenanted Civil Service, I am to state that Her Majesty's Secretary of State has deliberately rejected the entire principle of reserving a proportion of the home appointments for Native competitors.

## CLXXIII.

[CONFIDENTIAL.]

From F. B. PEACOCK, Esq., Chief Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 2132 A. D., dated Darjeeling, the 7th October 1885. No. 130.

Referring to my letter\* No. 1359 A.D, dated the 15th August last, I am directed to request that the subsidiary rules for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, enclosed herewith, may be substituted for those submitted with the letter above cited.

2. In saying, in paragraph 3 of my letter† No. 2610 A., dated the 21st July last, that “the Lieutenant-Governor, having regard to the very limited number of appointments to be made each year, considers that the only way in which the system could be worked would be by nomination,” Sir Rivers Thompson was actuated by the fear that, if they were thrown open to competition by all the B.A.'s in Bengal, there would be considerable difficulty with the examination, regard being had to the number that would come up. Personally, however, the Lieutenant-Governor has a great objection to any system of pure nomination, and further consideration of the subject has satisfied him that a plan of competitive examination in conjunction with nomination would, on the whole, be the best and most satisfactory that could be adopted. The above remarks will sufficiently explain the difference between the accompanying subsidiary rules and those previously drawn up.

## CLXXIV.

*Draft of subsidiary regulations for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service in the Lower Provinces of Bengal.* No. 131.

With reference to the Rules published by His Excellency the Governor General in Council 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, the following subsidiary regulations for the selection of persons to be appointed to such offices in the Lower Provinces are published by the Lieutenant-Governor of Bengal with the sanction of His Excellency the Governor General in Council:—

1. The Lieutenant-Governor will select for each appointment to the aforesaid offices under the Government of Bengal ten candidates from (a) officers in the service of Government who have already distinguished themselves; (b) persons who have taken the degree of B.A. at the Calcutta University, provided that such persons can produce certificates of their having a thorough practical knowledge of the English language, of their being fitted for the service, of their being of good moral character, of active habits, and able to ride; (c) persons of proved merit and ability in the practice of a learned profession.

2. No candidate not in the service of Government, or who has not been at least five years engaged in the practice of a learned profession, will be selected after he has attained the age of 25 years.

3. The person so selected will be subjected to a competitive examination, and the appointments will be conferred each year in accordance with its results: in other words, the person who passes first will obtain the appointment when one only is competed for; if there is more than one appointment, the others will be conferred on the next most successful of the examinees.

4. The examination will be held yearly in January, on dates which will be notified from time to time in the Government Gazette.

5. Candidates from classes (b) and (c), if successful in the competitive examination, will be appointed as probationers for two years, and all candidates, from whatever class selected, will be required to pass the examinations prescribed for members of the regular service within that period.

F. B. PEACOCK,

Chief Secretary to the Govt. of Bengal.

\* See page 294.

† See page 232.

## CLXXV.

From J. R. REID, Esq., Chief Secretary to the Government of the North-Western Provinces and No. 132. Oudh, to the Secretary to the Government of India, Home Department,—No. 15, dated Naini Tal, the 10th July 1885.

I am directed to acknowledge the receipt of your confidential letter\* No. 25—1077, dated the 18th June 1885, requesting opinion of the Lieutenant-Governor and Chief Commissioner upon a draft set of revised rules† (forwarded with your letter) for the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, and also the submission of a draft of the subsidiary regulations referred to in the third rule.

2. In reply I am directed to say that the Lieutenant-Governor's general opinion is altogether in favour of the draft rules, which indeed accord on all important points with the views that Sir Alfred Lyall had the honour to submit in his minute‡, dated the 10th July 1884, especially in regard to the intention of the Statute 33 Vic., cap. 3, section 6, and to the proper method of carrying out the policy of the Statute. The Rule (No. 5 in the draft) prescribing that nominations shall specify the precise nature of the office, place, or employment to which it is proposed to appoint the nominee, and shall not be made, as heretofore, to the Covenanted Civil Service, is in the Lieutenant-Governor's opinion a substantial improvement in the system, and a right interpretation of the object and meaning of the legislation of 1870.

3. I am, however, to point out the following difficulty in regard to the Rule (No. 2 in the draft) laying down an annual nomination on the 1st of September. This rule would properly be applicable to a graded service, which is regularly and periodically recruited by additions at the bottom of its list of members. It does not fit in with the practice introduced by the system under discussion, which is intended to break in upon the regular graded service by allowing the Government to use opportunities of enlisting, from outside, men of proved merit and ability, provided they are natives of India. In respect to young men fulfilling these conditions who are proposed for appointment to the office usually held by covenanted civilians newly appointed from England, namely, that of Assistant Magistrate and Collector, or Assistant Commissioner of the 3rd grade, the rule of periodical nomination on a fixed date may be carried out. But this is not the case in respect to higher offices such as those mentioned in paragraph 8 of your letter; because at the time set for the annual nomination, an office to which a nominee of proved merit and ability could be appointed might not be vacant, and without knowing what the office to be filled by the nominee would be, it might not be expedient to make a nomination. For example, on the 1st of September no vacancy in a higher office to which a native of India of proved merit and ability could reasonably be nominated might be available; while on the 1st of January just such an office might become vacant. Or (though the case would occur much less frequently) there might be a vacancy on the 1st of September, to fill which on that particular date no suitable person might be available. In respect, therefore, to offices and nominees of the class referred to, it seems necessary that the draft rule, as far as it prescribes a set time of nomination, should be made more elastic; so that the Local Government, which will generally know when some opportunity of appointing is likely to occur, may be able to arrange beforehand with the Government of India for filling up a coming vacancy, or to make an appointment on the occurrence of an unexpected vacancy if a suitable person of proved merit and ability is available to fill it.

4. No. 3 of the draft rules permits the Local Government to select its nominees in accordance with subsidiary regulations; and your letter asks that a draft of these regulations for the North-Western Provinces and Oudh may be submitted. On this subject

\* See page 285.

† See page 287.

‡ See page 214.



I am directed to say that the Lieutenant-Governor and Chief Commissioner considers that, if any regulations are to be laid down and published, they should be of the most general kind; and he is himself of opinion that it is unnecessary and inexpedient to lay down and publish any such regulations at all. The primary intention of the Statute of 1870 is to enable the Government to employ in its higher offices natives of India of proved merit and ability. And it will probably be admitted that throughout the lengthened deliberations on the method and means by which effect should be given to the Statute, it has not been found easy to prescribe rules under the Statute defining the conditions upon which persons of proved merit and ability are to be selected. The rules now drafted, rightly interpreting the Statute in a wide and liberal sense and providing generally for the nomination of persons of tried merit and ability, seem to meet the difficulty which has hitherto been felt in carrying out the instructions of the Government of India as to the appointment of natives of India under the Statute. But if within these rules internal regulations, defining precisely some further conditions of appointment, must be devised, the result can scarcely be other than again to raise the original difficulties of nomination by adding to and thereby restricting the very simple and liberal terms of the Statute. In the great majority of cases the past performances of the individuals, as recorded or admitted in the public offices, professions, or institutions in which they have been tried, and the reputation acquired by them among those responsible persons with whom they have been associated, or who have had opportunity of judging are the chief means by which a Government, in India, as elsewhere, will be guided in making its selection. No rules can hinder the Local Government from choosing, through error of judgment or deficient information, a person who may eventually turn out indifferently. But in its own administrative interest, and under the growing pressure of public opinion, the Local Government will naturally endeavour to find the men best fitted for the work to be done in the offices to which nomination is made; and as every nomination, being subject to the approval of the Government of India, must be accompanied by a statement of the proof of merit and ability in the nominee, the Government of India may very well rely on the strong check against error in, or misuse of, nomination, provided by its own power to accept or refuse the proposals of the Local Government. Finally, if the nominee is appointed, he can remain for two years on probation, which, in the case of young untried men, is perhaps the surest test of all.

5. On these grounds the Lieutenant-Governor and Chief Commissioner would advise that, at least as regards these provinces, no subsidiary regulations respecting the selection of nominees be laid down. He is also inclined to think that circumstances may possibly occur, at some future time, when the Government of India may find it very useful to have kept a free hand in regard to these appointments. But if the regulations should still be considered necessary by the Government of India, Sir Alfred Lyall would adopt, as sufficient in respect to persons who have already been tried in public employment or in the exercise of a profession, the conditions prescribed in clause (b) of section 1 of the draft rules attached to the Government of India's (Home Department) despatch\* to the Secretary of State, No. 6, dated 23rd January 1874, with the addition that the nominee possess a good working knowledge of English, spoken and written, as evidenced by the successful performance of duty in an office or profession where a practical knowledge of that language is indispensable. In respect to young men of the kind hitherto appointed under the Statute, who have not, owing to their comparative youth, been subjected to any real trial of their merit and ability in the practical business of life, the only condition of selection that can be prescribed

is an educational one. The Lieutenant-Governor and Chief Commissioner is disposed to think that, for the present, the ordinary condition should be the passing, in any division, of the First Arts Examination of one of the Indian Universities. But he would not lay this down as a condition imperative in every case; and he would leave to the Local Government and the Government of India power to accept any other educational qualification, publicly or privately attested, provided that it ensures the possession by the nominee of a sufficiently thorough knowledge of the English language. Some such discretion is exercised in all civilised administrations by those who are entrusted with the duty of filling up public offices not thrown open to competition; and there seems no reason why it should not be vested in the chief authorities of the Indian Government.

6. The Lieutenant-Governor and Chief Commissioner at present and until the new system of appointment, having been finally settled has been put in force and for a time tried, is unable to say what step he would propose to take in order to secure the appointment of natives of India to a fair proportion of the higher offices with due regard to the maintenance of regular promotion in the Covenanted Civil Service. He recognises the essential importance of giving early and material effect to the policy of the Statute of 1870, and he is anxious to find ways and means of so doing. But the Government of India are aware that the condition of promotion among the members of the Covenanted Service employed in these Provinces has recently engaged the very serious attention, both from an administrative and a personal point of view, of this Government and the Government of India. The retirement of a certain number of senior members from the service occurring opportunely, might have facilitated the introduction of the new statutory scheme, by placing one or two appointments at the disposal of the Government, against the filling up of which in terms of the Statute, the Covenanted Service, in view of the general opening up of promotion, could not reasonably have complained; and this would have enabled the Government to arrange to some extent for a systematic repetition of similar appointments in the future. But as matters at present stand among certain grades of the Covenanted Service, the Lieutenant-Governor and Chief Commissioner is unable to make any definite proposals affecting the future in a fixed and regular degree; and he would for the present prefer to deal yearly with the question of the appointment of natives of India to the higher offices, as the circumstances of the time when nomination is to be made seem to render advisable.

7. In conclusion, and with reference to the order conveyed in the second sentence of paragraph 2 of your letter, I am to ask instructions on the following point. The gentlemen who have already been appointed in these provinces under the Statute of 1870 have all been treated as if they had been appointed to the regular Covenanted Civil Service. They are all young men, who have entered at the bottom of the graded list of the service, and they have been considered entitled to grade promotion, temporary (or officiating) and substantive, according to seniority like the members of the service appointed in England. The only difference in the immediate conditions of their service is, that they draw two-thirds of the salary allowed to civilians appointed in England. To remove these young men now from the graded list, as seems to be intended by the order referred to at the beginning of this paragraph, would unquestionably disappoint them of prospects which they have had held out to them, if not in precise terms, yet in the method in which they have been hitherto treated; and it would, if they continue to draw only two-thirds of the salary of the covenanted posts filled by them, materially injure their interests by withholding from them seniority grade promotions, temporary or substantive. It may even be doubted whether under this condition as to salaries, the prospects of these gentlemen would not be better in the Uncovenanted Service than in the Service which bears their names on its

list. The question of the terms on which pensions are to be enjoyed No. 132. by these gentlemen and by persons to be appointed in future under the Statute of 1870, will not have escaped the consideration of the Government of India. But in respect to the gentlemen already borne on the graded list of these provinces, the Lieutenant-Governor and Chief Commissioner would advise, whatever the decision as to their retiring allowances may be, that they be retained in the ranks of the graded service on the terms hitherto understood as regards promotion and salary. If, however, it is determined, in order that the whole statutory list may be on one system, to exclude them from the graded service, the Lieutenant-Governor recommends that they should enjoy the full salary of the substantive posts to which they may from time to time be appointed or promoted.

## CLXXVI.

[CONFIDENTIAL.]

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. 1457, dated Simla, the 24th August 1885. No. 133.

I am directed to acknowledge the receipt of your letter\* No. 15, (Confidential), dated the 10th ultimo, communicating the remarks of His Honour the Lieutenant-Governor and Chief Commissioner on the draft of the revised rules† proposed by the Government of India, for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service. In reply, I am to convey the following observations.

2. With reference to rule 2 of the draft rules it is pointed out in paragraph 3 of your letter that the fixing of a certain date in each year on which Local Governments should be called upon to submit nominations is open to the objection that on that particular date, an office to which a nominee of proved merit and ability could be appointed might not be vacant, or if such a vacancy existed, there might be no suitable person available to fill it. It is therefore suggested that the draft rule, so far as it prescribes a set time of nomination, should be made more elastic. On this point, I am to observe that the nominations to the Statutory Service have to be regulated by the annual recruitment of civilians in England, and that the number of statutory appointments can only be fixed for each year when the Government of India is made aware of the number of civilians actually appointed in England. There are, however, various ways in which the difficulty noticed by the Lieutenant-Governor could be readily met. If, for example, a Local Government has a qualified nominee whom it desires to appoint to an office higher than that of Assistant Magistrate and Collector, temporary arrangements could be made for keeping the vacancy open; or a nomination might be made in anticipation of the occurrence of a probable vacancy. Or again when one or more nominations may have been allotted to a Province, the Local Government concerned might be permitted to postpone making actual nominations on the distinct understanding that any vacancy or vacancies which might take place would be filled up during the year from officers of proved merit and ability. The point will be considered before the rules are finally settled.

3. As regards rule 3, which permits Local Governments to select nominees in accordance with the provisions of subsidiary regulations to be drawn up for each Province with the previous sanction of the Governor General in Council Sir A. Lyall considers it inexpedient that any such Regulations should be issued, but indicates in paragraph 5 of your letter the nature of the regulations which he would adopt if they are still regarded as necessary by the Government of India. On this point I am to remark that, although subsidiary regulations are probably not required to meet the case of men already

\* See page 298.

† See page 297.

in the service of Government, some Regulations appear to be necessary in order to define the qualifications which will be expected in the case of untried candidates, and possibly also in the case of candidates from the learned professions. These regulations may be drawn up in very general terms, and the Governor General in Council will be glad to receive a draft of those proposed for the North-Western Provinces and Oudh, as early as practicable. As at present advised, His Excellency in Council is disposed to doubt whether the passing by the First Arts Standard of one of the Indian Universities constitutes a sufficiently high standard of educational merit in the case of untried candidates. It is of importance in the interests of the Statutory Service itself that the educational qualifications of nominees should not be markedly inferior to those of members of the Covenanted Service. This is a point on which the Governor General in Council is disposed to lay great stress, and he trusts that the Lieutenant-Governor will give it careful consideration.

4. In paragraph 6 reference is made to the block of promotion in the Covenanted Civil Service of the North-Western Provinces which debars the Lieutenant-Governor from at present making any definite proposals as to the steps to be taken to secure the appointment of natives of India to a fair proportion of the higher offices. With regard to this point the Governor General in Council would observe that the condition of promotion in the Covenanted Civil Service cannot be allowed to interfere with the policy of giving full effect to the Statute of 1870 or with the claims to promotion of persons appointed under the Statutory Rules. Her Majesty's Secretary of State has already decided, on memorials presented by certain members of the Bengal Civil Service, that effect must be given to the intentions of Parliament as embodied in the Statute. His Excellency in Council, however, understands from your letter that Sir A. Lyall merely refers to the existing state of promotion among the Covenanted Service of the North-Western Provinces as a temporary difficulty which prevents his giving as full effect as he would otherwise wish to the policy of the Statute. If this is so, further remarks on the point are not called for from the Government of India.

5. Lastly, with reference to the question, discussed in paragraph 7 of your letter, as to the future position, in respect to promotion and salary, of the Native gentlemen already appointed under the Statutory Rules and borne at present on the Provincial graded list, I am to explain that it is not intended that the removal of the names of such officers from the graded list should involve any injury to the legitimate prospects of promotion which they enjoy under existing arrangements. The position of Statutory Civilians under the new Rules will be that, while they will have no claim as of *right* to promotion to a new office, their claims on ground of *merit* will be considered as being equally strong with those of their contemporaries in the Covenanted Service. On the occurrence of a grade vacancy the claims of the next senior man on the lists *either* of the Covenanted *or* of Statutory Officers would be taken into consideration. If the Covenanted Officer were senior, he would be promoted unless he were actually unfit; if the Statutory Officer were senior, he would receive promotion to the grade vacancy as to a new *office*, if he were deemed thoroughly fit for such promotion. The object in short of the revised rules under this head is simply to make it clear, in accordance with a ruling of Her Majesty's Secretary of State, that Statutory Officers are not members of the Covenanted Civil Service, although they may hold offices which, under the Act 23 & 24 Vic., cap. 54, are reserved for covenanted civil servants; that their promotion accordingly involves a fresh appointment to a new office or place; that such promotion cannot be

claimed as of right, but that it depends entirely on individual merit No. 133. and capacity, and is altogether at the discretion of the Local Government. The inclusion of Statutory Civilians in the same lists with the members of the Covenanted Service was a mistake which has been pointed out by the Secretary of State. As above explained, no practical injury will follow from their exclusion.

