

CORRESPONDENCE  
PUBLIC SERVICE  
COMMISSION,  
S. I. SOCIETY  
POONACITY

EAST INDIA (PUBLIC SERVICE).

# CORRESPONDENCE

RELATING TO THE

## REPORT

OF THE

INDIAN PUBLIC SERVICE COMMISSION,

INCLUDING

THE QUESTION AS TO THE LIMIT OF AGE FOR THE  
INDIAN CIVIL SERVICE COMPETITION.

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

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# CORRESPONDENCE

RELATING TO THE

## REPORT OF THE INDIAN PUBLIC SERVICE COMMISSION, INCLUDING THE QUESTION OF THE LIMIT OF AGE FOR THE INDIAN CIVIL SERVICE COMPETITION.

DESPATCH from the GOVERNMENT OF INDIA to the RIGHT HON. VISCOUNT  
CROSS, G.C.B., Her Majesty's Secretary of State for India.

(Public, No. 58.)

MY LORD,

Simla, 9th October 1888.

IN our Despatch No. 6 (Public), dated 24th January 1888, we forwarded to your Lordship copies of the Report presented by the Commission appointed under our Resolution No. <sup>34</sup>~~1573-98~~ dated the 4th October 1886, to consider the question of the admission of Natives of India to higher and more extensive employment in the various branches of the public service connected with the civil administration of the country. At the same time we stated that the Report would require mature consideration, and that some time must necessarily elapse before we should be in a position to place your Lordship in possession of our views regarding it. Having since then carefully considered the Report, we are now able to communicate to you our conclusions on the principal questions discussed therein.

2. Before proceeding to do so, however, we desire to express our appreciation of the manner in which the Public Service Commission has discharged the onerous duties confided to its care. The Commission was composed of members representing many phases of opinion and an extreme diversity of interests. The subjects of discussion were of the most important nature, and had for many years been debated in the public press and in educated Indian society with an increasing degree of interest and fervor. That under such conditions the Commission arrived at an unanimous conclusion affords, in itself, strong testimony to the good judgment of its members and to the public spirit which animated them. But the weight of this testimony is enhanced when it is recognised that, whatever differences of opinion may exist as to method and detail, the report is, on the whole, as marked by moderation and fairness in its main principles as by a thorough grasp of the many intricate subjects with which it deals. We believe your Lordship will agree with us in thinking that the best thanks of the Government are due to Sir Charles Aitchison and to the members of the Commission for the valuable assistance they have afforded the Government in its efforts to arrive at a satisfactory solution of this difficult and important question.

### I.

3. The history of the efforts which have from time to time been made by Her Majesty's Government to admit Natives more largely to the higher posts in the Administration is given with sufficient fulness in Chapter III. of the Commission's Report, and we do not propose to repeat it here. It will be sufficient to advert very briefly to the circumstances which led to the appointment of the Commission. Your Lordship is aware that the rules framed in 1879 under 33 Vict., Cap. 3, sec. 6. with the object of regulating the appointment of Natives of India to posts ordinarily reserved for members of the Covenanted Civil Service were, after a short experience of their working, found to be unsatisfactory. The question of amending them came under consideration towards the close of Lord Ripon's administration; and the Government of India, after consulting Local Governments on the subject, communicated its views to the Secretary of State in the Despatch No. 51 (Public) of 12th September 1884. The Government of India was of opinion that of the two modes by which Natives of India can be admitted to the Civil Service in this country, viz., the competitive examination held under 21 & 22 Vict., Cap. 106, sec. 32. and the rules framed under 33 Vict., Cap. 3, sec. 6, the former should be primarily relied on; and the Statutory system should only be resorted to as a secondary mode of recruitment to the extent to which the number of Natives entering by the competition in London might fall short of the proportion desired. The proportion of Natives to be admitted under the Statutory system had

been fixed in the rules at one sixth of the whole recruitment for the year. Allowing for Natives passing in the open competition, the Government of India considered, on a scrutiny of the results of past years, that 18 per cent might fairly be taken as a proper proportion of the whole recruitment to be reserved for Natives. It was accordingly proposed to make certain changes in the conditions of the competition in England, with a view to afford facilities to Natives to enter by that avenue; and to make up any deficiency in the 18 per cent. by Statutory appointments, to be made under revised rules in which wide latitude of arrangement should be left to Local Governments, subject to the control and approval of the Government of India.

4. These proposals were not approved by Lord Kimberley, who, in his Despatch No. 1 (Public), dated 8th January 1885, objected to them on grounds of policy and also because they appeared to him to be founded on an erroneous view of the legislation of Parliament respecting the Indian Civil Service. He did not think that Parliament intended the examination held under Statute 21 & 22 Vict., Cap. 106, sec. 32, to be the primary method of selecting Natives of India for the Civil Service, or that the provisions of Statute 33 Vict., Cap. 3, sec. 6, should fall into a secondary place. On the contrary, he considered the Act of 1870 to be the remedy provided by Parliament itself for any defects that might show themselves in the competitive system established in 1853, and for any inconvenience or injustice which the Natives of India might be shown by experience to suffer through the necessary adaptation of the examination in London to the circumstances of home-born rather than of Indian competitors for the Civil Service. He described the Act as a measure of remarkable breadth and liberality; affording an unlimited field of experiment in methods of selection, and added that it was 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. Lord Kimberley therefore requested the Government of India to give its fullest deliberation to the Act of 1870, and to the question of effecting the utmost possible improvement in the rules deriving force from its provisions.

5. On receipt of this Despatch the whole question was reconsidered by the Government of India in the light of the Secretary of State's instructions. Revised draft Rules under the Act of 1870 were prepared and circulated for the opinion of Local Governments and Administrations; and, after considering the replies received, we again addressed the Secretary of State in our Despatch No. 11 (Public), dated 9th February 1886, forwarding a copy of the draft Rules as finally revised with reference to the criticisms received from Local Governments. At the same time the Government of India invited the serious attention of the Secretary of State to the comments of the Local Governments upon the radical defects of the Statutory system. The Government of India feared it would be over-sanguine to anticipate a permanent and satisfactory settlement of the matter from any revision of the Statutory rules which was not based on a radical change of system. From this point of view, we declared ourselves willing, if the Secretary of State agreed, to reconsider the whole question; but expressed the opinion that any scheme, to be entirely satisfactory, would require parliamentary legislation; and that, unless the Secretary of State was willing to undertake such legislation as might be shown to be necessary, it would be impossible to devise a satisfactory scheme.

6. The Secretary of State's reply is contained in his Despatch of 15th July 1886, in which he declared it to be very desirable that the question should be re-opened and carefully reconsidered in the manner suggested in our Despatch of 9th February 1886. He accordingly requested the Government of India to appoint a Commission, with power (if the Governor General in Council thought fit) to go into the whole subject independently of the limitations at present imposed by Act of Parliament, and with a view to parliamentary legislation if necessary. The Commission was to contain a proportion of Native members and to be sufficiently representative of the different classes and modes of thought in India. Particular heads of inquiry were prescribed, which it is unnecessary to repeat in detail; but the object of the Commission was, following our suggestion, broadly defined to 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."

7. A Resolution embodying the Secretary of State's instructions was issued by us on 4th October 1886; and the sittings of the Commission, which was composed of 15 members, presided over by the Honourable Sir Charles Aitchison, then Lieutenant-Governor of the Punjab, commenced shortly after. On the completion of the work of collecting evidence in regard to the Covenanted Civil Service and the Judicial and Executive branches of the Uncovenanted Service, it was arranged by our orders of

8th March 1887 that the second division of the inquiry, embracing the question of the admission of Natives of India and of Europeans to the marginally noted branches connected with the civil administration of the country, should be conducted by a Sub-Committee, presided over by Sir Charles Turner. On the completion of the Sub-Committee's inquiries, the Commission met in November 1887 for the consideration of the evidence, and presented its Report on 18th January last. This Report was subsequently referred to Local Governments and Administrations for opinion on certain points stated in our letter dated the 16th March 1888,\* of which, as well as of the replies received from Local Governments, we enclose copies for your Lordship's information.

8. Having thus traced briefly the circumstances which led to the appointment of the Commission, we now proceed to consider the fundamental recommendations made in its Report. Those recommendations are grouped under five heads—the Competitive System; the Statutory Service; the Covenanted Service; the Uncovenanted (Judicial and Executive) Services; and the Special Departments, the last head embracing the various branches of the public service enumerated in the margin of the preceding paragraph. In the following observations we shall to some extent depart from this order of subjects, and deal first with the recommendations concerning the Statutory and Covenanted Services.

## II.

9. Lord Kimberley, in the Despatch of 15th July 1886, to which we have already referred, desired that a careful inquiry should be made as to the existence and extent of the alleged feeling of dissatisfaction on the part of Natives of India with the existing Statutory Service, and also into the question whether it was the Statute of 1870 itself that was objected to, or the rules framed under it. These and other questions relating to the Statutory Service which were laid before the Commission are dealt with in Chapter VI. of the Report. The Commission states that the existing Statutory Service has failed to fulfil the expectations formed in regard to it, and that it is for sufficiently good reasons condemned, not only by particular sections of the Native Community, but also by the very large majority of officials, both European and Native, who have had practical experience of its working. Having carefully examined the evidence recorded on this part of the subject, we agree with the Commission's conclusion that the existing Statutory Service should be abolished. Without desiring to add to the Commission's detailed examination of the efforts which have been made to give effect to the Statute of 1870, we would remind your Lordship that it was originally the purpose of the Government of India to select its Statutory Civilians from among its tried and successful officers in the Judicial and Executive branches of the Uncovenanted Service. From this purpose, however, the Government of India was diverted by the interpretation placed upon the Statute by the Law Officers of the Crown in England in 1874. New Rules were accordingly framed, the object of which was declared by the Government of India in 1879 to be "not the transfer to the superior ranks of the Civil Administration of a class of officers 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 opened in the inferior ranks or Uncovenanted Service, have not proved a sufficient inducement to come forward for employment." The result of this policy was that men experienced in affairs and tried in the Public Service were passed over, while young men of good family were selected in the hope that they would make up for defective training and education by bringing territorial or political influence to the support of the Government. The earlier selections under the Statute of 1870 were therefore made more on grounds of political expediency than of administrative advantage. The result of this experiment was very disappointing, and accordingly it soon became necessary to widen the field of choice by giving to the Local Governments greater liberty in making their selections. The results of the latter method of appointment have also been unsatisfactory. "The persons appointed," as the Commission states, "do not bear favourable comparison in regard to their work as public servants with Native Civilians who have entered the Civil Service through the channel of the English competition. In the majority of cases such persons cannot be said to be superior, while they are in some cases inferior, in education and ability to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service; and it is doubtful whether any, except a few of them, enjoy a higher social consideration or belong to more influential families." There can thus be no doubt that the Statutory system has failed to secure properly qualified officers for the Public Service.

\* See page 15.

10. The objections to the Statutory system, however, as the Commission observes, have been directed rather against the rules than against the Statute itself. At the same time, as your Lordship is aware, the obscurities and difficulties of interpretation which surround the Statute have more than once formed the subject of correspondence with His Majesty's Government. The general objections to it are stated in paragraph 67 of the Report. The Statute would certainly have to be amended before any satisfactory rules could be framed. Those who have expressed themselves in favour of retaining the Statutory system for the most part desire it to be so altered as to restrict the selection of Statutory Civilians to men whose merit and ability have been actually proved in the higher ranks of the Uncovenanted Services or the legal profession. This object appears to us to be equally well attained by the formation of a Provincial Service in the manner proposed by the Commission. One valuable feature in these rules which we think should be retained, is the security they afford for the introduction of a system of special selection for the appointments which are at present reserved for the Covenanted Civil Service. This feature we preserve in the constitution which we propose for the Provincial Service. Subject to this condition, and considering that the Commission, after careful deliberation, found itself "unable to suggest any amendment either of the Statute or of the rules such as would adequately meet the issues which it has had to consider," we unanimously recommend that the Statutory Service be no longer retained, that section 6 of 33 Vict., Cap. 3, be repealed, and that the Services be reconstructed on the basis of an Imperial and Provincial Service, in accordance with the Commission's recommendation. We consider that the terms "Imperial" and "Provincial" are well adapted to express the character and scope of the two Services; and agree to their being respectively substituted for "Covenanted" and "Uncovenanted," the use of which should be discontinued.

11. In the 73rd and 81st paragraphs of its Report, the Commission explains the principles on which this reconstruction should, in its opinion, be effected. Briefly stated, these principles are, first, that the strength of the Covenanted Service should be reduced by transferring a certain number of appointments now ordinarily filled by Covenanted Officers to the Provincial Service; second, that the Provincial Service (comprising the Judicial and Executive appointments transferred from the Covenanted Service and the higher appointments in the present Judicial and Executive branches of the Uncovenanted Service) should be locally recruited from Natives and Europeans resident in India who satisfy prescribed conditions; lastly, that the conditions of pay, leave, and retiring annuity of the members of the Provincial Service should be determined on independent grounds, and bear no fixed proportion to those of the Imperial Service. On the second and third proposals we shall offer some observations when we come to deal with the Provincial Service. Here, we restrict our remarks to the proposed reduction in the strength of the Covenanted Service.

12. In the 76th paragraph of the Report, the Commission proposes that no change in principle should be made in the Statute 24 & 25 Vict., Cap. 54, which directs that all vacancies in certain specified offices in the Regulation Provinces shall, save under special circumstances, be filled from among the Covenanted Civil Servants of the Crown in India. But, while maintaining the principle of the Statute, the Commission recommends a twofold alteration in its details. On the one hand, it recommends that certain offices now reserved to the Covenanted Service in the Schedule, annexed to the Statute, should be excluded from the Schedule, and that, of the appointments so excluded, the judicial and revenue appointments should be gradually transferred to and amalgamated with the Provincial Service. On the other hand, it proposes that the executive orders of the Secretary of State, directing the reservation of appointments in non-Regulation Provinces analogous to those reserved in the Schedule, should be embodied in the substantive law.

Dealing with the latter of these two proposals first, we strongly recommend that it be accepted, provided that the number of appointments entered in the Schedule be substantially reduced. As the Commission points out, the distinction between Regulation and non-Regulation Provinces may now be said to have practically ceased to exist; and the Secretary of State has himself applied to Provinces known as non-Regulation the same system of recruitment for the Civil Service as that established elsewhere. The system so applied reserves for the Covenanted Civil Service in non-Regulation Provinces appointments analogous to those reserved by the Statute in the Regulation Provinces. The adoption of the Commission's proposal therefore will make no change in existing practice, while it will, by Parliamentary guarantee which it affords, provide in non-Regulation Provinces that security of tenure which has been considered necessary in other Provinces. On the other hand, it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion;

we are therefore of opinion that the extension of the Statute to non-Regulation Provinces should be accompanied by a reduction of the appointments specified in the Schedule.

13. The appointments which the Commission proposes to exclude are set out in the 77th paragraph of the Report. Against these proposals we have but three objections to make, and they are objections of detail.

In the first place, we are of opinion that it is not advisable to exclude from the Schedule one member of the Board of Revenue in Madras, Bengal, and the North-Western Provinces and Oudh, and one Financial Commissioner in the Punjab. Your Lordship will observe from paragraph 77 of the Report, in which the arguments for and against the proposal are given, that six members of the Commission dissented from this recommendation; and you will also observe from the enclosures to this Despatch that objections are entertained to it by Local Governments. Having regard to the division of opinion in the Commission and to the views of Local Governments, we are of opinion that those appointments should be included in the Schedule. From our views upon this point our Honourable Colleague Sir Charles Aitchison desires to dissent, for the reasons given on page 74 of the Report.\*

In the next place, while we agree to the exclusion from the Schedule of one of the chief Revenue officers of divisions in all Provinces, except Bombay and Assam which the Commission excludes from its proposal, we think it undesirable that the appointments so excluded should be amalgamated with the Provincial Service. The Commissioner of a Division holds a post which should be filled by men who possess the highest qualities of tact, firmness, judgment as well as physical ability. It is not desirable that, in selecting an officer to fill even the one unreserved Commissionership, the Government should be restricted to the Provincial Service. But, while we do not think it desirable in the public interests that any of these posts should be amalgamated with the Provincial Service, so as to compel us of necessity to select from that service, we consider that the office of Commissioner is an object of legitimate ambition to the Provincial Service, and that we should not be debarred by law from making occasional selections from that service of men who have proved themselves fit for such advancement. We therefore accept the recommendation to exclude from the Schedule one of the appointments in question in all the Provinces, except Bombay and Assam, but we do not propose to amalgamate it with the Provincial Service.

In the same way we concur with the recommendation of the Commission (paragraph 77 of the Report) that the posts of Under Secretaries to the several Governments be excluded from the Schedule, but not amalgamated with the Provincial Service; and we have also agreed that one of the Secretaries to the Board of Revenue in Madras, Bengal, North-Western Provinces and Oudh, and to the Financial Commissioner of the Punjab, when there are more than one [Report paragraph 77 (7)], should be treated in a similar manner, that is to say, that the post, though excluded from the Schedule, should not be amalgamated with the Provincial Service. This arrangement meets the objection taken by the Bombay Government to the exclusion of Under Secretaries from the Schedule.

Our last objection is to the recommendation made in paragraph 93 of the Report that the office of Accountant General should be removed from the Schedule. On this point we would invite your Lordships attention to the correspondence ending with our Despatch, No. 380, dated the 16th November 1880, from which you will perceive that the question of the best way of filling these appointments has been the subject of long discussion between the Government of India and the Secretary of State, and that, with the approval of Her Majesty's Government, we decided that those offices should be retained in the Schedule. We are unwilling to alter a decision so deliberately pronounced, especially as the Commission itself "considers that ordinarily the appointments will be most efficiently held by members of the Imperial Service." But while we are of opinion that the post of Comptroller General and that of Accountant General may in the larger provinces be most suitably filled by Covenanted Civilians, we are desirous of affording encouragement to the best officers belonging to the "Enrolled" list of the Accounts Departments by holding out to them as a reward for conspicuous merit the prospect of succeeding to one of the Accountant Generalships. We accordingly propose to exclude from the Schedule one Accountant Generalship and to adopt the rule of ordinarily filling it by selection from the enrolled list. We propose to deal similarly with the Comptrollership of Burma, if, as appears probable, it be necessary to raise it to the status of an Accountant Generalship. From this decision to retain the offices of Accountant General in the Schedule, His Excellency the Viceroy and the Honourable General Chesney and the Honourable Sir Charles Aitchison dissent.



We beg leave to forward as an enclosure to this Despatch\* the Schedule as now altered by us, which we desire to substitute for the Schedule N. of the Commission's Report.

14. In the 77th and 81st paragraphs of the Report, the Commission points out that the effect of its proposals is to remove about 180 appointments from the list of offices now reserved by law or by the Secretary of State's orders to the Covenanted Service; and it recommends that, if the *cadre* or working body of the Covenanted Civil Service is larger than would be required under the proposals now made to fill the remaining appointments, the Government should in the future recruitment for the Civil Service have regard to the reduced schedule in order to give due effect to these proposals. We intend at an early date to address your Lordship on the subject of the future strength of the Imperial Service. Meantime we may observe that the ultimate effect of the Commission's proposals will be to fill about one sixth of the appointments now reserved for the Covenanted and Statutory Civilians with members of the Provincial Service. Thus stated, the result as it affects the recruitment of the Civil Service does not materially differ from that produced by the Statutory system. Since 1881 the Government of India has made arrangements for the recruitment of five sixths of the requirements of the Covenanted *cadre* in England and of one sixth in India. As the Commission does not propose a reduction in the aggregate strength of the *cadre*, but a redistribution of offices between the Covenanted or Imperial and the Provincial Services, it would seem that, so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and that, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870 and commence recruiting Provincial officers to the same extent to which Statutory officers have been hitherto recruited. The old system will thus merge in the new without any dislocation of existing arrangements.

15. It will be convenient if, before passing from this part of the subject, we here express our opinion on the recommendation made in paragraph 87 of the Report, namely, that Statutory Civilians should be absorbed into the Provincial Service in such positions as, having regard to the circumstances of each case, the Government of India may consider to be equitable. The question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Uncovenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of just expectations. There are three possible ways of dealing with Statutory officers in active service. We may treat them as the Commission proposes, or we may allow them to retain their existing status, or they may be absorbed into the Imperial Service by Parliamentary legislation.

We cannot recommend the third course, because its effect would be to introduce into a limited and reduced *corps d'élite* officers not possessing the qualifications essential for membership of such a body. With reference to the second course, it is to be remembered that a Statutory officer is appointed not to a Service, but to a particular post. He has no admitted claim to advancement in ordinary course apart from the special consideration he may earn by special merit and ability displayed in the particular post he holds; and although in practice it has not been unusual to advance him side by side with his Covenanted contemporaries, yet each step is treated as a fresh appointment under the rules. The maintenance of the *status quo* in this respect would simply mean that his appointment would continue as hitherto to be specially treated outside both the Imperial and the Provincial Services. This arrangement would be of no benefit to the Statutory officers concerned, while it would have the effect of postponing to some extent the operation of the Commission's proposals for the amalgamation with the Provincial Service of the higher appointments excluded from the Schedule. This effect should be, if possible, avoided. We think it may be avoided, without injury to the interests of the Statutory officers, if the proposed transfer be qualified by a provision that, *cæteris paribus*, the latter shall, if considered qualified, have a preferential claim over members of the Provincial Service to promotion to the transferred appointments. Subject to this condition, which confers upon Statutory officers a benefit over and above what the Commission thought necessary, we consider that the unanimous conclusion at which the Commission arrived on this part of the subject should be accepted.

16. In paragraph 80 of the Report, the Commission suggests that, in giving effect to its proposals regarding the higher appointments excluded from the Schedule of 1861, regard should be had to the claims of officers appointed before 1870, that is to say, before the enactment of 33 Vict., Cap. 3, but not to the claims of officers subse-

quently appointed. This is practically the view taken in paragraph 9 of our Despatch No. 11 of 9th February 1886. But inasmuch as it was not till 1880 that the Statutory system began to be regularly carried into effect, we are of opinion that it would be more equitable to take the later year. In modification, therefore, of the recommendation made in paragraph 80 of the Report, we are of opinion that the year 1880 should be substituted for the year 1870 in the Commission's 21st recommendation (Report, page 142\*), and that, in dealing with officers appointed before the year 1880 to the Covenanted Civil Service, effect should be given to the intentions expressed by the Secretary of State in the Despatch of 27th May 1875 in connexion with the subject. With regard to officers appointed to the Covenanted Civil Service after 1880, we agree with the Commission in thinking that as the measures now recommended will be gradually introduced, the reasonable claims and expectations of such officers will not be injuriously affected.

17. In the 77th and 78th paragraphs of its Report the Commission makes two proposals, in the expediency of which we cannot concur. In the first place, it proposes that the Schedule to 24 & 25 Vict., Cap. 54, modified as suggested in paragraphs 12 and 13 above, should be liable to change without further Parliamentary legislation; and, in the second place, it proposes to confer upon the Government in India a wider power of direct appointments to offices included in the Schedule than is now conferred upon them by the Statute. In regard to these points, we consider that the adoption of the Commission's proposals or either of them would seriously diminish the value of the Parliamentary guarantee on the basis of which the Imperial Service will be constituted. We have, however, no objection to offer to the suggestion for improving the method of procedure under section 4 of the Act which the Commission makes in the 79th paragraph of its Report.

### III.

18. The next portion of the Commission's proposals on which we desire to remark is concerned with the open competitive examination held in England. In connexion with this portion of the subject, the Secretary of State observed that the chief points for inquiry were: (1) whether the competitive examination for Native candidates should be held in India as well as in England; (2) whether, if the existing system which permits Natives to compete in England be substantially maintained, there should be any change in the limit of age for Native candidates, or in the character of their examination; and (3) whether it was desirable, as suggested by the Government of Bengal, that the number of Native probationers to be selected by competitive examination in London should be first fixed, and the Native candidates afterwards selected by an examination separate from that for Europeans, and specially adapted as regards limits of age and otherwise to the conditions of Natives of India. With reference to the first of these important questions, the Commission decides that it is inexpedient to hold an examination in India for the Covenanted Civil Service simultaneously with the examination in London. The Commission points out that while the Covenanted Civil Service is only large enough to man 765 appointments all told, the duties which the officers composing that Service are called on to discharge involve wide and serious responsibilities, and require very high qualifications and special training in the agency employed. It recognizes that as the Covenanted Civil Service represents the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of government cannot be overrated. Having regard to the general considerations set forth with great force in paragraph 60 of the Report, the Commission concludes that recruitment in India for the Civil Service is undesirable. We are unanimously of the opinion that this conclusion is correct. The true principle on which the Commission has very strongly insisted is, that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If under such conditions Native candidates succeed, they will then, as Lord Macaulay said, "enter the Service in the best and most honourable way." The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system and be open to grave practical objections. We, therefore, fully agree with the Commission in deprecating the entertainment of any such proposal.

19. It follows from what we have stated that we are also opposed to any change in the conditions of the examination which would differentiate Native from English

competitors at the examination held in London. We therefore agree with the view expressed in the 64th paragraph of the Report that a separate examination in London for Natives of India, as proposed by the Bengal Government, should not be held; and we also concur with the Commission in thinking that any lowering of the standard or of the distinctly English character of the examination could not fail to be attended with consequences injurious to the public interests. From this point of view, and after a full consideration of the evidence given upon the subject, we are of opinion that, while the existing scale of marks in regard to Sanskrit and Arabic fairly represents the educational value of these languages as compared with the other subjects which it is open to candidates to select, and should, therefore, remain unaltered, the examination in these two subjects should be materially increased in strictness, and the standard of knowledge in regard to them raised. We consider it to be conclusively proved that, as the examination is now conducted, it is far easier for a candidate to obtain high marks in Sanskrit or Arabic than in either Latin or Greek; and that even as regards English candidates *inter se*, the present arrangements in regard to Oriental classics are calculated to give an advantage in favour of the less deserving.

20. As regards the question of the age at which candidates should compete, we are strongly of opinion that, like the other conditions of the open competitive examination in London, it must be determined mainly with the object of securing candidates trained in the highest and best form of English education. Under the existing rules which fix the age-limits for the examination at 17-19 years, we are satisfied that this object is not attained. Your Lordship is aware that the introduction of the existing age-limits was preceded, during Lord Northbrook's administration, by a careful inquiry, the results of which were summed up in our Despatch No. 57, dated September 30th, 1875.\* As was to be expected, there was considerable difference of opinion on the question of age. At that time the limits were from 17 to 21, and the arguments for raising the limits to 19-22 are forcibly stated in Lord Northbrook's Minute of September 22nd, 1875. For reasons given in his Despatch No. 19 (Public), dated February 24th, 1876,† however, the Secretary of State decided at that time to lower them to 17-19 years with effect from 1878. The existing system has accordingly been in operation for nearly ten years, and the Government of India is thus in a position to apply to it the test of experience. Judged in this way, the system, in our opinion, is not the one best suited to the present circumstances of India. Four years ago the Government of India recommended that the limits of age should be raised, and we consider that the general tendency of the measure now proposed is to enhance the necessity for reverting to the limits that were prescribed when the competition system was first introduced. The Covenanted Civil Service is so strictly limited and reduced in numbers that very wide powers are necessarily entrusted to officers shortly after their arrival in the country, and the increasing complexity of the administration demands greater maturity of judgment and more thorough education on the part of our officers. For these and other reasons we consider it undesirable that the civilians sent out from England should begin their service in this country so young as under the existing system they do. We are, therefore, of opinion that the age-limits for all candidates at the open competition in England should be raised to 19-23.

While we have arrived at this conclusion on general grounds, the Commission has unanimously and strongly made the same recommendation as regards Native candidates, and its recommendation is supported by evidence of unquestionable authority. Under such circumstances we consider it to be expedient that effect should be given to the recommendation in question. The Commission was precluded by the terms of its instructions from considering the question in its relation to English candidates. But we think that it would be impossible for us to deal with the question satisfactorily under the limitation imposed for good and sufficient reasons upon the Commission, and we could not approve of raising the age for Natives while that for English candidates is retained unaltered. In this view the fact that the evidence taken by the Commission in respect to Native candidates has led it to the same conclusion at which we on independent grounds have arrived on the general question, is an additional argument in favour of our recommendation that the age at which all candidates shall compete should be raised to 19-23 years. From this conclusion our Honourable Colleague Sir Charles Elliott, who is in favour of retaining the present age-limits, dissents. Our Honourable Colleague Mr. Westland, while not objecting to the raising of the maximum, would prefer to leave the minimum limit of age as it at present stands or at least not higher than 18 years.

\* See Command Paper No. 1446 of 1876, page 10

†

It would be a necessary corollary of the raising of the age-limits that the standard of examination should also be raised and adapted to testing the comparative merits of young men who at the universities have acquired a highly finished general or special education. If your Lordship adopts our views on the question of age we would further recommend, as proposed by Lord Northbrook in his Minute\* of 22nd September 1875, that the period of study which probationers should, after the open competition, be required to spend in England should be reduced to one year as formerly.

## IV.

21. The preceding observations have reference to the Commission's proposals in connexion with the Covenanted and Statutory Services; we now proceed to consider its recommendations in connexion with the proposed Provincial Service. As stated in the 11th paragraph of this Despatch, the Commission proposes to constitute the field of employment of this Provincial Service partly out of appointments which are at present reserved to the Covenanted Civil Service and partly out of the existing Uncovenanted appointments. We have already expressed our approval of this proposal, so far as it affects the Covenanted Service. With respect to the Uncovenanted appointments, it is proposed (Report, paragraphs 75 and 81) to unite the higher of these appointments with the appointments transferred from the Covenanted Service; and having thus created a new Provincial Service, the lower appointments at present filled by Uncovenanted officers will be formed into a "Subordinate Civil Service." The precise point at which the dividing line should be drawn may vary slightly in different Provinces, and will therefore be fixed by Local Governments with the sanction of the Government of India. But it is anticipated that, as a general rule, it will be found to conform to existing well-known administrative arrangements. As regards *personnel*, it is proposed (Report, paragraph 82) that the Provincial Service should be manned partly by promotion from the "Subordinate Civil Service," and partly by recruitment from all natural-born subjects of Her Majesty, who fulfil certain conditions regarding residence in the Province, and possess other qualifications (Report, paragraphs 82 and 84) to be prescribed by the Government. It is recommended that persons so recruited shall be subject to a period of probation or training during which time their appointment will be provisional only, unless in exceptional cases the Government decides otherwise. Finally, it is proposed (Report, paragraph 85) that the grades of pay in the Provincial Service shall be determined on independent grounds, and shall not necessarily bear any fixed proportion to those of the Imperial Service.

22. To this scheme, as a whole, we give our support. Subject to a modification which we shall presently state, we specially approve the recommendations that each Provincial Service shall be recruited from residents in the province; that the length of residence, subject to the stated minimum of three years, shall be prescribed under rule by us with reference to local and other circumstances; that first appointments shall be on probation; that the rates or grades of pay shall be fixed at definite amounts so as not to be open to the objections which now attend the operation of the two-thirds rule, and to effect a substantial economy in the public expenditure.

The modification to which we have referred in connexion with the Provincial recruitment is that, not only all natural-born subjects of Her Majesty, but also the subjects of Native Princes in alliance with Her Majesty shall be eligible for admission to the Public Service in British India, provided they be qualified in other respects. With reference to the remarks of the Commission in paragraph 59 of the Report, we are further of opinion that the subjects of such Native States should be eligible for the open competition in London for the Imperial Service. On many grounds we consider it to be desirable that our service should not be closed to the well-disposed inhabitants of Native States, but that they be encouraged to look to our Government for an honourable career and lucrative employment conditional on approved and loyal service.

23. But, while thus accepting the scheme for the Provincial Service as a whole, we consider that the recommendations of the Commission require to be supplemented by further provisions on some points of detail, more especially with regard to the method to be adopted in filling the higher appointments to be transferred from the Covenanted Service, and the plan to be followed in recruiting for the junior posts. With respect to the former, we are strongly of opinion that promotion within the Provincial Service to the higher offices (*i.e.*, District Magistrates and Sessions Judges) to be transferred from the Covenanted Service should be altogether special, and that the service rules should contain a distinct provision that such promotion is not to be expected and will

not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service. We feel very strongly that it will be impossible to treat these higher appointments as seniority appointments in a service which will necessarily be mainly recruited with reference to the qualifications required for offices of a less responsible and less independent character. We observe that in paragraph 89 of the Report the principle is laid down that, "inasmuch as the posts of chief administrative officers of districts and judges involve very responsible duties, the principle of selection should be more completely adopted in regard to these appointments." This principle, which we understand to be applicable to the Imperial as well as to the Provincial Service, is good so far as it goes; but it needs to be emphasized. It must, therefore, be made quite clear that admission to the Provincial Service does not of itself and apart from special proved fitness carry with it any claim to promotion to the higher appointments referred to, and that for these appointments selection, not limited to any grade of the Provincial Service, is essential. It may also be necessary from time to time to attach such special conditions to those appointments as experience may show to be necessary, with a view to give effect to the Commission's intention that Natives of India shall enjoy the full advantage of the measures now proposed.

24. The next point to be considered in this connexion is the plan to be followed in recruiting for the Provincial Service generally. Promotion for conspicuous merit from the Subordinate Service is one way of filling Provincial appointments, but for the present purpose, "recruitment" is to be understood in the sense of first admission to Government employment. On this very important matter the Commission says (Report, paragraph 82) that no uniform system applicable to all Provinces can at present be adopted; and it recommends that recruitment should be made separately by the Local Governments to meet their own special requirements, but in all cases under rules to be sanctioned by the Government of India, and that whatever system of recruitment be adopted,—whether nomination, limited competition, or open competition,—the rules should be so framed as, on the one hand, to secure for the Service the best Natives obtainable in the Province, and on the other hand, to admit of all claims to admission to the Service being fully considered. We view with entire approval these important recommendations; and if we do not hear from your Lordship to the contrary, we propose to take early measures in communication with Local Governments to frame rules of recruitment for the different Provinces.

25. We do not consider it necessary in this connexion to enter upon a discussion of the subject of open competition in India. The question has a very different aspect in this country from that which it bears in England. In obedience to its instructions the Commission has reported very fully on the subject, but such support as it may be held to give to open competition as a means of recruitment for the Provincial Service is very hesitating and qualified. Its own leaning appears to be to a system of limited competition among candidates previously selected on grounds of general fitness. There are indications in the papers submitted with this Despatch that none of the Local Governments is likely to adopt open competition to any extent, and for our own part we do not consider that it would be a suitable method of recruitment under present circumstances in India. But without anticipating the recommendations of Local Governments in regard to this or any other possible methods of recruitment, it shall be our care that the rules to be framed, while making due provision for indispensable educational attainments, shall be such as are adapted on the one hand to obtain for each Province thoroughly efficient candidates, and on the other hand to secure the due representation in the public service of the different classes of the community. It is quite clear, however, that, in any system that may be adopted, educational qualifications must be insisted on; and from this point of view we fully approve of the proposal made by the Commission in paragraph 90 of the Report, that a Board of Examiners should be appointed in each of the larger provinces, which shall perform duties similar to those intrusted to Her Majesty's Civil Service Commissioners in England.

## V.

26. Subsidiary to the main proposals for filling up the Provincial Service, the Commission makes two recommendations, which, with a slight qualification in the case of one, we approve. One recommendation is, that no barrister, advocate, or pleader should be appointed to the Provincial Service, unless he can speak the Provincial vernacular, and has been at least three years actually practising his profession. This recommendation we accept with the qualification, that the barrister or advocate shall

have practised his profession for three years in India. The other recommendation, which we accept without qualification, is, that the Government should reserve the power (similar to that conferred by 24 & 25 Vict., Cap. 54, in regard to the Covenanted Service) of making in special cases and under prescribed conditions direct appointments of Natives of India to the higher grades of the Provincial Service. We are willing to agree to the Commission's stipulation, that such appointments when made to judicial offices should be restricted to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than ten years' standing and acquainted with the Provincial vernacular.

27. The Commission (paragraph 83 of its Report) recommends that in the High Courts of Calcutta and Bombay the number of Judges selected from the Judicial Branch of the Provincial Service, or from advocates or pleaders of the High Courts, should be increased; and that a similar course should be pursued in regard to the High Court at Madras, in the event of the strength of that Court being increased to six Judges. The High Courts of Judicature in India are established under 24 & 25 Vict., Cap. 104; and section 2 of that Statute provides that not less than one third of the Judges of such Courts, including the Chief Justice, shall be barristers (of not less than five years' standing), and not less than one third shall be members of the Covenanted Civil Service. We agree that within the limits set by the Statute the number of Native Judges may be properly increased on a suitable opportunity. This would give three Native Judges to the Calcutta, and two each to the Bombay and Madras, Courts. The adoption of the recommendation of the Commission in this respect does not necessitate any alteration of the Statute.

We may add that in our Despatch No. 16, dated 17th May 1887, we anticipated the Commission's recommendation (paragraph 83 of the Report), that advocates of a High Court should be eligible for appointment to the Judicial Bench; and that your Lordship, replying on the 21st July 1887, promised that if an amendment of the Statute should hereafter be deemed desirable, our recommendations will be taken into consideration.

28. In connexion with the Provincial Service, only five of the Commission's recommendations now remain to be considered. The first of these is, that the orders of 1879 forbidding the appointment without previous sanction of persons other than Natives of India to offices carrying salaries of Rs. 200 a month or upwards in certain departments of the Public Service should be cancelled (paragraph 84 of the Report). The second is, that the pay and conditions of leave and pensions of gentlemen appointed to high office by Her Majesty, or by the Secretary of State under 24 & 25 Vict., Cap. 54, should be the same, whether the gentleman appointed be a member of the Imperial or Provincial Service, or hold no appointment in the service of Government (Report, paragraph 85). The third is, that retrospective effect should not be given to alterations in Pension Rules against the will of persons injuriously affected thereby (Report, paragraph 85). The fourth is, that before dismissal for misconduct, a member of the Provincial Service should be entitled to demand an inquiry into his conduct under whatever law may be at the time in force relating to inquiries into the behaviour of public servants (Report, paragraph 88). The last is, that officers of the Imperial and Provincial Services, if declared ineligible for promotion, should be liable to be compulsorily retired on reduced pensions (Report, paragraph 89).

29. Taking these proposals in inverse order, we wish to point out, in regard to the last, that the proposal here made was put forward by the Government of India in its Financial Despatch No. 39, dated the 17th January 1873; and that the Secretary of State in his letter No. 133 of the 27th March following declined to sanction any general arrangement by which pensions not authorised by existing rules could be granted without reference to him. The Secretary of State, however, added that he would be prepared to consider any proposal which the Government of India might make for the grant of a special pension in a case of the nature referred to. On consideration we think it inexpedient to prescribe any formal rule on the point or to recommend to your Lordship any relaxation of the procedure thus laid down in 1873 by the Duke of Argyll.

30. With reference to the fourth recommendation mentioned above, we would observe that at present no officer of Government charged with misconduct has a right to demand a Court of Inquiry. It is true that laws do exist which enable the Government to hold a Court of Inquiry into the conduct of an incriminated officer; but the institution of an inquiry under these laws is the prerogative of the Crown, not the privilege of the officer concerned. We consider it undesirable and unnecessary to alter this procedure; but we have no objection to provide by rule that no member of

the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry. Such a rule would practically coincide with the existing custom and with standing orders.

31. To the third recommendation we are opposed. We consider it inexpedient that the Government should, by any such stipulation with its servants, preclude itself from taking steps which, under circumstances impossible to foresee, may be dictated by urgent necessity or by public interest. Such changes as those contemplated by the Commission's proposal are rarely undertaken, and never, except under pressure of public necessity or with the object of benefiting a Service as a whole; and it may safely be said, that all alterations hitherto made have been such, that an officer (except in the contemplation of immediate retirement) would seldom hesitate to range himself under the new conditions of service in preference to the old. When the last change was made in September 1887, this excepted case was provided for by giving an option to all persons retiring within six months; and it was safe to assume that officers, who meant to stay even a few years in the service, would prefer the new to the old conditions.

32. To the second recommendation, which we understand chiefly refers to High Court Judgeships, we have no objection to offer, so far as the question concerns pay. But we consider it undesirable to reopen the questions of leave and pension allowances, which we think were satisfactorily settled by the Secretary of State's Despatch No. 18, dated 27th May 1886. We concur in the reasons therein given for regulating the leave and pension allowances of Natives of India with reference to Indian rather than to English considerations.

33. The last recommendation to which we have to refer raises obvious considerations of some little difficulty; but it is in keeping with the general principles on which the Commission's Report is framed and which we have in the main accepted. The high preliminary qualifications in Oriental languages prescribed as a condition of eligibility to the Provincial Service, the requirement of recent residence of at least three years in the Province, the periodical publication of the rules framed with the previous sanction of the Government of India, and generally the considerations indicated in paragraph 84 of the Commission's Report, appear to us to be sufficient safeguards, and to fully meet the objections which naturally present themselves to the withdrawal of the orders of 1879. We therefore concur with the Commission in recommending that European British subjects resident in the Indian Provinces be eligible in common with others for admission to the Provincial Service under the ordinary rules, but that, when it is considered necessary to recruit persons of that class for the Provincial Service otherwise than under the prescribed local rules, the recruitment shall be effected through the Secretary of State.

34. We conclude our remarks on the Commission's proposals regarding the Provincial Service by saying that it seems unnecessary to make any such provision as that recommended in the 75th paragraph of the Report for placing the members of the Imperial and Provincial Services on a footing of social equality. When members of the Provincial Service hold offices mentioned in the Warrant of Precedence they will, in accordance with it, rank with members of the Imperial Service holding similar offices. This, we understand, is practically what the Commission desired; and further than this it seems undesirable to go.

## VI.

35. We have now placed your Lordship in possession of our views on all the proposals made by the Public Service Commission in connexion with the two great Services through which the Judicial and Executive administration of the country is carried on. There remain the various Special Departments, enumerated in the margin of paragraph 7 above, in respect to which the Commission has made suggestions. As a general rule, it may be said that the Commission has recommended the application to the Special Departments of the principles, so far as they may be practicable, which it has applied to the Covenanted and Uncovenanted Services. To this general rule no exception can be taken. No doubt a good deal will depend on the application of the rule; but this is an aspect of the question which we do not propose to consider until we have learned what your Lordship's conclusions are on the Commission's recommendations regarding the Covenanted, the Statutory, and the Uncovenanted Services, and on the observations which we have now made upon that portion of the Report. We may indeed find it necessary to modify in certain respects the definite suggestions which the Commission makes in regard to some, at all events, of the

Special Departments. But these are questions of detail which need not now be further pursued. We will only add that, taken as a whole, the Commission's suggestions in regard to the Special Departments seem to us to be as strongly marked by moderation and good judgment as the more far-reaching recommendations which we have now considered.

We enclose a Minute by His Excellency the Viceroy.

We have, &c.  
(Signed) DUFFERIN.  
FRED. ROBERTS.  
G. CHESNEY.  
ANDREW R. SCOBLE.  
C. N. AITCHISON.  
C. A. ELLIOTT.  
J. WESTLAND.

From W. M. YOUNG, Esq., Officiating Secretary to the Government of India, to all  
LOCAL GOVERNMENTS AND ADMINISTRATIONS, Home Department. Public.

SIR,

Calcutta, 16th March 1888.

WITH reference to Home Department Resolution No. 1573-<sup>34</sup>98, dated the 4th October 1886, I am directed to forward a copy of the final report submitted to the Government of India by the Public Service Commission.

Before coming to any conclusion on the various questions treated in this report, the Governor General in Council will await the communication of any observations, which

His Excellency in Council

His Honour the Lieutenant-Governor (and Chief Commissioner) may desire to make regarding them.

you

His Excellency in Council does not consider it necessary or desirable that discussion should be re-opened on the various matters connected with the recruitment, by competition or otherwise, of the Civil Service, or the Statutory Civil Service, or on similar matters of principle with which the Commission have had to deal; but he will be glad to be favoured with <sup>the</sup>/<sub>your</sub> views of the Government of Madras, &c., as to the extent to which the recommendations of the Public Service Commission can be carried out in the Madras Presidency, and would indicate the matters summarised in the paragraphs

Chapter X., paragraphs 25, 28,  
30, 33, 44, 48, 53, 59, 61, 75, 76,  
86 to 90

marginally noted, as some of those on which <sup>the</sup>/<sub>your</sub> opinion  
of His Excellency in Council  
His Honour the Lieutenant-Governor (and Chief Commissioner)

will be more particularly helpful to the Government of India in framing its decision. I am to ask that <sup>the</sup>/<sub>your</sub> reply of the Government of Madras, &c., may be submitted with the least practicable delay.

I have, &c.

W. M. YOUNG,  
Officiating Secretary to the Government of India.

From H. E. STOKES, Esq., Chief Secretary to the Government of Fort St. George, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department. No. 580, dated 5th June 1888.

I AM directed to acknowledge receipt of your letter, dated 16th March 1888, No. <sup>21</sup>/<sub>621</sub>, forwarding for the remarks of this Government the final report submitted to the Government of India by the Public Service Commission; and to state that it would have been replied to sooner but for the fact that the box containing copies of the report was over-carried to Bombay, and up to the 14th March only one copy had reached this Government.

2. As His Excellency the Governor General in Council does not consider it to be necessary or desirable that the opinion of the Government of Madras should be now given on the various important matters of principle with which the Commission has had to deal, the Governor in Council feels himself precluded from offering any remarks upon such subjects, though they affect very materially the matters upon which his opinion has been called for by the Government of India.



3. Under these circumstances the Madras Government consider that the most satisfactory way of meeting the request conveyed in paragraph 2 of your letter will be to remark *seriatim* on the portions of the report therein mentioned as points upon which their opinion will be considered particularly helpful by the Government of India.

4. *Chapter X., paragraph 25*—Deputy Collectors are indicated as the lowest grade of Revenue Officers to be included in the new "Provincial Service," and it is proposed that "as regards the Judicial Department the line should be determined, separately, by each local Government for each Province, subject to the sanction of the Government of India." The Madras Government would draw the line so as to include all District Munsiffs, as well as Presidency Magistrates and Small Cause Judges. The Government, however, do not see how these two branches (Revenue and Judicial) can be bound together in a single service, or how the members of them can possibly be graded together.

5. *Paragraph 28.*—The next question for consideration is whether competition, limited or open, can be introduced as a means of recruiting the "Provincial Service" so far as vacancies therein are not supplied by promotion from the subordinate executive service? To this question His Excellency in Council would reply in the negative. So far as the Judicial Service is concerned, the present system, under which District Munsiffs are selected by the High Court from men who have given proofs of qualification and capacity either as pleaders or as responsible officers of Civil Courts (*e.g.*, District Court Sheristadars), works very satisfactorily and need not be departed from; and as regards the Revenue Department, the Government are opposed to putting untried men under 25 years of age into Deputy Collectors' posts even on probation. Competition only affords a guarantee that a successful candidate is possessed of a certain amount of ability and application; and such a prize as a Deputy Collectorship must always be to the ordinary native official should, in the opinion of His Excellency in Council, only be awarded upon careful selection based on some considerable experience of the candidate's work and proved integrity. Moreover, the claims of the present subordinate executive service are so strong, and the importance of avoiding disappointment of their legitimate expectations so great, that in any case the bulk of the vacancies must for a long time to come be filled by promotion, and the places left open for competition would be exceedingly few.

6. The Madras Government have no objection to competition in itself; but they would introduce it lower down. They would throw open to limited competition at least a portion of the appointments in the subordinate service carrying salaries of Rs. 50 and upwards; and as time went on the proportion of places thus filled might be gradually increased, a sufficient term of really effective probation being imposed on the successful candidate in each case. Educated young men would thus begin their service as superior clerks, Deputy Tahsildars, or Taluk Sheristadars; and as those appointments serve as stepping-stones to Tahsildaries, the result would be a speedy improvement in the efficiency and tone of the Tahsildar class, a reform on which the Commission lays so much stress in paragraph 82 of its report. From the Tahsildar grade so strengthened, and from other quarters where proved men can be found, the Government should be left to recruit its Deputy Collectors by selection.

7. *Paragraphs 30, 38, 44, and 48.*—If it be decided that the "Provincial Service" shall be directly recruited by competition, the conditions proposed in paragraph 30 seem unobjectionable. Nor have the Madras Government any objection to the Commission's proposals regarding the admission of natives of other provinces (paragraph 38), the absorption on the "Provincial Service" of the present Statutory Civilians (paragraph 44); and, if competition is introduced, the establishment of a Board of Examiners on which the non-official community, Native and European, should be represented.

8. *Paragraphs 58, 59, and 61*, which deal with the Educational Department, also command the assent of His Excellency the Governor in Council. As to the abolition of the graded list, the officers now in the service and included in it cannot be got rid of until they become eligible for pension; but the list can be abolished if—(1) the inspectors are placed on a separate list as proposed by the Director in the papers forwarded with my letter No. 543, dated 29th September 1887, a scheme which the Government will accept and which seems to accord with the views experienced by the Public Service Commission; (2) if definite salaries, with suitable increments, are attached to the principalships of the three more important colleges; and (3) if the remaining officers, who will fill professorships, are allowed incremental salaries rising to Rs. 1,000. It is believed that a scheme of this sort can be devised which will give

satisfaction to the bulk of the officers concerned, and which will cost less than the graded list now does.

9. *Paragraphs 75 and 76.*—The Madras Government accept the Commission's proposal that no person should be appointed to the office of Superintendent of a Central Jail "who has not served three years in the Jail Department, or in the superior grades of the Police Department, or in both combined." At present all the District Jails but four in this Presidency are in charge of the Civil Surgeons; and of these four, two, in the hill tracts of Ganjam and Vizagapatam, are attached to sub-divisional executive appointments. The Superintendents of the remaining two (Tanjore and Palamcottah) are officers of the Jail Department; and it is thought that these two prisons will furnish sufficient training ground for such appointments to Central Jails as will be made from the Department itself. Should they, however, be found insufficient for this purpose, His Excellency in Council will be prepared to make over two more District Jails to special executive officers on a salary of about Rs. 350 a month. With regard to the employment of natives, I am to point out that a beginning has lately been made in this direction by the appointment of a Mussulman to the charge of the Palamcottah District Jail. But, considering the very large powers and responsibilities vested in the Superintendent of a Central Jail, and the great difficulty there is in detecting even gross irregularities, which are generally to the advantage of the whole establishment, it is thought that this is a position which, for the present at any rate, must be kept mainly in European hands.

10. *Paragraphs 86 to 90.—Police.*—With reference to paragraph 86, I am to state that His Excellency in Council has tried in vain to find any native now in the force fit for the appointment even of Assistant Superintendent of Police. Paragraph 87 (c) will, however, be kept in view, and will provide for the promotion of such men should they be subsequently found. With reference to paragraph 87 (b), the Madras Government doubt whether they are likely to get natives better qualified for the higher appointments by any system of mere examination. An Inspectorship is sufficient inducement for eligible men, if such exist, to join the force. With reference to paragraph 87 (a), I am to say that His Excellency in Council would be glad to see the force recruited in England from specially active and promising young men who have failed to obtain a place at the Indian Civil Service competition or to secure admission to Sandhurst, but have yet done fairly well in the examinations. In these cases the special examinations in England proposed by the Commission would not be required. The candidates selected should serve as probationers for a year or two; and if they do well, they should then be made Assistant Superintendents.

As to paragraph 89, it seems to this Government a wholly wrong principle that the majority of Inspectors should be promoted from the ranks. The Commission has itself condemned this system of recruiting Tahsildars; and the remarks made in paragraph 82 of the report would apply with even greater force to the advancement of officers from the lower grades of the police. Further, an Assistant Superintendent must be trained; and the only possible training he can get is by being entrusted with some or all of the duties of an Inspector. This Government, however, assents to the principle that appointments to the higher grades of the force should generally be made direct and not by promotion from the upper subordinate rank of Inspector.

With reference to paragraph 90, I am to observe that the question of improving the position and emoluments of the Station House Officers has already engaged the attention of this Government.

11. Lastly, I am to state that, although paragraphs 105 and 106 have not been specially referred for the consideration of this Government, His Excellency in Council thinks it will not be inappropriate to express his concurrence with the suggestions therein made.

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From W. LEE-WARNER, Esq., Secretary to Government of Bombay, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department.

SIR,

Bombay Castle, June 7, 1888.

I AM directed to acknowledge the receipt of your letter No. <sup>21</sup>622, dated the 16th of March 1888, relative to the recommendations of the Public Service Commission, and indicating sixteen paragraphs of Chapter X. of their report on which the opinion of this Government is particularly desired. These paragraphs naturally fall into four groups, of which the first, including paragraphs 28, 30, 38, 44, and 48, deals with the recruitment of the Provincial Service, while the second group of paragraphs, 58, 59,

and 61, concerns the Educational Department; the third group, consisting of paragraphs 75, 76, and 86 to 90, affects the Judicial Department; and paragraph 25 discusses the line of demarcation between the Provincial and Subordinate Service. I am to follow this division of the subject.

2. The scheme which is set forth in the first group is a system for the recruitment of the Provincial Service, other than by promotion from the ranks of the Subordinate Service. Its central idea is the introduction of open or limited competition with an examination conducted by a Provincial Board of Examiners. The plan which commends itself to the Commission is the abandonment of responsible nomination by Government in favour of a mechanical competitive system; and the advancement of the Bombay Presidency in education is specially cited in paragraph 82 of the Report as an argument for open competition. The only conditions imposed, as prerequisites to appointment, are a limitation of age below 26 years of age, the attainment of a preliminary standard of education, some physical qualification, and a certificate of good character. While recruitment is not to be limited to residents of the Province, a condition of three years' recent residence is imposed. The Statutory Civilians are, however, to be absorbed into this service without examination, but on equitable considerations; while the conduct of the examinations prescribed for other recruits is to be entrusted to a Board of Examiners. In short, the Government is to abdicate its responsible function of nomination in favour of a Board of Examiners, who are to conduct an open or limited competitive examination, and the only safeguards are those which have been recited. But this review would be incomplete and misleading without reference to the setting in which these fundamental changes, recommended with some special reference to Bombay, are exposed to view. The point of view from which a scheme of competition is regarded with favour by the Commission is clearly shown in the 82nd paragraph of the Report. A significant emphasis is there laid upon the necessity for the greatest care in the selection of responsible executive officers, which has apparently been overlooked in another Province, while in regard to the Bombay Presidency the advantages of open competition are claimed as most appropriate in Provinces where general educational conditions are advanced as they are in Bombay and Bengal.

3. Before defending the position which this Government is about to maintain, I am to explain that the system which they would prefer to adopt is a development of that which has already led to the general advancement acknowledged by the Commission, and to the high level of educational attainments possessed by their public servants which are set forth in paragraph 52 of the Report. Under the present system nomination by Government means selection from the best results of various types of educational production, limited, however, by the operation of various tests of qualification which this Government has voluntarily chosen to prescribe and impose upon its exercise of its powers. A recent illustration of the practical working of the scheme will be found in the rules regulating admission of candidates into the lower grades of the Public Service published under Notification No. 597 at page 327 of the "Bombay Government Gazette" of 5th April 1888. Under this system the selected candidate owes his nomination to Government, and not to the mechanical operation of a system of competition. While a certain level must be reached by all, it is open to Government to dispense their patronage according to the claims of various classes of the community. After the selection of the candidate he is subjected to departmental tests, and it is at this stage that the Government of Bombay are prepared to recommend changes for the improvement of the present system by the imposition of a well prepared scheme of special education, followed by a probationary term during which the selected candidate will apply the results of his general education, and of his subsequent special instruction to the practical task of his public life. But the central idea of the scheme, thus enlarged, will still be nomination regulated by self-imposed limitations on the freedom of Government, and not the surrender of the educational and political lever of patronage for the one-sided test of a competitive examination conducted by an independent Board, limited to the exercise of selection from an appraisal of work done in the examination room.

4. Before passing on to the enlargement of this scheme of nomination by the special and practical training which this Government would advocate, I am to dwell briefly on other objections entertained by them to the introduction of the competitive system. I have explained for what reasons that system is deemed superfluous in consequence of the limitations upon an arbitrary exercise of the power of nomination which this Government has imposed on itself. I am now to indicate some of the dangers of such a scheme. The Commission has properly thought it desirable to submit to Govern-

ment a statistical table, in paragraph 54, showing the present incumbents of office according to caste. Out of 328 Hindu incumbents, 211 in Bombay belong to a single caste, one which has always been honourably connected with educational attainments and official honours, but which represents, as indicated by the Commission, only 5·5 per cent. of the male Hindu population of the Presidency. The protection of the less advanced classes in Bombay is a recognised feature of the educational system, and finds a place in the scholarship rules that have lately been issued. It seems evident to this Government that in a great variety of communities, divided by sharp lines of creed and caste, some principle of representation must be secured; and no open competition can provide this. There is a second danger incurred in a competitive system, apart from that of its want of adaptation to the principle of representation.\* The needs of various departments demand an essential variety of attainments; and the system of nomination enables Government to select from a high level of general educational qualifications the individual whose special aptitude for the particular qualifications, whether mental, moral, or physical, of each Department, is most obvious. The competitive system in England is a part of the whole social and educational system; and while it only professes to test one set of results, it can ensure the possession by those who submit to it of other indispensable qualifications. On such a subject it is necessary to be on the guard against false analogies. There is also another point of view, from which the abandonment of nomination must be examined. For the last few years this Government has striven to liberate educational enterprise from a dull uniformity, and from the production of a single type of instruction. The greatest lever which Government can apply is the reward of public patronage. By a judicious use of it, Government can infuse energy into several educational agencies and varying phases of instruction, and general educational conditions are advanced along the whole line instead of being sacrificed to the sterile predominance of a single competitive examination. The institution of a competitive examination would thwart these efforts, and would tend to narrow the aims of education, and to concentrate the attention of teachers upon the attainment of a single object. At present the limitations which Government impose upon their powers of nomination are extended and varied in sympathy with the general advancement; and all forms of educational activity endeavour to keep abreast of the demands of Government. Lastly, there is the political advantage of patronage, which is much enhanced by the confidence of all classes of the community in the justice of Government, and in the guarantees against caprice or inefficiency which are provided by the tests laid down for the attainment of a high level of education.

5. The Commission have dwelt upon the careless selection of Tehsildárs as the prelude to their recommendation. I am directed to explain briefly the character of the restricted nomination which the Government at present exercises and continues to advocate. It has been noticed that the scheme of recruitment recommended by the Bombay Government is divided into three parts, first, nomination from persons proved to have attained high general educational qualifications; secondly, the application of these general attainments to special instruction tested by an examination conducted by experts; and, thirdly, the proof of a successful application of these qualifications to the practical work of public life. I am now to illustrate the reality of the conditions included in the first part of the scheme. It would be only a partial reply to the suggestions made by the Commission as to greater care in the selection of Tehsildárs, to point out that, whereas 62 of that class of officer in the Bombay Presidency out of 157 Mámílatdárs passed University Examinations, in the North-West Provinces only 11 out of 225, or in the Punjáb only 10 out of 123 are similarly qualified. If the appointments of the last ten years were examined, the proportion of highly educated Mámílatdárs in the Bombay Presidency would be found very much larger. In the Judicial Department, the qualifications for appointment as a Subordinate Judge are prescribed by section 22 of the Bombay Civil Courts Act (XIV. of 1869). Two sources of supply exist, the University Examination and the High Court Examinations. Even after this test, passed candidates must go to a District Court or to the High Court to perform practical work under the Government Pleader. They are now to become the subject of report by the District Judge; and with all these safeguards they pass into the public service. In the Educational Department a high University degree is required of those who constitute the higher ranks of the service. Thus it will be seen that the system of nomination, which it is proposed to retain and to develop, is regulated by rule or law, and the dangers which seem to have impressed the Commission when they recommended an open competition have no reality in this Presidency.

6. Upon these foundations of limited nomination, which can be strengthened as general education advances, the Governor in Council would impose a system of special instruction for recruits who are not promoted from the subordinate service. The details of such a scheme can be worked out, when the principle is accepted, and no difficulty is anticipated in providing either the training in a special institution or the special tests required for the various branches of the public service. There would be no need to have recourse to the formation of a Board such as is suggested in paragraph 48 of the recommendations of the Commission.

7. Turning to the 30th paragraph of Chapter X., I am to observe that the limitation of age there proposed would apply to selection under the scheme proposed. Otherwise, I am to observe that a limitation to under 26 years of age would be inconvenient, especially in regard to the Judicial Service, to which persons not over 30 years of age are admitted. The system of their probation, which I have already referred to, makes the extension of age necessary. In connexion with the subject of limitation, I am also to notice the residential limit discussed in paragraph 38. Under all circumstances, this Government would deprecate the adoption of this suggestion. In regard to candidates, whether Native or European, it is undesirable to impose a restriction upon their pursuit of an education in England or to require a term of preliminary residence in India, by which the results of an English education would be impaired. Neither does it seem desirable to create any safeguard against the intrusion of candidates from other Provinces, so far as this Presidency is concerned, unless the competitive system be adopted in opposition to the views of this Government. The candidates who would be excluded by the rule are residents of the Native States, who at present are debarred by paragraph 2, section 22, of the Bombay Civil Courts Act from obtaining judicial office, but are otherwise eligible for appointments in the British service.

8. Subsequent to the special education which a Provincial College might ensure, and which otherwise must be provided by the candidates for themselves and subjected to the test of examination, there should be a second stage of probationary training, when the candidate has been inducted into the public service, and has commenced, under official supervision, to apply his attainments to the practical discharge of his official duties. The Governor in Council would desire to make this test a real test, and would insist on the exclusion from final appointment of any selected candidate who failed to give satisfaction to his immediate superiors. This probationary period might last for two years, with a report at the end of each year and an examination of a practical nature at the end of both.

9. Such is the scheme which this Government would prefer to see adopted instead of the introduction of the competitive system. It secures to Government the power and grave responsibility of nomination, with an adequate guarantee of general educational attainments; it enables them to redress the inequalities of a mechanical recruitment, and to encourage all educational activity, while it selects the test required for particular work. After selection, the candidate is specially trained for his future career, and when finally selected with certificates of approved character and intelligence he is tried for a short period in the ranks of the public service before he is finally appointed. In order to exhaust the paragraphs discussed in this first group, I am to state that Government concur in the absorption of the Statutory Civilian in the new Provincial Service. Under the statute his right is to the appointment he holds. By holding it, he does not become a member of the Covenanted Civil Service, and with the equitable conditions prescribed in recommendation 44 he can have no ground for complaint.

10. I am now to proceed to an examination of the second group of recommendations numbered 58, 59, and 61, which affect the Education Department. The recommendations on this subject limit recruitment in England to special appointments, and in the case of Professors to specialists engaged, if possible, for a term of years. The abolition of the graded lists with due regard to vested interests is suggested, and in the 64th paragraph, to which special attention has not been invited, the recruitment of Inspectors is dealt with. I am to offer the following remarks on these subjects. To the abolition of the graded list in the future Government see no objection, but for those who are now included in it promotion must be provided in accordance with legitimate expectations based on past experience. The introduction of the new scheme will probably involve expense, since the salary of any appointment now in the grades, if based on the considerations recited in paragraph 60, will presumably be higher than the lowest salary of a graded service. If financial difficulties are surmounted, the recommendation 61 should, in the opinion of His Excellency in Council, be carried out. The restriction of recruitment from England recommended as a rule in paragraph 58 is the

practice now in force. The adoption, however, of this practice has been forced upon Government not in the interests of education but in those of economy. As the Government of India are aware, a strong case was made out by this Government in 1885 for strengthening the Deccan College, which was not sanctioned by the Government of India owing to fiscal considerations; and even in regard to high schools, a rule which makes it impossible to give to them the benefits of English supervision is one which must be accepted as inevitable rather than approved on principle. The recruitment of specialists and for a term of years was advocated by this Government in 1886, but the success of the experiment would depend largely upon the co-operation of educational agencies in England. If the interchangeability of Indian and English Professors in special subjects could be secured, the difficulty of short service would be solved. Otherwise it may prove to be more economical to fix engagements for a longer period. Much would, however, depend on the pension or gratuity rules. In regard to the engagement of specialists, and indeed of all future European recruits, the Governor in Council would ask for the largest liberty both as to the terms of their engagement, and to the country or profession from which they are to be recruited. It is impossible to foresee either the methods or agencies of future educational developments in India. The field is so vast, and the wants of the country so various. This Government is not even prepared to defend the reservation, by a strict rule, for Englishmen of the appointments entered in paragraph 58, while on the other hand it doubts the expediency of absolutely limiting recruitment from England to these situations. At present the Governor in Council is not inclined to recognise the propriety of permitting its Professors to undertake extraneous duties; but it has been suggested that specialists might devote a certain time to lectures in College without neglecting professional work or private practice. In view of the uncertainty which surrounds the consideration of this and other questions in the present state of Indian society, the Governor in Council can at present do no more than give a qualified assent to the recommendations of the Commission affecting the Education Department except the 64th in which he cannot concur. He is strongly persuaded that measures are needed by an extension of the principle laid down in the Report to facilitate the retirement of officers of the Educational Department, who from any cause may prove unequal or indifferent to their work in an Indian climate. In fact, in view of the proposed reduction of scheduled appointments, and the need of efficiency in the diminished ranks of the Imperial Service, the Governor in Council would advocate a system of proportionate pensions in other Departments besides the Educational. Since the reserve, on which Government can rely, must in any case be much reduced by even a partial adoption of the recommendations under consideration, it becomes more essential than ever that the Provincial Governments should be free to make the best arrangements they can in the interests of provincial education, whether in the matter of appointment or of retirement. For these reasons this Government cannot concur in the 64th paragraph of Chapter X. of the report. Educational activity has greatly advanced in this Presidency, and since the report of the Education Commission was issued, the field of public instruction has been largely occupied by private enterprise of varied types and aims. The widest choice should be allowed in the selection of Inspectors, whose duties become more onerous and important as aided institutions develop; and this Government greatly deprecates the exclusion of teachers and professors from their area of selection. Since the service which it is proposed to establish is Provincial, and since advancement in the various Provinces of India varies so considerably, it seems to be desirable that the largest freedom should be allowed to the Provincial Governments in the details of organisation upon the general lines laid down by the Government of India. Under no other system can decentralisation become a reality. Finally, in regard to the Educational branch of the Provincial Service, as of other branches, I am to observe that the opinion already expressed holds good. The requirements of the specific department must be considered at each stage, at the initial nomination by Government, in the special education either provided in a Provincial College or elsewhere, and in the final period of probation when the selected candidate applies his attainments to the practical work of instructing others. In all cases, a thorough knowledge of English and of the Vernacular will be insisted upon.