## CLXXVII.

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. 17, dated Naini Tal, the 2nd October 1835. No. 134.

I am directed to acknowledge the receipt of your Confidential letter\* No. 1457, dated 24th August last, on the proposed rules for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.

2. With regard to the remarks in the 3rd paragraph of your letter, I am to offer the following explanation of the views and proposals submitted by the Lieutenant-Governor in my former letter on this subject. Sir Alfred Lyall agrees altogether with the Government of India in attaching high importance to the educational standard that should qualify for appointments under the Statute; and while he considers that none but men with a good knowledge of English should, as a rule, come in from other ranks of the service or from the learned professions, he would certainly look for his untried candidates among the best educated men of the country. But it does not seem to him necessarily to follow, because a Local Government should select young men of the highest education and acquirements for the public employ, that any particular test or condition must be laid down, such as a university degree, to be fulfilled before any appointment can be made. The object of the Statute is to open to men selected in India for proved merit and ability a few of the offices now reserved to a Covenanted Civil Service selected by competitive examination; and the Lieutenant-Governor adheres decidedly to his opinion that the power to appoint such men should be exercised, in India as elsewhere, by the Government as unconditionally as possible. It is quite right that the Local Governments should be obliged to satisfy the Government of India that their nominees are properly educated and otherwise competent; but it is to be remembered that the words "untried candidate" necessarily include not only a few picked young men admitted to the service as beginners, but also any one outside a learned profession whom the Government (having ascertained him to be of proved merit and ability) may desire, for special reasons, to appoint for the first time to some public office. It is therefore manifest that no specific educational qualification, such as a university degree, can be required, which may not occasionally bar a nomination that would be otherwise unexceptionable. It will not be forgotten that under the new rules the nomination is to a precise place or appointment, so that henceforward the question of fitness will in many instances be more definite and more easily answered, than when the appointment was supposed to bring a person upon the general civil service list.

3. Moreover, even if the case of young men entering upon employ at the bottom of a public department be taken alone, it is still very difficult to prescribe any particular educational test. To decide that nominees shall pass a special examination is a reversion toward the competitive system which the Statute was intended to vary; to require them to be graduates of an Indian University would be in these provinces premature, and would exclude the most promising candidates of the class we should endeavour to secure. In the North-Western Provinces and Oudh the graduates are now almost entirely poor scholars, who can barely support themselves with the aid of scholarships during their course of study. At this moment the young men, whose general antecedents, training, and high culture perhaps fit them best,

\* See page 301.

above any other class in these provinces, for the Civil Service, are those No. 134. who have been educated in Europe, and most of these have not taken any university degree. There are others, in India, who have a sufficient knowledge of English, and are otherwise men of merit and ability, who have not gone through the whole university course; and it was with advertence to their case that in my former letter the First Arts Examination was mentioned, if any specific test of the kind were insisted upon.

4. For these reasons the Lieutenant-Governor and Chief Commissioner would earnestly advise that the educational qualification should be framed thus:—

“The Local Government shall, in making its nominations, submit to the Government of India satisfactory proof that the nominee possesses a good practical knowledge of the English language, and is sufficiently qualified by general education for the office to which he is to be appointed.”

5. This rule, if approved, would be so wide in terms, that it might apply to all nominees, whether they were or were not already in public employ or in a learned profession; though, in regard to this latter class, it may be expedient to prescribe that no one shall be appointed direct to a Civil or Sessions Judgeship or (perhaps) to a Small Cause Court Judgeship who has not completed at least ten years in the profession of law. But Sir Alfred Lyall would himself make no other provincial regulation beyond requiring the Local Government to satisfy the Governor General in Council that a nominee is really a man of proved merit and ability, fit for the office for which he is nominated; for here again it should be clearly remembered that under the new rules the nomination is to a definite office.

6. I am to take this opportunity of remarking that the limit of age proposed in the fourth draft rule seems to the Lieutenant-Governor likely to be found inconvenient at some future time. It is not impossible, for example, that some political emergency may hereafter determine the Government to invest with important administrative functions a person of known ability and local influence, who has not before held office; and to provide that no such person can ever be so brought in after 25 years of age is to lay down a condition that may exclude just the men that might be wanted, without any corresponding advantage that Sir Alfred Lyall can at this moment discover.

### CLXXVIII.

From C. L. TUPPER, Esq., Officiating Secretary to the Government of the Punjab and its Dependencies, to A. MACKENZIE, Esq., Secretary to the Government of India, Home Department,— No. 135.  
No. 2554, dated Lahore, the 7th November 1885.

I am directed by the Lieutenant-Governor to acknowledge the receipt of your confidential letter\* No. 25—1078, dated 18th June 1885, which forwarded a draft set of revised Rules† for the appointment of Statutory Civilians, and requested an expression of the opinion of His Honor upon those Rules. The Government of India has also asked to be furnished with a draft of the subsidiary regulations (referred to in Rule 3) which the Lieutenant-Governor would propose to lay down for the Punjab.

2. In reply, the Lieutenant-Governor desires me to forward copies of the opinions expressed by the officers marginally noted, and to say that these Rules, considered merely as rules under the Statute, are, if the Statutory system is to be maintained, a considerable improvement upon the old Rules. In particular, they remove the unquestionable illegality in the former Rules, to which

D. G. Barkley, Esquire.  
Financial Commissioners.  
Mr. Fryer.  
Sardar Bikrama Singh, C.S.I.  
Pandit Ram Narain.  
Colonel Nisbet.  
Mr. Macnabb.  
" Perkins.  
Colonel Gordon Young.

\* See page 285.

† See page 237.

attention was drawn in paragraph 8 of His Honor's Minute\* of the 7th July 1884, communicated to the Government of India with my \*letter No. 231, dated the 11th July 1884. Sir Charles Aitchison, however, thinks that they still require very material alteration, and, instead of attempting to deal with this question in the Secretariat by correspondence, he would suggest to the Government of India the advisability of nominating a Committee representing the different Administrations and Governments to report on the whole question, and (if the system is to be retained) submit draft rules for the consideration of the Government of India.

3. As regards details, the Lieutenant-Governor would observe that the definition of "native of India" is narrower than the definition in the Statute, and is open to the objection taken to it by Mr. Barkley, that the draft Rule as it stands would exclude any child of Indian parents born during a temporary absence of the parents from Her Majesty's dominions in India, even if absent in the service of the State, say, at Gwalior or Quetta, or serving in Berar. His Honor thinks also that Rule 2 is objectionable, inasmuch as it bases the calculation of nominations on the total number of civil servants appointed by the Secretary of State for the whole of India in each year, and puts no limitation upon the distribution of the nominees to the various Local Governments and Administrations. Under this rule, not only would it be possible for one Local Government to get more than its proper number of nominees, but it would be possible for one Province to have nominees of another Province sent to it either in addition to or in lieu of civilians appointed in England. It is needless to enlarge on this serious objection. The measures to prevent it are two, *viz.*, to rule—

1st, that nominees shall be eligible for service only in the Province which nominates them, unless other Provinces are willing to accept them; and

2nd, that the provincial nominations in each year shall not exceed the proportion fixed for recruitment in India in that Province by the letter† of the Government of India in the Financial Department, No. 2229 C., dated the 29th December 1881.

This would also meet the enquiry made by the Government of India in paragraph 9‡ of their letter under reply as to the mode of securing regular promotion to the Covenanted Civil Service. So long as the proportion of admissions under the Statutory system does not exceed the proportion calculated as correct for recruitment under that system, practical difficulties are not likely to arise so far as initial appointments go. But a very important point is raised by Colonel Nisbet, which ought certainly to be provided for, *viz.*, the retirement of the Statutory men. The rule of compulsory retirement on the attainment of 55 years of age, or the completion of a fixed period of service, ought to be embodied in the rules and strictly enforced, otherwise it will result that the high appointments will be choked with Statutory men as they are now in the Punjab by Military Civilians.

4. Sir Charles Aitchison thinks that the general rules ought to prescribe English qualifications. This is too important a matter to be left to Local Governments, and he begs to draw attention to the stress laid by Lord Macaulay and the Parliament of 1855 on the paramount importance of English education for civil servants in India. The education which they considered essential was not merely education in the English language, but "the best, the most liberal, the most finished education" which England could give—an education indeed which cannot be obtained in India at the present time. The lowering of the educational standard expected in candidates for these exceptional first class appointments will be a grave injury to the administration of the country. For this reason the Lieutenant-Governor thinks that the Government of India ought to prescribe the standard

\* See page 217.

† Not printed.

‡ See page 286.

in the rules; and, however much more Local Governments may choose No. 135. to exact, it ought not to be in their power to accept-less.

5. His Honor is inclined to think that Rule 5 will prove inconvenient. The examinations referred to in Rule 6 ought, he thinks, to be the ordinary provincial examinations to which officers in the service are subjected, and the approval of the Governor General in Council is an unnecessary complication. Lastly, he agrees in the opinion of Colonel Gordon Young, that to give retrospective effect to the cancellation of the Government of India Resolution\* No. 36—1322-27 of the 25th August 1880 will have a very bad effect and be considered a breach of faith. Whatever may be done for the future, it is not advisable to withdraw privileges from men already admitted to appointments under the Statute; all the conditions in force at the time of their appointment, or subsequently extended to them, should, in the Lieutenant-Governor's opinion, be continued to them individually, even at the cost of much inconvenience.

6. As regards the Punjab, the Lieutenant-Governor would ask the Government of India to excuse him from attempting to draft subsidiary rules until the general principles are settled and rules definitely framed by the Government of India. Till then he does not see that the drafting of subsidiary rules can be usefully attempted. So far as he can judge at present, the nominees from the Punjab will be so few that elaborate subsidiary regulations will not be required. The scale of recruitment as fixed by the Governor General in Council for the Punjab is for the whole Commission 6·21 per annum, of whom 3·63 are to be recruits from England, 1·55 recruits from the Military and Uncovenanted Services, and 1·03 recruits in India, by which His Honor understands Statutory Civilians to be meant. The nominees from the Punjab will therefore be only one every year, and two in every thirty-third year. With so small a number it appears to be sufficient for the present (while retaining power to nominate untried men) to look in the first instance to Natives of proved merit in the Uncovenanted Service, giving a nomination in alternate years to a Hindu and a Muhammadan. But as already said, the Lieutenant-Governor would prefer to reserve the making of any specific rules or proposals till the Government of India has finally settled the question of principle.

7. For his own part Sir Charles Aitchison is sincerely sorry that it has been determined to adhere to the Statutory principle at all. It was an ill-considered provision adopted at the eleventh hour of discussion of a Bill introduced for a totally different object and suddenly tacked on at the fag end of it, and it has been the fruitful source of unnumbered evils. It has its foundation in indefensible distinction of race; it confessedly accepts inferior qualifications, and as a consequence invidious differences in pay; it causes discontent in the Civil Service proper; and it is practically a reflection on the intelligence and ability of the Natives. Whatever rules may be framed the system will never, in the Lieutenant-Governor's opinion, work well, or result in anything but anomalies and difficulties. And he begs to repeat the opinion given at length in his Minutes† of the 7th July 1884, that the true solution of the question is to raise the age for admission to the examinations in England so as to let the Natives compete on fair and equal terms, to close the side-door of admission by nomination in India, to considerably reduce the cadre of the Civil Service, reserving it strictly for those who enter by the examination, and in lieu of the reduced numbers to create a parallel service to be officered exclusively in India. The Lieutenant-Governor strongly advises the appointment of a representative Committee to report and advise the Government of India in the matter, because he hopes that, instead of merely amending the rules in a manner that cannot lead to a final solution of the problem, this opportunity may be taken to review the whole principle.

\* Not printed.

† See page 217.



## CLXXIX.

[CONFIDENTIAL.]

From D. G. BARKLEY, Esq., Judge, Chief Court, Punjab, to the Offg. Secretary to the Government of the Punjab,—dated Lahore, the 16th July 1885. No. 136.

With reference to your confidential No. 649 S., dated 13th instant, I have the honour to say that the draft Rules\* for regulating the appointment of natives of India to offices ordinarily reserved for members of the Covenanted Civil Service appear suitable.

The only amendment I have to suggest is, that in the 1st rule the wording of the Act should be more closely followed by substituting "include" for "mean." The Rule as it stands in the draft would exclude any child of Indian parents born during a temporary absence of the parents from Her Majesty's dominions in India, *e.g.*, a child born in London, Goa, Pondicherry, Ceylon or the Mauritius.

I understand that my opinion is asked only as to the Rules, and I do not think that I could make any useful suggestion as to the local rules to be framed in addition to the instructions of the Government of India on the subject.

From R. E. YOUNGHUSBAND, Esq., Officiating Junior Secretary to Financial Commissioner, Punjab, to the Offg. Secretary to the Government of the Punjab,—No. 66 C., dated Simla, the 17th July 1885.

In reply to your letter No. 649S., dated the 13th instant, I am directed to submit a copy of a Memorandum recorded by Colonel W. G. Davis, C.S.I., the first Financial Commissioner.

## MEMORANDUM.

On receipt of Secretary to Government, Punjab's Confidential letter No. 649S. of the 13th instant, forwarding for my opinion a Confidential letter† No. 25—1078 of 18th June (with enclosure), from the Government of India, regarding the revision of the Rules for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, I sent the papers confidentially for the opinion of the Senior and Junior Secretaries, and received from them notes of which the following are copies:—

*Notes on Revised Rules\* for Statutory Civilians.*

These revised Rules do not appear to me to differ essentially from those already in force; for the distinction between appointment to a post and appointment to a service will in nearly all cases be found to be unimportant and illusory in practice, and the publication of a code of local regulations for selection of nominees is mainly a matter of detail. But I confess I look with apprehension and dislike upon the 5th and 7th Rules in the present draft, and upon the commentary which is supplied in the 7th and 8th paragraphs‡ of the Government of India letter. If these Rules are adopted as they stand, I do not say that evil results are inevitable; but I do think that we create large facilities for a long series of most undesirable jealousies, doubts, and heart-burnings, such as we have already had a brief experience of in connection with the case of Rám Náth. What I object to is the power given to appoint and promote Native Statutory Civilians regardless of all seniority and gradation. As the rules stand, there is nothing to prevent a Statutory Civilian being appointed direct to the post of Deputy Commissioner, or District or Divisional Judge. Indeed, in regard to Natives who are already in the Uncovenanted Service, such direct appointments are directly inculcated by the Government of India. Every time that such a direct appointment is made we shall have all the old jealousies, outcries about race distinctions, endless complaints, petitions, and invidious comparisons of merit. Nothing in short can be conceived better fitted to make the Rules work badly and to do more harm than good. I say nothing about the uncertainty which will attach to every one's prospects, although it is clear that no one will know how often he may be superseded at every stage of his career. I quite admit the difficulty of the case. The natural plan is for every one to enter at the foot of the ladder, and this plan is perfectly sufficient so far as the younger generation is concerned. But I admit that it is desirable to attract to the Government service some of the men who have made their mark in independent professions, and to offer some prospects of further promotion to men who have proved really capable in the Uncovenanted Service. This can only be done by an offer of direct appointment to posts not in the lowest grade. But if this offer is to be made, I think it should be accompanied by some guarantees to the men already in the service, whether European or Native. The only possible form of guarantee is that of numerical limitations. Thus I would say that so many posts of Assistant Commissioner and so many District Judgeships shall be held by Statutory Civilians if so many are available and competent. That is to say I would give Local Governments power to make appointments up to a certain maximum number, but not beyond. I

\* See page 237.

† See page 235.

‡ See page 236.

do not think this is an ideal solution of the case, but it seems to me the only practical one to meet the just claims both of the Native aspirants and of the men already in the service. The latter will of course lose so many appointments; but, on the other hand, they will secure a reasonable certainty, and their impaired general prospects can be separately considered if need be.

*The 14th July 1885.*

R. G. THOMSON.

I have nothing to add to Mr. Thomson's note,\* except that I think it represents the feelings of most of the junior civilians. Recognizing the desirability of holding out hopes of rising to Uncovenanted men, and especially to Natives, and also the fact that Government must and will provide for their advancement, I think that the claims of officers already in the Commission, whether Civilians, Military men, or Natives, should also be recognized, and that a certain fixed number of appointments should be set apart for men in the Uncovenanted Service and professional men, to be held exclusively by such persons if competent to do so.