11. The third group of paragraphs, to which you invite particular attention, numbered 75 and 76 and 86 to 90 respectively, concerns the Jail and Police Departments. In regard to the 75th paragraph, I am to observe that, in the opinion of this Government, the Superintendent of a large gaol ought to be, whenever it is practicable, a medical expert. This seems to be expedient on financial grounds, and the importance

of maintaining the health of the inmates of crowded gaols in a country liable to cholera and other epidemics, is so obvious as to justify this principle. Where, however, medical knowledge can be dispensed with, Government will be glad to meet, as far as possible, the recommendations of the Commission. In the appointment of Superintendent of a Central Gaol, Government already appreciate the advantage of the conditions prescribed in the 76th paragraph of Chapter X., but they deem it important to look as much to character as to experience. Gaolers must be faithful and inflexible in the discharge of their monotonous duties, and the requirements of various gaols depend on the strength and surroundings of each gaol as well as on the class of prisoners confined in it. Under these circumstances, Government would deprecate the imposition of any restrictions upon their choice of a Superintendent of a Central Gaol, or even upon that of a Superintendent of a District Gaol. It seems to them that the widest discretion should be allowed in this Department.

12. The recommendations numbered 86 to 90 affecting the Police Department deal partly with the recruitment of Superintendents and Assistant Superintendents of Police, and partly with the appointment of Inspectors and the remuneration of the lower grades. In regard to the first question, I am to observe that there is no obstacle in this Presidency which would prevent a competent Native becoming an Assistant Superintendent or a Superintendent of Police. Already a Parsi is officiating in that post. Government must, however, be satisfied that officers of this department are possessed of courage, constancy, and temper, and can command the confidence of the people as well as of the force under their command. Quick intelligence and tact, rather than high intellectual gifts, are required. The Governor in Council concurs in the opinion that some indispensable educational attainments are necessary, but if these are secured, the nomination should be left to the discretion of Government. He would, therefore, deprecate the selection of candidates from England, or a compulsory system of competition amongst candidates selected in India. A better class of recruit could be obtained under the scheme described in paragraph 87 (b and c) in India than by competition in England. It would be difficult to append to a system of competition in England a really strict condition of probation in India, a matter to which this Government attaches particular importance in regard to Assistant Superintendents of Police. On the other hand, selection by compulsory competition in India fetters the discretion of Government in exercising a choice which is peculiarly difficult where Police appointments are concerned. The best system appears to Government to be the insistence upon a good general education as indispensable, and selection from candidates possessed of this qualification based upon considerations of robust health, tact, discipline, and shrewdness. No competitive examination can test these latter qualities, nor, again, can they be fully tested by selection without probation. The system which this Government approves in the recruitment of the higher grades of Police officers is a selection limited by the demand of a good education, followed by special instruction tested by departmental examination, and a period of strict probation in the discharge of Police duties. In regard to paragraphs 89 and 90, I am to observe that Government concur in the general conclusions arrived at, and have lately been engaged in the elaboration of measures for the improvement of the position of the lower ranks of the Police force. Inspectors are already, as a rule, selected on the principle laid down, and it has never been the practice to make appointments of Inspectors with a deliberate view to promotion to higher offices. In a large city like Bombay with its influx of sailors, and in cities which are close to military cantonments, or at the centres of railway construction, some latitude must be left to Government for the appointment of inferior European officers of Police; but, as a general rule, this Government concurs in the recommendations of the Commission.

13. I am next to refer to paragraph 25 of the report, Chapter X., and the 75 and 81 paragraphs of the report which deal with the line of demarcation between the Provincial and the Subordinate Civil Service. It is proposed that in the Executive Department the line of division should be drawn between the appointments of Deputy Collectors and of Mámledárs, while in the Judicial Department each local Government should fix the line subject to the sanction of the Government of India. Of the three alternatives open to the local Government which are suggested in paragraph 81 of the report, I am to observe that a division based upon a minimum of salary does not commend itself to the Governor in Council. In graded services, such as that of the Subordinate Judges, a low initial salary is no test of the general standard which it is desired to introduce for that service. The members of the lowest grade, as a rule, rise to the higher salaries, and their responsibilities and duties do not differ, except, perhaps,

in degree from those attached to the more highly-paid appointments. The proposal to draw the line at a certain grade of appointment is for the same reason undesirable, since, for example, the Subordinate Judicial Service, or the Graded Superior Police Service, is practically one service divided only for financial purposes and not for administrative reasons. There remains, therefore, the alternative of including in the Provincial Service certain classes of appointments, and the best division appears to be that which is followed in each province in the distinction between gazetted and ungazetted appointments. The distinction is well known, and expresses the difference between a nomination made by Government and one made by the head of a department, a difference which is recognised by law as well as by custom. A few appointments of a quasi-executive or quasi-judicial character might be added to the list, but this is a matter of detail, and with the main principle of the line of demarcation suggested this Government concurs.

14. I am directed, in connexion with this subject, to call attention to the appointments that it is proposed in Appendix N. to reserve as scheduled under Statute 24 & 25 Vict., Cap. 54, and the effect of which is shown in paragraph 77 of the report. The Governor in Council takes note of the desire expressed in your letter, that discussion should not be raised on matters of principle; and I have been directed to observe throughout this letter the limitation upon criticism thus imposed. But there are two matters of detail upon which this Government desires me to submit some remarks. The exclusion from the list of reserved appointments of Under Secretaries to Government is open to the objection that, if the directive or Imperial Service is to be reduced, the range of selection for the important post of Secretary will be narrowed. It becomes also more important than ever that the members of the Imperial Service should be trained in the most complete manner possible. A course of Secretariat training will be most valuable to them in their administrative work, while again it is desirable that Government should be able to select for the post of Secretary, which is reserved, men who have been previously tried and trained in Secretariat work. In some of the Secretariats of the Government of India this training can be given in the position of Junior Under Secretary or Attaché, but the Secretariat of this Government has only two Secretaries and two Under Secretaries in the whole range of its Revenue, Financial, General, Judicial, Educational, and Political Departments. The exclusion of the two places of Under Secretary would thus limit the opportunities of training open to the Imperial Service, and seriously hamper the selection of the Secretaries. It would also be open to the special objection in Bombay, that the work is so heavy and the establishment so weak as to require the Under Secretary to do work, which elsewhere belongs to the Secretary, and to divide with him certain classes of work rather than render him subordinate assistance in the disposal of it. The other matter of detail to which I am to refer, is that to which the Commission refers in paragraph 80 in these terms: "It is moreover very desirable that in giving effect to changes, which may be introduced, care should be taken not to disappoint reasonable expectations regarding promotion formed by any class of public servants on the procedure ordinarily adopted by the Government." One change was introduced by the statute of 1870, but a far greater change is proposed in 1888. If the Government of India accepts the principle of hereafter altering the schedule as proposed, reasonable expectations formed on the procedure adopted prior to that change, and not merely prior to 1870, must not be disappointed. The changes proposed are of great magnitude, and will be more acceptable to the public sense if introduced with scrupulous justice and good faith. The interests of servants in the present employment of the State is of some, but of secondary importance, but the interests of the future Imperial Service are of a far more serious nature. Measures affecting the prospects of an Indian career will be discounted at the sources of its supply in England; and it is as much by the public confidence which the Indian Government inspires as by the attractions it can offer that the aim of the Commission will be reached, namely, the maintenance of "the very high standard of qualification necessary for the Covenanted Civil Service when reduced to a *corps d'élite*."

I have, &c.

W. LEE-WARNER,  
Secretary to Government.



FROM J. WARE EDGAR, Esq., C.S.I., Chief Secretary to the Government of Bengal,  
the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department.

SIR,

Calcutta, May 4, 1888.

I AM directed to acknowledge your Letter No. 21—623, dated the 16th March last, forwarding the final report of the Public Service Commission, and to submit a Minute recorded by the Honourable the Lieutenant-Governor on the subject, with special reference to the matters upon which his opinion was specifically asked for by the Government of India.

2. Sir Steuart Bayley has found it necessary to direct further inquiry upon some of the points dealt with in the Minute, and upon these detailed reports will be submitted hereafter.

The chief among these matters are—

- 1st. Final and exact proposals regarding the appointments which should be removed from the schedule, in continuation of the remarks contained in paragraph 15 of the Minute ;
- 2nd. A definite scheme on the lines laid down in paragraph 17 of the Minute for the gradual appointment of officers of the Provincial Service to the full number of excluded Judicial and Executive appointments ;
- 3rd. Questions connected with the best means of preventing the exclusion of Natives of Behar and Orissa from appointments in those provinces, and with the proposal to appointment of a Board of Examiners for the whole of Bengal (paragraphs 21 and 23 of the Minute) ; and
- 4th. A report on the proposals of the Public Service Commission regarding the Education Department.

I have, &c.

J. WARE EDGAR,

Chief Secretary to the Government of Bengal.

Enclosure No. 1 in preceding Letter.

MINUTE in reply to Government of India's Letter of 16th March on Public Service Commission's Report.

I UNDERSTAND that the Government of India do not consider it necessary or desirable that I should discuss the "various matters connected with the recruitment by competition or otherwise of the Civil Service, the Statutory Civil Service, or similar matters of principle." They do require my views as to the extent to which the recommendations of the Public Service Commission can be carried out ; and they ask specially for my views on certain specific recommendations which may be described briefly as dealing with the limits of the Subordinate Civil Service, the recruitment for the Provincial Service, the absorption of the existing Statutory Civilians, the creation of a Board of Examiners, the reconstitution of the superior Educational Service, the recruitment for the higher grades of the Jail and Police Services.

2. The meaning of this I take to be that I am to assume as settled—(1) the continuance, on its present lines, of a Covenanted or Imperial Service, diminished greatly as to numbers ; (2) the creation of a Provincial Service comprising the existing Subordinate Executive and Judicial Services, but enlarged from above by its members becoming eligible for promotion to the offices removed from the covenanted schedule ; this service will absorb all existing Statutory Civilians ; (3) the discontinuance of the Statutory Service ; and (4) the welding into a Subordinate Civil Service of a number of miscellaneous appointments (in this province almost wholly executive) below the line of Deputy Magistrates ; and the Government of India want me to indicate, as far as may be, on these assumptions, the methods by which, and the time within which, and the extent to which, I would propose to fill up either with Statutory Civilians or from the existing Subordinate Executive and Judicial Services (henceforth the Provincial Service) appointments now in the covenanted schedule ; how such appointments should be paid ; and how the Provincial Service should be recruited. The minor points, such as the creation of the Board of Examiners, the proposals for altering the conditions of the Educational, Police, and Jail Services, can be considered separately, and need not now divert attention from the main channel.

3. The difficulty of dealing with these questions is not diminished by the necessity of considering them subject to certain dominant conditions which themselves require explanation and criticism. The first of these is that in carrying out the projected

changes regard should be had to the claims of the Covenanted Civilians who competed in or before the year 1870, and of other officers appointed to the several commissions prior to that year. This means that those who have entered the service since that year did so subject to the understanding that outside natives might be appointed over their heads to posts hitherto reserved for the Civil Service. But this would scarcely justify us in altogether disregarding the reasonable claims to promotion of those who have entered the service subsequent to that date, and I am certainly not inclined to treat those claims as non-existent.

4. Another condition which increases the difficulty of making proposals is that laid down in paragraph 85 (41 of Chapter X.), to the effect that the pay of appointments filled from the Provincial Service should be fixed with reference to what is required for the Provincial Service, and not by a consideration of the pay which would be required by members of the Imperial Service. Now, Statutory Civilians have distinctly a claim to expect that, *ceteris paribus*, they will be promoted side by side with their Covenanted contemporaries, and that they will receive two thirds of the salary given to the latter. This claim necessarily conflicts with the above condition. And quite apart from this it is obvious that we shall be entering on a very embarrassing course in declaring that the same class of appointments, if held by Imperial officers, will carry one scale of pay, and if held by Provincial officers, another and a lower rate of pay. It will be embarrassing administratively in fixing acting and leave allowances, but it will be still more embarrassing politically, as the argument that the duties being the same, the pay should also be the same will assuredly be pressed vigorously.

5. Another difficulty arises from the expression in paragraph 81, that the proportion of judicial and revenue appointments—which, I take it, does not touch Secretariat, nor perhaps the Board and other outside appointments—excluded from the schedule should be gradually “amalgamated” with the Provincial Service appointments. The question is twofold, first, as to the intention of the Commission; secondly, as to the expediency of giving effect to that intention.

6. There are two possible methods of carrying out the main idea of the Commission. We might either cut off from the scheduled list from time to time certain specified Judgeships and certain specified districts, and say:—“These specific districts and these specific Judgeships shall in future be manned by officers of the Provincial Service, and not from the Imperial Service, and the scale of pay shall be fixed accordingly.” This would be real amalgamation. Or we might say:—“There is no difference between one district and another, or between one Judgeship and another, so far as their tenure by officers either of the Imperial or Provincial Service is concerned. A Provincial officer will be held eligible to any district, an Imperial officer will be held eligible to any district, but we undertake by degrees to appoint officers of the Provincial Service to districts and to Judgeships till the proportion given in the schedule is reached, and to maintain that proportion thereafter.”

7. I was at first in doubt which of these two plans the Commission desired to adopt. The word “amalgamation” indicated the former. The reference to “proportion” seemed to leave room for the latter. But on again carefully studying the report, I am convinced that the former scheme or real amalgamation is what the Commission have in their mind.

8. Either plan is fraught with difficulty. If we proceed by the former process of excision and amalgamation, we should begin no doubt by excluding from the Imperial list the less difficult and less important districts and Judgeships, but any time an excluded district might (and if the experiment of Provincial district officers fails, infallibly would) become one of the utmost importance—one in which from lawlessness, lax police administration, or agrarian troubles, the services of the very best and most experienced officers available would be required. We should, however, find ourselves in such a case restricted to what is *ex hypothesi* the inferior service in our choice of men. So with Judgeships. In order to reorganise the subordinate courts and establishments, or to control an unruly bar, we may want a man not merely capable of deciding cases, but a man of administrative capacity and special strength of character. Yet we should be unable to select from the one service where the possession or lack of these qualities has been ascertained and tested by experience.

If this plan is adopted, it would be necessary to safeguard it by power to interchange districts from one list to another, maintaining, however, the relative proportion between the two lists.

Altogether, however, the scheme seems to me dangerously inelastic, and might lead to deplorable results administratively.

9. The other scheme is far more elastic, but it is less definite. It would have to be safeguarded by definite pledges as to the time within which successive steps in bringing in the full proportion of men from the Provincial Service would be carried out, and would have to be watched jealously by the Government of India. It would also tend to most undesirable confusion and complication in regard to acting allowances or leave rules. I need not apologise for quoting the following extract from a note by the Chief Secretary to Bengal, Mr Edgar, to show how strongly he feels this difficulty.

He writes :—“ I can easily understand, and should have little objection to accepting, “ a rule that a certain proportion of Judgeships and Collectorships should be filled by “ outsiders on the pay of the post, but they should cease to belong to any service on “ obtaining the appointment. I can also understand the practicability of severing certain “ specified districts from one schedule and entering them in the other, though I fully “ agree with your objection to this. But I cannot imagine any means of working a “ scheme under which a proportion of the appointments are to be left in one schedule “ and the remaining fraction put into another schedule with different rates of pay, “ according as they are held by men of one or the other service. How leaves and actings “ and necessary transfers are to be worked under such a system is to me unthinkable, “ and even if this be got over, there will be the constant difficulty caused by men of the “ superior service put to serve under men of the inferior. This would not be felt to “ anything like the same extent if the Judge or Collector ceased on promotion to belong “ to the Provincial Service, just as a Subordinate Judge if taken into the High Court “ would cease to belong to the Subordinate Judicial Service.”

10. From another aspect too the second scheme is slightly, though very slightly, more inconvenient than the former. In whatever way we give up a proportion of districts and of Judgeships to the Provincial Service, we weaken *pro tanto* the fundamental justification of an Imperial Service, that there are certain classes of high appointments for which it is essential to obtain more efficient and more highly educated men than can be recruited in India, and that such men must be paid highly in proportion. By saying that one tenth or one third of these appointments may equally well be filled from the Provincial Service, we unquestionably weaken this position, and we only make the weakening process somewhat less palpable if we cut off specific districts and specific Judgeships than if we fill a proportion of the general list from the Provincial Service.

11. I have already adverted to the objection of having different rates of pay for identical work, according to the service from which the officer performing it is taken. It is possible to make too much of this argument, however, which would condemn, if carried to its legitimate conclusion, the different salaries carried by different grades of Judges and of Collectors. Both this argument and the difficulty in regard to acting allowance would, however, be met if the Government could now see their way to carrying out General Strachey's scheme of a substantive grade-salary, based on seniority and service, plus a staff allowance fixed for the particular appointment, which staff allowance would be the same whether it was held temporarily or permanently, whether by an Imperial or a Provincial officer.

12. After giving the matter my fullest consideration, I am of opinion that we should proceed, not on the principle of revision and amalgamation, but on the basis of leaving all districts and all Judgeships equally open to the men of either service, but engaging to fill a certain proportion of them in a given time with men from the lower service.

13. In framing proposals on this subject it is to be remembered—first, that Statutory, if efficient, have a claim to promotion *pari passu* with Covenanted men, and we are bound to make provision for them inside the number of these transferred appointments; secondly, that the Commission do not expect the full proportion of these executive and judicial appointments to be completely filled up for a long time—“ a generation of official life,” which may be considered as not less than 25 years; thirdly, that they obviously intend to draw a distinction between these executive and judicial appointments which, from the repeated use of “ amalgamation,” they evidently mean should in course of time be wholly manned up to the fixed limit by men of the Provincial Service and the other or miscellaneous appointments removed from the schedule, which are only open to that service, but not transferred to it or amalgamated with it.

14. Subject to these preliminary remarks, I will now indicate, taking paragraph by paragraph of the Summary in Chapter X., the recommendations which I am disposed to make to the Government of India.

I gladly avail myself of the indication of the Government of India's wishes to avoid discussion of the broad lines on which the Commission have attempted the solution of the problems before them, and desire it distinctly to be understood that I confine my remarks to those sections which cannot be passed over in giving an adequate reply to the Government of India's letter. With this view I omit the first fifteen paragraphs of the Summary in Chapter X., though on some of these points I heartily disagree in matters of detail with the Commission.

15. In paragraph 16, accepting freely the decision that the number of appointments in the reserved schedule should be reduced, we still have to consider whether the schedule recommended in Appendix H. should be adopted. I entirely concur with the dissent of the minority in regard to the Board of Revenue, and to their arguments I would add the consideration that if one of the appointments is transferred to the Provincial (practically a native) Service, any reorganisation of the Board on more economical lines such as I hold to be very desirable will be exceedingly difficult to carry out. Personally, I object also to the Commissionership being removed from the schedule. If such an appointment as a Commissionership is not to be reserved for the *corps d'élite*, the whole justification for such a corps breaks down. As to other appointments, I should like to defer sending up a final and exact scheme till I can have the whole matter carefully examined in the Secretariat; but as the Government of India are anxious for an early reply, I append to this Minute a copy of the note which I supplied in June last to the Commission on this point; and though the figures of this note are open to revision, its main lines will not be materially altered, and will sufficiently inform the Government of India of my general views. It will be found that in the reductions of districts and District Judges the note coincides very closely with the recommendations of the Commission.

16. Paragraph 17 raises a very difficult question, on which I fail to understand the Commission's recommendation. Recruitment is now based, not on the scheduled appointments, but on the actual number of "charges" held by civilians in each province, plus a certain per-centage to cover officers on leave, officers lent to the Government of India or other provinces, and officers in training. The Commission propose to base it in future on the reduced schedule, forgetful apparently that for an official generation at least many of the excluded appointments must continue to be held by men of the Imperial Service. The only way I see of dealing with this question is to continue to take the number of "charges" as at present; but in making the forecast to deduct from that number, say, one third of the excluded appointments for the first quinquennial period, and an additional one third for the second quinquennial period, as likely to be filled within that time from the Provincial Service, and then add to the total charges thus arrived at the usual per-centages. The point, however, is one on which the Government of India perhaps hardly need the opinion of Local Governments.

17. Paragraphs 21 and 22 require to be considered together. It is a little difficult to feel sure of the exact effect which the Commission would give to their recommendations in paragraph 80. They say, what I think is perfectly just, that effect must be given to the intentions of Parliament, which were "as little hostile to the interests of the Covenanted Civil Service as a due appreciation of conflicting claims could permit"; and they go on to say that the Statutory Rules introducing one statutory to every five competition men had no serious prejudicial effect. Inasmuch as the recruitment figure has, for the last seven years at all events, been based on the total number of competition men and statutories, the service has really lost nothing by this. But the Commissioners admit that the matter assumes a different aspect now that they propose to remove 108 appointments from the scheduled list, &c.; and they add that care should be taken not to disappoint reasonable expectations regarding promotion formed by any class of public servants, yet in practice they urge us to consider only the claims of those enlisted before 1870.

To my mind those enlisted subsequently have also a claim, though not perhaps so strong a one. We must endeavour to arrive at some solution which, while carrying out the intention gradually to fill the excluded appointments with men of the Provincial Service, shall do as little injury as possible to men already in the Civil Service; and if the Secretary of State remains of the same mind as formerly, in refusing all inducements to retire, the only method I see of doing this will be to fix beforehand a relative proportion of vacancies to be filled from the Provincial Service. Obviously to fill up all vacancies in District Judgeships till one third are absorbed would be utterly unfair to the men who have chosen the judicial line, and so, though to a lesser extent, with the executive line. On the other hand, we have ten Statutories already

holding excluded appointments, and they will go up in their turn, while we fill their places from below from the Provincial Service. In addition we shall have to propose to fill up one in *x* vacancies among District Judges and District Magistracies also from the Subordinate or Provincial Service. Perhaps for the Judicial we might say every fifth, for Executive every twelfth vacancy, or something of this sort. For appointments outside the regular line, I would acknowledge no rule, but merely promote when special aptitude is discoverable. A more definite scheme on these lines, and showing how long it will take to work up to the full proportion laid down in the schedule, and how, if at all, it will be possible to deal with the promotion of provincial men to acting vacancies, will be worked out in the Secretariat and submitted hereafter, but the above indication of my views will, I trust, suffice to meet the present object which the Government of India have in view.

18. I see nothing to object to or to discuss in reference to paragraphs 23 and 24 of the Summary. On paragraph 25 I am asked to express an opinion, the practical question being the line of demarcation in Bengal between the Provincial Service and the Subordinate Civil Service.

In the Executive Service I should say that all Deputy Magistrates and Deputy Collectors should be in the Provincial Service; all Sub-Deputy Collectors in the Subordinate Service. Our tehsildars for a small class apart, but I should put them in the lower service. In the Judicial line we have nothing below Moonsiffs, and no Moonsiffs draw less than Rs. 200. They must be included in the Provincial Service. This arrangement would make promotion from the Subordinate to the Provincial Service rare and exceptional; but I see nothing to object to in the remarks on this subject in paragraphs 26 and 27 of the Summary.

19. Paragraph 28.—I do not think that it is essential for the two branches of the Provincial Service to be recruited under one and the same system. As a matter of fact, the Subordinate Executive Service is now recruited by Government principally by competition, and to a very small extent by nomination (as in the case of the Cirencester graduates) and by promotion from the Sub-Deputy grade; but the system is too recent to express any decided opinion on its working. For my own part I should be content to recruit two thirds of the vacancies by competition, and leave one third to be filled by promotion from the Subordinate Service or nomination.

The Judicial Service, however, is not recruited by competition. Candidates are nominated to acting vacancies by the High Court from men who have passed the University Law examination or Pleaderships examination, and must have practised the profession of law as pleaders for three years before they can be enrolled as candidates. The acting vacancy serves as a period of probation, and I have no reason to suppose that the High Court would desire to change their system—at all events it should not be done without consulting them. The candidates chosen, I believe, give complete satisfaction.

20. Paragraph 30.—To the conditions laid down in paragraph 30 as constituting eligibility for recruitment I have no objection, and, subject to these conditions, I concur in the suggestion made in paragraph 37 of the Summary, that the orders of 1879, excluding all persons other than natives of India, should be cancelled.

I would here ask the very special attention of the Government of India to paragraphs 15–19 of my note appended hereto. The question will become a very important one in Bengal as soon as the number of Europeans in the existing Subordinate Executive Service is much reduced. A glance at the list will show what a large proportion of these are very senior men, who will soon have to go. Add to this that when the *cadre* is reduced we shall not have the same facilities as we have now for putting young Civilians into those sub-divisions and Joint-Magistracies which it is essential should be held by Europeans, and the serious nature of the difficulty will be easily realised. There are in Bengal many districts where a second European Magistrate is practically indispensable. There are also many subdivisions where the large number of European planters render an European officer essential. In certain frontier subdivisions and others, such as those in the Sonthal Pergunnahs, the same necessity arises from our having to deal with wild and savage tribes. There are certain other appointments outside the regular line where, owing to the strength of European feeling, notably in Calcutta, a similar necessity is felt. No one can be more anxious than I am to eliminate race distinctions, and to carry out the general policy of the Public Service Commission, but I cannot too seriously impress upon the Government of India that, without an adequate supply of European officers to deal with the special requirements, administration in Bengal will be disastrously weakened, and the reputation of Government imperilled; and unless provision is made for a fair supply of Europeans on the Provin-

cial Service it will be impossible to cut down the *cadre* of the Imperial Service to the extent desired.

21. Paragraph 38.—The condition of three years' residence is sufficient safeguard in Bengal Proper ; but for the purposes of this section it is a question if we should not go further and treat Bengal, Behar, and Orissa as three separate Provinces. It is most undesirable to exclude all Beharis and Ooriyas from the Provincial Service in their own Province, but in the present state of education in the Province it is quite certain that this will be the result of one general competition for the whole Lieutenant Governorship of Bengal. By reserving one third of the appointments for nomination and examining these candidates in Ooriya and Hindi, something might be done to remedy this, but the question is one which will hereafter require careful consideration.

22. Paragraph 44.—I have said all I have to say in regard to Statutory Civilians. They will belong to the Provincial list, but will be the nucleus of the Provincial candidates to be appointed to the posts excluded from the scheduled list. They have a claim, when competent, to be appointed to districts and Judgeships *pari passu* with their contemporaries of the Civil Service, but not before, and their promotion will in no sense be an injury to vested interests. I should absorb them in their present positions as Joints and Assistants in the first instance, and the only question is as to pay. Notwithstanding what the Commission say as to regulating salary independently of the pay given to Covenanted Civilians in the same position, I incline to think it would be a breach of faith to give these Statutories less than two thirds of that pay ; and it is not impossible that this fact will be found almost of necessity to regulate salaries to be given to members of the Provincial Service generally when holding these excluded appointments. Nor is it easy when arranging the salaries of a new service to exclude from consideration the essential factor of what is now given for the work done. My own inclination, however, is in favour of adopting General Strachey's scheme as the only method of solving the problem.

23. Paragraph 48.—I have no objection to the principle of a Board of Examiners being appointed for the Province, but I should prefer to postpone considering details for the present.

24. On paragraphs 58, 59, and 61, relating to the Education Department, a separate reply will be sent.

25. In regard to paragraphs 75 and 76, relating to the Jail Department, I would point out that the proposal is scarcely compatible with the wish of the Government of India to reserve these appointments for officers of the Indian Medical Service. There are, however, many natives of India in this service, and some of these do hold the appointment of Superintendent of District Jails, and there is no reason why these officers, if competent, should not be made Superintendents of Central Jails. In regard efficiency of supervision, the conditions of paragraph 76 seem better qualified to secure it than the restriction of such appointments to the Medical Service ; but it is for the Government of India to consider whether the necessity of providing for a larger medical staff in times of peace outweighs the advantage or not.

26. Paragraph 81.—I do not agree in the recommendation, and should prefer, for the present at least, to continue the experiment on existing lines.

27. Paragraphs 86 to 90 deal with the Police.

Carefully worded as paragraph 86 is, there is little exception to be taken to it as an abstract statement of the case ; but when we come to giving a practical application to it, the question of what is a "reasonable" proportion of native officers, and what is really required for the "efficiency of the service" will be found to leave room for the widest divergence of opinion between those who have to carry out the suggestion and those who hope to profit by it. Something more definite would have been a better guide. I agree that the present system of recruitment is unsatisfactory ; but the supply of excellent material is ample, and only care in selection was requisite. I had introduced into Bengal a system of limited competition which would have secured this ; but accepting the principle which underlies the recommendations of the Commission, I would propose the following scheme. Supposing the number of annual vacancies to be 6. I would allow the Local Government to reserve one third (if he considers it desirable) for natives of this country (Statutory natives I mean), and to nominate not less than three candidates to each vacancy under the conditions of paragraph 87 (b), who should compete among themselves for the appointments. For the remaining appointments, or for all, if the Local Government does not avail itself of the choice above given, the Secretary of State should select, but his selection should be made from among the candidates who have been most nearly successful for the Indian Civil Service, which would render further competition unnecessary.

I would not, save by special permission of the Government of India, allow promotion from the grade of Inspector. When allowed, it should count as part of the patronage reserved by the Local Government.

In paragraph 89 I quite agree, and in the abstract justice of paragraph 90; but I am not prepared, in the present condition of Provincial finance, to offer any practical suggestions for increasing the salaries of the lower grades of Police Officers.

No other sections require remarks.

S. C. BAYLEY.

4th May 1888.

Enclosure No. 2 in Letter from the Government of Bengal, dated 4th May 1888.

NOTE by SIR STEUART BAYLEY in reply to Questions 231 and 232.

The question asked me by the Committee is what reduction can be made in the Civil Service *cadre* on the assumption that the Statutory Service will cease to exist, but that the Uncovenanted Service will be proportionately increased. In other words, how many appointments can be transferred from the Covenanted to the Uncovenanted Service if the latter is allowed to recruit a proportion of Europeans.

2. To answer this question we have first to examine what the *cadre* is. This is shown

Cadre.	Actually serving as per list below.	—
Government of India -	10	14
Administration -	21	22
Heads of Districts -	45	45
Subdivisional Offices -	45	43
High Court -	6	5
District Judges -	30	29
General -	17 (12+5)	7

in Mr. Hope's note of the 16th November 1881, and may be put down briefly as 174 "charges," arranged as in the margin, to which are added a per-centage of 27.39, or, say, 47. Accordingly our Covenanted Service should consist of 221 men.

3. As a matter of fact, we find in the list 249 Covenanted Civilians plus 10 Statutory Civilians—in all 259; but of these 26 are serving in Assam, nine are serving in Burmah, one is in the Central Provinces, and two have not yet arrived in the

country; and deducting these 38, there remain 221, which is exactly correct: add to this that instead of 10 men transferred to the Government of India, for which the scheme allows, there are at present\* 14 so transferred, and it will be seen that I am practically working on the *cadre* allowance.

4. The question, however, is very complicated. I cannot exclude from consideration the political necessity of giving natives a large share in the higher appointments, and I must remember that they wish to hold, not merely appointments usually reserved to Covenanted Civilians, but to hold them as Covenanted Civilians.

5. The answer therefore depends to some extent on the unknown element of the extent to which admission to the Covenanted Civil Service will be facilitated to natives.

6. If it is facilitated, political (apart from financial) considerations would point to very little or no reduction; if it is to remain as it is, and the Statutory Service is at the same time to be abolished, these considerations would point to a very considerable reduction, provided I could ensure a supply of properly trained natives to the posts so transferred. But here comes in another element of uncertainty. The Commission indicate no other source of supply than the Uncovenanted Service, whereas some of the reductions I might propose might be better provided for by appointing professional men.

7. Another element to be taken into consideration is the number of Native and Statutory Civilians already in the service. I have eight of the former and ten of the latter, or a per-centage of 7 on the whole service; or, if I deduct the numbers serving out of the Province, a per-centage of 8.

8. The Government of India, in its correspondence with the Secretary of State, proposed tentatively that there should be a per-centage of 18 of Covenanted and Statutory Natives taken together, and allowing about 3 per cent. for the natives who may enter by the door of competition, this would indicate the eventual necessity of a considerable reduction of the *cadre*, if the Statutory Service is to be swept away, in order to give natives a fair share of the higher appointments. For the present, however, I have to recollect that a certain number of appointments will be necessarily held by Statutory Natives; and in the course of a few years, allowing for a fair proportion

\* Excluding Mr. W. E. Ward, whom I have counted as in Assam

being employed in the Judicial line and in special appointments, I shall still not have less than seven or eight districts held by natives.

9. These considerations show that any answer to be given must be somewhat tentative and experimental, and the proposals which I now make are made on the assumptions that no great interest will take place in the number of natives entering by competition, that Statutory Civilians already in the service will be eligible to appointments retained in the *cadre*, and that the reductions will take place gradually, i.e., that recruitment will not be diminished in proportion to the full number of reductions recommended, without reference to the number of existing Statutory Civilians.

10. Taking the headings as shown in Mr. Hope's note, I can propose no reduction in the *cadre* number under the head of "Government of India" or "Administration." On the contrary, the circumstances indicate that the requirements of these two heads have been rather under estimated.

11. Under "Headships of districts" I should be content to have one fourth of these ultimately officered by natives; but I shall anyway have seven or eight so officered in the course of a few years; and looking to the fact that no other source of supply is offered us than the Uncovenanted Service, I think a reduction of four in the *cadre* is as many as can at present be safely recommended.

12. The next heading "Subdivisional charges" is most difficult to deal with.

13. There were in 1881, in independent charge of subdivisions, 91 officers, of whom 65 were in the Subordinate Executive Service and 26 were charges which should come within the *cadre*. There were also 18 Joint-Magistrates and 15 Assistant Magistrates at headquarters, besides 149 members of the Subordinate Executive Service. Of the appointments thus held by Covenanted officers, viz., 59, only 45 were allowed to count as charges. The remainder were considered as reserve.

14. The figures in the margin show how the distribution, arranged as in the appendix to Mr. Hope's note, stands to-day.

<i>Subdivisional and similar Charges and Offices.</i>		
19 Joint Magistrates (substantive and officiating).	} In independent charge of subdivisions.	
6 Assistant Magistrates in charge.		
2 Military Officers (2 Cantonment Magistrates).		
1 Uncovenanted Cantonment Magistrate (officiating).		
64 Deputy Magistrates and Deputy Collectors.		
Total		92
14 Joint Magistrates	} At headquarters.	
1 Uncovenanted Assistant Commissioner.		
17 Assistant Magistrates (in training).		
*164 Deputy Magistrates and Deputy Collectors.		
Total		196
5 Deputy Magistrates employed as second officers at subdivisions.		

\* This is exclusive of nine temporary Deputy Collectors sanctioned for excise work

15. Now I have to consider the necessity of retaining all the posts under these heads as "Charges" within the *cadre*, which must be officered by the Covenanted Service and to a great extent by Europeans.

16. First, wherever there is an important European population concentrated in a subdivision, as for the cultivation of indigo or tea, or at railway centres, it has been deemed essential that the Subdivisional Officer should be a European; it is also most desirable that in such districts there should be a European Justice of the Peace at headquarters in addition to the Magistrate of the district. Further, for dealing with wild tribes, European agency has been found to be essential.

17. Wherever these conditions are found, native agency cannot be efficiently substituted for European: and had it not been for the fact that there were still a considerable number of Europeans in the Subordinate Executive Service, the Government of Bengal would have been unable to get on without an increase to the Covenanted Service.

18. The correspondence\* which has taken place with the Government of India, urging the necessity of appointing Europeans to the Uncovenanted Service, shows how strongly

From Home Department, No. 21—746, dated the 13th April 1879.  
 To Home Department, No. 316r, dated the 24th May 1879.  
 From Home Department, No. 964, dated the 27th August 1879  
 From Home Department, No. 42—1631, dated the 5th September 1879.  
 From Home Department, No. 289, dated the 17th February 1880.  
 To Home Department, No. 1228A, dated the 26th February 1880.  
 From Home Department, No. 124, dated the 13th March 1880.  
 To Home Department, No. 2350A, dated the 13th April 1880.  
 To Home Department, No. 3431A, dated the 16th May 1880.  
 From Home Department, No. 352, dated the 24th August 1880.  
 From Home Department, No. 1456, dated the 28th September 1880.  
 To Home Department, No. 537AT, dated the 19th May 1881.  
 To Home Department, No. 3040, dated the 11th August 1885.  
 From Home Department, No. 235, dated the 25th August 1885, and previous correspondence.



this has been felt, and I am entirely in accordance with the views of my predecessors on this point.

19. But there seems to be no absolute necessity for these appointments being held by Covenanted Civilians. In many of them the cheaper agency of Uncovenanted Deputy Magistrates (provided that agency is European) would suffice, and I should be content to reduce the *cadre* number of these appointments (45) by 15, provided the Government of Bengal is allowed to strengthen the Uncovenanted Service *pari passu* by that number of Europeans.

20. Turning now to the Judicial branch, I have no suggestion to make in regard to the High Court Judges.

21. In regard to District Judges, I accept the generally received opinion that the civil work can be done with perfect efficiency by Native Judges, but that it is desirable that the higher criminal courts should continue to be worked by European Judges. At the same time, a broad line of distinction like this would have the worst possible effect politically, and I foresee the most serious evil if we accept the proposal to concentrate native agency in the Judicial and European agency in the Executive line.

22. In the nature of things there is a tendency for friction to arise between European and Native, between the judiciary and the executive, between uncovenanted and covenanted. At present there are cross or counter currents, which to some extent neutralise each other. If all three currents are concentrated into the single channel of Judicial and Executive, there will be a dead-lock in administration, and ultimately an explosion. I would therefore always retain a considerable Covenanted European element in the Judicial service and in the High Court.

23. For the present I would cut down the *cadre* of District Judges by 10.

24. In the miscellaneous or general group, which is made up in Mr. Hope's appendix of 12 appointments and 5 reserve, I find only 7 appointments are at present actually held by Covenanted Civilians. Of this group 5 may accordingly be reduced.

25. The total reductions then which I can recommend (and these are subject to the stipulations above noticed) are—

Under headships of districts	-	-	-	-	4
" " " " " " " "	"	"	"	"	15
" " " " " " " "	"	"	"	"	10
" " " " " " " "	"	"	"	"	5

and the figures as compared with those in Mr. Hope's note are shown on the margin.

	Mr. Hope's note.	Proposed
Government of India -	10	10
Administration -	21	21
Heads of Districts -	45-4	41
Subdivisional offices -	45-15	30
District Judges -	30-10	20
General -	17-5	12

26. The *cadre* number of 174 charges being thus reduced by 34, there should be a corresponding reduction in the number of the reserve for absentees and men in training. The per-centage would be 27·39 on 144 "charges" instead of 174, and the number would be 40 instead of 47. The total reduction proposed is 41.

S. C. BAYLEY.

From the CHIEF SECRETARY TO GOVERNMENT, N.W. Provinces and Oudh, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department.

SIR,

Naini Tal, May 19, 1888.

In reply to your letter No.  $\frac{21}{624}$ , dated the 16th March last, asking for the opinion of the Lieutenant-Governor and Chief Commissioner on certain of the recommendations of the Public Service Commission, I am directed to submit, for the information of His Excellency the Governor-General in Council, a Minute which has been recorded by Sir Auckland Colvin on the matters referred for his opinion.

I have, &c.

J. WOODBURN,  
Chief Secy. to Govt. N.W. P. and Oudh.

## Enclosure in preceding Letter.

## MINUTE.

THE Report of the Public Service Commission has been forwarded to this Government by the Government of India with its letter of the 16th March 1888, with the request that we will record any observations which we may desire to make. His Excellency in Council points out, however, that he does not consider it necessary or desirable that discussions should be re-opened on matters of principle with which the Commission have had to deal; but desires to learn our views as to the extent to which the recommendations of the Public Service Commission can be carried out in these Provinces, and especially indicates certain paragraphs as among those on which the Government of India would be glad to obtain our opinion.

I have no desire to enter into the many questions of principle discussed and disposed of by the Commission; and I quite recognise the inexpediency of re-opening them at this late hour. But, whatever may be the case with the heads of other Governments, I find myself in a position in which I trust I may be excused if on one important point of principle I record an expression of my views. I was a member of the Government of India at the time the Public Service Commission was nominated, but had ceased to be so when its Report was submitted. On the other hand, my predecessor in my present office had stated his views to the Commission before my accession to office. Hence, neither as a member of the Government of India, nor as Lieutenant-Governor, have I had an opportunity of stating an opinion on the larger aspects of the matter; and I venture to avail myself of this opportunity to record a few words upon the question of the age of native candidates for the open examination for the Civil Service. It is the only question of principle on which I purpose to touch; but it is an extremely important question.

The Commission have proposed that the minimum and maximum limit of age for native candidates at the open competitive examination held in England should be 19 and 23 years, respectively, in lieu of 17 and 19 years, the limits at present in force. The grounds on which they base their recommendation are embodied in paragraph 62 of their Report and I need not repeat them here further than to say that they may be resumed in their own words, to the effect that the present age is too low to admit of natives completing an education in India so as to compete, with a reasonable prospect of success, at the English examination. Because they considered it did not fall within their competence, the Commission have not attached to their recommendations on this point any recommendations with regard to the age of English candidates, further than to remark that they do not contemplate any differential treatment, in this respect, of the two classes of candidates. But at page 52, paragraph 60, the majority of the Committee record the following remarks, to which I draw attention because the considerations embodied in them appear to me to be of the highest importance, and yet liable to be lost sight of in the presence of the specific recommendation as to age put forward in a later section of the Report, at paragraph 62. They write (with especial reference to competition in India, but the principle is of general application): "The object of the Commission is to make such recommendations as it considers calculated to secure the most efficient class of public servants; and, consistently with this paramount condition, to do full justice to the claims of natives of India to higher and more extensive employment in the public service. It believes that natives of India who undergo English training, and show the degree of enterprise, strength of character, and other qualities, without which such success can scarcely be expected in the English examination, are to be welcomed as suitable recruits for the Covenanted Civil Service. But it cannot recommend any alteration of the conditions attached to the English examination merely to facilitate the entry of any one qualified class of Her Majesty's subjects more than another to the Indian Civil Service." Now, I think that it may be reasonably held to follow from these last words, to which I call especial attention, that unless it is independently decided that the present age for admission to the Civil Service of English candidates is too low, the age of admission for native candidates is not so material as to justify us in putting prominently forward a demand merely in their interests for re-consideration of the general question of age for all classes of candidates. The Commission, however, writes, in a subsequent paragraph of its Report, on this aspect of the subject (page 56): "The Commission has not overlooked the fact that the raising of the age-limits which it advocates may render it necessary to re-consider the character of the examination in regard to English candidates, and that its recommendation incidentally raises the question of age for the latter, the conditions applicable to whom it is precluded from considering." The Commission "entertains no doubt that the maximum age for native candidates should

be substantially raised." Is this conclusion consistent with the proposition to be deduced from the passage which I have previously quoted? In my judgment, the question of the maximum age for native candidates should by no means, even on the principles above laid down by the Commission themselves, be allowed to raise the other question. The aim of the proposal to raise the age of native candidates is to facilitate the entry to the Indian Civil Service of one qualified class (the native) more than another (the English), which needs no such facilities. But the Commission have themselves written: "From the time the competitive system was introduced, it has been understood that the examination was to bear a distinctively English character, and to constitute a test of English qualifications" (page 50). The question of the age of native candidates is therefore a question which is, and must remain, secondary to the question of the maximum age for English candidates. If, without regard to that question, we are to entertain no doubt that the maximum age for natives should be "substantially raised," and to advocate, on its own merits, such a measure, it can only be with the object of giving to this class of candidates those especial conditions for facility of entry which the majority of the Commission repudiate. It is true that the Commission deprecate differential treatment of English and native candidates; but as they entertain no doubt that the age of natives should be substantially raised, it would seem to follow that in their judgment the age of English candidates should be raised also; and they avow that they think it probable that discussion of the lesser question will lead to a re-opening of the greater. This appears to me to be very dangerous doctrine; opposed to their own statement of the conditions of the problem; opposed to the conditions governing the existence of the Indian Civil Service; and opposed to the intentions of Parliament as recently interpreted by Lord Kimberley. While agreeing that no differential treatment should be allowed, I think that the expediency of re-opening the question of the proper age for the admission of English candidates should be decided solely on its own merits, and apart from all other considerations whatever. The Civil Service is, and must be, and, if the recommendations of the Commission with regard to a *corps d'élite* are adopted, will still more in the future remain, substantially an English service. What we have, therefore, to consider is the most suitable age for English candidates; and if that age should not happen to be the most suitable for native candidates, we must be most careful not to call into question, merely in the interests of that class, the conditions which are most suitable in regard to the class of candidates who form the body of the Civil Service, and on whom the Government must continue in the main to depend for the performance of the duties entrusted to that service. The remarks in paragraph 9 of the Secretary of State's Despatch (Public) of January 8th, 1885, on this aspect of the question, appear to me of the greatest weight; and it is impossible to decide on the measure of importance to be given to the recommendation of the Commission on this head, unless the views of Lord Kimberley are prominently borne in mind. I observed that the Despatch is not referred to in the Report of the Commission. I print in italics the passage to which I more especially invite attention. Lord Kimberley wrote:—

"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 statutes 21 and 22 Victoria, chapter 106, section 32, to be the primary method of selecting natives of India for the Civil Service, nor did it mean the provisions of the statute 33 Victoria, chapter 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 provisions. There is no experiment in methods of selection which the law does not permit you to try, and the field of your experiment 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. Looking at the action of Parliament as a whole, I do not think it intended the examination held under statutes 21 and 22 Victoria, chapter 106, section 32, to be the primary method of selecting natives of India for the Civil Service, nor did it mean the provisions of the statute 33 Victoria, chapter 3, section 6, to fall into a secondary place.”

So far as I am aware, the position here laid down by the Secretary of State has not been questioned by the Government of India. I am not called upon to give any opinion as to the adequacy of the present limit of age in the case of English candidates. All that I am now concerned with is to contend that the question should be considered wholly with reference to English candidates; that what is necessary in their interests alone should be adopted; that the question of the age most suited to native candidates at the competitive examination is entirely subordinate to the question of the age most suitable for English candidates, and must follow the decision upon that point, and must on no account be allowed to disturb conclusions arrived at on consideration of the question as it affects English candidates; and that native candidates for employment in the Civil Service have open to them another door of admission, expressly provided for them. The same order of ideas which has led me to the above conclusions points also to the secondary question of the marks to be given for Sanskrit and Arabic. The Commission, in their 63rd paragraph, page 57, admit that this is a question which can best be settled by the Civil Service Commissioners, and to them I would leave it, but expressly subject to the considerations to which I have above referred.

I am aware that the instructions issued by the Government of India to the Commission directed them to examine the question of the age of native candidates, as it directed them to examine a variety of other cognate questions. I do not for a moment wish to be understood as criticising or demurring to the action of the Commission; I am only examining their conclusions. In doing so, I cannot but be aware that the several parts of the inquiry entrusted to them are very intimately connected; and that it is impossible to weigh the full force of their recommendations in respect of the age of native candidates without also taking note of the proposals made by them in paragraph 77, chapter VII. I do not propose here to comment on the details of those proposals; but I wish to point out that they are obviously made with the view, as explained at paragraph 77, of gradually opening wider the door of admission under the Act of 1870, to which Lord Kimberley referred in his Despatch of 1885. Lord Kimberley said that, in order to do full justice to the claims of natives on the Indian public service, the Government of India would only comply with the directions of Parliament in giving their fullest deliberation to the Act of 1870. That Act, he added, did not provide a secondary method of selecting natives of India for the Civil Service; as, on the other hand, the primary method was not to be found in the system of competitive examinations. If, then, the Act of 1870 is to furnish the primary method, I can well understand the expediency of revising the rules now existing under that Act; and of scheduling now, and in future from time to time, the offices to be open to natives appointed under that Act. On the other hand, if Lord Kimberley's interpretation is held to be incorrect, and statutes 21 and 22 Victoria, chapter 106, section 32, are to be regarded as affording a primary means of selection, then it may with reasonableness be said that no doubt can be entertained that the maximum age-limit for native candidates should be substantially raised. But I see very grave and serious objection to giving increased facilities for entrance not through one or other only, but through either door; and, at one and the same time, to raising the age for competition and removing a large proportion of appointments from the hitherto reserved schedule. Even Lord Ripon's Government, when proposing to raise the limit of age, proposed also to limit the proportion of native candidates who would be eligible for admission to the superior Civil Service to 18 per cent. of the whole number. The Commission accompany their recommendations in regard to admission by competition in England

with no such reserve; while at the same time they propose to throw open to natives in India, by means of the Provincial Service, a considerable proportion of appointments at present held by the Covenanted Civil Service. The effect of these combined proposals, if both are accepted, will be most prejudicial, in my opinion, to the existence of that strong English element in the Civil Service on which its efficiency must continue to depend. The proposals might be treated as alternative, but not as parallel, proposals. The minority of the Commission did well, from their point of view, to abstain, in respect to this question, from pressing the matter of simultaneous competitive examinations in India; "as the scheme which is now unanimously recommended by the Commission is, in their opinion, well calculated to secure the end they have in view." They had every reason to be satisfied. If the scheme recommended by the Commission is adopted, the end which the minority hope for is already, I have little doubt, in view.

I proceed now to consider the several questions of detail indicated to us by the Government of India.

I may say at once that, subject to reserve on some minor points, I concur with the conclusions of the Commission in regard to the creation of an Imperial, Provincial, and Subordinate Service. In point of fact, as all are aware, a very similar distinction already exists; and it is a question almost as much of giving a new name as of creating a new body. The line, however, will be drawn more clearly between the Imperial and Provincial and Subordinate Services than it hitherto has been drawn between the Covenanted Service and the Uncovenanted Service in its several branches. The conditions in which appointments excluded from the schedule of offices reserved to the Civil Service are available will be more definitely prescribed. Still, each of the sections of which the Civil Service in India, as a whole, is composed will continue, as at present, to have its own classes and grades and rules of promotion. Individuals will, in practice, pass from one to the other, much as they do now; and on examining the recommendations of the Commission it seems to me that what we shall have hereafter to re-consider and to frame are, rather, the rules by which individuals shall so pass from one section to another, than to weigh at present any new or radical proposals for the re-casting of the public service. Most of the matters referred to us by the Government of India, from the point of view at which I place myself, are therefore of a nature which can be dealt with hereafter more conveniently under rules to be framed by the Local Government, rather than points for definite discussion at this preliminary stage.

Speaking generally, therefore, and following the order of each successive paragraph, I may say that I and the majority of the responsible officers about me, whom I have consulted, agree in the proposals enumerated by the Commission, subject to the following reserves. With regard to paragraph 28, it was Sir Alfred Lyall's opinion, and it is my own, that in these Provinces the system of competition, whether limited or otherwise, for the recruitment of the Provincial Service, is quite inapplicable; and that we should for the present restrict ourselves to selection from among subordinates of proved capacity, and to nomination pure and simple. The Commission, I gather, would be prepared to endorse the expediency of allowing the Local Government to judge for itself on this point, and to adopt what course it proposed, subject to the approval of the Government of India. I need not write at any length on this subject further than to say that I agree in what was written by Sir Alfred Lyall in his Minute of July 1884. If the Government of India are prepared to accept our conclusions, the period of residence referred to in paragraph 84 of the Report becomes a matter of minor consideration. If, however, an open competition is to be imposed upon us, that being the principle which the Commission present for acceptance as a general rule to the Government of India, it becomes a matter of the highest importance, in my opinion, that residence should be of not less than 30 years; which, roughly speaking, may be regarded as equivalent to a generation.

Another point with regard to recruitment is that, according to the recommendations of the Commission, it is to be limited, whatever the sources of recruitment, to 25 years of age. This, in the case of first nomination to Government service, and if recruitment is to be understood as nomination from without, as opposed to selection from within, appears very proper. But if recruitment is to include selection from the ranks, for example, of other branches of the Subordinate Public Service which at present contribute, such as the Educational, or, again, from among practising Pleaders, then the limit of 25 years is inappropriate. Such men will not at that time of life have proved their fitness for the Provincial Service; and if the limit of age is to be adopted in the terms of paragraph 82 of the Report, men of that class will be practically excluded. If, moreover, as I have above assumed, it is intended that recruitment

should be freely made from the ranks of the Subordinate Service wherever suitable candidates can be found, and not limited to the Revenue Department, this might be more definitely stated than it seems to be at present. I also wish to indicate more especially (and I gather from the correspondence of 1885 between this Government and the Government of India that this also is a point of agreement between Sir Alfred Lyall and myself) the expediency of excluding from the prescribed preliminary standard referred to in paragraph 30, chapter X., clause (b) an obligatory University degree, so far as these Provinces are concerned. The best men selected for the Statutory Service (and in these Provinces some very promising men have been selected) have been by no means ordinarily men who have taken a University degree, although they have received a good and sufficient education. This is a point which will probably be dealt with hereafter in the rules to be adopted for these Provinces; but I may indicate it now as one to which I wish to call the attention of the Government of India.

Statutory Civilians at present employed will, I presume, be regarded as members of the Provincial Service, who have been selected for some of those posts in the Civil Service, which are to be hereafter excluded from the lists of reserved appointments. That is to say, the appointments they hold will not be at once included and absorbed in the schedule of appointments ordinarily held by the Provincial Service, but will be regarded as lying for the present outside the limits of that service; but available to members especially selected from its ranks; and held by the men hitherto known as Statutory Civilians, as though they had been selected from the ranks of the Provincial Service to fill the appointments which at present they hold. These men will, if their fitness is proved, be advanced in due course to other posts contained in paragraph 77. I think it probable that present incumbents will be willing to accept the change of status. They have now no statutory claim to any appointment in the Civil Service other than that which they actually held. In future they will be eligible, subject to their being considered qualified, to one or other of the appointments excluded from those reserved for the Civil Service.

I understand that the greatest latitude in regard to the rules for advancement and promotion of members of the Provincial Service will be left to the Local Government. For example, it will be necessary that the Local Government should have the power of picking out, and (irrespective of the strict rule of seniority) of advancing, men of the Provincial Service, whether they have been appointed by selection from qualified public servants, or by nomination, for the appointments to be in future excluded from those hitherto reserved for the Civil Service. Officials selected to hold these posts will, in the majority of cases, be thus advanced either because they have proved themselves valuable public servants, or because by original selection, and by the subsequent experience of them gained in the ranks of the Provincial Service, it has been ascertained that they possess the peculiar qualifications desired in nominees. If either of these two classes of men are required to work their way up in strict order of seniority through the ranks of the Provincial Service before being nominated to the posts indicated, by the time the period of their selection arrives they will be men advanced in life, and the object of their selection will have been defeated.

I desire, in passing, emphatically to express my complete concurrence in the proposal laid down in paragraphs 46 and 47, chapter X. In the course of my experience I have repeatedly seen the necessity of some such rule as is there indicated. In a body like the Covenanted Service, composed of comparatively few members, many of them on terms of intimacy with one another, and all more or less regarding themselves as a body having common interests, there is a tendency to be unduly lenient to the weaker members of the body. Pressure is brought to bear on those who take an opposite view, which nothing but a clear and absolute indication of the policy of the Government, embodied in some such rules as those here proposed, will sufficiently combat. I agree, also, in paragraph 39, chapter X.

I concur in the proposals regarding the Education Department. It will be in the recollection of the Government of India that it has recently expressed a desire for more English masters in the High Schools, and the question of the mode of recruitment of these masters may seem to some extent to conflict with the limitation of recruitment indicated in paragraph 58, chapter X. With regard to Jails, we have already several natives in charge of district jails; but almost without exception our jail officials, whether district or central, are medical officers, the exceptions being mostly in the case of certain native Deputy Collectors, who have been placed in charge

of jails in default of a sufficient supply of medical officers. It is probably not the wish of the Commission or the Government that the rule with regard to the appointment of medical officers to jails should be disturbed. The allowance given to medical officers for charge of a jail takes the form of a small addition to their salary, and the selection of a native officer would involve increased cost. However, as I have said, Deputy Collectors are not infrequently placed in charge of our district jails, and there is no bar in these Provinces to the employment of natives in that capacity. As central jails are always held by medical men, I need not discuss the further recommendation of the Commission on that head. So far as the employment of natives in the upper ranks of the Police is concerned, the conditions laid down in paragraph 86, chapter X., have been long in force in these Provinces. I am averse to competition among candidates selected in England. In the first place, in so small a body as the police officers of these Provinces, we are unable to place a given number of appointments annually at the disposal of the public, and therefore we could not guarantee a successful candidate immediate employment. In the next place, I think experience has amply shown that there grows up among a body of officers appointed in England a tendency to regard themselves as ill used and ill remunerated, and to look on their position in India as being inferior to that which they were led to expect, the result of which is the adoption of a system of memorialising and a chronic discontent. No special training in England is necessary or even available for candidates for Police employ, as in the case of candidates for Forest or Public Works employment. I think that we have in India plenty of material from which to select our police officers, whether among domiciled Englishmen or Eurasians or young men who have temporarily come to India in the hope of obtaining some such employment. I consider that the best mode of selection is competition among nominees, and I have no objection to promotion from the grade of Inspectors, as proposed by the Commission. Natives of India are not entirely excluded in these Provinces from the higher ranks of the police: they have been employed for some years in restricted numbers; but the strong feeling existing and, I fear, increasing in Upper India, on the subject of their respective religions between Hindus and Muhammadans, makes it a very delicate matter to place at the head of the police of a district a native officer. Personally, it is my own wish to employ them as far as possible, for I think the infusion of men of good native family into the upper ranks of the police, gives to that body a status in native eyes which it lacks at present. But it is necessary to proceed in this direction with extreme caution. Finally, I wish to say that I agree with the minority of the Commission who propose to exclude appointments to the Board of Revenue from the list of unreserved appointments; but I am prepared to substitute one of the Secretaries to Government. The post of Financial Secretary, for example, in these Provinces might, I think, very possibly be filled by a native who had passed through the ranks of the Financial Department, and who was a man of good education. I do not mean to say that I know of any such man at present; but I see no reason why the post should not be open to a native who could show himself fit for it.

I have no further remarks to make in reply to the letter from the Government of India. I have purposely confined myself almost entirely to the paragraphs indicated by the Government of India, and to those points only, in those paragraphs, which seem to me of especial importance. With one exception, I have abstained, as desired by the Government of India, from all criticism of the main lines of the Commission's proposals. But that is an exception of such cardinal importance that, for the reasons given in the second paragraph of this paper, I have thought myself at liberty to record my views in regard to it; and I greatly regret to find myself at variance with the recommendations of the Commission on the subject with which it deals.

17th May 1888.

A. COLVIN.

From C. L. TUPPER, Esq., C.S., Officiating Secretary to the Government of the Punjab,  
to THE SECRETARY TO THE GOVERNMENT OF INDIA, Home Department.

SIR,

Simla, the 25th June 1888.

IN continuation of my letter No. 791, dated 9th May last, I am desired by the Lieutenant-Governor to submit his remarks on those recommendations of the Public Service Commission which affect the general administration of the Punjab.

2. This letter will, therefore, be limited to the consideration of the proposals made in regard to—

- (1.) the Covenanted Civil Service, and the formation of an Imperial Service;
- (2.) the Executive and Judicial branches of the Uncovenanted Service, and the formation of a Provincial Service;
- (3.) the Subordinate Civil Service; and
- (4.) some other matters mentioned in Chapters VII. and VIII. of the Report.

Any remarks the Lieutenant-Governor has to offer on the recommendations relating to special Departments, and more especially to the Police, Prisons, Education, and Forest Departments, will be subsequently communicated to you.

3. Before, however, commenting in some detail on Chapters VII. and VIII. of the Report, I am to make an observation in regard to the statutory system, which the Commission holds (*vide* paragraph 72 at the end of Chapter VI.) has failed to fulfil the anticipations formed of it, and is generally condemned, and should be abolished. Sir James Lyall agrees that some other system has now to be substituted for it, but he must say he thinks it has never really had a fair trial. In the rules of 1874, which were negatived by the Secretary of State, it was proposed, amongst other things, that Statutory appointments should be given to natives of India who had been in employ under the British Government for a period of not less than five years. The practical effect of the rules of 1879, which were the only rules that ever became operative, was to exclude as a class officials of approved service, and to substitute for them cadets—it may be of good family and social position, but still with everything to learn. This, no doubt, was the natural consequence of the orders of the 24th December 1879 summarised at paragraph 43, pages 25 to 26 of the Report. Sir James Lyall thinks that if the best of the Uncovenanted Officers had been admitted to reserved appointments by rules under the Statute, the working of such a system might have shown results very different from those which have now been reported by the Public Service Commission. But, circumstances being what they are, he raises no objection to the abolition of the existing Statutory Service as proposed.

4. Chapters VII. and VIII. of the Report must necessarily be considered with reference to the present constitution of the Covenanted and Uncovenanted Services in the Punjab. The Civil Administrative body of this Province now exists, after the reorganisation of 1884, as shown in the Schedule annexed to the Despatch of the Government of India, No. 313 of the 5th November 1883. There have been some subsequent slight alterations in detail, but none which need be noticed here. The orders which regulate the recruitment of the Commission, and which it has not been found necessary to revise in consequence of the re-organisation, are contained in the Despatch of the Government of India in the Department of Finance, No. 2229, dated 29th December 1881. This, as modified by the instructions given in the letter of the Government of India in the Home Department, No. 187, dated 15th February 1886, prescribes the following annual scale of recruitment:—

Covenanted Civilians	-	-	-	-	3·88
Statutory Civilians	-	-	-	-	·78
Military Officers	-	-	-	-	1·55
Total	-	-	-	-	6·21

By orders received from the Secretary of State<sup>†</sup> in connexion with appointment of Diwan Ram Nath as a District Judge in the Commission, it has been directed that the Punjab Commission proper shall be officered exclusively by Covenanted Civilians, natives of India appointed under the Statute, and Military Officers. In stating the above particulars of recruitment, Uncovenanted Officers, who are referred to in the Financial Department Despatch of the 29th December 1881,<sup>‡</sup> have therefore been omitted. The Punjab being still technically under the description of a Non-Regulation

\* Despatch No. 6, dated 22nd January 1885 (copy received with Government of India, Home Department, Confidential letter No 331, dated 5th March 1885).

† *Vide* table in paragraph 5 and orders for exclusion of Uncovenanted Officers in paragraph 7.



Province, the only Punjab appointments made by the Local Government which are reserved by the Schedule annexed to 24 and 25 Vict., Chap. 54, are the Secretaryship, the Junior Secretaryship, and the Under-Secretaryships to Government. The other appointments are not barred by law to the Uncovenanted Service; but practically the effect of the orders of the Secretary of State is that Part I. of the Schedule annexed to the Despatch of the 5th November 1883, that is, the part enumerating the appointments for the Covenanted Service, has become just as much a Schedule of reserved appointments as if it had been annexed to the Statute, and as if the Statute had applied. In regard to the appointments shown in Part II. of the Schedule, viz., the appointments of Uncovenanted Officers down to and including Munsifs and Tahsildars, it is material to remark that, under the orders of 1879 given in Appendix J. of the Report of the Public Service Commission, they are open to none but Natives of India. For the purposes of those orders, however, this expression includes persons born and domiciled within the Territories of Indian Princes tributary to, or in alliance with, Her Majesty.

5. Coming now to the proposals of the Commission, Sir James Lyall has no objection to the term "Covenanted Civil Service of India" being discontinued and replaced by the expression "Imperial Civil Service of India." The name suggested for the service to be locally recruited, viz., the "Provincial Civil Service," also seems appropriate. The Lieutenant-Governor further agrees that a Schedule similar to that annexed to the Statute of 1861 should be applied by law to the Punjab. The recommendations of the Commission, that the members of the Imperial Civil Service should be bound to serve wheresoever and in whatsoever capacity the Government may see fit, and should be eligible for any appointment for which the Government considers them qualified, appear to him to be very proper.