*The 14th July 1885.*

R. E. YOUNGHUSBAND.

After reading these I added a marginal note to the following effect:—

“This, it seems to me, is practically done by laying down that the number of nominations of natives of India for appointments ordinarily reserved for members of the Covenanted Civil Service, to be made each year, shall not exceed *one-fifth* of the total number of civil servants appointed by the Secretary of State in that year. There is the further restriction that untried men admitted for the first time to the service, and the younger men promoted from the Uncovenanted Service, would at starting be posted only to be Assistant Commissioners of the *lowest grade*. After a Native has once been appointed to one of the posts reserved for members of the Civil Service, he would ordinarily rise in the same way as other men in the Commission, and would not be promoted out of his turn unless he showed special aptitude for some particular post. In this respect he would be on the same footing, I imagine, as every other member of the Commission. It would be impossible to lay down beforehand that so many particular appointments shall be allotted to the Statutory Civilians, and so many to Covenanted Civilians and to Military Civilians.”

I then sent the papers to the Junior Financial Commissioner for perusal and any remarks he might wish to add. In reply Colonel Wace furnished me a short memorandum, of which the following is a copy:—

*Revised Rules for Statutory Civilians.*

The proposed Rules appear to me to be a distinct improvement on the existing Rules, for the reason that under them it will be in the power of Government to appoint natives of India to offices hitherto reserved to the Covenanted Civil Service without thereby making the nominees members of that service.

To take this power and see that it is rightly used, will, I think, be better than to continue the present rule under which Government is restricted from utilising in its service, as occasion arises, men of established merit and distinction.

At the same time I hope the considerations urged by Mr. Thomson will be borne in mind, and it would much improve Government's position in respect of this question if some favourable response could be made to the petitions recently submitted by the less fortunate junior members of the Civil Service.

*The 16th July 1885.*

E. G. WACE, *Lieut.-Col.*,  
*2nd Financial Commissioner, Punjab.*

I will only add, in conclusion, that for the reasons given by him, I concur with Colonel Wace in thinking that the proposed Rules are an improvement on the existing Rules:

*The 16th July 1885.*

W. G. DAVIES,  
*1st Financial Commissioner, Punjab.*

From F. W. R. FRYER, Esq., Deputy Commissioner, Hazara, to the Officiating Secretary to the Government of the Punjab,—No. 1451, dated the 23rd July 1885.

In reply to your confidential letter No. 649 S., dated the 13th instant, regarding the revision of the rules for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, I have the honour to say that the draft Rules proposed appear to me to be unexceptionable.

2. In selecting the nominees for the Punjab I would suggest that the pupils at the Umballa Wards' School should receive a nomination to be competed for annually. This would act as an encouragement to pupils to join the school, and the

\* *Vide Supra.*

† See page 287.

class from which the pupils at this school are drawn is one from which it would be No. 136. very suitable to select Statutory Civilians.

3. A knowledge of English should not, I think, be insisted upon in the Punjab as yet. It might be demanded from untried men; but in the case of men already in the service, or men in the exercise of a profession, to make a knowledge of English an essential qualification for appointment to offices ordinarily reserved for the Covenanted Civil Service, would very much limit the Local Government in its choice of nominees.

From Sardar BIKRAMA SINGH, Ahluwalia, to the Offg. Secretary to the Government of the Punjab,—dated Jullundur City, the 27th July 1885.

With reference to your letter No. 649 S., dated the 13th instant, I have the honour to submit respectfully my opinion on the subject of the revision of the Rules for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.

It appears from the printed enclosures to your letter that it is the intention of Government practically to abolish the branch of service known as the Statutory Indian Civil Service, which was opened for the natives of India. The service will no longer exist, but candidates will be selected from among the natives of India for appointment to offices, places, and employments reserved for members of the Covenanted Civil Service.

The proposed Rules\* show that a limited number of men will be selected every year for such appointments, and consequently in the course of a few years there will be a considerable number of men eligible for such appointments and actually holding such appointments.

It does not appear what the position and prospects of such men will be. The appointments are not to be graded, nor will there be any definite rules for promotion, as are provided in other branches of service. It does not appear therefore what special advantage these men will have; a man being appointed once may never have a chance of promotion, specially his promotion will depend upon recommendation and not on any rule.

It appears to be desirable therefore that there should be grades of offices and rules of promotion for the service.

As regards the rules for the selection of candidates, I would submit that there should be some regard for family distinction in the selection, and a proportion of candidates should be members of families distinguished for loyalty and services to Government. There is an universal desire now even among the higher classes of Natives for the acquisition of superior educational qualifications, and there will soon be young men in the Punjab belonging to high families possessed of adequate educational qualifications. Special consideration should be shown to such young men in the selection of candidates.

From Pandit RAM NARAIN, Pleader, Chief Court, Punjab, to the Offg. Secretary to Government, Punjab,—dated Lahore, the 28th July 1885.

In reply to your office letter No. 649 S., dated 13th July 1885, I beg to submit herewith my remarks on the proposed Rules for regulating the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.

#### REMARKS.

The subsidiary regulations to be framed for this Province would relate to the mode of appointment of—

- (a) untried men to be admitted for the first time to service;
- (b) younger men to be promoted from the Uncovenanted Service; and
- (c) men of more senior standing or superior qualifications eligible for higher offices.

2. A competitive examination for the whole of India with each Province as a centre of examination will sooner or later have to be established for the selection of candidates for the lowest grade of Assistant Commissionership. The highest candidate or candidates from each Province in such examination could then be nominated to the vacancy or vacancies in that Province. In the absence of such an examination a competitive examination for each Province can only be suggested as the door for admission of young untried men to the lowest appointment in the Civil Service.

3. Nomination by Government of untried young men without a competitive examination is open to very serious objections. Some of these objections are well described in His Honor's Resolution of 4th September 1882 (paragraph 2), and I do not propose to discuss the subject here any further.

\* See page 287.

4. The qualifications prescribed in Rule 7 of the Rules for the appointment of Extra Assistant Commissioners in the Punjab would for the present be sufficient for the selection of candidates for this competitive examination, with this modification only, that the candidate should at least have passed the B. A. Examination. No. 136

5. I am, however, very doubtful whether a competitive examination in this Province will attract the best candidates unless the examination is held every year and the number of appointments available in any year is notified at least six months previously. A competitive examination held not every year and on such a short notice as could be given under Rule 3 of the draft Rules framed by the Government of India would be practically useless as a public examination.

6. Strictness in the selection of candidates to these appointments is both necessary and desirable in the interests of the State as well as of the public. Duly qualified Natives if appointed will not fail in soon proving themselves to be useful and valuable public servants. In the course of a few years the Government will have in its service a large number of competent Natives from amongst whom really efficient and well-deserving men could be selected for promotion to higher offices. The present cry of higher appointments not being thrown open to the Natives, and the usual reply that none are yet competent will thus gradually disappear.

Bearing this object in view, and being under the impression that the number of appointments in this Province under the rules in question is not to exceed one or two in a year, I think it would be desirable at present to give the lowest grade of Assistant Commissionership only as a prize to the most efficient Extra Assistant Commissioner of three years' standing appointed from Register B. The Government will thereby be appointing gentlemen "of proved merit and ability" (as required by Statute 33 Vic., Cap 3, Section 6), and the chances of the nominee not proving an efficient member of the service will be reduced to a minimum.

7. This system will further render competition for the post of Extra Assistant Commissioner more keen, as thereby extra inducement will be held out to really good men to compete for that examination.

8. A competent knowledge of English should, in my opinion, be held to be indispensable in the case of all candidates appointed to posts reserved for members of the Civil Service. An imperfect knowledge of English in the case of any nominee would mar his efficiency, and must prove a great obstacle in the way of his promotion.

9. With regard to appointments to higher offices of men of senior standing or superior qualifications, no hard-and-fast rule can be suggested. A good deal must depend on the opinion which the Local Government may have formed of the personal qualifications of the individual concerned, his education, character, reputation and fitness for the post to which he is to be nominated.

10. The rules proposed by the Government of India are altogether silent on the subject [sic] of promotion. If the ordinary rule of promotion by seniority is not to apply to such appointments, the principle laid down in paragraph 8 of the letter should be published in the rules. This will avoid all misunderstandings in future. It is only fair both to the Government and its servants that the terms of service (which naturally include prospects of promotion) should be definitely laid down and thoroughly understood on both sides.

RAM NARAIN, PANDIT,  
Pleader, Chief Court, Punjab.

From MAJOR R. P. NISBET, Deputy Commissioner, Rawal Pindi, to the Officiating Secretary to the Government of the Punjab,—No. 1724 G., dated the 30th July 1885.

In reply to your Confidential No. 649 S., dated 13th July 1885, forwarding, for opinion, copy of a Confidential letter\* No. 25—1078, dated 18th ultimo, with enclosure, from the Government of India, regarding the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, I have the honor to reply as follows.

2. In No. 2 of the draft Rules† attached to Government of India letter, it appears to me that the nomination of natives of India to offices ordinarily reserved for members of the Civil Service, in the proportion of one-fifth, would be unreasonably high at first, or for some few years to come. The number of Covenanted Civil Servants in the Punjab Commission being now 89, I think one-eighth would, at present, be as fairly high a proportion of natives of India as could expect to be nominated to such appointments.

3. Although nominations in future are not to be confined to young men or others of high family, I certainly trust that in the Punjab—a Province where there are still plenty of men of good position, and where much regard is had by the people to hereditary descent and family dignity—social position, when associated with a high standard of educational qualifications, will always be allowed great weight. In fact, if nomination could be accepted by a percentage of marks for different quali-

\* See page 285.

† See page 287.

fications, after allowing 50 per cent. for educational, I would allow as much as 30 No. 136. per cent. for social, as although the latter without the former is, of course, valueless, yet where both are secured, the nominee of family and position will, in the Punjab, be a more valuable officer than one who has nothing but good conduct, literary talents and ability to pass a high standard of examination to recommend him.

4. Natives of India nominated under the rules by one Local Government should be eligible for employment only under such Government, and not borne on a general list by the Government of India for service in any Province in India. Every Province should, as a rule, get only its own nominees.

5. In draft Rule 4 I would add: "A native of India shall not be nominated, &c., &c., before the age of 21 years, or after he has attained the age of 25 years, unless, &c., &c."

6. In draft Rule 7, I think it should be clearly laid down that a native of India admitted to any office will come in only as junior of the grade or rank to which he may be appointed, though taking promotion afterwards with others of his same rank or grade in the regular course, that is, a native of India appointed an Assistant Commissioner, District Judge, Divisional Judge, &c., in the Punjab should, in the first instance, be brought in only at the bottom of the lowest grade of such rank.

7. The rules should, I think, provide that natives of India appointed under these rules will be ordinarily required to retire on completion of 25 years' service, and in any case, at 55 years of age, when a Native, much more than an European, is an old man.

From J. J. MACNABB, Esq., Commissioner and Superintendent, Delhi Division, to the Officiating Secretary to the Government of the Punjab,—No. 419, dated Delhi, the 5th August 1885.

In reply to your letter No. 649S., dated 13th ultimo, I have the honour to submit that the printed draft of Statutory Rules seems to me hardly to set forth in a sufficiently clear and unmistakeable manner the principle laid down in Secretary of State's Despatch\* of 8th March 1883, supposing the Rules are intended for publication by themselves.

2. I would suggest the following alterations:—

Preamble—after "Her Majesty in India" I would insert "Not to the general ranks of the Covenanted Civil Service, but to specific" offices, places; and

Rule 5—omit "nature of the."

Rule 7—before the word "office" insert "specific" in both places.

3. As to the special regulations for the Punjab—

The main question will doubtless be whether or not the admission of "untried candidates" shall be exclusively on the competitive system.

4. There are 34 Officiating Extra Assistant Commissioners in the last Civil List. Of these, only 7 are Muhammadans; of these 7, only 1 has, I believe, got in by competitive examination.

5. A competitive examination, whether open or modified by selection for candidateship, would practically exclude Muhammadans.

You might have privately two lists, one for Hindus and another for Muhammadans, but you could not have two separate competitive examinations, and the two lists would not prevent the Muhammadans being practically beaten out of the field.

6. Then, again, as to the class of men who at present succeed at competitive examinations. Although the order confining selections to young men of high family has been altogether withdrawn, still I think it will be admitted that such appointments should not be thrown altogether into the hands of one set.

7. If the list of successful candidates for the Extra Assistant Commissioners' examination, since competition has been started, is examined, I believe it will be found to consist almost entirely of Kaiths, Sudhs, Baniyas and Khattris, *i.e.*, professional hereditary penmen and money-lenders, and that Brahmans, Rajputs, Jats, Sikhs, &c., are entirely excluded.

8. In the Resolution instituting competitive examinations for Extra Assistant Commissioners reference is made to "importunity and influence." As far as Commissioners' concern with the matter goes, there is more of this than ever, the numbers being greater.

9. As to the withdrawal of the order confining selection to young men of high family, I hope that this is not to be understood as withdrawing the same preference as that now given in selecting Extra Assistant Commissioner candidates, namely,

\* Not printed.

to persons of good birth and character and local influence, and specially to persons belonging to families of tried loyalty and attachment to the British Government. N. 122

10. Such a course would indeed be giving up the personal Government by which the Indian Empire has been created, and be a step in the direction of turning Government into a mere piece of machinery.

11. What I would propose, then, as regards "untried candidates" is that they should be appointed by selection, subject to passing a special examination of a high standard.

From H. E. PERKINS, Esq., Commissioner and Superintendent, Rawalpindi Division, to the Officiating Secretary to Government, Punjab,—dated Murree, the 17th August 1885.

In reply to Mr. Leigh's note, forwarding draft Rules for the admission of Statutory Civilians to the service, I only need say that I have no specific amendments to suggest, save this, that seeing how large is the excess of Hindus over Muhammadans in the public service, in every branch save the Educational Department (where Mussalmans fully hold their own), I should like it to be carefully considered whether some proviso could not be added that the proportion of Hindus to Mussalmans nominated should bear a certain relation to the numbers of the two classes composing the population in the Province whose Government makes the nomination.

From Colonel G. GORDON YOUNG, Commissioner and Superintendent, Jullundur Division, to the Officiating Secretary to Government, Punjab,—dated Dharamsala, the 31st August 1885.

I have the honour to reply to your Confidential letter No. 649S., dated 13th ultimo, with which copies of certain papers relating to the appointment of natives of India to the Statutory Civil Service were enclosed for opinion.

2. The Rules now proposed must be considered from two points of view, *viz.*, (1) as affecting the class for whose benefit they are framed, and (2) as affecting the prospects of the Covenanted Civil Service.

3. The immediate effect of cancelling the Resolution,\* No. 36-1322, dated 25th August 1880, and explaining that the appointments hitherto made, and to be made in the future, will not place the nominee in the ranks of the Covenanted Civil Service, will undoubtedly cause disappointment to men who believe themselves already duly appointed to the ranks of such service, and will inevitably be regarded as breach of faith, and will cause dissatisfaction as discouraging hopes which they may have justly held, and which it is now found inadvisable to gratify.

4. Against this backward step, however, is to be placed the improved prospect now held out of allowing the Local Governments to confer at once on persons, they may esteem fit, whether already in Government employ or not, posts of value, far beyond any hitherto granted, except to English officers after a considerable period of approved service. I cannot doubt that this will be esteemed a great boon by natives of India; and it is probable that, under the provisions of this rule, the Government may be able to avail itself of conspicuous talent in exceptional cases, to the distinct benefit of the Government service at large.

5. But in considering the suitability of this rule to the case of the Punjab it appears to me probable that either the Government in practice will not make appointments to any comparatively high offices (as *e.g.*, District Judgeships) or, if pressed to do so, will perforce appoint very second or third-rate men.

6. The only learned profession from which the public service is likely to be recruited, as far as I can see, is that of the law; but any man of ability so conspicuous as to be a worthy nominee to, say, a District Judgeship, if he has been "a reasonable time in practice" will probably be earning more than the emoluments such an appointment would afford; and hence not the best men, but men who are comparatively failures in their own profession, will form the field for selection.

7. And now as to the second consideration. The time has gone by for attempting to argue that if there are natives of India to be had as well qualified as European Covenanted Civilians, they are not entitled to expect that the field should be opened to them, and there can be no valid objections to the appointment of such persons; but it cannot for a moment be said that a native of India of no administrative experience, of little natural ability, and perhaps of doubtful moral character, trained—not in the school of Government service, but—in the highly unpleasing surroundings of the Native Bar, can have any claim to such a prize, nor that there can be any justification for giving it him.

8. But the inevitable must be accepted, and I conceive it is contemplated that direct appointments shall be made to even higher grades, that is to say, to Divisional Judgeships, to the Bench of the Chief Court, and such posts as that of Accountant General; and if so, I think that, in the interests of the European branch of the Civil Service, some *limit* could be fixed as to the number of such appoint-

\* Not printed.

ments to the higher grades that may be made. That is to say, it might be laid down from the first that not more than one-third or one-fifth of the direct appointments to be made should be made to any but the lowest grade of Assistant Commissioner, as this would tend to remove any uncertainty the Covenanted Civil Servants may feel as to how the Government is likely to exercise the patronage which will come to it, and will enable them to calculate their own prospects accordingly. No 136.

9. But paragraph\* 9 of the Government letter enquires what steps should be taken to secure a fair proportion of the higher offices to natives of India, "*with due regard to maintenance of regular promotion in the Covenanted Civil Service,*" and this is a very important and pertinent question; for anything more unfortunate than the spirit of discontent with their prospects which lately pervaded the junior members of the service in this Province it is difficult to conceive.

10. The only system that I can think of under which promotion or, in the absence of promotion, compensation can be secured is—

- (1) By granting personal allowances to men who do not attain to the emoluments after so many years service which may be found to be such as, on the average, they should reach—as, say,

Rs.		} Or whatever other sums may be fixed on as fair.
1,000	after 10 years	
1,200	" 12 "	
1,500	" 15 "	
2,000	" 20 "	

- (2) By again offering to Military Officers in Civil employ the terms offered a few years back of one year's pay as a bonus in Sterling *at par*, in addition to retiring pension; and,
- (3) By tendering graduated pensions to covenanted civilians proportionate to service.

11. To sum up. I may say that I think the new departure will please no one, and will accentuate the differences between Europeans and Natives. It would be better to let the Statutory Civilians *already appointed* remain in the list, and new appointments be made only to the lowest grade as a rule, allowing perhaps one in every five appointments to be made to one of the superior appointments; or perhaps a rule should be prescribed that only one appointment in each grade above that of Assistant Commissioner, 3rd Class, *i e.*, one Divisional Judge (not one in each grade of Divisional Judge), one District Judge, one Assistant Commissioner, 1st Class, one Assistant Commissioner, 2nd Class, should be held at one time by a native of India, so as to remove *uncertainty* on the point as much as possible (and which is what, I believe, at present causes uneasiness in the junior ranks); while, if a certain number of valuable appointments are thus set aside for Natives, a scheme to compensate Covenanted Civilians for the loss of prospects should be devised.

The Rules attached to the Government letter appear suitable.

CLXXX.

[CONFIDENTIAL.]

From A. MACKENZIE, Esq., C.S., Secretary to the Government of India, Home Dept., to the Officiating Secretary to the Government of the Punjab,—No. 2039, dated Calcutta, the 8th December 1885. No. 137.

I am directed to acknowledge the receipt of your letter† No. 2554, dated 7th ultimo, and enclosures, in which you communicate the remarks of His Honour the Lieutenant-Governor on the draft of the revised rules‡ proposed by the Government of India for regulating the appointment of natives of India to offices ordinarily reserved for members of the Covenanted Civil Service.

2. In paragraphs 2 and 7 of this letter Sir C. Aitchison discusses the Statutory system generally, and expresses his opinion that, whatever rules may be framed, the present system will never work well or result in anything but anomalies and difficulties. The Lieutenant-Governor accordingly urges the appointment of a representative committee to report and advise the Government of India regarding the matter in order that the whole principle may be reviewed. On this point I am to say that the Governor General in Council, while sympathizing with the views expressed by His Honour the Lieutenant-Governor, fears that it would be useless to suggest to the home authorities radical changes of the nature of those advocated in paragraph 7 of your letter. Any such changes would necessitate the amendment of the Statute of 1870 which Her Majesty's Secretary of State has expressed himself as very reluctant to undertake before

\* See page 286.

† See page 304.

‡ See page 287.

every possible effort has been made to work out a satisfactory arrangement under its provisions. His Excellency in Council does not understand that Sir C. Aitchison recommends the appointment of a representative committee merely for the purpose of considering the amendment of the rules which should be prescribed under the Statute, and it appears to the Government of India that the benefits to be anticipated from the appointment of a committee for this limited object only would scarcely be such as to justify its appointment. No. 137.

3. With reference to paragraph 3 of your letter, I am to say that the remarks made on the subject of the definition of the term "native of India" adopted in the revised rules, and on the question of the rule of compulsory retirement which should be applied to natives of India appointed under the Statute, will receive the careful consideration of the Government of India. But I am to observe that the Governor General in Council doubts whether the rule, which it may be ultimately decided to adopt on the latter point, need be incorporated in the Statutory Rules, although it should certainly be embodied in the Financial Codes. Similarly, it seems doubtful whether it is necessary to embody in the general rules a provision of the nature of that recommended by Sir C. Aitchison which has for its object to secure to each Local Government its proper number of nominees each year, and to guard against the appointment to one province of nominees belonging to another province. It is the intention of the Government of India to distribute each year the number of nominations available (if qualified nominees are forthcoming), according to a certain fixed scale which has been adopted as representing the proper yearly rate of recruitment for natives of India; but it appears scarcely necessary to insert this scale in the general Statutory Rules, or to specify in those rules the particular distribution of nominations which will ordinarily be made year by year among Local Governments and Administrations. Moreover, the provisions of Rule 8 of the revised rules preclude the transfer of a nominee to a province other than that in which he was first appointed, except under the orders of the Governor General in Council, and this rule appears sufficiently to meet all practical requirements.

4. As regards the question discussed in paragraph 5 of your letter, whether English qualifications should be prescribed by the general rules, I am to say that in the draft subsidiary rules submitted by other Local Governments and Administrations, provision has in every case been made for the possession by candidates (other than persons nominated on the ground of proved merit and ability) of suitable educational qualifications, including a knowledge of the English language. But the Governor General in Council is disposed to doubt whether any hard-and-fast regulation on this point should be included in the general Statutory Rules. It must be recommended that whereas the local regulations can always be altered without difficulty, if sufficient reasons are shown, the general rules cannot be modified except with the previous sanction of the Secretary of State in Council. Under these circumstances, the Governor General in Council would prefer that the necessary provision for English qualifications should be made in the local subsidiary regulations, and it is quite open to the Punjab Government to do this. With regard to the educational qualifications generally, which should be required by the local rules, I am to observe that, while a high standard should certainly be laid down in the case of untried candidates, it is not, in the opinion of the Government of India, desirable to insist upon an University degree, as this might have the effect of excluding persons who would be otherwise very suitable candidates, as for instance men who, although they had failed to pass the English competitive examination, had nevertheless shown decided proficiency and gained high marks at that examination.

5. It is stated in paragraph 5 of your letter that Sir C.



Aitchison is inclined to think that Rule 5 will prove inconvenient. No. 137. The nature of the inconvenience anticipated is not explained, and the Governor General in Council would prefer to retain the rule which is one of importance as embodying the principle that appointment is made to a precise office, place, or employment, as opposed to the service generally. The absence of such a provision in the present rules has been found to cause considerable inconvenience and misapprehension. As regards the examinations to be passed by probationers before final confirmation in their appointments, His Excellency in Council concurs with His Honour the Lieutenant-Governor in the view that these examinations should be the ordinary provincial examinations to which other officers are subjected, but it is considered desirable to maintain the provision in the rule which requires the approval of the Governor General in Council to the examinations to be prescribed from time to time for this purpose. This provision, moreover, merely follows the corresponding provision in the existing rules, which has not, so far as is known, been productive of any inconvenience.

6. The remarks made in the concluding portion of paragraph 5 of your letter, on the subject of the advisability of giving retrospective effect to the cancellation of Home Department Resolution\* No. 36—1322 to 1327, dated 25th August 1880, have been carefully considered by the Government of India. On this subject I am to explain that it is not intended that the removal from the general list of the Covenanted Civil Service of the names of gentlemen already appointed under the Statutory Rules should involve any injury to the legitimate prospects of promotion which they enjoy under existing arrangements. The position of Statutory Civilians under the new rules will be that, while they will have no claim as of right to promotion to a new office, their claims on the ground of merit will be considered as being equally strong with those of their contemporaries in the Covenanted Service. On the occurrence of a grade vacancy, the claims of the next senior man on the lists either of the Covenanted or of Statutory Officers would be taken into consideration. If the Covenanted Officer were senior, he would be promoted unless he were actually unfit; if the Statutory Officer were senior, he would receive promotion to the grade vacancy as to a new office, if he were deemed thoroughly fit for such promotion. The object, in short, of the revised rules under this head is simply to make it clear, in accordance with a ruling of Her Majesty's Secretary of State, that Statutory Officers are not members of the Covenanted Civil Service, although they may hold offices which, under Act 24 and 25 Vic., Cap. 54, are reserved for covenanted civil servants; that their promotion accordingly involves a fresh appointment to a new office or place; that such promotion cannot be claimed as of right, but that it depends entirely on individual merit and capacity, and is altogether at the discretion of the Local Government. The inclusion of Statutory Civilians in the same lists with the members of the Covenanted Service was a mistake which has been pointed out by the Secretary of State. As above explained, no practical injury will follow from their exclusion. The question will, however, be specially reported to the Secretary of State.

7. It is stated in paragraph 6 of your letter that the Local Government would prefer to reserve the drawing up of any draft subsidiary rules for the Punjab until the general principles have been settled, and until rules have been definitely framed by the Government of India. It is added that the nominees from the Punjab will probably be so few in number that elaborate subsidiary regulations will not be required. On this point I am to remark that although subsidiary regulations are probably not required to meet the case of men already in the service of Government, some regulations appear to be necessary in order to define the qualifications which will be expected in the case of untried candidates, and possibly also in the case of candidates from

\* Not printed.

the learned professions. These regulations may be drawn up in very general terms, and the Governor General in Council would be glad to receive a draft of those proposed for the Punjab as soon as possible. The questions of principle involved have been already sufficiently settled, and as the Government of India is anxious to address Her Majesty's Secretary of State on the whole subject and to forward the draft local subsidiary regulations with the general rules for the consideration of His Lordship, it would be convenient if draft rules for the Punjab, however general, were prepared and submitted at an early date, and I am accordingly to request that, with the permission of His Honour the Lieutenant-Governor, this may be done. It is noticed that Sir C. Aitchison recommends that a nomination should be given in alternate years to a Hindu and a Muhammadan. This would probably be a suitable arrangement, but, in view of the possible absence of a qualified candidate belonging to the particular religion to which it might be desired to allot a nomination during any particular year, it appears to the Governor General in Council open to doubt whether it is desirable to insert any rule of this nature in the local regulations. It is possible, however, that it was not the intention of His Honour the Lieutenant-Governor to recommend this, but merely to indicate the method which should be adopted in allotting nominations between Hindus and Muhammadans respectively. If this is the case, the proposal appears to the Government of India to be unobjectionable.

## CLXXXI.

[CONFIDENTIAL.]

From C. L. TUPPER, Esq., Officiating Secretary to the Government of the Punjab and its Dependencies, to A. MACKENZIE, Esq., Secretary to the Government of India, Home Department,—No. 133.  
No. 144, dated Lahore, 19th January 1886.

In compliance with the request contained in paragraph\* 7 of your letter No. 2039, dated the 8th December 1885, I am directed by the Lieutenant-Governor to submit a proposed draft of local subsidiary regulations for the appointment of natives of India to offices, places, and employments ordinarily reserved for members of the Covenanted Civil Service.

## CLXXXII.

*Proposed Draft Rules for regulating the appointment of Natives of India to offices, places, and employments reserved for members of the Covenanted Civil Service in the Punjab.* No. 139.

I.—The number of appointments ordinarily available in the Punjab for natives of India under Statute 33 Victoria, Chapter 3, Section 6, is one per annum.

II.—In making these appointments preference will generally be given, in the first instance, to persons who have proved their merit and ability in Government employment, and next, to persons who have proved their merit and ability in the practice of a learned profession.

III.—When it is proposed to make the appointment from the above classes, the Lieutenant-Governor will submit to the Governor General in Council three names, with all necessary information, for consideration and selection.

IV.—When in any year it is proposed to make the appointment from other classes than the above, the following rules shall be observed, subject to the provisions of the general rules published in Government of India Notification No. dated

1. A notification of the intention will be published in the *Punjab Gazette* in at least three issues between the 1st of January and 31st of March.
2. Six candidates for the appointment will be nominated by the Lieutenant-Governor.
3. The qualifications indispensable as a preliminary to nomination are the following:—
  - (a) The applicant, if not a B.A., must pass an examination of equal difficulty to the B.A. Examination of the Punjab University, under arrangements to be made by the Director of Public Instruction.
  - (b) He must furnish the certificate of physical fitness prescribed by Section 106, clause 2, of the Civil Pension Code (6th Edition).

- (c) He must give satisfactory evidence of (i) good moral character; (ii) No. 139. habits of personal activity; and (iii) gentlemanly bearing.
4. Among applicants possessed of the above essential qualifications, preference will invariably be given in the following order to:—
- (a) Members of families of tried loyalty and distinguished service.
  - (b) Persons of good social status and influence in the country.
  - (c) Persons of superior educational attainments, such as persons who have taken the degree of M.A.
5. Applications for nomination should be made to the Financial Commissioner, and the Financial Commissioner's recommendations must reach the Lieutenant-Governor not later than 30th June. If any candidates considered by the Financial Commissioner to be in other respects suitable have not satisfied the requirements of Rule IV (3) (a), the Director of Public Instruction will, on the requisition of the Financial Commissioner, arrange for the examination of those candidates in time to admit of the submission of recommendations by the prescribed date.

The Lieutenant-Governor reserves power to make nominations otherwise than on the recommendation of the Financial Commissioner.

6. The six nominees will be subjected to a competitive examination to be held at Lahore about the middle of October, commencing on a date to be previously notified in the Gazette.
7. The subjects prescribed for examination and the conditions of examination will be notified at the same time and in the same issues of the Gazette as the notification under Rule IV, clause (1).
8. A fee of Rs. 50 shall be paid by every candidate before admission to the examination. The fee may be paid into any Government Treasury.
9. The names of the two candidates who stand highest in the examination will be submitted with all necessary information to the Government of India for consideration and selection.

### CLXXXIII.

From L. FRASER, Esq., Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Home Department,—No. 235-C., dated Pachmarhi, the 1st July 1885. No. 140.

I am directed to acknowledge receipt of your letter\* (confidential) No. 25—1079, dated 18th ultimo, forwarding a draft set of revised Statutory Rules† under Act 33 Vic., cap. 3, section 6.

2. I am to say that the Chief Commissioner has no criticism to offer on the draft Rules except this, that he thinks that Rule 7 should contain a clear statement of the principle that "promotion, *i.e.*, change of appointment, will depend entirely upon individual merit and capacity, and be altogether at the discretion of the Local Government." This principle is a very important one. It is clearly set forth in the 7th paragraph of your letter under reply. It is also implied in Rules 5 and 7. Mr. Crosthwaite thinks it ought to be clearly embodied in the Rules, or added as an explanation, so that there may be no misunderstanding on the part of those most interested in respect to the terms on which they are appointed.

3. I am also to forward the annexed draft of the subsidiary regulations (referred to in Rule 3) which the Chief Commissioner would propose to lay down for the Central Provinces. These call for little comment. They provide, in respect to untried candidates, for a high standard of educational proficiency, and for proof of good conduct. They also provide that nominees shall be residents of, and educated in, the Central Provinces, of not less than 21 years of age, and certified as physically fit for employment.

4. These regulations do not provide for open competitive examination, which the circumstances of the province render most inexpedient; but they provide for competition among nominated candidates, should the Chief Commissioner find enough of suitable candidates to make competition advisable.

5. In reference to the 8th paragraph of your letter under reply, I am to say that in this province there are at present no Joint Magistracies or District Judgeships, and therefore the appointments

\* See page 285.

† See page 287.

affected by these Rules would be Assistant Commissionerships and No. 140. the higher appointments of the Commission. The Chief Commissioner would consider that any officer appointed under these Rules would be entitled to class promotion among Assistants in the same way as covenanted civilians. But he notes with satisfaction the clear statement of the principle that "there will be no obligation laid upon any Local Government to promote a Statutory Civilian, merely on grounds of seniority, to" a Deputy Commissionership or any other of the higher offices for which he may be considered unfit.

6. At the same time, the Chief Commissioner would consider that the promotion of a Statutory Civilian to the office of Deputy Commissioner should be made just as in the case of a covenanted civilian, should he be considered fit for that office when his turn (by seniority) for promotion comes. This disposes for this province of the question raised in the 9th paragraph of your letter. The appointment to a Deputy Commissionership of any person who had not received the necessary training in general (and especially in Revenue) administration in the ranks of the Assistant Commissioners would be out of the question.

#### CLXXXIV.

*Draft Subsidiary Regulations prescribed by the Chief Commissioner, Central Provinces, with the sanction of the Governor General in Council, regarding the appointment of natives of India, not being members of the Covenanted Civil Service, to offices, places, and employments reserved for members of the said Civil Service in the Central Provinces.* No. 141.

I.—Under Rule 3 of the Rules prescribed by the Governor General in Council, the Chief Commissioner will select nominees—

- (a) from among "natives of India" who are already in Government service, or established for not less than five years in the practice of a learned profession, in the Central Provinces :
- (b) from among other "natives of India" being permanent residents or sons of permanent residents of the Central Provinces, who—
  - (1) are aged not less than 21 or more than 25 years at the time of nomination ;
  - (2) have been educated at one of the schools of the province up to the University Entrance Examination ;
  - (3) hold the B. A. degree of the Calcutta or Bombay University ;
  - (4) hold certificates of good conduct from the heads of High School and College ;
  - (5) hold certificate of health and physical fitness for employment in the Government service from a medical officer approved by the Chief Commissioner.

*Explanation.*—(i) It must be understood that the possession of the above qualifications does not entitle any person to a nomination, but they are indispensable in a nominee.