6. The Schedule, however, which is actually proposed in Appendix N. of the Report, appears to require some reconsideration before it can be applied to the Punjab Commission. In the note on \*page 71 of the Report, it is stated that in this Schedule the appointments of Financial Commissioner and Secretary to the Financial Commissioner are not entered as reserved for the Covenanted Civil Service, in view of the fact that they may be held by Military Officers in the Commission. From this it is clear that the revised Schedule is intended to apply strictly to Covenanted Civilians, and not also to Military or Uncovenanted Officers in the Punjab Commission; but by the Schedule five Commissionerships, i.e., all except one, are reserved for the Covenanted Service, and similarly one-half of Divisional Judges and one half of District Judges are so reserved. The proportion of Divisional and District Judges is, no doubt, correctly calculated by the Commission, if it is supposed that 25 per cent. of each grade of appointments in the Punjab Imperial Service consists of Military Officers; but in practice Military Officers do not hold a fourth of each grade of appointment in the Commission. They are simply admitted to the Commission in the proportion of 25 per cent. of the total number of appointments; and unless two parallel services were constituted, it would be impracticable to arrange that a certain number of each grade of appointments should be held by Military Officers. Such an arrangement would necessitate the regulation of promotion in certain cases, not by the seniority or efficiency of officers, but by the fact of their being Military Officers or Civilians. The difficulty will be clearly seen from the analysis given below of the present strength of the Punjab Commission:—

	Total.	Military	Civilian, Statutory, and Uncovenanted Officers.
Commissioners	6	5	1
Deputy Commissioners	37†	13	24
Divisional Judges	14	2	12
District Judges	9	1	8
Assistant Commissioners, 1st grade	8	0	8
Ditto 2nd "	16	1	15
Ditto 3rd "	42	12	30
	132	34	98

\* See page 56 of Command Paper No 5,327 of 1888

† This return includes Lieutenant-Colonel Warburton under the head of Deputy Commissioner, and includes also all other officers at present seconded, or for various reasons not shown in the effective list, except Messrs. Fryer, Tucker, and Gindstone, who are, for present purposes, held to have been permanently transferred to Burma.

It seems impossible to apply the Schedule to the Punjab at all unless Military Officers are, for the purposes of the Schedule, to be counted as in every respect on the same footing with Covenanted Civilians as they are at present. When, therefore, the Schedule comes to be adopted, the proviso should be made that Military Officers admitted to the Punjab Commission shall be considered as members of the Imperial Civil Service in regard to their appointment to any posts included in the Schedule.

7. As regards the appointments which should be included in the Schedule, or excluded therefrom, the Lieutenant-Governor observes from paragraph 77 of the Report that it is intended to exclude from the list of reserved appointments one of the Financial Commissionerships, one Commissionership of Division, and both the Under-Secretaryships to Government. The Commission explains that it must not be understood that members of the Imperial Civil Service are to be appointed to the reserved posts only, and to no others; and admits that, under present circumstances, such an arrangement would be neither desirable nor practicable. It is also pointed out, as regards the subordinate Secretariat appointments, that as these appointments are invariably made by selection, the effect of their exclusion is merely to widen the area from which the most highly qualified agency can be chosen. Notwithstanding these remarks, the Lieutenant-Governor is of opinion that all these appointments, one of the Under-Secretaryships to Government excepted, should, for the present at all events, be included in the Schedule. As regards the Financial Commissionership and the Commissionership of Division, he concurs generally in the reasons for dissent which have been given by some members of the Commission at pages 74 and 75\* of the Report. If these appointments are excluded much pressure will be brought to bear on the Local Governments to bestow them on members of the Provincial Service; and the result will probably be that European or Eurasian members of that Service will be appointed, though not really so fit for the posts as members of the Imperial Service. It seems to His Honour highly improbable that at any date to which we can now look forward it will be found practicable in the Punjab to promote members of the Provincial Service of pure Asiatic descent to these high appointments. At the same time, if it is conceded that these appointments shall be scheduled, Sir James Lyall would be prepared to agree that power should be reserved (as proposed in paragraph 78 of the Report) to advance members of the Provincial Service even to scheduled posts in cases of very exceptional merit; and he would further raise no objection to the proposal made in paragraph 77, that the Secretary of State, subject to the control of Parliament, shall be enabled to make such alterations in the Schedule from time to time as circumstances may require. With reference to this latter recommendation, however, Sir James Lyall thinks that the period of ninety days during which the proposals for altering the Schedule are to be laid before both Houses of Parliament is too short. The object is explained to be to give sufficient time for publicity in India, but the Lieutenant-Governor thinks that for this purpose at least six months should be allowed. As to the appointment of Under-Secretary to Government, it seems practically inevitable, when regard is had to the different qualifications which are to be required from the Imperial and Provincial Services respectively, that one at least of these posts will always be filled up from the Imperial Civil Service. If this anticipation is just, then to exclude both of them from the Schedule would give rise to hopes which would never be realised, and thus create a continual cause of disappointment. To sum up, the Lieutenant-Governor has no objection to the extension of the Schedule to the Punjab, if Military and Civil Officers are to be treated alike, and if the appointments of Financial Commissioner and Commissioner of Division, and one Under-Secretaryship to Government, are retained in the list of reserved posts.

8. In paragraph 80 of the Report proposals are made in which Sir James Lyall regrets that he is unable to concur. The Commission notices a representation made on behalf of junior officers of the Covenanted Civil Service employed in the Punjab; and gives the opinion that all reasonable ground of dissatisfaction ought to be removed if in filling up the higher appointments, which it is now proposed to exclude from the Schedule of 1861, regard is had to the claims of the members of the Covenanted Civil Service who competed in or before the year 1870, and also to the claims of officers belonging to the Staff Corps or Uncovenanted Service who were appointed to the ranks of the Commission prior to that year. On the other hand, in paragraph 86 of the Report, the Commission explains that its recommendations for the creation of a Provincial Service are subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals. In this principle the Lieutenant-Governor cordially agrees, but it appears to him that it conflicts with

\* See pages 58 and 59 of Command Paper, No. 5327 of 1888.

the proposals in paragraph 80. He is of opinion that the Government should consider the reasonable expectations of all the officers in the Punjab Commission, whether Covenanted Civilians or Military Civilians or others, and whether they entered the service before the year 1870 or after it. The argument put forward by the junior Civilians, that the Statute of that year was practically allowed to remain a dead letter till 1879, appears to Sir James Lyall to be a forcible one and by no means met by the remarks of the Public Service Commission. He would add that if the intention is that the men of 1870 or previous years shall get their steps before any of the higher appointments are bestowed upon members of the Provincial Service, this will be a very insufficient and unsatisfactory reservation in favour of existing legitimate claims. The really important step in the service, and that which it is essential to consider for the purposes here in view, is from Assistant Commissioner, 1st grade, to Deputy Commissioner or District Judge; and the force of this observation will be seen when it is remembered that the pay of the highest grade of Extra Assistant is Rs. 1,000 and that of the 1st Grade of Assistant Rs. 900, whilst the lowest grades of Deputy Commissioner and District Judge are paid at Rs. 1,500 and Rs. 1,200 respectively. The question as between the two services would thus arise with reference to promotion above the rank of Assistant Commissioner, 1st grade. Now, as a fact, of the officers who joined the Punjab Commission before 1870, all the Military Officers and all the Uncovenanted Officers but one have already been promoted to Deputy Commissioner or District Judge, or to other special appointments above the rank of Assistant Commissioner, 1st grade; while of the Covenanted Civilians who competed in or before the year 1870, all now hold substantive appointments above that rank,\* except the four officers noted in the margin. The limitation proposed by the Public Service Commission would thus have hardly any effect in this Province, and would save from great and, as the Lieutenant-Governor thinks, just disappointment only some 4 or 5 officers at the most. In fact, it may be said that if only these officers are to have their steps before appointments at present reserved are given to men of the Provincial Service, the benefits of the reorganisation of 1884, so far at least as they have conduced to the contentment of the Service, and to that extent to its efficiency, will be done away; and the old evils which arise from stagnation in promotions, official discontent, and the prolonged tenure of subaltern positions by senior men, will reappear, some of them perhaps in an aggravated form, to the great detriment of the administration.

Mr. A. F. D. Cunningham.  
 „ A. Anderson.  
 „ J. G. Silcock.  
 „ E. B. Francis

9. The Lieutenant-Governor holds that the just expectations of the Service may reasonably be considered to have been formed by the practical action of Government. In this view he thinks the year 1881 will be a better year to take than 1879 for marking what is in reality a valid distinction. It is true that in 1879 the Statutory system first began to be operative, and the senior Statutory Civilian in the Province was appointed in the year 1880; but it was not till December 1881 that the Government of India laid down the existing rules regarding recruitment in the Province. These rules, as already shown, include the provision that about one Statutory Civilian a year shall be added to the ranks of the Commission. The Lieutenant-Governor thinks that Covenanted Civilians and Military Officers, who joined the Commission after this rule of recruitment was laid down, will have no cause of complaint if the higher appointments in fair proportion are in due course awarded to members of the Provincial Service; particularly if, as the Lieutenant-Governor thinks should be done, it is accepted that, as proposed by the Public Service Commission in paragraph 87 of the Report, the Statutory Civilians already appointed shall be absorbed in the Provincial Service. He would, therefore, amend the proposal in paragraph 80 of the Report, and would substitute for it the recommendation that, in filling up appointments excluded from the reserved list, special regard shall be had to the claims of members of the Punjab Commission who joined it in or before the year 1881. There is something to be said for the year 1879 as compared with 1881; but the Lieutenant-Governor inclines to the latter, because he feels that in a case of conflicting interests like this, wisdom lies on the side of the lenient and favourable treatment of the claims of existing incumbents.

10. Before leaving Chapter VII. of the Report, it will be well to explain in broad and general terms how the Lieutenant-Governor understands that the proposals of the Public Service Commission will affect the Punjab Imperial Service, and in what manner he would himself be prepared to carry them out in practice. At present there

\* In this computation men holding special appointments on a higher pay than Rs. 900 a month are reckoned above the rank of Assistant Commissioner, 1st grade.

are for all practical purposes scheduled appointments in the Punjab—appointments, that is, reserved, as already explained, by the reorganisation proceedings and the orders of the Secretary of State, which may not be held either on an officiating or on a permanent tenure by any except officers of the Imperial Service, Military, and Uncovenanted Officers of the Punjab Commission being included in that term; and the Schedule thus maintained is really exhaustive, for it enumerates all the appointments of the Punjab Commission proper. On the other hand, no one may be appointed to the Provincial Service unless he is a native of India, as defined in the orders of 1879. Under the proposals which are now being considered, a double set of restrictions will be removed. Some of the appointments now reserved to the Imperial Service will, in future, be reserved by Statute instead of by executive order; while certain others of them will be thrown open to the Provincial Service, but will be filled from the Imperial Service, unless and until officers in the Provincial Service are found who are fully qualified for the posts. Besides this, if the proposals are accepted, the Provincial Service would no longer be restricted to natives of India, but, subject to the rules for its constitution and recruitment, would be open to all classes of Her Majesty's subjects. This latter change will be discussed further on in this letter; here I am to point out that in the reserved list of the Punjab, there are at present eight Uncovenanted Officers holding

Mr. G. Knox, Deputy Commissioner, 1st grade, Rs. 2,250.

Mr. H. B. Beckett, Deputy Commissioner, 2nd grade, Rs. 1,800.

Mr. R. I. Bruce, Deputy Commissioner, 2nd grade, Rs. 1,800.

Mr. J. A. E. Miller, District Judge, 1st grade, Rs. 1,500.

Diwan Ram Nath, District Judge, 1st grade, Rs. 960.

Muhammad Hyat Khan, C.S.I., District Judge, 2nd grade, Rs. 1,033-5-4.

Mr. E. B. Peacock, Assistant Commissioner, 2nd grade, Rs. 900.

Baron J. Bentinck, Assistant Commissioner, 2nd grade, Rs. 700.

*Note.*—The substantive rank is given in each case.

substantively the appointments entered in the margin against their respective names. Although these gentlemen are as much members of the Commission as any Covenanted Civilian or Military Officer, the Lieutenant-Governor thinks it may be possible to make a beginning in the direction of the reforms advocated by the Public Service Commission by opening to the Provincial Service, as these officers retire, the appointments held by them, or rather by so opening appointments of the same class, though not of the same grade. The Lieutenant-Governor admits that this idea is not founded upon any logical theory, but it has the practical advantage that the steps taken away from the Imperial Service would be those which have gone in the past to Uncovenanted men; and it might be so carried out that places might gradually be found for the best officers of the Provincial Service as their efficiency for high positions became, in course of time, fully established. At all events, some such plan as this would, Sir James Lyall thinks, prevent, or at any rate diminish, the deep dissatisfaction which would be aroused if any large proportion of the vacancies caused by the retirement or death of Civilians or Military Officers were at once filled up from the Provincial Service. Nor does he think that progress on this plan would be too slow; for he understands that the Local Government would have power to appoint officers of the Provincial Service to officiate in the appointments excluded from the Schedule; and this power might be exercised with advantage long before the Uncovenanted Officers retire, both for the purpose of testing the efficiency of members of the Provincial Service, and at times when qualified officers of the Imperial Service might not happen to be available for the particular posts. In this way, also, the Lieutenant-Governor could meet the fair expectations of Statutory Civilians transferred to the Provincial Service; but he thinks that to give effect to the policy, which will now probably be approved by Government, must necessarily be a work of time, and that much discretion should be left in the matter to Local Governments.

11. The only other remark the Lieutenant-Governor has to offer on Chapter VII. is that, if the above views are accepted and acted upon, the practical effect of the arrangements will be considered from year to year in annually reporting the figure of recruitment for the Imperial Service, as required by the orders of the Government of India.\* If, however, that figure is reduced, it will be simultaneously necessary to add an equivalent to the strength of the Provincial Service, as the work of the lower ranks will remain the same when the numbers available to perform it are diminished by the promotions of Assistants to district or other important charges.

12. In the case of Chapter VIII., as in the case of Chapter VII., the first thing to consider is, as said above in paragraph 4, the existing system. The Public Service Commission, with reference to one method of filling up the Provincial Service, viz., promotion from the Subordinate Service, recommends that the rules for admission to

\* *Vide* Government of India, Home Department, No. 19—594, dated the 14th March 1883.

that Service should be carefully revised so as to adapt them to the altered circumstances, if the general recommendations of the Commission are accepted. In the Punjab, however, the rules for admission to the Provincial Service, as well as to the Subordinate Service, have been revised with great care during recent years. In the case of Extra Assistant Commissioners, three fourths of the appointments are filled up by selection in accordance with the rules contained in Notification No. 1397S., dated 19th September 1885, printed at page 63 of the Punjab Volume of the Proceedings of the Commission. The remaining appointments (viz., one fourth of the whole) are filled by competition amongst selected candidates; for which the rules will be found in Notification No. 804S., dated the 25th July 1885, printed at pages 56-63 of the same Volume. The system of maintaining A and B registers (viz., A register for candidates by selection, and B register for candidates for competition) has also been applied to the appointment of Munsifs. The rules now current on this subject are also contained in the same Volume of the proceedings of the Commission at pages 52-56. The rules, however, for the appointment of Tahsildars and Naib-Tahsildars, which have been printed at pages 49-51 of that Volume, have been superseded by rules under the Punjab Land Revenue Act of 1887, Part II., Chapter I., sections 1-18, of which a copy is annexed. Admission to the Public Service in other cases is regulated by Notification No. 3048, dated 16th December 1885, of which also a transcript is appended.

13. It will appear from an examination of these documents that, while the regulations for the appointment of Munsifs are generally similar to those for the appointment of Extra Assistant Commissioners, the minimum educational qualification is in the one case the B.A. degree, and in the other the University Entrance Examination; while in the case of candidates for the appointment of Extra Assistant more weight is attached to family, service, and social claims to consideration. Moreover, in the case of Munsifs, the proportion of appointments open to competition from a selected list is one half instead of one fourth as in the case of Extra Assistants. Naib Tahsildars are appointed by Commissioners from a selected list carefully formed both from amongst the leading agriculturalists and persons of good social standing who reside permanently in the division, and from amongst officials employed on Revenue, Civil, Police, or Cana. establishments in the same part of the country. Tahsildars, after the 1st of January next, will be appointed only from amongst Superintendents or Head Clerks of Commissioners' and Deputy Commissioners' Offices, or Naib Tahsildars or Deputy Superintendents of Settlement of not less than two years' standing. As regards other appointments the broad general rule is that no person shall be eligible for any appointment unless he has been educated up to the final middle school standard, when the pay is from Rs. 15 to Rs. 150 a month: and when the pay is from Rs. 151 a month or upwards, up to the standard of the Entrance Examination of an Indian University, or the final standard prescribed in Schedule I. in the Code for European Schools in the Punjab. Exceptions, however, are made in the frontier districts and in the Police and Jail Departments, and in appointing treasury establishments, patwāris, workmen and artificers, and the like. Throughout the whole of the rules care has been taken to secure the possession of sufficient educational qualifications by the persons appointed to the service of Government. It is important to observe that in Rule 17 of rules for the appointment of Extra Assistant Commissioners (*vide* page 58 of the Punjab Volume of the Proceedings of the Commission), the Local Government has reserved power, for political or other sufficient reasons in special cases, and generally in frontier districts, to make direct appointments to the office of Extra Assistant Commissioner.

14. The first point upon which an opinion is required in connexion with Chapter VIII. is as to where the line should be drawn between the Provincial and Subordinate Services. In the Executive Branch, the Public Service Commission holds that a more or less distinct line of division can be found between, on the one hand, the appointments of Extra Assistant Commissioners, and on the other hand the appointments of Tahsildars; and it is said that a cardinal difference exists between the ordinary duties which appertain to officers belonging to these two classes severally. Sir James Lyall cannot agree that in the Punjab any such cardinal difference really exists. It should be remembered how important a functionary a Tahsildar is in his sub-division, and that the rates of pay which are given to Tahsildars and to many officials of lower rank are on a scale which, with reference to the circumstances of the country and Native habits of life, is liberal enough to attract candidates of the best families, and to supply them with ample means. Men, with appointments really equivalent to the appointments not only of Tahsildars and Munsifs, but of many officials even below these in

rank, would in England be highly placed both in social estimation and official position. These appointments are, in fact, prizes in the local Civil Service which the most respectable people are glad to get, and which may be honourably held by any one, however distinguished his family or high his birth. Nor are the duties of Tahsildars and Extra Assistants so materially distinct as the remarks of the Public Service Commission would imply. On the contrary, the duties are to a great extent identical. Tahsildars and Extra Assistants are empowered under the same Acts to exercise magisterial, civil, and revenue functions; and the Tahsildar has usually within the limits of his own subdivision more power and influence than the Extra Assistant Commissioner who is employed on miscellaneous duties at head-quarters. At the same time Sir James Lyall recognises the practical difficulties which have led the Commission to draw the line between the Provincial and Subordinate Services above Tahsildars in the case of Executive Officers. The fact is a Tahsildar, besides being a Magistrate, a Civil Judge, and a Revenue Court, has executive charge of a subdivision and semi-independent control of a number of subordinate officials and village headmen. Hence, for a good Tahsildar qualifications are required, such as force of character, power of control and discretion, which cannot be tested by competitive examination. It is consequently, as the Commission sees, not safe to appoint men to be Tahsildars direct by competitive examination; while it is comparatively safe, in many cases, so to appoint them to be Munsifs or Extra Assistant Commissioners. It is this fact, Sir James Lyall believes, rather than any cardinal difference between the duties of Tahsildars and Extra Assistants, that made the idea of drawing the line of the Provincial Service below Tahsildars incompatible with the proposal of the Commission to make direct recruitment by competitive examination a principal entrance door to the Provincial Service. Having regard to these considerations, and to the circumstance that limited competition for a certain proportion of the appointment of Extra Assistant is already established in the Punjab, Sir James Lyall will not object to drawing the line for Executive Officers as proposed. But if this is agreed to, he thinks the line should also be drawn above Munsifs. Under the Schedule of the reorganisation both Munsifs and Tahsildars are classed in grades paid at precisely the same rates, and, whether regard be had to the general estimation in which either set of officials is held, or to their actual exercise of influence in the country, Sir J. Lyall is decidedly of opinion that Munsifs should not rank above Tahsildars. He agrees then to drawing the line above Tahsildars, if at the same time it is understood that it will also be drawn above Munsifs. In connexion with the subject of this paragraph, I am to enclose for perusal a copy of a correspondence\* dating some five years back in which Sir James Lyall, as Financial Commissioner, gave his views at length on a proposal to appoint Tahsildars by competition. As regards Tahsildars, he adheres generally to the opinions expressed in his memorandum of the 4th April 1883, and thinks they have some bearing on the present discussion.

15. As to the mode of filling up the Provincial Service discussed in paragraph 82, Sir James Lyall accepts that this shall be done partly by promotion for approved service from the Subordinate Service, and partly by recruitment. Sir James Lyall also agrees that the double object should be to secure for the Service the best Natives obtainable in the Province, and to ensure that all valid claims for admission to the Service shall be fully considered.

16. As to the manner of recruitment, the Commission suggests that a system of open competition should be adopted where the general educational conditions are more advanced than elsewhere, and recommends that, where open competition is considered unsuitable, a system of competition among candidates previously selected is preferable to a system of nomination, provided that the number of candidates selected for each vacancy is sufficient to make the competition a real one. With reference to these proposals, Sir James Lyall is strongly of opinion that the existing system, as laid down in the rules already mentioned, should be maintained in the Punjab. Some slight amendments in the rules for the appointment of Extra Assistant Commissioners have been already made or are in contemplation; but these do not affect the principles of the system which, in Sir James Lyall's opinion, goes, as far as it is at present safe and politically advisable to go, in the direction of meeting the claims to direct appointment to high office of the section of the community which has acquired an English education. Sir James Lyall does not object to the direct admission to the ranks of

\* From the Punjab Government to the Secretary to the Financial Commissioner, No 2141, dated 4th November 1882.

From the Secretary to the Financial Commissioner to the Government of the Punjab, No. 471, dated 13th April 1883, and enclosure

Punjab Government's reply, No. 1294, dated 20th May 1883.

Extra Assistants of the limited numbers which are at present recruited by the system of competition from a selected list. A certain number of men, who have to depend for their usefulness to the administration upon their educational attainments rather than upon their social influence in the country and force of character, can no doubt be profitably employed even in these high offices. But there are many grave considerations which suggest that we should be reluctant to extend a system of recruitment which tends to bring into the Provincial Service men of one type, and that not a type which would have any real prominence or strength in the country under what may be called its natural conditions.

17. The Government of India is acquainted with the circumstances of the Punjab, and it is not necessary to repeat at length facts which are well known. Some of those circumstances have been well described in the memorandum on the special features of the Punjab bearing upon its administration printed at pages 34-38 of the Punjab Volume of the Proceedings of the Commission; and others have been alluded to in the further examination of Mr. Mackworth Young reported at pages 209-211 of the same Volume. It may, however, be convenient to mention here some matters which ought never to be left out of view in dealing with such questions as the present. In comparison with most other Provinces, the Punjab has not been long annexed. It has changed with great rapidity, if regard be had to the usual rate of social changes, from a Non-Regulation to what is practically a Regulation Province; but the population has not changed with the same rapidity as the form of administration; and though education has affected some classes to a certain extent, and prosperity has affected many, and the advantages of peace have been usually enjoyed by all in the interior districts, the mass of the people remains much what it was before Sikh dominion gave way to British rule. Under Native administrations in territories where classes of different creeds are closely intermingled, as they are in most parts of the Punjab, and particularly in the larger towns, either Hindus have dominated Muhammadans, or Muhammadans have subjugated and often oppressed Hindus. The creed in the ascendant has, speaking generally, left the other no chance of successful rivalry, and no alternative except enforced acceptance of a subordinate position. Where, however, British rule has been established, neither Hindu nor Muhammadan can see a reason for giving any kind of precedence to the other, and religious antagonism may seize opportunities of activity and even outbreak. Hence one cause of riots like those of Multan, Lahore, and Delhi, or at smaller places, such as Hoshiarpur and Karnal, and of the agitation against the slaughter of kine which is chronic in the Punjab. To face such affairs as these a strong and impartial magistracy is required, possessed of physical and moral courage, and able to command respect and obedience. The population, however, is in most parts sturdy; and even where it is mild in type, is imbued with traditions that assign the lead to men belonging to particular tribes or castes, and to old families of more or less distinction within the circle of the caste or tribe. In the hill country the Rájputs, in the Central Punjab the Jat Sikhs, and other large land-holding dominant tribes or clans, on the western frontier the Patháns and Belochis—in fact, as in tradition—wield most strength and influence; but these, it needs hardly be said, are not the men who would succeed in competitive examinations. Besides these, there are men of hereditary service, the sons and grandsons of the administrators and officials of Sikh times, whom it would be unwise and unfair to disappoint of the loaves and fishes of public employment, though this class could doubtless better hold their own in educational contests. On the immediate frontier peasants and officials alike must be on the watch against attack from without, and in the interior of the northern frontier districts the magistracy has to contend with all the troubles which arise amongst a turbulent population full of violence. Mr. Mackworth Young shows in his evidence that on the frontier generally there have been forty-four sets of military operations or expeditions since 1849, and that the important operations since 1877 are eight in number. Nor must it be supposed that these facts have a significance merely of an historical kind. The frontier, it needs not be said, is still liable to raids; and the prevalence of violent crime, particularly in the Peshawar Division, has led to the enactment, only last year, of the Punjab Frontier Crimes Regulation. Moreover, in the Cis-Indus Districts crime of various kinds is unfortunately only too rife, and there is reason to fear that it is making head against the Courts, the Subordinate Magistracy being under strong temptations to acquit when they find their decisions upset on technical, or what they suppose to be insufficient grounds, and their proceedings drawn out and embarrassed by the arguments of educated or half-educated Pleaders. Politically, the Punjab is the base from which authority was re-established in Northern India after the outbreak of the Mutiny. In recent years it has been the base of operations against Afghanistan, and it may again become the base of trans-frontier warfare. Large demands were

made upon, the civil staff, not only in frontier districts, but all over the Punjab, for either transport or supplies, or both, during the Abyssinian expedition in 1868, in the Afghanistan campaign in 1878 to 1880, and during recent military preparations in 1885. To meet such demands, not only is a strong executive required, but it must be one which can secure the prompt co-operation of the people. Add to all this that the Punjab lies on the rear of the communications of any force operating from India against an enemy in Afghanistan or the countries beyond, and that for this vital reason the contentment of the Punjab is of the first consequence to the Empire, while that contentment is hardly likely to be assured unless the governing body continues to command the real obedience and respect of the population. For all these reasons, it would be, Sir James Lyall believes, a danger to the Empire if our hold on the Punjab were not strong, and it must be kept strong notwithstanding the special difficulties which are presented by its mixed and high-spirited people. Assuredly, we shall incur a grave culpability if we allow any measures which are of an optional kind to weaken our political position in the Punjab. To maintain the strength of that position we should so frame the measures here in view that we shall not fail in future to enlist in the Public Service the natural leaders of the people; men who will be able by their influence to uphold the cause of good government in ordinary times, and in times of trouble to carry the people with them in the loyal services then indispensable.

18. But if the door of competition be opened wider than it is the inevitable result will be the recruitment of the great bulk of the service, not from amongst the classes who would naturally take the lead, but from amongst the men who obtain degrees in the Universities. The B.A.'s and M.A.'s, as our present experience shows, would be sure to win in the end, even with the restrictions of a selected list. With the view of testing to what classes the B.A.'s and M.A.'s belong, Sir James Lyall has closely examined the list of students who have passed the B.A. and M.A. examinations of the Punjab University from the year 1882 to 1888; a list for the years 1882-86 is given in the evidence of Colonel Holroyd, Director of Public Instruction, at pages 106 to 107 of the Punjab Volume of the Report. In these lists Sir James Lyall does not find a single Rájput, Pathán, Ghakkar, Siál, Moghal, Awán, Beloch, Jat, or in fact any member of the great land-holding tribes in which the political power and fighting strength of the country has always resided, and still resides. The few men who call themselves Sikhs are all Khatri or Arora Sikhs, that is, men belonging to the classes who live by commerce or by service, and probably not at the present day real Sikhs at all. The Muhammadans proper are hardly represented, most of the few Muhammadan names which occur being those of men who belong to families converted from Hinduism, and which, as Hindus, belonged to the commercial or artisan classes. There are a few, but very few, men of good position amongst them, viz., one or two Kashmiri Pandits, one or two Khatri; a Shekh of Lahore, and a Saiyad of Delhi, all belonging to families whose hereditary profession is Government service, and who would probably have sought and obtained service under any régime; the rest are men of one type, Khatri and Banias and Aroras, and one or two Shekhs, the sons of shopkeepers or subordinate officials. The educational attainments of such men as these would, no doubt, enable some of them to fill a respectable place in a civilised and complicated system of administration. But in constituting the administrative staff, we must, for the most part, look to men of a different stamp to help us to govern such a country as the Punjab with success at any time, and still more to help us to hold it if at any period our political position is less secure. Almost all of these graduates are also dwellers in towns as opposed to dwellers in the country; and in a Province where the rural population vastly exceeds the urban, and where there is so much distinction between the bodily vigour of the countryman and the townsman, it seems specially dangerous to give a practical monopoly of the upper part of the service to the townspeople.

19. There is one more remark that Sir James Lyall has to make before leaving this part of the subject. He observes that in page 82\* the Commission proposes to confine direct recruitment to the Provincial Service to the one method of open or limited competition, and appears to contemplate nomination only in cases of officers of the higher grades of the Judicial Branch, from the ranks of Barristers, Advocates, or Pleaders. In regard to this, Sir James Lyall wishes to say that in the Punjab the effect of limited competition is practically much the same as that of open competition. Unless you exclude certain classes, such as Khatri, Kashmiri Pandits, and Banias, which you cannot practically do, they almost invariably win. This being the case, he regards Rule 17 of the Rules for the appointment of Extra Assistant Commissioners as an essential part of the present system, which he is so strongly of opinion should be maintained, though that Rule should, no doubt, be used with great moderation, to

\* See pages 63-4 of Command Paper No. 5327 of 1888



ensure which, if necessary, a maximum limit of use might be fixed. The Rule is wanted not only with reference to the conditions of frontier service and the backwardness of the frontier populations in book learning, but also with reference to the equal backwardness in this respect of the Jat Sikhs and Hindu and Muhammadan Rájputs, or other influential land-holding classes whom it is not desirable to exclude entirely from direct recruitment in exceptional cases to the Provincial Service. It is also desirable to maintain the Rule in order to ensure by that means, if necessary, that a certain proportion of the Provincial Service shall consist of men of European descent. There are, in Sir James Lyall's judgment, political reasons, which can, if necessary, be stated at length for leavening the Provincial Service with men of this type—reasons not less strong than those which induced the Government to frame Rule 17 for the purpose, amongst others, of meeting the conditions of the frontier. The men required are, however, men who have their homes in the Punjab or in India, and would enter the Provincial Service under the usual rules. So far as the Provincial Service in the Punjab is concerned, there appears to be no need to recruit Europeans by the Secretary of State (*vide* paragraph 84 of the Report). On the contrary, Sir James Lyall considers that such recruitment in England would be unfair to the claims of the increasing class of Europeans domiciled in India. But he sees no reason why the Local Government should not be trusted to appoint a certain proportion of domiciled Europeans as before, while to withdraw from the Local Government the powers of appointment here discussed would be a measure of centralization of a kind to which this Government has usually objected. Similar remarks apply in some degree to the proposal that the rules for the recruitment of the Provincial Service shall, in future, be sanctioned by the Government of India.

20. As to the conditions of eligibility for direct recruitment in the Provincial Service, proposed at page 82\* of the Report, Sir James Lyall agrees generally with the Public Service Commission. The rules proposed are very similar to those already in force in the Punjab; but Sir James Lyall has now under consideration the amendment of the latter by the addition of the proviso, that if a candidate has been in the service of Government for two years or more, the maximum limit of age for admission to competitive examination may be extended to 27 years last birthday. Sir James Lyall is at present disposed to think that there are sound reasons for this addition in the desirability of opening the higher appointments to the better-educated young men already in the service of the Government. It is perfectly certain that the vast majority of the highly-educated young men of the country will, in future, have to enter the Government service by the door of the Subordinate Service; and it is an advantage that they should do so. Sir James Lyall entirely agrees that, as a general rule, all persons appointed to the Provincial Service by direct recruitment should be subject to a period of probation or training during which their appointment should be provisional only. This period should, in Sir James Lyall's opinion, be not less than two years, for half of which time the probationer should work as a Munsif, and for the other half as a Deputy Superintendent of Settlement, or as a Naib Tahsildar; his pay for this period should not exceed Rs. 150 per mensem; and if at the end of it there be good reasons for hesitating to confirm him as a Deputy Collector or Extra Assistant Commissioner, he should be offered an appointment in the Subordinate Service as Munsif or Tahsildar, some fit man being promoted from those grades to be Deputy Collector or Extra Assistant Commissioner in his place.