- (ii) Should the Chief Commissioner find himself able to make more nominations than the number of vacancies allotted to the province, selection from among nominees will be made by competition ; and the names of the successful candidates only will be submitted to the Government of India.

II.—The examination prescribed by the Chief Commissioner under Rule 6 of the Rules framed by the Governor General in Council is the Departmental Examination of Assistant Commissioners by the higher standard.

#### CLXXXV.

[ CONFIDENTIAL ]

From G. D. BURGESS, Esq., Secretary to the Chief Commissioner, British Burma, to the Secretary to the Government of India, Home Department,—No. 152, dated Rangoon, the 7th July 1885. No. 142.

In reply to your letter\* No. 25—1080, dated the 18th June, regarding the appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, I am directed to submit that the draft set of revised Statutory Rules therewith forwarded is, in the Chief Commissioner's opinion, well adapted to meet the purpose

\* See page 285.

in view. The Chief Commissioner has no alterations or additions to No. 142. suggest.

2. As desired, a draft of subsidiary regulations under Rule 3 has been prepared and is annexed to this letter. These draft regulations are of a simple character, but it is believed that they will be sufficient for the requirements of this province. Rule 1 provides for one nomination in four years. Under present arrangements the number of Civil Service recruits sent to Burma is three in every two years. If one Native were appointed every four years, we should eventually have one Native civilian for every six competition civilians appointed in London.

#### CLXXXVI.

##### *Draft subsidiary regulations under Rule 3.*

No. 143.

Under Rule 3 of the rules made by the Governor General in Council in exercise of the power conferred by the Statute 33 Vic., cap. 3, section 6, the following regulations for the selection of nominees from British Burma have been made by the Chief Commissioner and sanctioned by the Government of India:—

- (1) Ordinarily one nominee will be selected for British Burma every four years.
- (2) Any person born and domiciled within the dominions of Her Majesty in Burma of parents habitually resident in Burma, and not established there for temporary purposes only, shall be eligible for nomination, provided he possesses a competent knowledge of the English language.
- (3) The Chief Commissioner may select for nomination without preliminary examination or competition any person who is eligible under Rule 2 and who has been for not less than three years in the Government service, or who has been established for not less than five years in the practice of a profession.
- (4) In any case in which selection is not made under Rule 3, it shall be made by open competition among approved candidates.
- (5) Public notice of not less than six months will be given of any competitive examination to be held under Rule 4. Persons desiring to be enrolled as approved candidates for such examination must apply in the same way and through the same authority as has been prescribed for candidates for the Subordinate Civil Service of British Burma, provided that no person shall be permitted to compete under Rule 3 who has not either passed the F.A. Standard of the Calcutta University, or studied with success for not less than two years at some recognised University or College in England or America. The subjects of examination shall comprise all the subjects prescribed for the Subordinate Civil Service competition in British Burma and such other subjects as may be notified not less than six months before the date of each examination.
- (6) The appointment to which nomination will ordinarily be made will be that of Assistant Commissioner of the 4th grade.

#### CLXXXVII.

From E. STACK, Esq., Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Home Department,—No. 4397, dated Shillong, the 11th July 1885. No. 144.

I am directed to acknowledge the receipt of your confidential letter\* No. 25—1081, dated the 18th June 1885, forwarding a draft set of Statutory Rules† for regulating the appointments of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service, and asking to be favoured with the Chief Commissioner's opinion on the proposed rules, and also requesting that a draft of the subsidiary regulations referred to in Rule 3 be submitted for the approval of the Government of India.

2. In reply I am to state that the Officiating Chief Commissioner sees nothing to take exception to in the draft rules submitted with your letter.

3. In regard to the draft called for of subsidiary regulations to be issued under Rule 3, Mr. Ward thinks that there is no need to issue any such regulations at present for this province. It will be many years, Mr. Ward fears, before this Administration will be in a position to find any unofficial native of the province sufficiently distinguished either in his University career, or otherwise, to merit a nomination; and in regard to officials, rules seem scarcely to be

\* See page 285.

† See page 287.

needed to regulate the principles and conditions on which these will No. 144. be nominated.

4. With my letter\* No. 3657, dated 27th June last, I forwarded a note by Mr. Elliott, which clearly indicated his views as to the class of officials from which he would select men for nomination to be Statutory Civilians. There are at present two officers of the Subordinate Civil Service (Extra Assistant Commissioners) of this Province whom the Officiating Chief Commissioner knows Mr. Elliott would be prepared to nominate whenever a nomination is allowed to him. One of these has been personally known to Mr. Ward ever since he has been in Assam; and he would have little hesitation in supporting Mr. Elliott's nomination upon the simple ground that this officer has not only received an University education, but has proved himself by his ability, capacity for hard work, and general aptitude for business to be far above the average, not only of Extra Assistant Commissioners in this province, but also of the corresponding class of Deputy Magistrates and Deputy Collectors in Bengal.

5. Having regard to Rule 2 of the draft rules submitted with your letter, it seems doubtful whether, besides these two nominations, this Administration would be entitled to a third official nomination for another eight years from the present time; and, as already pointed out, there is little prospect of the Chief Commissioner being in a position for the next quarter of a century at least to nominate a non-official. Under the circumstances, it seems scarcely necessary to issue any subsidiary regulations for this province in addition to those submitted with your letter; but if the Government of India should think otherwise, the only rule, Mr. Ward would suggest, is that for the present this Administration will only nominate Extra Assistant Commissioners, who are natives of India, who have received an University education, and who have proved themselves by their ability and capacity for work to be specially deserving of promotion to the rank of a Statutory Civilian.

6. With reference to your 9th paragraph, I am to say that the Officiating Chief Commissioner is unable to forecast the steps which should be taken to prevent the promotion of natives of India from interfering with that of the European Covenanted Service. Considering the very few appointments of natives that will be allotted to this province, Mr. Ward thinks it would be sufficient to deal with each case upon its merits.

### CLXXXVIII.

[CONFIDENTIAL.]

From C. E. R. GIDLESTONE, Esq., Offg. Chief Commissioner of Coorg, to the Secretary to the Government of India, Home Department,—No. 2, dated Bangalore, the 21st July 1885. No. 145.

I have the honour, in reply to your No. † <sup>25</sup>/<sub>1082</sub>, dated 18th June 1885, to make the following suggestions in respect of the draft rules, therewith received, for the admission of natives of India to the Statutory Civil Service:—

*Rule 4.*—I would add a minimum of age. As the rule now stands, there is nothing to prevent a person of immature age, and consequently limited experience, from being nominated.

*Rule 5.*—In justice to the interests of members of the Civil Service, whether Statutory or otherwise, at any given time, I would add a sentence to the effect that “as a general rule the nominee shall be appointed to the lowest grade of the Covenanted Service.” Such wording would leave it possible, in case of exceptional circumstances, to introduce a nominee into a higher grade.

*Rule 6.*—I deprecate absolute acceptance by His Excellency the Governor General in Council, because it might be difficult in such case to dispense with the services of a nominee who was afterwards found not to answer expectations.

\* See page 229.

† See page 285.

Under a rigid system of probation the risk of this difficulty No. 145. would be obviated.

*Rule 7.*—For the reason given in respect of Rule 5, I advocate the addition of a sentence to the effect that, “as a general rule, in case of promotion the appointment shall be in the grade immediately above that in which the person to be promoted is serving.”

2. It appears unnecessary to have subsidiary regulations for Coorg, seeing that there are no appointments in the province which are reserved for members of the Covenanted Civil Service. Similarly I refrain from making any proposals for securing the appointment of Natives to a share of the higher offices. Such offices do not exist in Coorg.

#### CLXXXIX.

From J. G. CORDBRY, Esq., M.A., B.C.S., Resident at Hyderabad, to the Secretary to the Government of India, Home Department,—No. 260G., dated Hyderabad Residency, the 3rd July 1885. No. 146.

I have the honour to acknowledge your letter\* No. 25-1093, dated the 18th ultimo, asking for my opinion on a set of revised Statutory Rules† for regulating the future appointment of natives of India to offices reserved ordinarily for members of the Covenanted Civil Service.

2. In reply I have the honour to state my general concurrence in the proposed regulations. But so far as the Hyderabad Assigned Districts are concerned, that province would seem to lie out of the scope of their provisions altogether. For no reservation of any appointment to the Covenanted Civil Service is in force there, and Native gentlemen have been freely admitted into the ranks of the Commission, in which their promotion will only be restricted by the nature of their qualifications.

3. These men have been sometimes nominated on the personal recommendation of the Minister of the Nizam’s Government addressed to the Resident, and, if supported by him, confirmed by the Government of India in the Foreign Department. More often the initiative has been taken by the Resident, and his recommendation has been approved by His Excellency the Viceroy. In neither case do these appointments appear to come under the category of those now under discussion, nor have the nominees ever been considered to belong to the Statutory Civil Service. The definition of the term “native of India.” given in the draft Rules (No. 3) would also exclude the larger number of them.

4. I presume, therefore, that no draft of subsidiary rules would be applicable to the Hyderabad Assigned Districts, and that I should limit myself to the expression of my agreement in all the changes proposed by the draft in the present system.

#### CXC.

From the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 2169 (Mis.), dated Ootacamund, the 18th September 1885. No. 147.

I am directed to forward, for transmission to the Right Honourable the Secretary of State, with reference to paragraph IV of the Memorial Rules,‡ the enclosed memorial‡ from the Madras Mahajana Sabha, suggesting certain modifications in the rules relating to the nomination of candidates to the Statutory Civil Service.

The points raised in paragraphs 3 and 4 of the memorial have been met in the draft rules† received with your letter§ No. 25—1074,

Letter‡ from this Government, No. 590, dated 10th March 1885.

Letter† from the Government of India, Home Department, No. 693, dated 5th May 1885.

dated 18th June 1885, while the allegations contained in paragraphs 10 to 13 have been disposed of in the correspondence noted in the margin.

Paragraphs 16-21 do not appear to call for any remarks from this Government on this occasion.

\* See page 285.

† See page 287.

‡ Not printed.

§ See page 285.

## CXCI.

From the Government of India, to Her Majesty's SECRETARY OF STATE for India,—No. 11, dated 9th February, 1886. No. 148.

In the Despatch\* marginally noted Your Lordship communicated your decision regarding certain changes proposed by the Government of India in the system under which natives of India are admitted under the Statute 33 Vic., Cap. 3, Section 6, to offices formerly reserved exclusively to members of the Covenanted Civil Service. Your Lordship expressed your inability to accept the proposals made by the Government of India in the Despatch† No. 51, dated 12th September 1884, which proposals were, in your opinion, founded on an erroneous view of the legislation of Parliament respecting the Indian Civil Service. Your Lordship accordingly requested that the arrangements made under the Statute of 1870 might be re-considered in order that the mode, then provided by Parliament, of advancing natives of India to higher employment in the public service might be so used as to do full justice to their claims.

2. In accordance with the request made in the above Despatch, we have now re-considered the mode in which the provisions of the Statute 33 Vic., Cap. 3, Section 6, for regulating the appointment of natives of India to offices ordinarily reserved for members of the Covenanted Civil Service, should be applied in view to effect such improvements as may be found possible in the Statutory Rules under which operation is given to those provisions. It appeared to us to be essential to revise the existing Statutory Rules not only in order to make it clear, with reference to the ruling contained in the Despatch‡ from Her Majesty's Secretary of State, No. 23, dated 8th March 1883 that Natives appointed under them are not members of the Covenanted Civil Service, though they may hold offices which, under the Statute 24 and 25 Vic., Cap. 54, are ordinarily reserved for Covenanted Civil Servants, but also to improve the rules in certain other respects with the view of removing misconceptions as to the status and position of natives of India appointed thereunder, and of settling doubts which have arisen in connection with the present procedure. Accordingly on the 18th June 1885, we addressed§ the Local Governments and Administrations on the subject, forwarding for their consideration a draft set of revised|| Statutory Rules accompanied by an explanation of the reasons for each of the changes made. A copy of this circular and of the entire correspondence with Local Governments and Administrations which has taken place in connection therewith is transmitted with this Despatch. A copy of the rules as now finally amended by us with reference to the criticisms received from Local Governments is also enclosed.

3. Before discussing the revised rules in detail, we desire to explain briefly the more important considerations by which we have been guided in their preparation. In the first place we have endeavoured strictly to confine the general rules to points of principle in regard to which it is essential, or at least highly desirable, to secure uniformity of system. Acting on this view, which appears also to have been followed in the preparation of the existing Statutory Rules, we have sought merely to give general effect to the intentions of the Statute

\* See page 276. † See page 269. ‡ Not printed. § See page 285. || See page 287.



and to lay down regulations regarding such matters as the definition to be attached to the words "native of India:" the annual allotment of the nominations amongst Local Governments and Administrations: the age-limit of nominees: the particulars by which nominations should be accompanied: the manner in which nominations should be treated by the Government of India: the requirement of a period of probation on the part of certain candidates: and the circumstances under which persons appointed to a particular office should be considered eligible for promotion, or, more accurately, for re-appointment to a higher office. On the other hand, we have abstained from attempting to lay down any hard-and-fast rule regarding the particular system which should be adopted for the purpose of selecting nominees. As pointed out in paragraph 12 of the Despatch\* from the Government of India, to Her Majesty's Secretary of State, dated 12th September 1884, it is desirable that Local Governments should be allowed a wide latitude in their arrangements for securing outside candidates, and that they should be left unfettered to the general approval of the Supreme Government, and to such general principles as may be laid down for their guidance, in trying the particular system or systems which may

\* Paragraph 9 of Despatch† from Her Majesty's Secretary of State, No. 1 (Public), dated 8th January 1885.

be considered most suited to local circumstances and requirements. We understand that this view was accepted\* by Your Lordship, and we have accordingly simply provided in the general rules that the nominees shall be selected in accordance with the provisions of regulations to be drawn up for each province, and to be duly published after having been sanctioned by the Governor General in Council. For the rest, in view of the fact that the general rules cannot be modified except with the previous sanction of Her Majesty's Secretary of State in Council, whereas the local regulations can always be altered without difficulty, we have endeavoured to exclude from the former all unessential points or matters of comparative detail for which sufficient provision can be made in the local rules, or in regard to which it is undesirable to stereotype a general rule which may hereafter be shown to require modification. In short, our object in framing the revised rules has been, while making them as comprehensive as possible on essential points, to avoid including rules on collateral matters as to which we are not in a position at present to formulate a solution so definite as to justify its incorporation in general rules of this nature. Lastly, the amendments have been suggested on the assumption that the arrangements for open competition in England will be left untouched, and that Statutory Natives must be admitted to reserved offices (*not* to the Civil Service Cadre) to the extent annually of one-fifth of the civilian recruitment of the year. With these preliminary remarks, we proceed to describe briefly the revised rules in detail, explaining the reasons for the changes which are proposed. We shall then deal with the local regulations and discuss the proposals made by the several Local Governments and Administrations.

4. In the preamble to the rules, it is clearly set forth that appointments made thereunder are made to specific offices, places and employments which are ordinarily reserved for members of the Covenanted Civil Service. In the existing rules, nominations are described as

\* See page 269.

† See page 276.

being made "for employment in Her Majesty's Covenanted Civil Service," but Your Lordship in the Despatch\* marginally cited, has pointed out

No. 23, dated 8th March 1883.

that this language is inaccurate and should be modified so as to make it clear that Natives appointed under the rules are not members of the Covenanted Civil Service. The alteration thus made in the preamble, combined with the provisions of Nos. 5, 6 and 7 of the revised rules, † appears to preclude the possibility of any further misconception on this point. But a question arises here to which we consider it necessary to invite Your Lordship's attention. In order to give effect to the decision that natives of India appointed under the Statutory Rules are not to be regarded as members of the Covenanted Civil Service, it has been necessary to re-consider the orders ‡ contained

† *Vide* Home, Revenue and Agricultural Department Public Proceedings for August 1880, Nos. 127 to 129, pages 423 and 424 of Public Proceedings Volume for August 1880.

in the Home, Revenue and Agricultural Department Resolution \* No. 36—1322 to 1327 of the 25th August 1880, which directed that the names of Native gentlemen appointed under the Statutory Rules should be "shown in their proper order in the list of Covenanted Civil Servants and not in a separate list." So long as the names of Statutory Civilians are included in the ordinary list of Covenanted Civil Servants, it is obvious that grounds will be afforded for the belief that their status and position as regards promotion are identical with those of Covenanted Civil Servants. It has accordingly become necessary to cancel the above Resolution, and the question arises whether this cancellation should

§ See enclosures Nos. 3, 8, and 11 of this Despatch.

have retrospective effect. It is urged by the Bombay § Government and by the Lieutenant-Governors of the North-Western Provinces and Oudh and of the Punjab that it is inexpedient to rescind the Resolution, so far as it affects Natives appointed under the Statutory Rules while the Resolution was in force. Such cancellation would, it is said, be regarded by those concerned as a breach of faith, and is for this reason

|| Enclosures 9 and 12.

to be deprecated. Your Lordship will observe that we have explained || to the local authorities that it is not our intention that the removal of the names of Statutory Civilians from the graded provincial lists should involve any injury to any legitimate prospects of promotion which they enjoy under existing arrangements, and that, as a matter of fact, no practical injury will follow from their exclusion. It is evident that the mere incorporation of the names of such nominees in the same list with those of members of the Covenanted Service could not of itself improve or alter their statutory position, and it may be noticed in passing that the order in sanctioning this arrangement were never gazetted or otherwise made public. On the other hand, it is certain that the existing holders of these appointments having been led by the inclusion of their names in the order of seniority in the graded lists to look upon themselves as members of the Covenanted Civil Service, will consider themselves aggrieved if their names are now relegated to a separate list, and that the change will be made the occasion for charging the Government with a breach of faith. In these circumstances it seems to us better to accept the inconvenience of allowing the existing Statutory Civilians to continue to be graded with

\* Not printed.