21. In addition to the direct appointments of the kind already discussed, the Lieutenant-Governor has no objection to provisions authorising the occasional appointment of Barristers, Advocates, or Pleaders not being in the service of Government to the higher grades of the Judicial Branch, the appointments being made with the sanction of the Government of India, as proposed in paragraph 82 of the Report. But with regard to the terms in which this suggestion is stated in section 29 at page 143† of the Report (*viz.*, that here competition would be out of place, and that no Barrister, &c. should be appointed who has not been in the active practice of his profession for at least three years), I am to point out that the average ages at which the F.A., B.A., and M.A. Examinations are passed in the Punjab are 19½, 21½, 22½ years respectively, and that the limit of age for admission to the Munsif's Examination now prescribed is from 20 to 24 years. It will thus be readily seen that a Pleader of less than three years' employment in his profession might, under present circumstances, compete at the Munsif's Examination. There is no reason why he should not do so; and the Lieutenant-Governor understands that it is not intended to raise any bar. With

\* See page 64 of Command Paper No. 5327 of 1888.

† " 109

reference, however, to the terms of the final recommendation, it seems desirable to call attention to this point.

22. The first of the important proposals made in paragraph 84 is, that the recruitment for the Provincial Service should be open to all natural-born subjects of Her Majesty. The Lieutenant-Governor cannot say that he thinks the change involved in this proposal either necessary or expedient. He would restrict recruitments for the Provincial Service to Natives of India, including in that term domiciled Europeans. As to the second question, he agrees generally that recent residence of at least three years in the Province should be a usual condition of admission to the Provincial Service of that Province. At the same time, he does not think there is any particular necessity in the case of the Punjab to lay down any rigid rule on this subject. If, as he has proposed, the existing system is fully maintained, the matter will adjust itself. Competition will only take place from the selected list; and it may safely be assumed that the selected list will be made up almost exclusively from residents of the Province. In those rare circumstances where residents of other parts of India are admitted, the admissions will doubtless be capable of support on sufficiently strong grounds. I am to add with reference to the Rules of 1879 that, for the purposes of recruitment, persons residing in States politically subordinate to the Punjab Government should be considered as on the same footing with residents of the Province.

23. By the arguments in paragraph 85 of the Report, the Lieutenant-Governor is not convinced that there are conclusive objections to making the pay in the Provincial Service bear some relative proportion to the pay of the Imperial Service. It does not seem to him that the principle advocated by the Commission (viz., to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications) will fully meet the case. If only the market rates of official labour are considered, the probability is that the existing rates would suffice to draw to the Provincial Service the best men locally available. But if members of the Provincial Service are to hold posts heretofore reserved to the Imperial Service, it does not seem practicable to leave out of sight the rates at which the Imperial Service is paid. No race distinction need be imported into the consideration of the question; but, as a practical solution of it, Sir James Lyall thinks that the two-thirds rule, or, more correctly, the 64 per cent. rule, is, with some necessary modifications, fair and workable. The Imperial Service is to be recruited in England for service to be rendered in a foreign country. The Provincial Service is to be recruited in India for service to be rendered on the spot; and different qualifications are required in each instance. These reasons alone justify differences in pay; and just as a member of the Imperial Service when employed in Europe receives two-thirds of the pay which he would get in India, so it seems fair to apply the somewhat similar rule to a member of the Provincial Service working, it may be said, in every case in his own country of birth or adoption.

24. There is, however, the practical difficulty that a senior officer of the Provincial Service, if promoted to the higher grades amongst the appointments now reserved for the Imperial Service, would, under the present 64 per cent. rule, actually lose pay. This, of course, must be obviated. In the present phase of the discussion it is undesirable to enter upon a detailed consideration of the means whereby this should be done. But Sir James Lyall will be prepared later on, if called upon to do so, to offer suggestions on this subject.

25. In the same paragraph (paragraph 85) the Commission recommends that for appointments made by Her Majesty, the pay and the rules governing leave and pension should be the same for all incumbents, whether belonging to the Imperial or the Provincial Service, or appointed from outside the service of Government. It is understood that the appointments here referred to are those noted in the margin.<sup>1</sup> As none of them exist in the Punjab, this proposal calls for no comment by the Lieutenant-Governor.

26. Sir James Lyall has already made some remarks on paragraph 86; and he will only add here that the principle of duly considering the rights of existing incumbents appears to him to supply a strong argument in favour of his view, that the present system of recruitment for the Provincial Service should be strictly maintained. The subordinate officials in the service of Government have expectations of rising, by good

\* Under 21 & 22 Vict., Chap. 106, Section 29, the appointments of Governor General, Governors of Presidencies, and Advocates General of the several Presidencies.

Under 24 & 25 Vict., Chap. 104, Sections 2 and 7, the appointments of the Judges of High Courts.

Under 37 & 38 Vict., Chap. 91, Section 1, the appointments of Additional Members of the Executive Council of the Governor General

Under 32 & 33 Vict., Chap. 97, Section 8, and 37 & 38 Vict., Chap. 91, the appointments of Ordinary Members of the Council of the Governor General and of the Members of Council of the several Presidencies

conduct and efficiency, to higher posts. With these expectations they entered the service; and the existence of them is one of the strongest guarantees for the proper performance of their duties. To throw open to competition a great number of the prizes to which these men look forward would be to do them an injustice, as well as to commit a political mistake. Sir James Lyall ventures to hold that it will be a huge mistake if in attempting to raise that part of the service which we propose to call the Provincial Service, we degrade that much larger part which will be called the Subordinate Service: he would wish to draw attention to the remarks he made on this subject in the written opinion which he submitted to the Commission as Resident in Mysore. Even the appointments in the lower grades of the Subordinate Service, the very lowest perhaps excepted, are not when regarded in their true Indian perspective low appointments: they are comparatively quite as high places in respect to both pay and position as well educated young men of the upper middle classes in all civilised countries would get on entering the Public Service. The remarks made in paragraph 82 of the Report as to persons of the amla or lower ministerial class do not appear to Sir James Lyall quite fair to the amla of the present day, or even of the past. It is true that the amla of the past have been commonly more or less corrupt; but most of the ablest and many of the honestest of our Deputy Collectors or Extra Assistant Commissioners of the past entered the service in the amla class, and rose quickly from it by superior integrity, as well as by superior ability. Corruption in the past has not been confined to the amla class, or to men who have risen from that class: on the contrary, a very large proportion of the Extra Assistant Commissioners and Tahsildars most suspected of corruption in the past has consisted of men who from family interest entered the service above the amla grade. The improvement in integrity which is now apparent (which is due in part to the effects of English education, discipline, and example, and in part to the pressure caused by the fact that the native public has greatly raised its own standard of the conduct to be expected from officials) is not confined to the higher appointments, but is also very apparent among all those of the amla of the present day who feel that they have a chance of rising.

27. With reference to paragraph 87, Sir James Lyall agrees, as already said, to the persons appointed under the Statutory Rules in the Punjab being absorbed in the Provincial Service. The claims of individuals will require careful consideration, and this will be shown to them in fixing their position in the Provincial List, and in giving them, where this can justly be done, officiating promotion to unscheduled posts:

28. Sir James Lyall has nothing to say against the principle quoted in paragraph 89 of the Report, that "when, in the order of seniority, officers become eligible for appointments to the posts of Collector or Judge, there should be no hesitation about passing over those persons who have not given distinct evidence that they are fit for such office." But where it is proposed that officers of the Imperial and Provincial Services, if declared ineligible for promotion, should, after a certain period of service, be liable to be compulsorily retired on reduced pensions, it seems material to ask what promotion is meant. If any such rule is to apply to promotion to a Commissionership, then Sir James Lyall thinks it would be open to strong objection. At present appointments to Commissionerships are made by selection; but this is a system incompatible with the rule proposed. Practically no Head of an Administration would resolve to eject an officer from the service simply because he did not happen to possess the high and exceptional qualifications which are required for so prominent a position as that of Commissioner of Division. The rule would be prohibitive; senior officers would be promoted in their turn to Commissionerships; and the extremely valuable principle of selection for these appointments would have to be given up.

29. The last suggestion made in Chapter VIII. is for the appointment of a Board of Examiners for each Province; and considerable weight is attached to the representation of the non-official element on the Board. The Lieutenant-Governor regrets that he does not see his way to make any practical use of this suggestion. At present there is a standing Committee for the examination of Assistant and Extra Assistant Commissioners, with a Central Committee to which the proceedings of the standing Committee are referred for final orders. These Committees are formed from amongst the officers of Government. Similar arrangements are made for other examinations; and sometimes in linguistic examinations the services of others besides Government officials are enlisted. The position out here differs materially, as it needs hardly be said, from the position at home. There is no learned class of men of leisure from whom a Board of, or consisting largely of, non-official Examiners might be formed. Perforce examinations must be conducted by hard-worked officers of Government in addition to their other duties. It would not be seriously proposed to entertain competent persons for the sole purpose of supervising examinations in the Punjab.

Examinations are neither so frequent nor so continuous as fully to occupy their time; and when not actually engaged in this work, they would be drawing pay for doing nothing. Another practical objection is that it would be exceedingly difficult to find in the Punjab non-officials who could be appointed to such a Board, and who would at once be trustworthy and in possession of the kind of learning which is required for the supervision of the prescribed Examinations. But although Sir James Lyall does not see his way to constituting any Board of Examiners as is suggested by the Commission, he is certainly of opinion that the proper conduct of the examinations is a subject of great importance which deserves close attention; and he has lately himself made proposals both for improving the choice of subjects in the competitive examination for Extra Assistants, and for ensuring that the tests applied shall be more thorough and satisfactory.

30. In conclusion, as this letter has extended to a considerable length, I am to sum up in these terms the views of the Lieutenant-Governor—

I.—He agrees to the formation of Imperial and Provincial Services and the extension of the Schedule to the Punjab; provided that—

- (1) the Schedule includes both Financial Commissionerships, all Commissionerships of Division, and one of the Under-Secretaryships to Government;
- (2) the scheme is introduced with special regard to the claims of members of the Commission who joined it in or before 1881;
- (3) the Military and Civil Officers of the Commission are treated alike; and
- (4) the line separating the two Services, if drawn above Tahsildars, is also drawn above Munsifs.

II.—He will be prepared to give gradual effect to the new system by appointing members of the Provincial Service to officiate in unreserved posts, and by considering their claims with reference to steps due to the retirement of Uncovenanted Officers already in the Commission; but the work must be one of time in which the Local Government must be allowed much discretion.

III.—As regards appointments to, and the recruitment of, the Provincial Service and the Subordinate Civil Service, the Lieutenant-Governor deprecates any material change so far as the Punjab is concerned. Much has already been done to meet the claims of the educated classes; to go further in this direction as yet would be politically unadvisable. In particular it is essential to retain at present in the Punjab a power of direct appointment to the Provincial Service or Extra Assistant class.

These are broadly the recommendations of the Lieutenant-Governor on the most important matters of principle. His opinion on some comparatively minor points, not without importance in themselves, such as the rates of pay for the Provincial Service and the impracticability of forming a Board of Examiners, have been stated in the preceding paragraphs, and need not be repeated here.

I have, &c.

(Signed) C. L. TUPPER,  
Offg. Secretary to the Government of the Punjab,  
Civil Department.

Enclosure No. 1 in the preceding Letter.

From W. M. YOUNG, Esq., Secretary to Government, Punjab, to the SECRETARY TO FINANCIAL COMMISSIONER, Punjab, dated Lahore, 4th November 1882.

I AM desired to invite the attention of the Financial Commissioner to the Resolution of His Honour the Lieutenant-Governor in the Home Department, No. 280 S., dated 4th September last, regarding the appointment of Extra Assistant Commissioners, and to suggest the desirability of further extending the system of competitive examination to other uncovenanted appointments.

2. The Lieutenant-Governor thinks that the respective merits of the various candidates for employment in Government offices can probably be best determined by such a system; and that its extension will relieve Heads of Departments from a responsibility which they may sometimes find difficulty in discharging with complete impartiality, while it will at the same time be acceptable to the candidates themselves. Certain preliminary qualifications of character and social position are no doubt indispensable for the higher uncovenanted appointments; these can be secured by a selection of candidates on the recommendation of local officers, the preferential claim of such candidates *inter se* to employment being determined by competition. It may further

be desirable to reserve a portion of the more coveted appointments for officers in lower grades, as rewards for approved service, without demanding the test of examination. The proportion which should be so reserved is one of the matters for decision.

3. I am to request that the Financial Commissioner will give his early consideration to this subject, and favour the Lieutenant-Governor with his opinion regarding the desirability of introducing competition in the appointment of Tahsildárs and Náib-Tahsildárs. The Lieutenant-Governor will be glad to receive with your reply a copy of any rules which the Financial Commissioner proposes to issue, reference being made to the rules at present in force for appointment to these offices.

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Enclosure No. 2 in Letter from the Punjab Government, dated 25th June 1888.

From F. C. CHANNING, Esq., Senior Secretary to Financial Commissioner, Punjab, to the JUNIOR SECRETARY TO GOVERNMENT, Punjab, No. 471, dated 13th April 1883.

I AM directed to acknowledge the receipt of your letter No. 2144, dated 4th November last, and with reference to paragraph 3 thereof, regarding the desirability of introducing competition in the appointment of Tahsildárs and Náib-Tahsildárs, to forward copy of a note by Mr. Lyall on the subject, and to state that Colonel Davies entirely concurs in all that Mr. Lyall has written against throwing appointments to the post of Tahsildár open to competition. For such posts, Colonel Davies thinks strength of character, good judgment and experience are more required than the intellectual gifts which enable men to excel in competitive examinations; and that, moreover, as remarked by Mr. Lyall, the tendency of such a system of selection for these important posts would be to exclude, in a great measure, men belonging to the more manly and influential races of the Punjab, whose co-operation in the administration must at all times be useful, and, in any crisis, would be invaluable.

2. As regards Náib-Tahsildárs, Colonel Davies also agrees with Mr. Lyall that the present system of appointment to these posts works well, and that no necessity has arisen for changing it.

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Enclosure No. 3 in the Letter from the Punjab Government, dated 25th June 1888.

Copy of a Note by J. B. LYALL, Esq., Financial Commissioner, Punjab, dated 4th April 1883.

I AM myself, for various reasons, of opinion that it is not desirable to appoint Tahsildárs by competitive examination. A Tahsildár, in the words of the Land Revenue Act, is the Chief Executive Revenue authority in a sub-district. They are Deputy Commissioners in miniature, and their power, prestige and influence in the country are very great. They have to control not only their own subordinates paid direct by Government, but the whole host of rural officials, such as Zaildárs, Lambardárs, and Patwáris, who are paid by fees, or assignments, or revenue. For a post of this kind, force and solidity of character, judgment and knowledge of men, are more important than the intellectual qualities which make a man excel other men of fair abilities and education in a competitive examination. A man ought very rarely, or never, to be appointed Tahsildár until he has served for some time in subordinate offices, and has in that way gained some mental maturity and administrative experience, and given his superiors an opportunity of judging whether he has the moral and physical qualities which are requisite to make a good Tahsildár. The present practice is based upon these principles. In the whole course of my service in the Punjab I have known of very few instances of young men being appointed direct to the office of Tahsildár; and these appointments have been always, as far as I can remember, made at the suggestion of the Government for political reasons, not on the nomination of Deputy Commissioners and Commissioners. With these exceptions all the men appointed Tahsildárs have served for a time, long or short, as Náib-Tahsildár, or in the Revenue, Judicial, Police, Jail, and Educational Establishments, which work under the control and supervision of the Commissioners and Deputy Commissioners. These officers have ample opportunities for forming a reliable opinion of the fitness of official candidates; and I do not think it necessary or politic to diminish their responsibility in the matter either of nominating men for acceptance as candidates or of nominating accepted candidates for vacancies. Nor do I myself desire to be relieved of the business of passing orders on such nominations; though it does not occupy much of my time, I look upon it as one of the most important parts of my duties. A man is hardly ever appointed in the first instance permanently to the post of Tahsildár; he generally has to serve as Officiating Tahsildár for two or three years. In making (or rather sanctioning) appointments of Officiating Tahsildárs, I generally refuse to appoint

a man who has not already passed the Tahsildár's examination. This is of itself a competitive test of a kind, as a great many examinees fail. But on general grounds of policy, and with regard to the character of a Tahsildár's duties, it is not advisable to make it an absolute rule that no man shall be appointed who has not passed. It is, I think, good policy to give certain men—(1) the advantage of learning their work, not from books only, but also from actual practice; (2) the further advantage of a pass on slightly easier terms in respect to number of marks obtained if they have proved themselves in practice capable and efficient officials.

On these grounds, I occasionally agree to the appointment of an unpassed man as Officiating Tahsildár if by race or family he is a man whom admission to the office is, in my opinion, advantageous. And with the same object the Central Committee of Examination are allowed to pass accepted candidates of approved service on slightly easier terms than other men. I have myself no doubt of the propriety of this system. In all parts of the Punjab the population is composed of distinct races living alongside of each other, but apart. Some have been ruling or fighting races in former days; others only men of the pen, traders, or artizans. At present these races differ greatly in average sharpness of intellect and in hereditary aptitude for acquiring book-learning of kinds. And those who excel in these particulars are not, speaking generally, those who have the highest self-respect, or who are most distinguished for courage or manliness. Suppose you went into any large school in the Punjab and made a selection of the most promising boys of each race, selecting such a number of boys of each race as would roughly agree with the numerical importance of the race in the population of the Division, the result as to numbers would be that the group of selected boys would contain more sons of the old ruling and fighting races, such as Hindu, Sikh, or Muhammadan Rájputs, and Játs, Patháns, Moguls, Awáns, &c., than sons of the less warlike races, such as the hereditary traders, clerks, or artisans. But if you then submitted the whole group to a competitive educational examination, the chances are that all or almost all the top places would be taken by boys belonging to the minority. It seems very undesirable, especially in Revenue and Executive Departments, that too many high officials should belong to a few particular races, which races would in any crisis be found to form an insignificant item of the political forces of the country.\*

2. The present system as to Náib-Tahsildárs is that the acceptance of candidates for this office has to be sanctioned by the Financial Commissioner, but appointments from among accepted candidates are made by Commissioners. It is now the rule that no man ought to be nominated who is not thought likely to make in the end a good Tahsildár. It has been the policy to be liberal as to numbers in accepting candidates, and not to make it a rule that accepted candidates must be appointed to vacancies in order of acceptance or in order of passing the examination. In this way Deputy Commissioners and Commissioners have, as a rule, a certain number of accepted candidates from whom they can freely select; and I think they are generally shrewd enough to select the best man for a vacant Náib-Tahsildárship. Before a man is permanently appointed, he has generally acted once or twice for short terms, and has thus had a chance of showing what he is made of. Some candidates are subordinate officials of approved service, but the majority are young men of good education and fair position who have left, or are about to leave, school or college. When the names come before me, if a man has not already passed any high educational test, and belongs to a race or class which requires, in my opinion, no favour or assistance, I generally say, in accepting him as a candidate, that he must not be appointed until he passes the examination. If, on the other hand, he is of a race or class which requires assistance, I leave it open to the Commissioner to appoint him on probation before examination. I also insist upon a man's passing before appointment in certain cases, when I see cause to suspect that he has not sufficient intellect or education to pass the examination even after serving for a time. In my opinion this system works well, and I do not think any necessity has arisen for changing it. Practically, the examination is in a way a competitive test, as a large proportion of the candidates admitted to it fail to pass. Any candidate for a Náib-Tahsildárship, or any Náib-Tahsildár on probation who passes with credit, is almost sure to be speedily appointed or promoted. The importance of having good Tahsildárs and Náib-Tahsildárs for the smooth working of the administration, and for the good of the great mass of the population, is brought so keenly to the notice of Deputy Commissioners that they are seldom likely to propose to appoint unfit men. They are, no doubt, disposed to favour the appointment of the sons of useful and influential men, officials or non-officials, in their districts, if fit; but this use of their patronage is a good thing in itself, and adds to Deputy Commissioners' prestige in their districts, and their power of control over their establishments.

3. If, however, appointment to the public service by competitive examination of young men fresh from school or college is thought necessary in order to encourage education, and to provide careers for highly educated men, it seems to me that it should be used in India or elsewhere as the door for entrance to the lowest grades of a service. So far as I know, in India, China, and all other countries where systems of competitive examination for the public service exist, the system gives admission to the lowest grades, not direct appointment to highly responsible and well-paid posts which the competitors would be glad to reach after years of service. To make educational prizes of a large number of high and responsible offices is a system not, as far as I know, adopted elsewhere, and in my opinion one of very doubtful expediency. I admit that to encourage high education a few Extra Assistant Commissionerships and a few Munsiffships may be distributed in this way with advantage, but I would not myself go further.

4. It is in my opinion inadvisable in this country to attempt to draw a line of separation between native officials in ministerial appointments in district establishments of all kinds, and Native officials in appointments like those of Tahsildár, Munsiff and Extra Assistant Commissioner. As in the Native Army, so in the Native Uncovenanted Civil Service, the men should, as a rule, enter from the bottom of the line. This is, I think, in accordance with the traditions and ideas of the country, and for the general good of the service. Any exceptions made should be in favour of the sons of men of high rank, or of very distinguished service; such exceptions are politically advisable, and commend themselves to native feeling; but if Native officials in the lower grades find themselves generally debarred from promotion, and serving under men of less experience and no better social status than themselves, they will, in my opinion, be much discouraged and exasperated.

5. I think we are apt to forget in our official position in this country the real weight and value in the eyes of the Natives of what we consider subordinate appointments. We can get young men of good social position and education to take all but the smallest clerkships in our public offices, and the pay is really sufficient for a young man, and relatively equal to the pay which men of similar class get in public offices in their own country in Europe or elsewhere. Men of good private means and high social position are most anxious to serve as Tahsildárs, or as Munsiffs, and to get their sons appointed as Náib-Tahsildárs.

6. I do not myself attach much weight to the argument of the necessity of providing careers in the public service for highly educated men. The giving of high appointments as educational prizes will be an immense stimulus to high education, and the demand for appointments will always hugely exceed the supply. The tendency will be to give way more and more in the direction of the complete and open introduction of the principle of admission to all offices by competitive examination. When this happens, I confess I think that District Officers will have a weaker hold over their establishments and their districts than they have had hitherto. Patronage is in many countries found to be a useful instrument in Government hands.

7. No argument can, in my opinion, be derived from the fact that the competitive examination for the Indian Civil Service puts young men at once into posts which, properly understood, are high ones; and invests them forthwith with very responsible executive and judicial functions. This is one of the necessities of our peculiar position in India. A certain number of Englishmen have to be provided to occupy, while still more or less young, most of the chief posts in the Civil administration of the country.

8. My conclusions are that it is not advisable to appoint Tahsildárs by competitive examination. As regards Náib-Tahsildárships and other equal or lower appointments, I am not opposed on principle to admission by competition; but I think there are difficulties in the way of organising a system which will work conveniently and not tend to exclude men of the races and classes which are at present backward in education.

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Enclosure No. 4 in Letter from the Punjab Government, dated 25th June 1888.

From W. M. YOUNG, Esq., Secretary to Government, Punjab, to the SENIOR SECRETARY TO FINANCIAL COMMISSIONER, Punjab, dated Lahore, May 25th, 1883.

I AM directed by the Lieutenant-Governor to acknowledge the receipt of your letter No. 471, dated 13th April 1883, relating to the question of introducing the system of selection by competition in the appointment of Tahsildárs and Náib-Tahsildárs.

2. The Lieutenant-Governor has carefully considered the views of Mr. Lyall and Colonel Davies, and, in reply, I am desired to convey the following remarks. Although the Lieutenant-Governor is unable to concur in the conclusions of the Financial Commissioner, which are adverse to the selection by competition of Tahsildárs, and though Sir C. Aitchison considers that there is nothing, in a properly regulated system of competition among selected candidates, to prevent Government from securing men of good family, force of character and other essential qualifications, more than in any other system, the Lieutenant-Governor has no wish to press the question against the opinion of Mr. Lyall and Colonel Davies. The Lieutenant-Governor thinks that further consideration of the matter can, for the present, be deferred till Government has some experience of the working of the competition system in other Departments.

3. As regards the selection by competitive examination of Náib-Tahsildárs, Mr. Lyall has stated that he is not opposed on principle to their admission to office by competition. And if the views of Mr. Lyall be accepted that, as a rule, in the Native Uncovenanted Service men should enter in subordinate, and rise gradually to the higher grades of the Service,—and it seems to the Lieutenant-Governor that there is much to be said in favour of these views,—then, I am to observe that nearly all the arguments against the competitive system appear to cease to be of force. The Chief Court has recently determined to apply the competition system to the appointment of Munsiffs. I am desired to request that after the rules of the Judges have been in force for one year, the question of the appointment, by competition, of Náib-Tahsildárs may be again submitted by the Financial Commissioner.

Enclosure No. 5 in Letter from the Punjab Government, dated 25th June 1888. \*

The 16th December 1885.

No. 3048.—The following rules, which have been sanctioned by the Honourable the Lieutenant-Governor, are published for general information:—

Educational qualifications required in candidates for admission to the public service under the Punjab Government, and, in certain cases, for promotion therein.

Rule I.—No person shall be eligible for any appointment under the Punjab Government unless he has been educated up to the following standard:—

- (i.) When the pay is from Rs. 15 to Rs. 150 a month, the final Middle School standard recognised by the Education Department.
- (ii.) When the pay is Rs. 151 a month or upwards, the standard of the Entrance Examination of an Indian University, or the High (final) standard prescribed in Schedule I. of the Code for European Schools in the Punjab.

Provided that in the districts named in the margin\* persons who have been educated

\* Pesháwar, Hazára, Kohát, Bannu, Dera Ismail Khan, Dera Gházi Khan. only up to the final Primary standard recognised by the Education Department shall be eligible for appointments of which the pay is from Rs. 15 to Rs. 30 a month.

Note.—If a candidate has not passed the appropriate examination by the above standards as prescribed in the Punjab, he will still be eligible if, by teacher's certificate or other reliable evidence, he satisfies the Head of the Department in which the appointment is included that he has been educated up to the required standard.

Rule II. (i.)—As between candidates for appointments with pay less than Rs. 15 a month, and between candidates for higher appointments who are possessed of the above minimum educational qualifications, preference will be given to the better educated unless the candidate with inferior education be specially preferred on one or more of the following grounds:—

- (a.) Special or technical experience or acquirements.
- (b.) The tried loyalty and distinguished service of the family to which he belongs.
- (c.) Good social status, and influence in the country.
- (d.) General capability and strength of character.

ii.—If the appointment is one of which the pay is Rs. 50 a month or upwards, and special preference is given to the candidate with inferior education, the reasons for such preference shall be recorded.

#### Examples.

- (1.) A and B are candidates for an appointment of Rs. 10, which is below the limit fixed by Rule I., clause (i). A has been educated up to the final Primary standard; B has not; and there is no reason for special preference. Preference will be given to A.



- (2.) A and B are candidates for an appointment of Rs. 100. A has passed the Middle School standard; B has passed the Entrance Examination, or has taken a degree; and there is no reason for special preference. Preference will be given to B.
- (3.) In case (2), if A's family has rendered distinguished service, while B's has not, A may be preferred notwithstanding B's superior education. If A is so preferred, the reasons for preferring him must be placed on record.

Rule III.—The standards and conditions prescribed in Rules I. and II. shall apply to the promotion of persons hereafter appointed to the public service in Departments in which promotion is not at present regulated by departmental rules, but shall not apply to promotions which are so regulated.

Rule IV.—Nothing in these rules shall be taken to—

- (a) lower or dispense with, or otherwise affect, any higher or special test required in any Department; or
- (b) affect competitive tests as between qualified candidates.

*Explanation.*—The rules are intended to prescribe the minimum educational qualifications without the possession of which candidates for the public service will be considered disqualified *in limine*. On the one hand, candidates who have been educated to a higher standard than is prescribed in Rule I. have fulfilled the requirements of these rules. On the other hand, candidates possessing the qualifications required by these rules must still satisfy other tests where such other tests are prescribed.

#### *Examples.*

- (1.) A has taken the degree of B.A. He has satisfied these rules, and, so far as these rules are only concerned, he is eligible as a candidate for the highest class of appointment to which they refer.
- (2.) A having passed the Punjab University Entrance Examination, applies for an appointment of Kánúngo. He is not a Patwári or a Settlement Munsarim. He must, under Rule 97 of the Patwári and Kánúngo Rules, qualify by at least three years' approved field work in a settlement before he becomes eligible.
- (3.) A having taken the degree of M.A., applies for a nomination to Register B as a candidate for an Extra Assistant Commissionership. He must (1) satisfy the other requirements prescribed by the rules for the time being in force regulating such nominations, and (2) must win his appointment, after admission to the register, by competition.

Rule V.—These rules do not apply to the following employments, officers and appointments, namely:—

- (1.) Sergeants, and appointments of lower grade in the Police and Jail Departments.
- (2.) Money testers.
- (3.) Treasurers.
- (4.) Draftsmen.
- (5.) Workmen and artificers.
- (6.) Gardeners, and the establishment of the Agri-Horticultural Gardens at Lahore.
- (7.) Patwáris, in which term Canal patwáris are included.

## CHAPTER I.

### RULES UNDER SECTION 9 OF THE PUNJAB LAND REVENUE ACT, 1887, FOR THE APPOINTMENT AND REMOVAL OF TAHSILDARS AND NAIB-TAHSILDARS.

#### *Of Naib-Tahsildars.*

1. The Commissioner of each Division is responsible for keeping up a list of qualified candidates for the post of Náib-Tahsildár, and in discharging this duty he shall be guided by the following instructions.

2. (i.)—The Commissioner shall from time to time select persons whom he considers likely to fill the post of Náib-Tahsildár with credit from among—

- (a) the leading agriculturists and persons of good social standing who reside permanently in his Division;
- (b) officials employed in the Revenue, Civil, Police, or Canal Establishments of his Division.

(ii.)—In selecting candidates from time to time the Commissioner shall, so far as possible, take a proportionate number of candidates from each district.

(iii.)—The number of persons of Class (a) selected by him in each district shall not ordinarily be less than the number selected under Class (b).

3. (i.)—No person shall ordinarily be selected under Class (a) unless he has passed the Anglo-Vernacular Entrance test or other higher standard of an Indian University.

(ii.)—But in districts where the education of the agricultural classes is in a backward condition, the Commissioner may, with the sanction of the Financial Commissioner, select a person belonging to a leading agricultural family who has passed only the Anglo-Vernacular Middle School Examination, if he possesses special merits on the ground of local influence or services rendered to Government by his family.

4. No person shall be selected under Class (b) unless he possesses the following qualifications:—

(i) he shall have passed the Anglo-Vernacular Entrance test or other higher standard of an Indian University; or

(ii) he shall have been in Government service for not less than five years, of which not less than two shall have been spent in the duties of a Field Kánungo.

5. When the Commissioner has selected a candidate, he shall record the grounds of his selection in a roll in Form A\* appended, forwarding the roll to the Financial Commissioner for information; and if the candidate belongs to Class (a), he shall at once call on the candidate to qualify himself for the post of Náib-Tahsildár in the following manner.

6. (i.)—The candidate shall serve for a term of not less than one year and not more than two years in the Revenue Establishment of a district to be named by the Commissioner. And during this time—

(a) if not already in possession of a Kánungo's certificate, be thoroughly trained in the duties of a Patwári and of a Kánungo;

(b) after he has been thus instructed in the duties first above named, he shall discharge any other duties of the Collector's Establishment which may be assigned to him by the Collector of the district. The discretion vested in a Collector to select these duties shall be so exercised as to give to each candidate a training in those duties of a Náib-Tahsildár of which he has no previous experience.

(ii.)—A limited sum will be provided by the Local Government from which stipends will be paid to deserving candidates of Class (a) while under training for a period in each case not exceeding two years.

7. (i.)—Candidates selected under Class (b), and a candidate of Class (a) who has served for one year in the manner prescribed in Rule 6, or a candidate of Class (a) accepted prior to the enactment of these rules, may present themselves for examination.

(ii.)—The examination shall include all subjects prescribed for the Kánungos' Examination, and in addition—

the Land Revenue Act and Rules under that Act;

the Tenancy Act and Rules under that Act;

Parts I. to V. of the Civil Procedure Code;

Parts I. to VI. of the Criminal Procedure Code, except Chapter XXIII.;

the account work of a Tahsíl Office;

the duties of a Tahsildár under the Excise, Stamp, and Registration Acts.

(iii.)—The examination shall be held yearly, or half-yearly if necessary, at the headquarters of the Division or of any adjacent Division.

(iv.)—The Examiners shall be the Director of Land Records and an Assistant Collector of the 1st grade nominated by the Commissioner.

(v.)—Detailed instructions in respect of the conduct of the examination, the marks to be allotted to each subject, and the number of marks required to pass will be issued from time to time by the Financial Commissioner.

8. If the candidate fails to pass within two years from his first selection, the Commissioner may admit him to the examination within two years following the conclusion of this term.