† See page 287.

the Covenanted Service and to relegate only those who may be appointed in future to an independent list, rather than to correct an error, which has its origin in the title of the rules themselves, by a remedy which is certainly open to misconception and against which some of the principal Local Governments have already found it necessary to protest. We would further propose to explain by a published Resolution that the relegation of the names of future Statutory Civilians to a distinct list is not intended to involve any change in the status of those officers, as laid down in 1879 by Her Majesty's Secretary of State; that their advancement to higher offices will depend, as heretofore, solely on their proved capacity and fitness, and that the change is merely effected to bring together in one place the names of officers who may in future receive appointments by virtue of nomination under the Statutory Rules. No. 148.

5. Returning now to the revised rules,\* we would explain that the definition of the words "native of India" adopted in Rule 1, as that rule has now been amended by us, is in accordance with the Statute of 1870, and that our object has been to make it clear that it is the desire of the Government of India to give the term the widest application allowed by the Statute. The only Local Government whose criticisms are not met by this definition is the Government of Bombay. That Government refers to the difficulties caused by the existing definition which were brought to the notice of the Government of India in its letter† of the 2nd December 1884 and were discussed in the Despatch‡ to Her Majesty's Secretary of State, No. 10, dated 10th March 1885.

See No. 3 of enclosures.

On this point, it is sufficient to say that it has been decided\* that the appointment of natives of the Feudatory States of India has not been provided for by the Statute 33 Vic., Cap. 3. It is accordingly unnecessary to consider this matter further in connection with the Statutory Rules, but, if any opportunity offered of amending the law, we should be glad to see this restriction removed.

\* Despatch† from Her Majesty's Secretary of State, No. 52 (Public), dated 14th May 1885.

6. Rule No. 2 relates to the time of nomination, the numerical limits imposed upon admissions, and the procedure to be followed in connection therewith. It is based upon the present practice and the existing orders of Her Majesty's Secretary of State, and the only criticisms which we have received upon it have been furnished by the Government of the North-Western Provinces and Oudh and by the Punjab Government. The former Government remarks<sup>b</sup> that the rule might

<sup>b</sup> No. 8 of enclosures.

with advantage be made more elastic in order to provide for cases in which it is desired to appoint a nominee of proved merit and ability at once to some higher office, but in which no such office is vacant at the particular time when nominations are called for. A similar remark is held to apply to cases in which a suitable vacancy might exist for which no properly qualified person might happen to be available at the particular time when nominations are made. On this point we would observe that the difficulty noticed could be readily met in various ways. If, for instance, a Local Government has a qualified nomi-

nee whom it desires to appoint to an office higher than that of Assistant Magistrate and Collector, temporary arrangements could be made for keeping the vacancy open, or a nomination might be made in anticipation of the occurrence of a probable vacancy. Or, again, when one or more nominations may have been allotted to a Province, the Local Government concerned might be permitted to postpone making actual nominations on the distinct understanding that any vacancy or vacancies which might take place would be filled during the year from officers of proved merit and ability. We think that the language of rule 2 is sufficiently general to admit of such arrangements being made.

The Punjab Government recommends \* that a provision should be added to the rules with the object of securing to each Local Government its proper number of nominees each year, and of guarding against the appointment to one Province of nominees belonging to another Province. We do not, however, consider it necessary to accept this recommendation. It is the intention of the Government of India to distribute each year the number of nominations available (if qualified nominees are forthcoming) according to the fixed scale which has been adopted as representing the proper yearly rate of recruitment for natives of India; but it does not appear to us to be necessary to insert this scale in the general Statutory Rules, or to specify in those rules the particular distribution of nominations which will ordinarily be made year by year among Local Governments and Administrations. Moreover, the provisions of rule 8 of the revised rules preclude the employment of a nominee in a Province other than that wherein he is first appointed, except under the orders of the Governor General in Council, and this rule appears sufficiently to meet all practical requirements. We have, however, considered it desirable to amend the rule so as to provide that the maximum number of nominations to be allotted to Local Governments and Administrations taken together shall, instead of being calculated on the total number of civil servants appointed by Her Majesty's Secretary of State in each year, be fixed with reference to the quinquennial scale of recruitment adopted † for [covenanted civilians]. The practical effect of this change is inconsiderable, but as it will bring the scheme for the recruitment of natives of India under the Statutory Rules into harmony with the scheme adopted for the Covenanted Civil Service generally, we should wish to see it adopted.

7. Rule No. 3 requires each Local Government and Administration to select its nominees in accordance with the provisions of regulations to be drawn up for each Province and to be sanctioned by the Governor General in Council. The only restrictions which we considered it necessary to impose on Local Governments in framing these local regulations were (1) that power should be taken in all cases for the Local Governments to nominate without preliminary examination or competition persons who are already in Government service or established in the practice of a profession, and (2) that provision must in all cases be made for a high standard of educational qualifications

\* No. 11 of enclosures.  
 † See correspondence ending with Despatch † to Her Majesty's Secretary of State, No. 2, dated 19th January 1886.

on the part of candidates, taken neither from Government service nor from the learned professions. We also invited the special attention of Local Governments to the importance of securing a competent knowledge of English on the part of nominees, and we have withdrawn

\* Enclosure No. 1 of Public Despatch† to Secretary of State, No. 51, dated 12th September 1884.

Home Department Resolution\*\* No. 59—2324-2330, dated 24th December 1879,

which practically confined selection to young men of high family and social position. We have received from Local Governments draft regulations with which we shall deal in a later paragraph of this Despatch.

8. Rule No. 4, as originally revised, restricted the admission of nominees to the age of 25, but permitted the Local Governments to nominate, irrespective of age, persons already in Government service or who may have been engaged for not less than five years in the practice of a learned profession. As regards this rule, His Honour the Lieutenant-Governor and Chief Commissioner of the North-West-

† No. 10 of enclosures.

ern Provinces and Oudh observes<sup>b</sup> that the limit of age might be found inconvenient at some future time in certain contingencies, for instance, if some political emergency should determine the Government to invest with important administrative functions a persons of known ability and local influence who has not before held office. To provide that no such person can be appointed after the age of 25 years would, in Sir A Lyall's opinion, be equivalent to laying down a condition which may exclude the very men who might be wanted. We consider that this criticism is just, and we have accordingly amended the rule so as to provide for the nomination of persons over 25 years of age for special reasons to be approved by the Government of India. This provision is, however, only meant to meet exceptional cases, and it is not intended to alter the existing rule which lays down 25 years as ordinarily the maximum age for candidates, other than those taken from Government service or the learned professions.

9. The object of rule No. 5 is to make it clear that appointments made under the rules are to a precise office, place, or employment.

† No. 11 of enclosures.

His Honour the Lieutenant-Governor of the Punjab is inclined<sup>c</sup> to think that this rule may prove inconvenient. The nature of the inconvenience anticipated is not however explained, and we

† No. 12 of enclosures.

have informed<sup>d</sup> the Local Government that we should refer to retain the rule which is one of importance, as embodying the principle that appointment is made to a precise office, place, or employment and not to the service generally. The absence of such a provision in the present rules has been found to cause considerable inconvenience and misapprehension.

† No. 1 of enclosures.

In the Circular\* † of the 18th June 1885 we explained to Local Governments that men admitted for the first time to service, and the younger men promoted from the Uncovenanted Service, would ordinarily in the first instance be posted only to be Assistant Magistrates and Collectors or Assistant Commissioners of the lowest grade. Their further promotion to any higher grade would be a fresh appointment to a new office or place, for which under

\* See page 147.

† See page 269.

† See page 285.

Rule 7 they are declared eligible without further reference to the No. 148. Government of India, but to which no individual has any absolute claim. We added that promotion, that is to say, change of appointment, should depend entirely upon individual merit and capacity, and be altogether at the discretion of Local Governments. In the case of men of senior standing, or superior qualifications, it will be open to Local Governments to nominate them at once to higher offices, such as Joint Magistracies, District Judgeships or other appointments which natives of India may be considered qualified to fill, but the appointment will in each case be to the specific office and will not confer a right to claim any other appointment. Although, however, no obligation rests upon Local Governments to promote a Statutory Civilian, merely on the grounds of seniority, to any office for which he is unfit, we have explained to Local Governments that the Government of India will expect that natives of India appointed under the rules shall receive from time to time that advancement for which they may show themselves qualified, and we shall take care to see that this is attended to. In connection with the question of promoting Statutory Civilians, Your Lordship

<sup>a</sup> See Nos. 6 and 9 of enclosures.

will observe that we have considered it necessary to explain<sup>a</sup> to certain Local Governments that the condition of promotion in the Covenanted Civil Service, or objections based on the effect which appointments made under the Statutory Rules to higher offices might have on promotion in that Service, cannot be allowed to interfere with the policy of giving full effect to the Statute of 1870, or with the claims to promotion of persons appointed under the Statutory Rules, and we have pointed

<sup>b</sup> Despatch\* from Her Majesty's Secretary of State, No. 68, dated 27th May 1875.

out that Her Majesty's Secretary of State has already<sup>b</sup> decided, on memorials presented by certain members of the Bengal Civil Service, that effect must be given to the intentions of Parliament as embodied in the Statute. We have further explained that the position of Statutory Civilians under the new rules will be that, while they will have no claims as of right to promotion to a new office on the ground of seniority, their claims on the ground of merit will be considered as being equally strong with those of their contemporaries in the Covenanted Civil Service. This explanation was necessary in order to correct misapprehensions which appeared to exist on the point.

10. Rule No. 6 places the present practice of probation and confirmation on a clearer basis than now exists. As originally drafted, it made no provision for a probationary period in the case of persons nominated from the learned professions, but we have considered it advisable to provide in the case of nominations of this class for such reduced probationary period as the Local Government may in each case think necessary. We do not, however, intend that probation in these cases should necessarily be at the bottom of the service, or that it need involve the restriction in the rate of salary which is imposed by rule in the case of probationers properly so called. In some cases it may be desired to appoint under the Statutory Rules a qualified

person, who belongs to one of the learned professions, but who is not in the service of Government, to some higher office, and in such cases, although it may be expedient that the nominee should, before final appointment, be required to serve for a certain period on probation, it is neither necessary nor desirable that his pay, simply because he happens to be on probation, should be limited to that which is considered sufficient for probationers appointed to the lowest grade of the service. No. 143.

11. Rule No. 7 declares the eligibility of a native of India admitted to any office, place, or employment for appointment to any other office, place, or employment for which the Local Government may consider him fit. Rules 8 and 9 are reproductions of existing rules, while Rule 10 is added to obviate difficulties caused by technical errors in, or doubts regarding, points of procedure. These rules do not call for any explanatory remarks except that we have considered it advisable,

\* No. 14 of enclosures.

in accordance with a suggestion\* made by the Chief Commissioner of the Central Provinces, somewhat to expand rule No. 7 in order to make it clear that promotion, that is change of appointment, will depend entirely upon individual merit and capacity, and will be altogether at the discretion of the Local Government.

12. We proceed now to discuss the draft subsidiary regulations received from Local Governments, and shall notice in connection therewith first the general system which it is proposed to adopt for the selection of nominees, next the minimum standard of educational qualifications which it is desired to prescribe, and, lastly, the circumstances under which a probationary period should be required. We shall then deal with such other portions of the regulations as appear to require special notice.

13. As we have already explained, we decided to leave to Local Governments the widest discretion in framing their provincial regulations as we were persuaded that no one method of selection would be applicable to the great varieties of conditions in regard to education, advancement and public feeling which are found to prevail in the several Provinces of British India. In accordance with our anticipations, various schemes have been put forward, each of which has been decided upon by the local authorities after full consideration as being

† No. 2 of enclosures.

best suited to local requirements. Thus the Madras Government† desires to be empowered twice in every three years to select and nominate for appointment under the rules a native of Madras who has done good work in the Uncovenanted Civil Service or who has attained eminence in the practice of one of the learned professions. Once in every three years the Local Government wishes to select candidates for nomination by means of examination. The test would consist first of a preliminary examination for the purpose of eliminating candidates of inferior educational attainments and of selecting persons qualified to appear at a second examination to be held as soon as possible after the preliminary or qualifying examination. It is proposed to lay down that all candidates for the preliminary examination must be natives of India and of the Madras Presidency, must be Graduates in Arts of a

recognised Indian University, must produce the usual health certificate, and must be over twenty-two and under twenty-five years of age. Candidates who qualify in the preliminary examination would be required to appear at a further and more severe examination, and the names of not more than twelve of the candidates at this examination who are awarded the highest number of marks would be submitted to the Local Government in alphabetical order, the final selection of candidates for nomination being left to the Local Government from the list thus submitted. In making the final selection, the Local Government would examine the claims of the selected candidates with reference to such considerations as birth, character, family services and the like, and would submit recommendations to the Government of

\* No. 3 of enclosures.

India accordingly. The Bombay Government proposes\* to declare that the appointments of Natives under the rules shall ordinarily be made from among persons of proved merit and ability in the service of Government or the exercise of a profession, the classes from which the selection will ordinarily be made being those specified in the margin.† A saving clause is introduced enabling the Government to select a qualified person from any other profession or branch of the public service, or to appoint on probation distinguished Native Graduates of any University to the lowest grade of appointments ordinarily reserved for members of

- † (1.) Persons who have been Subordinate Judges, or Judges of a Court of Small Causes, for a period of not less than three years.  
 (2.) Persons who have been Advocates or Pleaders of a Sadr or High Court for a period of not less than five years.  
 (3.) Deputy Collectors.  
 (4.) Mámlatdárs.

the Covenanted Civil Service. The Government of Bengal contemplates‡ the initial

‡ No. 7 of enclosures.

selection of ten candidates each year for each appointment available from (a) officers in the service of Government who have already distinguished themselves, (b) persons who have taken the Degree of Bachelor of Arts at the Calcutta University (provided that such persons can produce certificates of their having a thorough practical knowledge of the English language, of their being fitted for the service, of their being of good moral character, of active habits, and able to ride), and (c) persons of proved merit and ability in the practice of a learned profession. No candidate would be selected after he has attained the age of 25 years except persons in the service of Government or who have been at least five years engaged in the practice of a learned profession. The persons so selected would be subjected to a competitive examination, and the appointment or appointments would be conferred each year in accordance with the results. It is further proposed to provide that candidates from classes (b) and (c) above-mentioned, if successful in the competitive examination, shall be appointed as probationers for two years, and that all candidates, from whatever class selected, shall be required to pass within that period the examination prescribed for members of the regular service. From the Government of the North-Western Provinces and Oudh we

§ Nos. 8 and 10 of enclosures.

have not received any draft local regulations, but the communications§ received from the Local Government show that the Lieutenant-Governor desires unrestricted liberty of nomination on the understanding that



he guarantees and satisfies the Government of India as to educational No. 148. qualifications and general fitness in each case. Sir A. Lyall deprecates the laying down of any provincial regulations except in the widest terms, but admits that in the case of nominees not already in the service of Government, it may be expedient to prescribe that no one shall be appointed direct to a Civil or Sessions Judgeship or (perhaps) to a Small Cause Court Judgeship, who has not completed at least ten years in the profession of law. On the whole, however, the Lieutenant-Governor does not recommend any provincial regulation beyond requiring the Local Government to satisfy the Government of India that the nominee is really a person of proved merit and ability fit for the office for which he is nominated. The Punjab Govern-

\* No. 13 of enclosures.

ment\* in its draft regulations declares that preference in selecting persons for nomination under the Statutory Rules will generally be given, in the first instance, to persons of proved merit in Government employment, and next to persons who have proved their merit and ability in the practice of a learned profession. If in any year it is proposed to make an appointment from other classes than the above, a competitive examination will be held amongst a certain number of nominated candidates, provided that the persons nominated for this examination must, if not Bachelors of Arts, have passed an examination of equal difficulty with that prescribed for the degree of Bachelor of Arts at the Punjab University, must furnish a certificate of physical fitness, and must give satisfactory evidence of good moral character, of habits of personal activity and of gentlemanly bearing. Among candidates possessing these qualifications it is proposed that preference should be given in the order named to (a) members of families of tried loyalty and distinguished service, (b) persons of good social status and influence in the country, and (c) persons of superior educational attainments, such as those who have taken the degree of Master of Arts.

† No. 14 of enclosures.

The Chief Commissioner of the Central Provinces proposes† that he should be allowed to select nominees (a) from persons already in Government service or established for not less than five years in the practice of a learned profession in the Central Provinces, or (b) from persons, being permanent residents or sons of permanent residents of the Central Provinces who can produce certain certificates as to good conduct, health and physical fitness, who are not less than 21 or more than 25 years of age at the time of nomination, who have been educated at one of the schools of the Province up to the University Entrance Examination, and who hold the Bachelor of Arts degree of the Calcutta or Bombay Universities. If the Chief Commissioner should find himself able to make more nominations than the number of vacancies allotted to the Province, Mr. Crosthwaite suggests that selection from among nominees should be made by competition, the names of the successful candidates only being submitted to the Government of India. The Chief Commissioner of British

‡ No. 15 of enclosures.

ish Burma recommends‡ for that Province a system either of nomination or competition among approved candidates, as may be considered expe-

dient each year, candidates in the case of competition being required No. 148. to have passed the First Arts standard of the Calcutta University, or to have studied with success for not less than two years at some recognized University or College in England or America. Selection by nomination without preliminary examination or competition is confined to persons born and domiciled within British Burma of parents habitually resident in Burma and not established there for temporary purposes only, who have been for not less than three years in Government service or have been established for not less than five years in

\* No. 16 of enclosures.

the practice of a profession. The Chief Commissioner of Assam explains\* that as many years will probably elapse before any unofficial native of the Province will be found to be sufficiently distinguished by his University career or otherwise to merit a nomination under the rules, it is scarcely necessary to lay down any Provincial regulations. For the present it is understood that nomination in that Province will be confined to Native Extra Assistant Commissioners who have received an University education, and who have proved themselves by their ability and capacity for work to be specially deserving of promotion to the rank of a Statutory Civilian. Provincial regulations are not necessary† in the case of Hyderabad and Coorg.

† Nos. 17 and 18 of enclosures.

14. As we have admitted the principle, which we believe to be entirely sound, that it is not desirable to attempt to lay down any one system for universal application in the matter of the selection of nominees for appointment under the Statutory Rules, we are not prepared to negative any of the systems described in the foregoing paragraph, simply because they may be open to some theoretical objections, or may appear susceptible of improvement in points of detail. Your

‡ Paragraph 9 of Despatch§ from Her Majesty's Secretary of State, No. 1 (Public.) dated 8th January 1885.

Lordship has pointed‡ out that there is no experiment in methods of selection which the law does not permit us to try.

The question has again and again been considered by the local authorities who have now, moreover, obtained a certain amount of actual experience from the practical results of the nominations hitherto made, and we should prefer to leave the Local Governments to work out their own schemes so far as they conform to the general Statutory Rules, confining ourselves to dealing with matters of general importance, such for instance as the standard of educational qualifications which should be demanded in the cases of nominees, not taken from the Uncovenanted Service or from a profession, and the circumstances under which persons nominated under the rules should be required to undergo a period of probation before confirmation in their appointments. From this point of view we do not consider it necessary to take exception to any of the schemes put forward except that recommended by the Bengal Government, which is open to the great objection that it makes no provision for the admission of persons of merit and ability (whether proved in the service of Government or in the exercise of a profession), except by the channel of competition. We do not understand how such persons can reasonably be expected

to compete in a purely scholastic examination on anything like equal No. 143. terms with selected Bachelors of Arts, and we should strongly deprecate the adoption of any system which might practically close the door of appointment to the covenanted grades against persons who have proved their merit and capacity in the Uncovenanted Service. Moreover, the Statutory Rules have from the first contemplated the appointment of persons whose ability has been tested by previous employment in a manner different from that adopted in the case of candidates to whom such a test has not been applied; and in our Circular\* of the 18th June 1885, we were careful to say that "the regulations " must in all cases leave it open to the Local Government to nominate " without preliminary examination or competition persons who are " already in Government service or established in the practice of a profession. For these reasons we think that provision should be made in the Lower Provinces as elsewhere for the appointment, by means of nomination, of persons who have shown either by their work in the lower (Uncovenanted) Service or by their success in one of the learned professions, that they are duly qualified for appointment to the higher offices.

15. Next as regards the minimum standard of educational attainments which should be laid down by the local regulations for candidates, we are fully alive to the expediency of fixing a sufficiently high standard, as it is of great importance in the interests of the Statutory Service itself that the educational qualifications of nominees should not be markedly inferior to those of members of the Covenanted Service. This was one of the points to which we invited special attention in the Circular of the 18th June 1885. On the other hand, we are disposed to doubt the desirability of insisting upon a University degree, as this might have the effect of excluding persons who would be otherwise very suitable candidates, as for instance men who, although they may have failed to pass the English competitive examination, have nevertheless shown decided proficiency and gained high marks at that examination. This is a point of considerable importance, and if Your Lordship agrees in our view, we should desire to instruct Local Governments to amend the subsidiary regulations accordingly. We should wish at the same time to make it clear that persons who have received an adequate education at some recognized institution in Europe, or who have gained a degree, or studied with success for a certain period, at a recognized European University or College, are eligible for nomination under the Statutory Rules in the same way as Graduates of the Indian Universities.

16. In the matter of the requirement of a probationary period prior to the final appointment of nominees, it will be observed that the draft local regulations show material variations. Thus, in the Bombay rules it is apparently contemplated that probation should be restricted to the case of Native Graduates of any University who may be appointed from time to time to the lowest grade of appointments reserved for the Covenanted Civil Service, and that no probation should be required on the part of persons appointed from Government service or from the professions. The Bengal Government, on the other hand, proposes to require a probationary period of two years in

\* See page 285.

the case of all candidates not already in the employment of Government, including persons of proved merit and ability in the practice of a learned profession, who may be successful in the competitive examination. On this point we are disposed to think that it would suffice if a probationary period were required, as a matter of course, in the case only of candidates, taken neither from Government service nor from the learned professions, who will ordinarily receive provisional appointments in the lowest grade of the service. As regards persons nominated from the learned professions, we would leave it to the discretion of Local Governments to determine in each case whether probation is necessary, and if so, to what period (if less than two years) it should extend. In the case of persons nominated on the ground of merit and ability proved in the service of Government, a probationary period does not appear to us to be required at all, and we have already made several appointments under the existing Statutory Rules in accordance with this view.

17. With regard to passing the departmental examinations, no change appears to be necessary in the present practice\* in the case of probationers who are not nominated from the learned professions. Under the existing rules probationers may be confirmed in their appointments at the close of the probationary period of two years, provided that they pass within that period the departmental examination by the lower standard prescribed for covenanted civilians appointed in England. No obligatory period is laid down within which the departmental examination by the higher standard must be passed by probationers, but no promotion or increase of pay is attainable until that examination has been passed, and the Governor General in Council reserves to himself power to dispense with the services of any person appointed under the Statutory Rules who may fail to pass by the higher standard within a reasonable time, and who, as a result of such failure, is found to be a disqualified for the efficient discharge of his duties. These rules do not appear to require modification as regards ordinary probationers, but cases may arise in which it may be desirable to treat exceptionally persons drawn from the professional classes appointed under the Statutory Rules either provisionally or absolutely. The question whether such persons should be required to pass the departmental examinations must depend on the merits and circumstances of each case, and we would propose to instruct Local Governments that they are at liberty to submit to the Government of India any cases as they arise in which it is considered that the obligation to pass the departmental examinations may with propriety be relaxed in favour of nominees of this class. As regards nominees who may be in the service of Government, it is clear that they should be required to pass the regular departmental examinations in the same way as other officers, if they have not already done so previous to being nominated under the Statutory Rules.

18. There are a few other points to which we consider it desirable to invite Your Lordship's attention in connection with the draft pro-

\* See Home, Revenue and Agricultural Department Resolution† No. 1—27—38, dated 11th January 1881, page 9 in Home Department Proceedings Vol. (Public) for January 1881.

vincial regulations. It will be observed that the Bombay Government No. 148.

\* Subsidiary regulation No. 4. (No. 3 of enclosures.) proposes to rule\* that no appointment made otherwise than on probation to the lowest grade of the service shall be made so as to supersede any member of the Covenanted Civil Service, who entered that service previous to the 25th March 1870 (the date of the passing into law of the Statute 33 Vic., Cap. 3). We do not consider that this proposal can be accepted for the reasons given in paragraph 9 of this Despatch.

† Subsidiary regulation No. 5. The Bombay Government further proposes †(1) that the salary to be received by persons finally appointed under the rules shall never be less than Rs. 400 a month, (2)‡ that persons appointed on probation

‡ Subsidiary regulation No. 7. shall be declared eligible for promotion to any of the higher offices reserved by Statute to the Covenanted Civil Service, and (3)§ that the probationers

§ Subsidiary regulation No. 8. shall receive two-thirds of the salaries attached to their appointments. As regards the first of these proposals, we would deprecate any alteration in the existing arrangements which regulate the pay of natives of India when appointed to covenanted posts. These arrangements have been settled after full consideration and consultation with Her Majesty's Secretary of State, and it would in our opinion be unwise at present to disturb them or to re-open the question. Nor do we consider it desirable to set forth in the provincial regulations a declaration of the eligibility of probationers for promotion to the higher offices. Such a declaration seems to be unnecessary, and the matter is sufficiently provided for by No. 7 of the general rules. Lastly, we are unable to perceive the necessity for any reference being made in the local regulations to the rates of pay which will be allowed either to probationers or to persons finally appointed to any particular post. It was not our intention that such points as these should be dealt with in the local subsidiary rules, and we should prefer to omit any reference thereto. In paragraph 8 of the letter forwarding the draft

regulations, the Bombay Government¶ refers to the desirability of restricting within narrow limits the employment of Staff Corps officers in the Civil Departments, and of increasing the openings and the salaries for covenanted civilians in the Political Department. It is also stated that the more extended employment of Natives in the covenanted grades "may perhaps hereafter necessitate a decrease in the number of covenanted civilians sent out annually from England." As regards the first of these points, we are not prepared to recommend any increase to the salaries of covenanted civilians employed in the local Political Department, and we may observe that Her Majesty's Secretary of State has already laid down|| the

¶ No. 3 of enclosures. proportion which officers of the Staff Corps appointed to the local Political Service should bear to officers of the Covenanted Civil Service so employed. The second remark regarding a possible decrease hereafter in the annual indent of covenanted civilians owing to the increased employment

|| Despatch\*\* from Her Majesty's Secretary of State, No. 17, dated 12th February 1835.

the case of all candidates not already in the employment of Government, including persons of proved merit and ability in the practice of a learned profession, who may be successful in the competitive examination. On this point we are disposed to think that it would suffice if a probationary period were required, as a matter of course, in the case only of candidates, taken neither from Government service nor from the learned professions, who will ordinarily receive provisional appointments in the lowest grade of the service. As regards persons nominated from the learned professions, we would leave it to the discretion of Local Governments to determine in each case whether probation is necessary, and if so, to what period (if less than two years) it should extend. In the case of persons nominated on the ground of merit and ability proved in the service of Government, a probationary period does not appear to us to be required at all, and we have already made several appointments under the existing Statutory Rules in accordance with this view.

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18. There are a few other points to which we consider it desirable to invite Your Lordship's attention in connection with the draft pro-

\* See Home, Revenue and Agricultural Department Resolution† No. 1—27—33, dated 11th January 1881, page 9 in Home Department Proceedings Vol. (Public) for January 1881.

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As regards the first of these proposals, we would deprecate any alteration in the existing arrangements which regulate the pay of natives of India when appointed to covenanted posts. These arrangements have been settled after full consideration and consultation with Her Majesty's Secretary of State, and it would in our opinion be unwise at present to disturb them or to re-open the question. Nor do we consider it desirable to set forth in the provincial regulations a declaration of the eligibility of probationers for promotion to the higher offices. Such a declaration seems to be unnecessary, and the matter is sufficiently provided for by No. 7 of the general rules. Lastly, we are unable to perceive the necessity for any reference being made in the local regulations to the rates of pay which will be allowed either to probationers or to persons finally appointed to any particular post. It was not our intention that such points as these should be dealt with in the local subsidiary rules, and we should prefer to omit any reference thereto. In paragraph 8 of the letter forwarding the draft

regulations, the Bombay Government¶ refers to the desirability of restricting within narrow limits the employment of Staff Corps officers in the Civil Departments, and of increasing the openings and the salaries for covenanted civilians in the Political Department. It is also stated that the more extended employment of Natives in the covenanted grades "may perhaps hereafter necessitate a decrease in the number of covenanted civilians sent out annually from England." As regards the first of these points, we are not prepared to recommend any increase to the salaries of covenanted civilians employed in the local Political Department, and we may observe that Her Majesty's Secretary of State has already laid down|| the proportion which officers of the Staff Corps appointed to the local Political Service should bear to officers of the Covenanted Civil Service so employed. The second remark regarding a possible decrease hereafter in the annual indent of covenanted civilians owing to the increased employment

¶ No. 3 of enclosures.

|| Despatch\*\* from Her Majesty's Secretary of State, No. 17, dated 12th February 1835.

of Natives in covenanted grades appears to be based on a misapprehension, as the rate of recruitment for the Covenanted Civil Service throughout British India has been settled with regard to the number of Natives who will be appointed under the Statutory Rules, and so long as the prescribed proportion of natives of India appointed under the Statutory Rules to covenanted civilians appointed in England remains unchanged, it will not be necessary to disturb on this account the fixed rate of annual recruitment for the Covenanted Service. No. 148.

19. It may be convenient to refer here to the measures which should be taken with a view to encourage probationers appointed under the Statutory Rules to proceed to England for the purpose of completing their education. This matter was discussed in paragraphs 9 to 11 of our Despatch\* No. 4, dated 4th July 1885, relative to the establishment in England of six Government scholarships for natives of India, and the proposal made by us was that Statutory probationers should, if they choose to proceed to England and reside at an approved University, be granted their passage money to England with the same allowances, while they remain in England, as are

† Despatch\* from Her Majesty's Secretary of State, Public (Educational), No. 104, dated 22nd October 1885.

granted to probationers who have passed the competitive examination in London. In replying† to the above Despatch, Lord Randolph Churchill has not noticed the above proposal, but has requested us to consider whether the amended Statutory Rules should not give some advantages to the holders of the English scholarships. As to this point, we consider that the amended rules may properly provide for an extension, in favour of these scholarship-holders, of the age-limit of 25 years which ordinarily governs the nomination of persons appointed as probationers. We have accordingly added to rule No. 4 of the draft Statutory Rules as finally amended a clause to this effect. As regards the encouragement to be offered to probationers generally with a view to induce them to proceed to England in order to complete their education, we have nothing to add to the proposal above referred to upon which we would solicit an expression of Your Lordship's views. We shall proceed to give effect to the scheme for the establishment of scholarships as sanctioned, and shall inform Your Lordship in due course of the detailed arrangements made with that object.

20. We have confined ourselves in the preceding paragraphs of this Despatch to discussing such changes as appear to us to be desirable in the Statutory Rules on the assumption that the existing system will be generally maintained, but we cannot refrain from inviting Your Lordship's serious attention to the comments which are to be found in the papers now forwarded upon the radical defects of that system, and generally on the manner in which it is sought to provide by the Statutory Rules for the advancement of natives of India to higher employment in the public service. Thus Your Lordship will

observe that the Bombay Government expresses‡ doubts whether the construction put upon the Statute 33 Vic., Cap. 3, is correct, and is inclined to

‡ No. 3 of enclosures.



think that the intention of the Statute was to assimilate completely the position of Natives appointed under its provisions with that of members of the Covenanted Civil Service. His Honour the Lieutenant-Governor of Bengal questions\* the correctness of the entire principle on which the Statutory Rules are based, and considers that the proper solution of the question is to reserve for natives of India one-sixth of the appointments annually thrown open to competition in England, and to confer upon the successful candidates for those appointments exactly the same position and privileges as are enjoyed by covenanted civilians. The

\* No. 4 of enclosures.

Lieutenant-Governor of the Punjab expresses† a very decided opinion against the Statutory principle, and holds that, whatever rules may be framed, the present system will never work well or result in anything but anomalies and difficulties. Sir C. Aitchison adheres to the view that the only effective settlement of the matter is to raise the age for admission to the examination in England so as to let Natives compete on fair and equal terms, to close the side-door of admission by nomination in India, to reduce considerably the cadre of the Civil Service, reserving it solely for those who enter by the examination, and in lieu of the reduced numbers to create a parallel service, to be officered exclusively in India. The Lieutenant-Governor further strongly advises the appointment of a Committee, representing the several Local Governments and Administrations, to report and advise the Government of India on the matter, in order that the opportunity may be taken to review the whole principle and to arrive at a permanent and final solution of this difficult problem.

† No. 11 of enclosures.

21. While we do not wish to express entire concurrence in any of the opinions summarized in the foregoing paragraph, we cannot conceal from ourselves that the working of the present system is open to much adverse criticism, and we fear that it would be over-sanguine to anticipate a permanent and satisfactory settlement of the matter from the proposals which we now submit or from any revision of the Statutory Rules which is not based on a radical change of system. From this point of view, and if Your Lordship should wish us to reopen the matter, we should be very willing to re-consider the whole question, but we clearly foresee that any scheme to be entirely satisfactory would require Parliamentary legislation, and unless, therefore, Your Lordship is willing to undertake hereafter such legislation as may be shown to be necessary, we fear that it will be impossible to devise a scheme which might reasonably be hoped to possess the necessary elements of finality and to do full justice to the claims of natives of India to higher employment in the public service.