9. (i.)—A candidate who has been trained in the manner and has passed the examination above prescribed may, if well reported on in respect of his character and ability, be certified by the Commissioner to the Financial Commissioner as a qualified candidate for the post of Náib-Tahsildár. The Commissioner's report shall be in Form B\* hereto appended.

\* Not printed.

(ii.)—The number of candidates thus certified shall not exceed for the whole Division the number of Náib-Tahsildárships of the Division, nor ordinarily in any district the number of the Náib-Tahsildárships in that district.

10. Appointments to the post of Náib-Tahsildár shall be made by the Commissioner of the Division from among—

- (i) candidate who have been certified to the Financial Commissioner as duly qualified under these rules;
- (ii) candidates who having been accepted for the post of Náib-Tahsildár have passed the Tahsildárs' Examination according to the rules hitherto in force prior to the issue of these rules.

11. If a Commissioner is unable to appoint any qualified candidate of his own Division to a vacant post of Náib-Tahsildár, he shall report the vacancy for the orders of the Financial Commissioner.

#### *Of Tahsildárs.*

12. No person shall be appointed to be a Tahsildár—

(i.)—In the case of appointments made before the 1st of January 1889, unless he is qualified for that post under the rules hitherto in force.

(ii.)—In the case of appointments subsequent to that date, unless—

(a) he is the Superintendent or Head Clerk of a Commissioner's or Deputy Commissioner's Office, or is a Náib-Tahsildár or Deputy Superintendent of Settlement of not less than two years' standing; and

(b) he has passed the Tahsildárs' Examination or the lower standard prescribed for Assistant Commissioners, with such exceptions as are prescribed for Tahsildárs in the rules relating to that standard.

(iii.)—Nothing in this rule shall be understood as assuring to a Náib-Tahsildár eventual promotion to the grade of Tahsildár. The claims of thoroughly efficient Náib-Tahsildárs to be promoted in order of seniority will be duly considered. But the early advancement of Náib-Tahsildárs specially distinguished by good work, education, or other merit will be borne in mind.

13. (i.)—When a vacancy occurs in the post of Tahsildár, the Commissioner shall submit to the Financial Commissioner a recommendation framed in accordance with the preceding rule for filling up the vacancy.

(ii.)—Appointments to vacancies shall be made by the Financial Commissioner.

#### *Of Provisional Appointments.*

14. (i.)—In the case of a temporary vacancy in the post of Tahsildár not exceeding in duration one month, or

(ii.) in the interval between the occurrence of a vacancy and the arrival of the successor appointed by the Financial Commissioner, the Commissioner may appoint the Náib-Tahsildár of the tahsil or any other Náib-Tahsildár to officiate as Tahsildár, notwithstanding that he may not be fully qualified to succeed to that post.

15. The Government reserves to itself the power of directing the Financial Commissioner to appoint to the grade of Tahsildár or Náib-Tahsildár a person not eligible under the above rules, subject to his passing the prescribed examinations in a period not exceeding two years.

#### *Of Suspensions and Dismissals.*

16. Before a Tahsildár or Náib-Tahsildár is called upon to answer a charge of any offence or misconduct, otherwise than under the orders of a criminal court having jurisdiction to entertain the charge, the Collector must obtain the sanction of the Commissioner to institute the inquiry.

17. The Financial Commissioner may direct that a Tahsildár or Náib-Tahsildár be suspended from his office pending the decision of a charge brought against him. And in a case of emergency the Commissioner or the Collector may suspend a Tahsildár or Náib-Tahsildár for misconduct in anticipation of that sanction; the suspension being reported immediately to the Financial Commissioner and being subject to his orders.

18. Tahsildárs and Náib-Tahsildárs may be dismissed by the Financial Commissioner.

From F. C. ANDERSON, Esq., C.S., Officiating Secretary to the Chief Commissioner, Central Provinces, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, dated Pachmarhi, the 21st April 1888.

I AM directed to acknowledge your No.  $\frac{21}{626}$ , dated 16th ultimo, forwarding a copy of the Report of the Public Service Commission, and asking for an expression of the Chief Commissioner's views on the questions treated therein, and as to the extent to which the recommendations made in the Report can be carried out in the Central Provinces.

2. In reply, I am to forward a copy of a Minute by the Chief Commissioner in which the matters in question are discussed, and Mr. Mackenzie's opinions on them stated.

Enclosure in preceding Letter.

MINUTE by the Chief Commissioner of the Central Provinces, dated 31st March 1888.

I AM invited by the Government of India to submit observations upon the Report of the Public Service Commission generally, and with special reference to certain paragraphs in that report. My opinion is sought on the question of the extent to which the recommendations of the Commission can be carried out in the Central Provinces. Intimation is given that discussion is not to be "re-opened on the various matters connected with the recruitment, by competition or otherwise, of the Civil Service, on the Statutory Civil Service, or on similar matters of principle with which the Commission have had to deal."

2. I have no desire to re-open discussion on these matters. The main proposals of the Commission's Report are those which I have consistently advocated for many years past, in the Public Press, in Secretariat Notes, and in personal communication with various authorities at the India Office. That is to say, I am entirely in favour of the suggestion to reduce gradually the Covenanted Civil Service to a *corps d'élite* limited to the strength necessary to fill the "Chief Administrative Appointments of the Government," plus such a number of the smaller appointments as will ensure a proper training for its junior members. It is right that such a service should be Imperial in name and distribution, liable to serve in any part of the Indian territories. The revision of the Schedule of 24 and 25 Vict., Cap. 54, is a necessary corollary of this arrangement. I also approve of the proposal to constitute a Provincial Service, the appointments in which shall be open to all subjects of the Crown *bonâ fide* resident in India, the mode of recruitment in each Province being determined with reference to local circumstances under the orders of the Government of India. The Provincial Service will, under the scheme proposed, fill in time the vast majority of the appointments excluded from the Schedule above mentioned, as well as the higher appointments in the Executive and Judicial branches of the present Uncovenanted Service; all appointments below fixed Provincial lines of demarcation going to a "Subordinate Civil Service." It is accepted that promotion from this Subordinate Service shall be one recognised mode of recruiting the Provincial Service. All this I heartily approve.

3. Before examining the method in which it is proposed to give effect to this scheme, I wish to offer a few words of criticism on the view taken by the Commission of the Despatch of 1834 as interpreting Section 87 of 3 and 4 Will. IV., Cap. 85. I trust that in doing so I shall not be held to depart wantonly from the restrictions laid upon me. I cordially accept the great principles of that Statute and of the State paper which the Court of Directors based upon it, and I shall welcome the day when all distinctions based upon race are swept away from the Statute Law of India, as I believe was the intention of the Legislature and the Government in 1834. But it is unwise to import more into these declarations of policy than they were at the time intended to convey, and I cannot find in either document any expressed intention of eventually remodelling the administration of India upon a Native basis, which would, as it seems to me, be the logical outcome of the construction placed upon them by the Commission. On the contrary, the Directors never intended to interfere with the Covenanted Service as then constituted, or to transfer the functions of that service to a locally recruited or Native staff. In paragraph 105 they write:—

"You will observe that the object (of the enactment) is not to ascertain qualification but to remove disqualifications. It does not break down or derange the

scheme of our Government as conducted principally through the instrumentality of our regular servants, Civil and Military. To do this would be to abolish or impair the rules which the Legislature has established for securing the fitness of the functionaries in whose hands the main duties of Indian administration are to be reposed; rules to which the present Act makes a material addition in the provisions relating to the College at Haileybury. But the meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions 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 our Uncovenanted servants in India or from 'the Uncovenanted Service itself,' provided he be otherwise eligible consistently with the Rules and agreeably to the conditions observed and enacted in the one case and in the other."

If the instructions of the Directors meant, as the Commission urge on page 45 of their Report,\* that Natives generally were to be admitted to all places of trust as freely and extensively as their individual aptitudes justified, it is surely strange that during the following quarter of a century in which the Honourable Court held sway no practical steps were taken to give effect to such a sweeping change. The whole practical meaning of the Despatch appears to me to have been only this—that Natives were declared eligible as nominees for Haileybury and eligible for any Uncovenanted appointment. The avowed intention of the Court was still to retain "the main duties of Indian Administration" in the hands of their "regular servants," i.e., of the Services recruited at home; and as a fact they did do so all along. In spite, moreover, of the liberal language of the Despatch, no Native was, I believe, ever nominated to Haileybury, and even Lord Macaulay's Committee did not contemplate the admission of Natives to the Covenanted Service or to Covenanted appointments, unless they had been educated within the "United Kingdom." The Statute and the Despatch therefore, as the Directors said, merely removed a disqualification, and did not contemplate any change in the then existing methods of administration, under which all save the less important offices were in the hands of a close Covenanted Service recruited in England.

4. We must rest the policy of the Commission, it seems to me, upon its own merits, with reference to the circumstances of to-day, and not upon anything that was said or done in 1834 or 1854. I enter this *caveat* only because it is not unlikely that too much may be made of the Despatch of 1834 by those who would go even further than the Commission have thought it safe to venture.

5. It is satisfactory to find that the Commission utter no uncertain sound regarding the importance of maintaining a "permanent English official element in India"; and that they recognize the necessity of still and always reserving the "chief administrative offices" in the hands of a limited or close service, recruited "with reference to the maintenance of English principles and methods of Government." I should not myself have shrunk from the position laid down, if I remember rightly, in 1870 by His Grace the Duke of Argyll, that it was necessary for the security of our Empire to retain the chief administrative offices in English hands. No one would dream at present of going back from the principles of 1834, which by removing race disqualification admitted qualified Natives,—(though, as above shown, only after admission to the Covenanted ranks), to share in the work of the superior service; but if there were any prospect of the Native element swamping that service, I for one would not hesitate to limit the numbers of Native Covenanted Civilians. Indeed, I am not sure that it would not be a wise thing now, when we are opening the door so wide, to determine the maximum proportion of Native officers, or the minimum proportion of English officers, which should be maintained in the Imperial Service. This was, I think, strongly advocated by the Honourable Sir T. C. Hope; than whom there could be no one more friendly to Natives or more far-seeing in his general views. The raising of the limit of age for Natives Candidates (for my part I am in favour of raising the age for all candidates) may have the effect of overstocking the Imperial Service with that element. It would be easy to impose a limit now. It might be deemed invidious to enforce such a restriction hereafter. The point is in any case worthy of notice. The first thing to consider is the safety of the Empire, and the next the perpetuation in the administration of Western ideas and modern civilisation. No man who has served in India will believe that it could long be held safe and quiet if Native agency preponderated in the higher offices of the Administration—and no man who knows the educated Native of the present day would give much for an Administration conducted

\* See p. 37 of Command Paper No. 5327 of 1888.

with reference to his fantastic conceptions of progress. I am entirely in favour of the more free admission of Natives to higher offices on grounds of equity, of policy, and of economy; but it does not follow that we need stoop to flatter them by pretending to believe that man for man they make as good administrators as Englishmen. Natives of a candid sort know and admit that this is not the case. The only class that asserts the contrary is that of which the Western type was the "*græculus esuriens*" of the Roman poet.

6. Coming now to details, I think, with all deference, that the Commission have in their recommendations for amending the Schedule of offices to be reserved for the Imperial Service lost sight of the cardinal principle that the "Chief Administrative Offices" must be reserved for men of English education and training. The only classes of offices to which they do not propose to admit members of the Provincial Service are the Secretaryships and Junior Secretaryships to the Governments in India, Commissionerships of Customs, Salt and Opium, Opium Agencies, Judicial Commissionerships, and the Comptroller Generalship of Accounts. Every other class of office is in some measure to be open to them.

Now it appears to me that we can only justify the existence of an Imperial *corps d'élite* on the assumption that there are classes of offices for which men of English training and education are specially required. The Commission aim at finality in their recommendations, but I can see no hope of even proximate finality if their Schedule is accepted. They, rightly as I think, lay down the principle that the pay of the Provincial Service shall be "fixed on independent grounds and bear no relative proportion to that of the Imperial Service." But if the same classes of appointments are to be open to both services in the way they propose, the difference in pay will re-open all the heart-burning that now exists with reference to the position of Statutory Civilians, and will sow the seeds of future and persistent agitation. Then again, if we admit Provincial Civilians to a certain small proportion of the lower offices of a class in which the larger proportion of appointments in the higher grades is reserved for Imperial Civilians, we incur a further risk of causing discontent, for some of the Provincial Civilians will most probably have eventually to be excluded from what they will deem their natural promotion, or to be shunted into offices for which their previous training may not have fitted them.

7. Is there then any real difficulty in determining those classes of appointments in which the employment of men of English training and education is essential, if we wish to maintain English form and method in the administration of the country? I think not. I believe that I have the support of a vast body of previous authority in the opinion that we shall secure this if, and only if, the administration of Provinces, Divisions, and Districts is reserved for the Imperial Service. On the other hand, I am one of those who see no reason why any Judicial appointments (unless it be the quasi-administrative office of Judicial Commissioner) should be reserved for members of the Imperial Service. The Commission discuss the question at pages 72-5 of their Report.\* It will be observed that in their arguments they assume that the Provincial Service will be a purely Native Service. But this is not in consonance with their own proposals. There is to be no race qualification for admission to that service; and in view of the proposals in their paragraph 83 for the extended admission of Barristers, Advocates, and Pleaders to the High Courts, and of the appointment of such persons direct to the Judicial branch of the Provincial Service at page 82† of the Report, it is difficult to understand why the exclusion of Judicial appointments generally from the Reserved Schedule should be deemed to be a reservation of those appointments "for a particular class of Her Majesty's subjects." The upper Judicial Service in India might very well be constituted on the lines suggested by Sir Fitz-James Stephen in his "Minute on the Administration of Justice in British India." I have not this Minute by me to refer to, but at pages 73-4 of a Note which I wrote as Home Secretary, giving a "History of the changes in the Civil and Criminal Jurisdiction exercised by the Courts in India over European British subjects," I find quotations which prove that he contemplated the reconstitution of the judicial service on a perfectly open and independent basis. After explaining a plan for having a certain number of Covenanted Civilians annually trained at the bar, he said—"It would I think on every account be inexpedient to limit to such Civilians the appointments to Indian Judgeships. I would on the one hand encourage Civilians to be lawyers, and on the other enable lawyers not being Civilians to receive Judicial appointments. I think that all District and Sessions Judgeships as well as the High Court Judgeships should be thrown open, and that the abler Natives should be appointed to them largely. I believe that in this way it would be possible in the course of a few

\* See pp. 56-9 of Command Paper No. 5327 of 1888.

† " p. 64 " " " " "

“ years to have a thoroughly good Judicial service and a regularly organised legal profession, and in particular to make the service a bond of union between the Natives and ourselves.” \* \* \* “The object of the change would be to make the whole administration of Justice in India, as far as possible, complete in itself, with its own system of law and its own judges trained under that system.”

There is a growing agitation for the separation of judicial from executive functions. I have no doubt that this agitation is at present based on mistaken notions and is generally premature, but it indicates the direction in which opinion and action will eventually end, and it would be wise in my judgment to clear the way by recognising at once the possibility and propriety of constituting the Judicial Branch, as Sir Fitz-James Stephen proposed, on an entirely open and independent basis. In practice there would no doubt have to be a strong European element in the Judicial Service. Such appointments would be wanted certainly in places where Native race-antagonism was strong; for Sessions work it would generally be the best agency; and there would always be members of the Imperial Service better fitted for Judicial than for executive work; but I see no necessity for reserving Judicial offices by statute for the Imperial Service.

8. On the other hand the arguments in favour of admitting members of the Provincial Service to the administrative charge of Districts appear to me to be singularly weak, and, if I may say so, sentimental and unpractical. The issue is of course not one to be settled by mathematical demonstration one way or other. It is a question of political judgment and of administrative probabilities. For my part I can honestly say I have no prejudices against Native agency. My inclinations are all the other way. But I am bound to state my candid opinion on this matter, slowly formed as it has been during a service of six and twenty years, in which I have mixed perhaps more with Natives and Native officers than many other Civilians. In my judgment, then, the arguments for the change proposed by the Commission are not convincing. I take them in their order from page 73 of the Report\* :—

- (1.) “That Natives have never yet been tried in such offices.”—As to this I would only ask whether any European officer of sound judgment and experience has ventured to affirm that he has ever met a Native, however highly educated, whom he considered fit in every respect for the charge of a British district? We are not bound to try risky experiments when we can satisfy reasonable aspirations in other ways.
- (2.) “That in dealing with riots and disturbances, &c., the District Officer has to “rely almost entirely on Native agency.”—The only comment necessary on this is that it is not the horses that drive the coach. No one denies that Native agency well directed can do good work. But would any Government now feel satisfied, if it had only Native agency at its disposal for meeting serious disturbance? In my experience the presence of one European officer makes all the difference between success and failure on such occasions.
- (3.) “That European gentlemen readily accept employment in Native States, Native “armies, and Native families.”—The bearing of this is not very clear. It probably refers to the objection that Europeans would not care to serve under Native superiors. If so the argument does not cover the objection. Europeans in want of a salary will serve anywhere. It does not follow that they like it, or that under other conditions an arrangement of the kind would work well. Still less does it prove that the subordination of members of an Imperial to those of a Provincial Service is desirable in itself or conducive to discipline.
- (4.) “That there are many districts in which there are no troops, and few “Europeans, and where no difficulties of collision are [likely to arise.”—On this it may be remarked that, as *ex hypothesi* the District Officer is to be the backbone of the English Administrative system—to keep Indian work up to the tone and standard of Western ideas—it is hardly possibly to expect this from a Native, however cultivated, thrust out into a remote district, which has been selected for him just because of the absence of European elements and influences. He will, unless he be a man of most exceptional force of character, very soon deteriorate and revert to his ancestral type.
- (5.) “That where Natives have been largely employed in offices of control in other “departments they have not been found wanting.”—This argument is to my mind a *non sequitur*. Offices of control in other departments for the most part require only a careful training in the routine and traditions of

\* See p. 57 of Command Paper No. 5327 of 1888.

the department. I know of none in which the same independence of action and power of initiation and origination is required as in the case of a district officer.

- (6.) "That Natives in charge of districts in Native States temporarily under British management have proved efficient."—If British districts are to be administered upon the standard of Native States there is of course nothing more to be said. But it is difficult to believe that any weight is seriously meant to be attached to this argument.

9. The argument in favour of admitting Natives to District Executive charges amounts in fact nearly to this—that there is a doubt whether they are fit or not, and they should get the benefit of the doubt. I speak of the admission of Natives to these offices, because that is the way the Commission put it. It is not, however, a question merely of Native *vs.* European, but whether members of the Provincial Services, European, Eurasian, or Native, are fit for offices, to fill which satisfactorily it is elsewhere admitted that such a special education and training are required as the Imperial Service is maintained to secure. Carried to its legitimate conclusion the contention of the Commission would warrant the abolition of the reserved Schedule altogether, and does away with the very *raison d'être* of an Imperial Service:

10. But even, if we admit that Native Collectors might answer in a Province like Bengal where district administration has very largely come down to be a matter of law and rule, it would be nothing short of disastrous to attempt the same arrangement in Provinces like these, where the district officer is or ought to be the mainspring of everything done in every branch of the Administration; and where the rights of a large indigenous or quasi-indigenous population have to be safe-guarded from the encroachments of an Aryan immigration;—or in Provinces where there are fiercely hostile elements living side by side, as is the case in Upper India. Surely if it is desired to try the experiment of Native district officers it would suffice to do so under the special powers of appointment given by 24 and 25 Vict., Cap. 54, which the Commission (paragraph 78) propose to retain. A revolution such as is involved in their proposed amendment of the Schedule of the Statute is, I respectfully submit, not warranted by the arguments urged in support of it.

11. Still less is the proposal warranted to strike out of the Schedule a proportion of the Divisional or Commissioners' charges—which rests merely on the "higher standard" of educational attainments in different parts of the country," and on the fact that the duties of Commissioners have been "in some cases successfully discharged by "Uncovenanted officers in the Non-Regulation Provinces." The way in which this last argument is brought in seems to me hardly fair. No Native has ever to my knowledge been a Commissioner in a Non-Regulation Province, and I believe the cases of Uncovenanted European Commissioners are only two or three at most. I have one such officer now in the Central Provinces, but in his case the epithet Uncovenanted, to apply at all, has to be construed in its strictest literal sense. The officer in question (a non-domiciled European) was appointed early in his service a member of the ordinary Commission of the Province, *i.e.*, put practically at the outset of his service on all fours with the Civil and Military (Covenanted) members, and he rose through every grade of the Commission to his present post. I suspect the instances in other Provinces are of the same kind. The special power of appointment under 24 and 25 Vict., Cap. 54, would sufficiently meet such exceptional merit if shown by members of the Provincial Service. But if one of the four Commissionerships in these Provinces were to be held by a Native, the whole administrative machinery of the Division would break down. In every Division of the Central Provinces the Commissioner is also the Sessions Judge and Court of Civil Appeal over the European district officers. He has in every division to do with high Military Authorities, and to deal with large European interests, Railway and Commercial. In some divisions he has to represent the British Government in its relations with Feudatory Chiefs, or large jagirdars, and in others with the local authorities of neighbouring independent States. No Native, no Provincial Civilian, could fill the office satisfactorily, and I shall be sorry for the Chief Commissioner who has to try the experiment. The Commission seem to me to be at times a little inconsistent. If in the case of such a Department as "Salt" the head must be an Imperial officer, because "tact and personal influence are necessary in order to escape friction with district officers, and to facilitate the transaction of business with Native durbars" (page 130),\* why are these qualifications not to be secured, as far as rule will secure them, in the case of Divisional Commissioners? If there is so much doubt whether the charge of the District Police ought not to be left in European hands, why is the charge of whole districts to be surrendered without hesitation? If

\* See p. 100 of Command Paper No. 5327 of 1888.



members of Revenue Boards may be Provincial Civilians, why are Commissioners of Customs, Salt and Opium, and Opium Agents, always to be Imperial officers?

12. For my part I see no reason why a Native, or a Provincial Civilian of any race, with the necessary abilities and departmental training in the Settlement or Financial lines, should not make an admirable member of a Board of Revenue; or a Comptroller General of Accounts. Any Board of Revenue would benefit by the presence of a Todar Mull, and for Accounts the Native intellect is peculiarly well suited. Even as regards Opium Agents, Commissioners of Customs, Salt and Opium, while admitting the force of all the Commission urge, I should prefer not to schedule them, simply because no root principle requires this. As I have already said, I would schedule only appointments in which it is politically essential to have men of English training and education. I would not include appointments to which it is merely for the present desirable to appoint men of the Imperial Service. Removing them from the schedule will not interfere with the power of Government to appoint. I would schedule only the following:—

- (1.) Chief Commissioners.
- (2.) Secretaries and Junior Secretaries to the Governments in India (excepting those in the Military, Marine, and Public Works Departments).
- (3.) High political appointments (reserving a power to the Government to appoint also officers of the Military service).
- (4.) Judicial Commissioners.
- (5.) Commissioners of Divisions.
- (6.) Collectors or Officers in charge of Districts.
- (7.) Assistant Collectors and Assistant Commissioners (limited in number to the staff required for training to fill the grades above).

This would rest the organisation of the Imperial Service upon a clear and permanent basis of principle, and give much more in the end to the Provincial Service than it will get under the Commission's scheme.

13. My reply, therefore, to the general question "how far the recommendations of the Commission can be carried out in the Central Provinces," would be, that we cannot safely, and without serious loss of efficiency, make over to the Provincial Service either Divisional or District charges. The ranks of the Commission must continue to be filled by members of the Imperial Service. But there are various appointments now held by officers of the Commission which I do not think need be reserved for them as hitherto, and which need not be taken into account in determining the ultimate recruitment of the Imperial Service for these Provinces. These appointments are:—

	Present Pay.
2 Small Cause Court Judgeships -	Rs. 1,000 and Rs. 800.
Inspector-Generalship of Registration, Stamps, and Excise -	Rs. 1,200.
Registrarship to Judicial Commissioner -	Rs. 100 in addition to pay of grade.
3 Settlement Officers -	Rs. 800, 800 and 700.

I would fix the recruitment of the Commission on the hypothesis that it was required to supply:—

- 1 Judicial Commissioner.
- 4 Divisional Commissioners.
- 18 District officers.
- 1 Political Agent in Chhattisgarh.
- 1 Secretary to the Chief Commissioner.
- 1 Junior Secretary (to be also Commissioner of Settlements and Director of Land Revenue, Records, and Agriculture).
- 2 Settlement Officers.
- 1 Cantonment Magistrate.
- 1 Inspector-General of Police and Jails.

Plus the number of Assistant Commissioners for leave vacancies and men in training. I ask for no Imperial Civilians for Subdivisions. I assume that Under and Assistant Secretaries may be either Assistant Commissioners or Provincial Civilians. These proposals involve, I think, very material contributions towards the constitution of a Provincial Service in the Central Provinces. The reduction of the Commission will

necessitate an increase in the number of Extra-Assistant Commissioners, who will form the main strength of the Provincial Service here. But it is probably unnecessary to submit specific proposals on these, and cognate questions, until the orders of the Government of India and the Secretary of State are received upon the main issue, whether districts and divisions are to be given up or not.

14. Coming now to the minor matters upon which the Government of India specially ask for opinion, I note briefly as follows on the paragraphs of Chapter X. to which attention is drawn.

- (1.) Paragraph 25. There can be no doubt that in these Provinces the line of division between the Provincial Service and the Subordinate Civil Service should be drawn between the grade of Extra-Assistant Commissioners, and that of Tahsildars.
- (2.) Paragraph 28. The principle of open competition, if adopted for the recruitment of the Provincial Services, would result in these Provinces in flooding the service with Mahratta Brahmins, to the exclusion of every other class. We have already more than a fair share of these. I am very decidedly of opinion that for the present we must adhere to the system of nomination pure and simple. Great care is now taken in the selection of men for Extra-Assistant Commissionerships. We find our best candidates among men who have served for some years as Tahsildars, or as Clerks of Court (a very important functionary in these parts), or as District Inspectors of Education. Very occasionally a rank outsider is selected especially if he be a promising Mahomedan, but in every case great stress is laid on the possession of a competent knowledge of English without which no Extra-Assistant Commissioner can be at the present day an efficient officer. I do not think we can improve on these arrangements at present. I may add that in selecting Naib-Tahsildars and Tahsildars similar care is taken, and we are getting in some very good material at the bottom of the list.
- (3.) Paragraph 30. I think that as a rule a high English qualification should also be insisted on. If this is not done the Provincial Service will be as great a fiasco as the Statutory. The standard of age (25 years) would not, of course apply in the case of men promoted from the Subordinate Service.
- (4.) Paragraph 38. In the Central Provinces we now strictly enforce the exclusion of foreigners, and with the best possible results in the stimulus given to local educational institutions and the general content of the educated classes. I should be sorry to see this principle departed from here. We do not want the services of natives of other Provinces. Practically, however, the suggestion of the Commission, that 3 years' recent local residence should be a condition precedent to appointment, would meet the case.
- (5.) Paragraph 44. I concur in the suggestion that Statutory Civilians in actual service should be absorbed into the Provincial Service. This will fully cover the requirements in the cases of the two statutory men serving here.
- (6.) Paragraph 48. We have no need of a Board of Examiners in these Provinces, nor have we the means of constituting such satisfactorily. (See also my note on paragraph 28.)
- (7.) Paragraphs 58-64. My views on the organisation of the Superior Educational Department have been printed by the Commission at page 160 of their Appendices. I would not recruit in England for Inspectorships, unless it be for the Inspectorships of European schools, and then only in the manner proposed in paragraph 59 for specialists. We can find competent Inspectors for district work in the ranks of the Provincial Service or in the Educational service. I concur in all the other proposals of the Commission regarding the Educational Department.
- (8.) Paragraphs 75-76. There is nothing like a Jail Department, so far as superior appointments go, in these Provinces. I have to find Superintendents of the Central Jails among the Medical staff at my disposal. The exception is Jubbulpore where there is a Military Officer in charge belonging to the Commission. I am strongly of opinion that the Chief Commissioner ought to be permitted to choose for the charge of Central Jails the man best suited for the work, in whatever department he may find him—subject to the approval of the Government of India. At present I am seriously hampered in the reform of the Nagpur Jail by the view taken by the Home Department that the appointment must be held reserved for a Covenanted Medical Officer. In these Provinces the proposal that no one should be made a Superintendent

of a Central Jail who has not served 3 years in the Jail Department or in the superior grades of the Police Department is not practicable. A Medical officer, if otherwise qualified, is the best Superintendent of a Central Jail, but I would not confine the selection to Medical officers.

- (9.) Paragraphs 86-90. For the appointments of Assistant Superintendents in the Police Department, I have no objection to clauses (a) and (b) of the Commission's suggestion (1), if the Viceroy is willing to surrender the power of nomination which at present rests with him. But I object to the promotion of Inspectors to be Assistant Superintendents or District Superintendents unless such promotions are strictly limited to the recognition of very exceptional merit. The District Superintendent must be socially the equal of the District officer if work is to run smoothly, and promoted Inspectors are never happy in their relations with the District officer. I find that even under a good Native as District Superintendent the discipline of the force is never satisfactory, and minor irregularities of all sorts are apt to grow up unchecked. I am quite clear that the control of the Police ought to be in European hands, though I admit we might get better Europeans than we often do. Inspectorships ought to be well-paid appointments, and to be a sufficient reward for subordinates to look forward to. I am reporting separately to the Home Department on the question of the pay of the subordinate officers of the Police. In these Provinces their position has been greatly improved of late years.

15. There remains only one of the general suggestions of the Commission to which I would wish very briefly to advert. Chapter VII., paragraph 80: I cannot think it equitable, in filling up the higher appointments now to be excluded from the Schedule of 1861, to have regard only to the claims of Covenanted Civilians and other officers who competed or were appointed before 1870. In paragraph 86, Chapter VIII., the Commission explain that their recommendations for the creation of a Provincial Service are "subject to due consideration for the rights of existing incumbents of all classes of appointments which may be affected by its proposals." Why should not this principle apply in the case of Covenanted incumbents? Every man now in the service was led to enter it on the faith of the practical permanence of the published cadres. The recruitment of the Service has also annually been based upon the assumption that the "charges" throughout India were to be filled to a large and specified extent by Covenanted Civilians. These principles have been announced and endorsed repeatedly by the Government. Every man in the service has legitimately built upon these assurances. If the promotion of any Civilians now in India is to be injuriously affected by the transfer to a local service of a large section of the appointments to which they had a right to look, the Government of India will find itself in a very unpleasant predicament. Justice to Native claims as yet inchoate does not, I venture to submit, warrant injustice towards European officers brought away from England under what are now to become false allurements. I do not see how any scheme for the immediate or early extension of local agency can be introduced without a further scheme for retiring or absorbing on equitable terms into the Provincial Service a large number of the junior Civilians now in the country. Of course recruitment for the Imperial Service should be at once reduced to suit whatever may be eventually decided to be the future strength of that service. But it ought, I think, to be recognised that the scheme now proposed can only be worked up to slowly, and as the present Covenanted Service dwindles, unless, as I have hinted, special measures be adopted for expediting the process of conversion.

16. I observe that no expression of opinion is asked for in connexion with the suggestions affecting the Forest, or the Public Works Department. I therefore volunteer none.

17. Save as is indicated above, I concur generally in the proposals and recommendations of the Commission.

A. MACKENZIE,  
Chief Commissioner, Central Provinces.

FROM DONALD SMEATON, Esq., M.A., B.C.S., Officiating Chief Secretary to the Chief Commissioner of Burma, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, dated Rangoon, the 22nd May 1888.

I AM directed, in reply to your letter No. <sup>24</sup>/<sub>839</sub>, dated the 20th April 1888, to submit the accompanying memorandum by the Chief Commissioner on the proposals of the Public Service Commission.

Enclosure No. 1 in preceding Letter.

MEMORANDUM by the Chief Commissioner dated the 21st May 1888.

I have in vain endeavoured to find time to study the report and recommendations of the Commission in the manner they deserve. In applying, or endeavouring to apply, the proposals to Burma I am at a disadvantage, as the Commission did not include this Province within the area of its enquiry, and therefore there is not within the report and its appendices any collection of evidence bearing on the state of affairs, on the condition of the people, and the advance of education in Burma.