22. Without wishing to repeat the recommendations made in our Despatch‡ of the 12th September 1884, we would desire, in justice to ourselves, to point out one or two misconceptions which appear to us to underlie the criticisms to which those recommendations have been held in the Despatch under reply to be open. Thus it was never the intention of the Government of India to recommend either that any limit should be placed upon the number of natives of India who may

‡ See page 269.

enter the service through the open competition, or that a certain pro- No. 143.  
 portion of the vacancies annually competed for in England should be reserved for competitors who are natives of India. Nor was our recommendation that the Eastern classical languages—Arabic and Sanskrit—should be placed upon a par with Latin and Greek in the schedule of marks assigned at the English competitive examination designed to do more than to place the two classical languages of the East, for the purposes of the English competitive examination, on the same footing as the two classical languages of the West. Again, we must observe that the criticism based on the consideration that it would be difficult to defend a system under which a native of India was forbidden to pass an examination in two Oriental languages and in pure Mathematics until he had violated a rule of his religion, might be applied with, perhaps, almost equal force to the existing system under which natives of India are required, if they wish to appear at the English competitive examination, to proceed to England in spite of the fact that competent examiners in many of the subjects prescribed for that examination could be found in India. We feel that we can scarcely avoid referring to these points in regard to which, amongst others, the real nature and object of our proposals appear to have been imperfectly understood, but we desire to add that if the whole question is re-opened, we shall be quite prepared to deal with it afresh and without prejudice, and to give our careful consideration to any observations which Your Lordship may see fit to communicate for our guidance.

23. In conclusion, we take this opportunity of forwarding a memorial addressed to Your Lordship by the Mahajana Sabha of Madras, together with a copy of the letter from the Madras\* Government, under cover of which it was submitted to us.

\* No. 2169 (Miscellaneous), dated 18th September 1885, (No. 20 of enclosures.)

This memorial relates partly to the general Statutory Rules and partly to the manner in which effect was given to the nomination allotted in 1884 to the Local Government under the existing rules. The memorial does not call for any remarks from us, but we enclose for your

Lordship's information a copy of the correspondence† which took place with the Madras Government in regard to the particular nomination to which reference is made by the memorialists.

† Nos. 21 to 25 of enclosures.

P.S.—A Minute‡ of dissent by the Hon'ble Mr. T. C. Hope is enclosed.

#### LIST OF ENCLOSURES.

1. Circular<sup>a</sup> to Local Governments and Administrations, No. 25—1074-S3, dated 18th June 1885, and enclosure (draft of revised Statutory Rules).
2. Letter<sup>b</sup> from Government of Madras, No. 1903, dated 12th August 1885, and enclosure.
3. Letter<sup>c</sup> from Government of Bombay, No. 4656, dated 25th July 1885, and enclosure.
4. Letter<sup>d</sup> from Government of Bengal, No. 2610A., dated 21st July 1885.
5. Letter<sup>e</sup> from ditto, No. 1359 A.D., dated 15th August 1885, and enclosure.
6. Letter<sup>f</sup> to ditto, No. 1507 A., dated 8th September 1885.

‡ See page 340.

<sup>a</sup> See page 285.

<sup>b</sup> See page 288.

<sup>c</sup> See page 289.

<sup>d</sup> See page 292.

<sup>e</sup> See page 294.

<sup>f</sup> See page 295.

7. Letter\* from ditto, No. 2132 A. D., dated 7th October 1885, and enclosure. No. 143.
8. Letter† from Government of the North-Western Provinces and Oudh, No. 15, dated 10th July 1885.
9. Letter‡ to ditto, No. 1457, dated 24th August 1885.
10. Letter§ from ditto, No. 17, dated 2nd October 1885.
11. Letter|| from Government of the Punjab, No. 2554, dated 7th November 1885, and enclosures.
12. Letter¶ to the Government of the Punjab, No. 2039, dated 8th December 1885.
13. Letter\*\* from ditto, No. 144, dated 19th January 1886, and enclosure.
14. Letter†† from Chief Commissioner, Central Provinces, No. 235 C., dated 1st July 1885, and enclosure.
15. Letter‡‡ from Chief Commissioner, British Burma, No. 152, dated 7th July 1885, and enclosure.
16. Letter§§ from Chief Commissioner of Assam, No. 4397, dated 11th July 1885.
17. Letter|||| from Chief Commissioner of Coorg, No. 2, dated 21st July 1885.
18. Letter¶¶ from Resident at Hyderabad, No. 260 G., dated 3rd July 1885.
19. Draft Statutory Rules as finally amended.
20. Letter¶¶ from Government of Madras, No. 2169, dated 18th September 1885, and enclosed memorial\*\*\* from the Madras Mahajana Sabha.
21. Letter\*\*\* from ditto, No. 215, dated 27th January 1885, and enclosures.
22. Memorial\*\*\* from the Committee of the Mahajana Sabha of Madras, dated 3rd February 1885.
23. Letter\*\*\* to Government of Madras, No. 246, dated 20th February 1885.
24. Letter\*\*\* from ditto, No. 590, dated 10th March 1885.
25. Letter\*\*\* to ditto, No. 693, dated 5th May 1885.
26. Minute††† by the Hon'ble T. C. Hope, dated 9th February 1886.

## CXCVII.

### *Draft Rules as finally amended.*

No. 149.

In exercise of the power conferred by the Statute 33 Vic., Cap. 3, Section 6, the following rules 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, have been 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:—

1. The expression "native of India" in these rules 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.

2. On the 1st September of each year, or as soon thereafter as the number of persons appointed for the year to the Covenanted Service of India by Her Majesty's Secretary of State under the provisions of the Statute 21 and 22 Vic., Cap. 106, has been ascertained, the Governor General in Council shall call upon the several Local Governments and Administrations (or upon such of them as he may think fit) to nominate a certain number of natives of India for appointment to offices ordinarily reserved for members of the said Covenanted Civil Service; provided that the total number of nominations so allotted to all the Local Governments and Administrations taken together during each successive period of five years, counting from the year in which these rules come into force, shall not exceed one-fifth of the total number of Civil Servants appointed by Her Majesty's Secretary of State during that period.

3. Each Local Government or Administration shall select its nominees in accordance with the provisions of regulations to be drawn up for each province and published in the Local Gazette of the province after having received the sanction of the Governor General in Council.

4. A native of India shall not ordinarily be nominated by any Local Government or Administration under these rules after he has attained the age of 25 years, unless he is already in the service of Government or has been for not less than five

\* See page 297.

† See page 298.

‡ See page 301.

§ See page 303.

|| See page 304.

¶ See page 313.

\*\* See page 316.

†† See page 317.

‡‡ See page 318.

§§ See page 319.

||| See page 320.

¶¶ See page 321.

\*\*\* Not printed.

††† See page 340.

years engaged in the practice of a learned profession. If any Local Government or Administration desires to nominate a person, whose age exceeds 25 years, but who is not already in the service of Government or who has not been engaged for five years in the practice of a learned profession, it may make such nomination for special reasons to be approved by the Governor General in Council in each case. Persons who have been granted scholarships tenable in England under any scheme to which this concession may from time to time be declared by the Governor General in Council to apply, may be nominated under these rules, although their age at the time of nomination may exceed 25 years. No. 148

5. The Local Government or Administration in making its nominations shall specify the precise nature of the office, place, or employment to which it is proposed to appoint each of the nominees.

6. The Governor General in Council may accept the nomination of any Local Government or Administration either provisionally or absolutely. In the former case the nominee shall be appointed to be a probationer for service, and shall not be confirmed in the office, place, or employment to which he may be nominated until the Local Government or Administration has reported to the Governor General in Council that the nominee has acquitted himself satisfactorily during a period of not less than two years from the date of his appointment, and that he has, unless specially exempted by the Governor General in Council, passed such examination as may from time to time be prescribed by the Local Government or Administration, subject to the approval of the Governor General in Council. In the case of persons nominated from the learned professions, the Local Government or Administration may, if it thinks fit, recommend to the Governor General in Council such reduced probationary period as the Local Government or Administration may consider in each case to be necessary.

7. A native of India admitted to any office, place, or employment under these rules shall thereafter be eligible for appointment to any other office, place, or employment for which the Local Government or Administration may consider him fit, provided that no person so admitted shall have any claim to appointment to any other office, place, or employment, and that such further appointment shall depend wholly upon individual merit and capacity and shall be altogether at the discretion of the Local Government or Administration concerned.

8. A native of India appointed under these rules shall be eligible only for service in the province wherein he was first appointed, unless, under the orders of the Governor General in Council, he is formally transferred to an office, place, or employment in some other province, in which case he will thereafter be eligible for appointment to any other office, place, or employment in the latter province for which the Local Government or Administration may consider him fit.

9. A native of India appointed under these rules shall not be dismissed or removed from the service of Government save under the orders of the Governor General in Council.

10. An appointment shall not be deemed void merely on the ground that it was not made in conformity with these rules; but nothing in this rule shall affect the power of the Governor General in Council to cancel any appointment not so made.

### CXCIII.

*Minute.*

No. 149½.

I dissent from the concluding portion of the last sentence of paragraph 21, which implies that the claims of natives of India to higher employment do not receive full justice at present. I consider that the claims are recognised to the extent even of injustice to other public servants, but that the system is unsatisfactory.

9th February 1886.

T. C. HOPE.

### CXCIV.

From Her Majesty's SECRETARY OF STATE for India, to His Excellency the Right Honourable the GOVERNOR GENERAL of India in Council,—No. 65 (Public), dated India Office, London, 15th July 1886. No. 150.

I have to acknowledge the receipt of the letter\* of the President in Council, No. 11, dated the 9th of February last, dealing with the subject of the admission of natives of India under Statute 33 Vict., Cap. 3, to offices formerly reserved exclusively

Appointment of natives of India to offices reserved to Members of the Covenanted Civil Service. Proposed Commission of Inquiry.

\* See page 322.

to members of the Covenanted Civil Service, and forwarding correspondence with the Local Governments which has taken place in connection therewith.

2. This letter has remained unanswered hitherto because it seemed probable that the matter would be taken up by the Joint Committee of Members of both the Houses of Parliament which at the commencement of the recent session it was proposed to appoint. But the proposal for the Committee having fallen to the ground for the present, it appears to me that some steps should be taken without delay to advance the consideration of the important question which the letter raises.

3. The letter of the President in Council, on the assumption that the system founded on the Act of 1870 must be generally maintained, discusses at some length the changes which are deemed to be advisable in the Rules framed under that Statute. But it is stated that no confident expectation is entertained that a permanent and satisfactory settlement of the matter can be found in the proposals submitted, or in any revision of the Statutory Rules which is not based on a radical change of system. And it is added that, from that point of view, and if I should wish the matter to be re-opened, the Government of India would be very willing to re-consider the whole subject, but anticipate that any scheme, to be entirely satisfactory, would require Parliamentary legislation hereafter.

4. In my opinion, it is very desirable that the question should be re-opened and carefully re-considered as thus suggested. For I have no doubt that a thorough inquiry into it, held in India, will throw much light on a variety of points which have not been sufficiently cleared up in the discussions which have hitherto taken place, whose scope has been mainly restricted to the existing state of the law upon the subject. I request, therefore, that Your Excellency in Council will, as soon as the necessary arrangements can be completed, appoint a Commission to conduct in India an inquiry into the question of the conditions of the admission of Natives to the public service in India, with power (if you so think fit) to the Commissioners to go into the whole subject independently of the limitations at present imposed by Act of Parliament. Such an investigation would not be confined to the Rules framed under Statute 33 Vict., Cap. 3, section 6, but would be instituted with a view to Parliamentary legislation if necessary. The object of the Commission, to use the words of the letter of the President in Council, would be "to devise a scheme which might reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of natives of India to higher employment in the public service." The Commission should include a proportion of Native members which may sufficiently represent the different classes and modes of thought in India, and it should also include a trained English lawyer, of judicial experience if possible.

5. The existing "Statutory Service" is apparently regarded by many Natives who are interested in the subject with considerable dissatisfaction; and it is most important that there should be a careful

inquiry into the evidence as to the existence and extent of this feeling No. 150. and the grounds upon which it is based, as also into the question whether it is the Statute of 1870 itself that is objected to, or the rules framed under it. As I reminded Your Excellency in Council in my Despatch\* of the 8th of January of last year, No. 1, that Statute is one of remarkable breadth and liberality. It empowers the Government of India and the Secretary of State, acting together, to frame rules under which natives of India may be admitted to any of the offices hitherto reserved to the Covenanted Civil Service; and it would appear that there is practically no method of selecting Natives for higher employment in India which its provisions would not allow to be attempted. The grounds, therefore, on which a Statute of this character is objected to require careful scrutiny.

6. In some of the papers now before me it is suggested that the Act is objected to because it admits persons to specific appointments only, and not to membership in an organized "service." The reasons for this desire to be enrolled in a service should be fully weighed. It should be considered how far the privileges of pay, promotion, and retiring annuity, which Indian public servants enjoy through belonging to the Covenanted Civil Service, and the conditions generally under which they hold their offices, are suitable to natives of India obtaining office under the Statutory Rules. It appears that it is expressly suggested that the Act of 1870 is unpopular because a person appointed under it draws, according to the rules which have been laid down, pay at a lower rate than if he were a member of the Indian Civil Service appointed after competition in London. This point will call for very serious consideration from the Commissioners. Amongst other important questions, it raises one as to the financial saving which it is generally supposed will arise from the more extensive employment of Native gentlemen in the public service.

7. If it be found on inquiry that it is the rules framed under the Statute 33 Vict., Cap. 3, Section 6 which excite dissatisfaction, and not the Statute itself, the grounds of such dissatisfaction should be closely examined. It will be most useful to ascertain, for example, whether the Native communities of the various Indian provinces, and especially the classes from which Native public servants are commonly drawn, disapprove of selection in any form, with or without probation, and whether competition of some sort is the only mode of selection which commends itself to them. Of course in a country of such extent as India, inhabited by a population so vast and various, and of such unequal civilization, the evidence taken on these points, to be of real value, should be collected over a wide area and from numerous classes of people.

8. With reference to the remarks made in paragraph 22, as to the proposals relating to the open competition in this country in the Government of India's letter† of the 12th September 1884, I may observe that it will no doubt be possible for the Commission to obtain much valuable evidence bearing on those proposals. Is there, for example, reason to believe that the young Natives obtained by this

\* See page 276.

† See page 269.

system for the public service are the best as regards character and capacity who could be got for it under any system? Is such a system favourably looked upon by large and important classes in India? and what is the relative weight to be attached to recent representations which affirm to the general willingness of Indian youths to cross the sea for education, and to others which as strongly deny it? The British Indian Association, for example, appears to have said in a petition to Parliament that, "a journey to England entails not only expense and hardship, but the loss of social position to all but the small minority who break with Indian society from personal motives, and are unable to faithfully reflect its sentiments by reason of their isolation."

9. Further, supposing the Commissioners should be adverse to the continuance of the competitive examination in England (so far as Natives are concerned), what are the advantages and disadvantages of competitive selection in India? and how is it likely to be viewed by the Native community at large? Supposing, on the other hand, the Commissioners should be favourable to the maintenance, substantially, of the present system which permits Natives to compete in England, what are the limits of age for Native candidates, and what the changes in the character of their examination which they would recommend? No question regarding the English candidates will be included among the subjects referred to the proposed Commission, and those candidates may therefore be left entirely out of account in considering the points which I have specified above. Any inquiry which may be necessary with respect to them will be best conducted in this country. But, in view of the difficulty of reconciling the systems which are respectively best adapted to the two classes, the Commissioners should give special attention to the suggestion of the Government of Bengal that the number of Native probationers to be selected by competitive examination in London should be first fixed, and that the Native candidates should be selected by an examination separate from that of the Europeans, and especially adapted as regards limits of age and otherwise to the conditions of natives of India.

10. The whole correspondence now accumulated on the subject of this Despatch shows its great complexity, and how various are the opinions held upon it. It is possible that the difficulty of dealing with it would not have been so much felt and the variety of opinion would have been less if the questions arising had been considered and discussed in a different order. It appears to me that many perplexing questions suggested by these papers would become more easy of solution, and might be approached with more confidence, if a conclusion could be arrived at as to the approximate number of European public servants who must necessarily, for the efficiency of the administration and the political security of the empire, be maintained in each branch of the public service in India. If Your Excellency in Council is led by the results arrived at by the Commissioners to form any distinct opinion on this point, I request you to communicate it to me for the consideration of Her Majesty's Government.

11. I feel confident that a well selected body of Commissioners, No. 150. prosecuting their investigations in various parts of India and making themselves acquainted with the opinions of all classes, will not only assist materially in the solution of the questions which have arisen with regard to the operation of the Act of 1870, but will be able to collect a great deal of valuable information, which will be a guide in dealing generally with the question of the more extended employment of natives of India in the service of Government. I shall be glad to learn, at an early date, that Your Excellency has found it practicable to appoint such a Commission for the purposes which I have indicated.