Personally, I regard the experiment of making a formal allotment of a certain number of the appointments now held by the Covenanted Service to an Inferior Service locally recruited as a dangerous experiment. It is not intended, I know, that the number of appointments so allotted should always be filled by men of the Inferior Service. But very soon the intention will be forgotten, and men in the Provincial Service, whether fit or unfit, will clamour for their share. Again, if it is once admitted that numbers of inferior standing and education (and I think every one will concede that the average of the Provincial Service in this respect will be below the average of the Imperial Service) are able adequately to fulfil the duties of high executive appointments, the ground for maintaining an Imperial Service at all will be cut away. There will be, in my opinion, from the very day of the creation of this Provincial Service, a constant clamour for the abolition of the distinction in pay, as well as in other matters between its members and those of the Imperial Service. I understand, however, that I am not invited to criticise the proposals, but to say how they should be applied to Burma. My opinion is that they should not be applied to this Province. I do not think that there is a single Burman in the Province who could be safely entrusted with high executive or judicial duties. We want every Englishman that we can get. The Englishmen and Eurasians or Anglo-Burmans who can be locally obtained, and who are qualified for appointments in the higher ranks of the service are very few. If a Provincial Service were created on the lines proposed by the Commission, there would be an influx of young Englishmen who had failed to pass in any of the English competitive examinations, and who would come to Burma in the hope of getting an appointment. The Provincial Service would consist chiefly of this class. Burmans would be practically excluded on account of their deficient education, and the general untrustworthiness of their character.

I consider that the number of men allotted to the Commission (114) is the least number of well educated English gentlemen with which the administration can be carried on efficiently, and the local material with, of course, a few exceptions here and there, is not fitted for other than the subordinate ranks.

I am of opinion that any scheme which contemplates the possibility of placing Burmans in charge of districts, or in Commissionerships which would give them a claim even to hold subdivisional charges, is premature. The Commission's proposals would mean in practice the creation of an inferior English or Eurasian service, in which the children of the soil would have no part, and I can see no good result which could come from it. I doubt whether the higher executive charges in any Province can be safely entrusted to any one but a member of the Imperial Service. The reasons advanced by the Commission for reserving the appointment of Opium Agent apply with more force to the appointments of Commissioner and of District Magistrate and Collector. The patronage in the hands of the head of a district may not be so large numerically as that administered by the Opium Agent, but its abuse more nearly affects the administration and the welfare of the people.

I am anxious that the natives of the country should be treated on equal terms with ourselves. I believe under the present system they are treated on equal terms. They are asked to come up to our standard, and if they can do that they are admitted to the Imperial Service, to which, after all, no provincial as such can claim admittance of

right. What we are proposing to do is to lower our standard to theirs; and as it is evident that this might result in the admission of more of the native element than would be politic, it is proposed at the same time to open the door to an inferior class of Englishmen. I believe that this will result either in an abuse of patronage or in the establishment of a system of competitive examinations, which not only is a very bad method of selecting natives, but deprives the Government of the power involved in the disposal of the appointments in the service—a power which in this country it cannot afford to give up.

(Signed) C. H. T. CROSTHWAITE.

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From the SECRETARY TO THE CHIEF COMMISSIONER of ASSAM to the SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, dated Shillong, the 27th April 1888.

General Department.

SIR,

I AM directed to acknowledge the receipt of your Letter No. 21—629, dated the 16th ultimo, in which you, in effect, request the Chief Commissioner, avoiding as far as possible the discussion of matters of principle, to state the extent to which, in his opinion, the recommendations of the Public Service Commission can be carried out in Assam. In reply, I am to communicate the following observations on such of the recommendations summed up in the 128th paragraph of the Commission's Report as the Chief Commissioner feels called upon to notice.

*Recommendation 11.*

2. The Chief Commissioner, I am to say, fears that, exceptionally circumstanced as Assam is with its hundreds of European tea gardens, its extensive frontier, and its numerous wild tribes both on the frontier and in the interior, there would be a very great difficulty about reducing the number of European Officers. Mr. Fitzpatrick has no fear that in expressing this opinion he is in any danger of being thought opposed to the omission of natives to higher office, inasmuch as he, when serving elsewhere, was, he believes, one of the first to put on paper a plan for the admission of natives to higher office, very similar to that proposed in the 11th recommendation of the Commission, and he abstained from formally submitting his scheme to the Commission, only because, having been himself appointed to the Commission, he deemed it better to reserve his opinion until he had heard what his colleagues had to say. It now so happens that he finds himself administering perhaps the only province in India in which a scheme on these particular lines could not be carried out to any extent worth speaking of.

3. He considers it unnecessary to trouble the Government of India with any detailed statement of the reasons which make it unsafe to reduce the European element in the Assam Commission, inasmuch as those reasons are fully stated in communications from some of his predecessors which are already before the Government of India. He cannot find that Sir Charles Elliott expressed any opinion on this point; but Sir Stuart Bayley went fully into it in my letter to you, No. 2093, dated 24th June 1880, on the strength and recruitment of the Civil Service, and Mr. Ward did the same in the memorandum forwarded with my No. 2898, dated 24th May last, to the Secretary of the Public Service Commission, a copy of which, with copy of the letter of June 1880. Attached, is enclosed for facility of reference.

4. As regards the difficulty with the planters, Mr. Fitzpatrick feels bound to admit what he saw in Mysore districts containing considerable numbers of European settlers officered entirely by native officials, and that, as far as he knows, no serious difficulties arose; but he suspects that this was attributable in a great measure to the circumstance that those Europeans recognised the fact that being in a Native State they must be under native administration, and even with this he did not find that the native magistrates had in all cases the control they ought to have had over their European justiciables. Here he apprehends the difficulty would be much greater. The planters are on their own ground, they are more numerous, stronger, and more self-assertive; moreover, there is a class of native agitators springing up here who lay themselves out to make the worst of every case between a European and a Native, and the consequence is that race feeling runs high.

5. This being the position, it would be undesirable to replace even any of the Assistant Commissioners by Natives, for, as it is, there is at times a difficulty about finding European Assistants of sufficient standing to officer the sub-divisions where planters are numerous; and if the number of European Assistants was reduced, the Chief Commissioner would have to choose between putting in a native and entrusting such a sub-division to a European Assistant altogether unfit to administer it.

It would, however, be possible to get over the difficulty so far as Assistant Commissionerships are concerned by increasing the number of Assistant Commissioners by two or three (whichever is to be the number excluded from the Schedule), and diminishing the Extra Assistant Commissionerships by the same number. It would be desirable to give somewhat larger pay to the Provincial Service Assistant Commissioners than is given to the Extra Assistant Commissioners, but the additional cost would be so small that it would not be worth speaking of.

6. The great difficulty would be about the one Deputy Commissionership which it is proposed to exclude from the Schedule. It would of course be possible to exclude two or three Assistant-Commissionerships from the Schedule, and keep all the Deputy Commissionerships in it. This would provide a means of promoting one Extra Assistant Commissioner who has been repeatedly recommended for the Statutory Civil Service, and for whom something must be done; and it is very likely that he and any other gentleman in his position whom it might be thought desirable to treat in the same way would thankfully hail the promotion, though there would be no prospect of their rising to be Deputy Commissioners; but it must be admitted that the measure would thus be incomplete, and Mr. Fitzpatrick can see only one way of making it complete, namely, by arranging that if on one of the Provincial Service Assistant Commissioners appearing entitled by his standing and qualifications to a Deputy Commissionership, the Government of India were satisfied that it was on political or administrative grounds undesirable to give him a district in Assam, or if, after he had been appointed to a Deputy Commissionership here, the Government of India were satisfied that, without any fault of his he was in a wrong position, he should be exchanged for a European officer of like standing in Bengal, where it would always be possible to provide for him.

7. If this were arranged and the Assistant Commissionerships increased in number (the Extra Assistant Commissionerships being correspondingly reduced) in the manner above indicated, Mr. Fitzpatrick sees no difficulty about one Deputy Commissionership and two or three Assistant Commissionerships being excluded from the Schedule.

8. There is only one other point connected with the Schedule on which the Chief Commissioner has to remark, viz., the mention in Article (7) of "one District and Sessions Judge in Assam." There is really only one District and Sessions Judge, properly so-called, in Assam, viz., the District and Sessions Judge of Sylhet, and he obviously ought to be a European; but as the Commissioner of the Assam Valley is always appointed also District and Sessions Judge, the wording adopted is likely to give rise to an expectation that it is intended to appoint a native as District and Sessions Judge of Sylhet. The Chief Commissioner would accordingly suggest that the words "the District and Sessions Judge of Sylhet" be used. If at any time a change is made in the designation of the office or the limits of its jurisdiction, the Schedule can easily be amended under the power which it is proposed to reserve.

9. One remark of a general nature the Chief Commissioner will permit himself to add, and that is that nothing ought to be omitted from the Schedule in regard to which it is not clearly possible, subject to all due allowance for vested interests, to treat Natives and Europeans exactly alike. One of the most fatal blunders made of late years in Indian Administration has, in his opinion, been that of exciting hopes which cannot be fulfilled within any reasonable time, and it would be one more instance of this blunder to exclude anything from the Schedule to which we do not see our way to fully and freely admitting natives at least before the present generation passes away.

*Recommendation 28.*

10. I am to say that the Chief Commissioner trusts that, as the subordinate service improves, the members of the provincial service will be more and more largely drawn from it, and that he considers that the best mode of filling the constantly diminishing numbers of places in the provincial service to be filled by recruitment will be by competition among a limited number of candidates nominated on grounds wider than those of mere ability to do well at what would be little better than a schoolboy's examination. He is strongly opposed to open competition as a mode of filling these places, and that partly on grounds peculiar to Assam; and partly on grounds applying to other parts of India as well, but it would be premature to trouble the Government of India further with his views on this point at the present moment.

*Recommendation 38.*

11. The Chief Commissioner fully agrees with the Commission in thinking it inexpedient to lay down a rule restricting the recruitment for the provincial service to residents of the province concerned. It would, indeed, be impossible to carry on the administration of Assam at present if such a rule were in force here. At the same time he cannot too strongly express his concurrence with the majority of those consulted, who hold that the service should, as far as possible, consistently with reasonable efficiency, be recruited from the natives of the province. To say nothing of the peculiar qualifications of the natives of the province for employment within the province, it seems to him that all the arguments that have been used to show the justice and expediency of reserving for the natives of India as a whole as large a share as possible of the offices of the Indian Administration as a whole go equally to show the justice and expediency of reserving for the natives of each province as large a share as possible of the offices of that province. What, he would ask, will all the labours of the Commission avail the natives of one of the smaller and more backward provinces, if after the prospects of the provincial service are improved, they are to be excluded from it by outsiders from the larger and more advanced provinces? They might as well, it seems to him, be excluded by Englishmen, Irishmen, or Scotchmen: indeed, it may be a question whether they would not prefer this.

The matter must be looked at also, it seems to the Chief Commissioner, from the point of view of the mass of the people as well as from that of the candidates for office; and he has no doubt that it would be in every respect more satisfactory to them if the native portion of the service were recruited from the province than if it were recruited from outside.

Mr. Fitzpatrick has a strong opinion on this matter, because long ago in the Punjab, and recently in the Central Provinces and Mysore, he has had experience of the objections to importing native officials from other provinces, and even during the short time he has been here the jealousy which exists between Assamese and Bengalis has attracted his attention.

12. The Commission, I am to add, seem in the remarks they make upon this point to accept the view for which the Chief Commissioner contends; but the very inadequate suggestion, as it appears to him, regarding three years' residence which they make in conclusion would appear to indicate that they felt some difficulty about giving full effect to that view. There are expressions in their 84th paragraph which seem to suggest that they supposed that the 87th Section of the 3 and 4 Wm. IV., c. 85., was in the way; but if that enactment would prevent our reserving, as far as practicable, the appointments in a province for the natives of that province, it would, I am to say, seem also to prevent our reserving a certain proportion of the higher appointments for the natives of India at large, as the Commission declare it to be their object to do, and as their scheme practically (though not in point of form) proposes to do. Mr. Fitzpatrick's own opinion is that, when properly understood with reference to its subject matter and to other legislation *in pari materia*, the enactment in question does not prevent either one or the other, but this is one of those more general questions on the repeatedly discussion of which he will not be expected to enter here.

*Recommendation 86-98.*

13. The higher grades of police officers in Assam, I am to say, are drawn from Bengal, and the Chief Commissioner will be prepared to accept any arrangements the Bengal Government may make regarding their recruitment.

That there is no objection to a few of the Assam police officers being natives will be seen from my letter No. 3,122, dated the 3rd June 1887, copy of which is annexed.

14. Subject to the foregoing remarks, the Chief Commissioner fully accepts the scheme of the Commission so far as it affects this Province, and, if it is not presumptuous on his part to do so, he would desire to add that, so far as he has studied their report, he is of opinion that the practical result of their labours is a most happy solution of the very difficult problem set before them.

I have, &c.,

C. J. LYALL,  
Secretary to the Chief Commissioner of Assam.

Enclosure No. 1 in foregoing Letter.

From C. J. LYALL, Esq., C.S., Secretary to the Chief Commissioner of Assam, to the SECRETARY TO THE PUBLIC SERVICE COMMISSION, dated Shillong, the 24th May 1887.

In reply to your confidential letter No. 133, dated the 10th March last, I am directed to submit a memorandum by the Chief Commissioner, giving a full and detailed reply to No. 232 of the questions prepared in connexion with the inquiries of the Public Service Commission.

MEMORANDUM by CHIEF COMMISSIONER, dated 24th May 1887.

*Question No. 232.*—To what extent could the prescribed Covenanted Civil Service cadre in your Province be reduced if a corresponding increase were made in the English element of the Uncovenanted Service, or in the Native element, or partly in one and partly in the other?

*Answer.*—In answering this question so far as it relates to Assam, it is necessary to remember that the words "Covenanted Civil Service cadre" in this Province do not mean a cadre consisting of the Covenanted Civil Service alone. It is for us equivalent to the "Assam Commission," a composite body, at present made up of 29 Covenanted Civilian, 10 Military Officers, and 5 Uncovenanted Officers. All of these are Europeans, and the Uncovenanted Members of the Commission were admitted to it under special circumstances, which are not likely to occur again. They could not enter the Commission under the rules as they at present stand without the special sanction of the Secretary of State.

2. Our present cadre, as fixed by paragraph 5 of Financial Department letter No. 2230, dated the 29th December 1881, is 43 officers on the 1st July ("the date of nearest approach to normal strength") and 44 on the 1st January. The former total is made of thus:—

Civilians recruited in England	-	-	-	-	25·10
" " in India	-	-	-	-	7·17
Military and Uncovenanted Officers	-	-	-	-	10·76
Total	-	-	-	-	<u>43·03</u>

Our actual strength at the present moment (April 1st), however, is differently distributed, as follows:—

Civilians recruited in England	-	-	-	-	29*
" " in India	-	-	-	-	Nil.
Military and Uncovenanted	-	-	-	-	15†
Total	-	-	-	-	<u>44</u>

We have never yet succeeded in obtaining a candidate of the second class. The assumption, therefore, "that appointments will no longer be made to the Covenanted grades, under the Statutory Rules or in any other way except through the channel of competition in England, save in very exceptional cases, and that the present system, whereby a proportion of appointments in the Covenanted service is practically reserved for natives of India by the rules issued under the Statute 33 Vict. cap. 3., is discontinued," which we are asked to make in answering the question, represents the actual condition of things.

3. As already pointed out, the question as regards this Province may be otherwise stated thus:—"To what extent could the prescribed cadre of the Assam Commission be reduced, if a corresponding increase were made in the English element of the Uncovenanted Service, or in the Native element, or partly in one and partly in the other?"

4. The present cadre was framed, according to the principles set forth in paragraph 4 of the Financial Department letter No. 2230, dated the 29th December 1881, by taking the actual "charges" at the time held by members of the Commission, and adding a per-centage of 10·58 for men "in training" (*i.e.*, of two years' standing and under), and another of 27·39 per cent. for absentees. The charges so taken into

\* Includes Sir C. A. Elhott, employed under the Government of India.

† Includes Lieutenant Watson, not yet joined.



account were 32; the additions were 3.38 for men "in training," and 8.76 for absentees, making a total of 44.14, or, in round numbers, 44, as the 1st January strength.

5. The "charges," as they now stand, are the following :—

Chief Commissioner.

Secretary.

Assistant Secretary.

Director of Land Records and Agriculture.\*

Judge and Commissioner, Assam Valley Districts.

Judge of Sylhet.

11 Deputy Commissioners.

Inspector-General of Police and Jails, Superintendent of Stamps, and Commissioner of Excise.

Political Agent, Manipur.

—  
19 Total, besides the subordinate posts of sub-divisional officers and others held by Assistant Commissioners, for which see below, paragraphs 6-8.

In the opinion of the Chief Commissioner it is necessary that all these 19 posts, with the single possible exception of that of Assistant Secretary, should be held by members of the Commission. The special and peculiar circumstances of the Province were very fully set forth in the memorandum forwarded to the Public Service Commission with letter No. 922, dated the 23rd February last, and it was there shown (paragraph 6) that every district in the Province, with the exception perhaps of Goalpára, requires a European officer at its head. If under any circumstances a native officer were placed in charge of Goalpára, he would require to be a man of very special qualifications, and it would be most inconvenient administratively to have only one such post capable of being held by a native incumbent.

6. But, in order to supply the place of these officers when they retire or go on leave, it is obviously necessary to have a sufficient number of Assistants, also members of the Commission, in training for office as Deputy Commissioners. This would be the case, even if there were no sub-divisions, the special circumstances of which require Europeans to administer most of them. The proportion of officers on leave in Assam is always very large. The full number of furloughs allowed by the Civil Leave Code (one-fifth of all the officers on the Commission, see Section 50, Rule 1) is invariably taken up, and, besides the furloughs, privilege leave takes away a large proportion of officers every summer. It is frequently a matter of great difficulty to provide for the tenure of obligatory posts during the hot weather, and this year the Chief Commissioner has been obliged to entrust a district to an Assistant Commissioner who had not, when appointed, completely passed his examinations.

7. The fixed staff of Assistant Commissioners is nineteen, with a variable number (at present five) of supernumerary Assistants, not sufficiently experienced to be trusted with responsible work. The Chief Commissioner does not find these too many to enable him to fill all the posts which require to be held by Europeans, and to provide for the due succession of capable officers to the higher grades. In order that a Deputy Commissioner may be able to control his sub-divisions (for the number of which see paragraph 7 of the memorandum of 23rd February), it is necessary that he should himself have had experience as a sub-divisional officer; and before an Assistant Commissioner is qualified to take charge of a sub-division, he requires to be trained in the elements of administration at the district head-quarters. These considerations, the Chief Commissioner thinks, make it clear that the present number of Assistant Commissioners (that is, junior members of the Commission) could not be reduced.

8. If it were not that it is necessary to provide for a due succession of administrative training in those officers who will eventually be called upon to hold charge of a district, it would doubtless be possible to substitute European Uncovenanted Officers (here called Extra Assistant Commissioners) for members of the Commission in sub-divisional and other subordinate charges. The question what posts in the Province must necessarily be filled by Europeans has been discussed before on more than one occasion. Mr. Ward would draw special attention to the opinion of Sir Steuart Bayley, as expressed in his letter No. 2093, dated the 24th June 1880 (copy appended). It will be seen that he enumerated 40 as the least number of appointments which, in his opinion, "it was

\* Added since the orders of December 1881, but without any addition to the strength of the Commission.

essential should be held by officers not natives of India," in paragraphs 5, 6, and 7 of the letter he explained at length the reasons why he came to this conclusion. One post, that of Director of Land Records and Agriculture, has been added to the Commission since Sir Steuart Bayley wrote; and the Chief Commissioner has been permitted to employ one of the Assistant Commissioners as a Personal Assistant. This raises the number required to 42, or only one less than the cadre fixed for the Commission in the orders of December 1881.

9. Mr. Ward could give a list of sub-divisional and subordinate head-quarters appointments, similar to that given in Sir Steuart Bayley's letter of 24th June 1880, but modified in accordance with changes which have taken place since he wrote, requiring to be held by Europeans; but the total is certainly not less. He does not think it possible, in the words of the question, to reduce the prescribed covenanted cadre by a corresponding increase in the Native element of the Uncovenanted Service; he would have no objection to the substitution for four or five of the Covenanted Assistant Commissioners of Uncovenanted Europeans, were it not that the present staff of Assistants is not too large to provide for the due succession to the higher posts, which must be filled by members of the Covenanted grades. And, this being so, he is obliged in answer to the question to state that no substantial reduction is possible in either of the ways indicated. The only post which he can suggest should be thrown open to the Uncovenanted Service (and this, he thinks, should certainly for the present be held by a European) is that of Assistant Secretary.

W. E. WARD,  
Chief Commissioner of Assam.

Enclosure No. 2 in Letter from Chief Commissioner of Assam, dated 27th April 1888.

From C. J. LYALL, Esq., C.I.E., Officiating Secretary to the Chief Commissioner of Assam, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home, Revenue, and Agricultural Department, dated Shillong, the 24th June 1888.

I AM directed to acknowledge receipt of your letter No. 20-779, dated the 17th ultimo, forwarding copy of a draft Resolution which it is proposed to issue, on the subject of the future strength of, and recruitment for, the Covenanted Civil Service of the Bengal Presidency, and requesting an expression of the Chief Commissioner's opinion on the manner in which the draft applies to Assam the principles finally decided by the Government of India and that of Her Majesty, that the Natives of India shall be admitted to an increasing share in the higher civil offices of the country, that the strength of the imported English agency shall be reduced as much as possible, and that the only English agency to be employed shall be the Covenanted Civil Service, with a limited admixture of Military Officers in the frontier provinces. You also ask that the accuracy of the figures used in the draft may be examined, and that it may be considered how far the results which the draft orders are intended to bring about are suitable to the Province.

2. The main points which the draft Resolution proposes to settle are, apparently, (1) the limit of *cadre* appointments to be filled by trained men, *i.e.*, members of the Covenanted Civil Service or Military Officers (in frontier provinces); (2) the number of these appointments in each province; and (3) the proportion of probationers, selected from the same classes as supply the *cadre*, for the purpose of filling the places of absentees. The first of these points is settled by fixing Rs. 800 as the limit of salary required to make an appointment a *cadre* post; the second, for Assam, determines the number of such *cadre* appointments at 21; the third is decided in accordance with the report of a Committee, who were of opinion that 40 probationers should be provided to every 100 *cadre* appointments. According to this proportion, Assam would require, for the assumed 21 *cadre* offices 8·8 probationers, and would have a total staff of 29·8, or, say, 30 Covenanted Civilians, English and Native, and specially selected Military Officers. Of these 29·8 officers, 7 would be Military Officers, and 22·8 Covenanted Civilians, of whom one sixth, or 3·8, may eventually be Natives of India.

3. The "*cadre*" appointments enumerated by the Government of India are those shown on the margin, and omit the appointment of Political Agent at Manipur, which has now been added to the strength of the Commission. The proper total is therefore 22, not 21. Accepting the limit of Rs. 800 monthly salary as the mark of a *cadre* appointment, it is necessary next to consider whether 40 per cent., as assumed by the draft Resolution, is a sufficient proportion to assign for men in training to fill those appoint-

1	Chief Commissioner.
1	Secretary.
2	Judges or Commissioners
11	Deputy Commissioners
5	Assistant Commissioners.
1	Inspector General.

21 Total.

ments. And, in dealing with this subject, it seems to Sir Steuart Bayley that the question of primary importance as regards Assam is—how many posts, *cadre* and probationary, must be in view of the circumstances of the Province held by Europeans?

4. The Chief Commissioner would enumerate these posts as follows; and in this enumeration several are omitted which Sir Steuart Bayley thinks might very suitably be added to the list :—

- 1 Chief Commissioner.
- 1 Secretary.
- 1 Assistant Secretary.
- 2 Judges or Commissioners.
- 11 Deputy Commissioners.
- 1 Political Agent at Manipur.
- 1 Inspector General.
- 7 Assistant Commissioners at the following head-quarters stations :

- Sylhet.
- Silchar.
- Sibságar.
- Lakhimpur.
- Darrang.
- Kámrúp.
- Nága Hills (the necessity is here, perhaps, temporary).

8 Assistant Commissioners at the following sub-divisions :—

.. Jowai in the Khási and Jaintia Hills.

Karimganj, } in Sylhet.

Habiganj, } in Sylhet.

Háilákánda, in Cachar.

North Lakhimpur.

Mangaldai, in Darrang.

Jorhát, } in Sibsaágar.

Golághát, } in Sibsaágar.

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33 Total.

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of which 11 might be held by probationers, *i.e.*, officers drawing less than Rs. 800 a month. But, in order to ensure that these appointments should always be held by Europeans, it would be necessary to provide for vacancies by having a reserve of at least 7 officers qualified to fill them, making in all 40 appointments, which, in Sir Steuart Bayley's opinion, it is essential should be held by officers not Natives of India.

5. No one can be more anxious than the Chief Commissioner to see Natives promoted to high employment in this country, and he has always advocated, and to the best of his ability assisted in carrying out, this measure. But the circumstances of Assam are altogether peculiar. The two great and absorbing difficulties in the administration of this Province, the only two which can justify a separate administration for a population numerically so insignificant as that of Assam, are the tea interest, represented by a yearly-increasing number of European settlers, and the multitude of warlike and savage tribes by whom the Province is hemmed in. We have to be perpetually on our guard against raids from Bhutias, Daflas, Abors, Mishmis, Singphos, and Lushais. In the last ten years we have been compelled to send military expeditions against the Lushais, the Daflas, and the Gáros, and a few more years would include the Bhutan expedition and the rebellion in the Jaintia Hills. During the last seven years we have had four different expeditions against the various tribes of Nágas, among whom three Deputy Commissioners and one Assistant Commissioner have lost their lives. It will be observed that every one of the subdivisions at which the Chief Commissioner urges the necessity of placing a European officer is either bordered by one of these raiding tribes, or else is an important centre of the tea industry. Most of them are important from both these points of view, and their administration is a matter of more than ordinary difficulty and delicacy, requiring firmness, readiness of resource, mental and physical vigour, and tact in dealing both with the European settler and suspicious savage tribes.

6. It would not be too much to say that, with the elimination of these problems of our administration, two thirds of our anxieties, if not of our actual work, would be removed; and, were this possible, Sir Steuart Bayley fully admits that, for the everyday duties of executive officers, Natives of India would answer admirably. But it is

hardly necessary to point out that in the management of tea-planters, no less than in our relations with frontier tribes, the difficulties are precisely those with which the educated Native is neither by training nor character so well fitted to deal as a European. If it is worth while to give a separate administration to Assam, mainly on account of these two special problems, it seems to the Chief Commissioner that it would be a fatal error of policy to provide that administration with instruments which are admittedly unfitted for dealing with the difficulties which these problems involve.

7. Sir Steuart Bayley is most anxious that the administration of Assam should be conducted as economically as possible, and he is still more anxious not to obstruct the enlargement of the field for the employment of Natives, a cause which he has always had much at heart. But he feels that he would be misleading the Government of India if he did not most earnestly protest against the number of European executive officers in Assam being reduced below what is, in his opinion, absolutely necessary for the steady progress of the Province. He would submit that these necessities cannot be decided by the mere application of an arithmetical average; that it is not reasonable to select, as posts to be held by specially trained and qualified men, appointments paid at Rs. 800 a month and over, and to add a fixed proportion of 40 per cent. to that number to provide men in training to fill them. If the actual number of Europeans now employed in the executive duties of the Commission were taken (a much more suitable measure, it seems to the Chief Commissioner, of provincial necessities than the arbitrary arithmetical one above referred to), it would be found that, while there are 17 Deputy Commissioners and Assistant Commissioners drawing Rs. 800 and over, there are 17 Assistant Commissioners and 5 European Extra Assistant Commissioners drawing less than that sum; and Sir Steuart Bayley thinks that it will hardly be argued that the Province is extrayagantly strong in its executive staff.

8. In framing the list given in paragraph 4 above, the Chief Commissioner has cut down the provincial requirements in regard to executive officers as low as he thinks possible, excluding two or three posts which he considers of real importance. He cannot deem less than 40 Europeans sufficient for the general executive and administrative work of the Province. Even this figure would involve a reduction of the existing strength by 5 Europeans. He would therefore submit, for the consideration of His Excellency the Governor General in Council, that if the *cadre*, as fixed at the line of Rs. 800 a month, being definitely adopted, Assam should be allowed at least 80 instead of 40 per cent. of probationers in addition, and that the whole of this staff should, at any rate for the present, consist of Europeans.

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Enclosure No. 3 in Letter from Chief Commissioner of Assam, dated 27th April 1888.

From C. J. LYALL, Esq., C.S., Secretary to the Chief Commissioner of Assam, to the  
PRESIDENT TO THE PUBLIC SERVICE COMMISSION, dated Shillong, the 3rd June 1887.

IN reply to your letter No. 245S., dated the 25th March last, asking for information in regard to the Police Department in Assam, I am directed to forward copy of a letter, No. 2056, dated the 10th May, from the Inspector General. As the letter is, however, somewhat imperfect in the details which it contains, I am to supplement it by the following further particulars.

2. The Police force in Assam consists of two essentially distinct bodies; (1) the ordinary Civil Police, and (2) the Frontier Police. The former are concerned with the detection and prevention of crime, the guarding of jails and treasuries, and the other customary duties of a civil police force. In order to enable them satisfactorily to perform their guard and escort duties, a certain proportion of them is trained to the use of arms, and is called the Armed Civil Police. The Frontier Police is essentially a military body, and is stationed in parts of the Province which are liable to be disturbed by the inroads of wild tribes from beyond our border, or by the turbulence of uncivilised races within it. Its members, who are drilled and equipped as soldiers, bear military designations, and are organised for service as an armed force. The Frontier Police is divided into four battalions, which occupy respectively the Lakhimpur district, the Nága Hills district, the Gáro Hills district, and the Surma Valley; besides these, two detachments are employed on the frontier defence of Sibságar and Darrang. The four battalions are under the command of Commandants; of whom three are Military Officers, lent to the Chief Commissioner for five years, during which time they

are seconded in their regiments, and receive a special staff allowance. The Commandant of the fourth (Surma Valley) battalion, who is a Civilian of the Bengal Police Service, was selected for the post for his special qualifications and previous services in a military capacity. It is evident that the post of Commandant is not one which, under present circumstances, could be filled by a Native.

3. It was part of the original scheme for the reorganisation of the Frontier Police in its present form, as proposed by Sir Charles Elliott in 1882 and 1883, that the military defence of the Province being thus provided for the civil duties of District and Assistant Superintendent of Police should be more largely entrusted to Assistant and Extra Assistant Commissioners, including Native Extra Assistant Commissioners. He wished to employ these in some districts in the place of officers belonging to the Bengal Police Department which now supplies the Province with Police Superintendents and Assistant Superintendents. This part of the scheme was, however, negatived by the Government of India, who considered that each of the eight plains districts in the Province should have a separate civil police officer. A copy of the correspondence is enclosed for the information of the Commission. Upon this point I am to say that, assuming that separate civil police officers are necessary for each district of the Province, Mr. Ward would be quite prepared to accept for the districts noted below, a Native police officer of the rank of Assistant Superintendent in lieu of the officers now posted to these districts.—

District.	Name, grade, and pay of Police Officer now posted to the district.
Goálpára -	V. W. Bertelsen, District Superintendent, fifth grade, Rs. 500 + Rs. 100, Assam allowance.
Kámrup -	A. B. C. Comber, Officiating Assistant Superintendent, third grade, Rs. 250.
Darrang -	W. B. Waller, Assistant Superintendent, second grade, Rs 300 + Rs. 100, Assam Allowance.
Nowgong -	F. A. Fullerton, Assistant Superintendent, second grade, Rs. 300 + 100, Assam allowance.

In the districts referred to, there is little organised crime, and therefore small need for police officers of high professional attainments. The same might also be said of the three districts of Sibságar, Dibrugarh, and Cachar, but in these there is a large European population and a large number of tea-gardens, many of which have to be annually inspected by police officers in their capacity of Assistant Inspector of Labourers. Apart from this, it is desirable to preserve in the Province a proper proportion of European police officers.

4. Besides the Commandants of Frontier Police, and District and Assistant Superintendents of Civil Police, there are three charges in the Province of a special character, which, though not connected with police duties, are held by officers of the Bengal Police. These are the posts of Assistant Political Officer at Sadiya, and Sub-Divisional Officers of the North Cachar Hills and of Wokha in the Nága Hills district. Europeans are required for these posts, and Assistant Superintendents of Police are employed in them as the cheapest procurable European agency. One of them, the charge of the Wokha subdivision, was held till 1882 by a European Extra Assistant Commissioner; but there are too few officers of that rank now at the Chief Commissioner's disposal to admit of one being posted to Wokha.

5. It will be noticed that there are one Eurasian and two European Subadars in the Frontier Police, and one domiciled European Inspector in the Civil Police. The former body requires a leaven of such officers to keep up its standard of military efficiency, and the Chief Commissioner would be glad to increase their number if possible.

Enclosure No. 4 in Letter from Chief Commissioner of Assam, dated 27th April 1888.

From the INSPECTOR GENERAL OF POLICE, Assam, to the SECRETARY TO THE CHIEF COMMISSIONER OF ASSAM, dated Shillong, the 10th May 1887.

WITH reference to your Memorandum No. 2051, dated the 11th April 1887, forwarding in original a letter No. 245S., dated the 29th March 1887, from the President of the Public Service Sub-Committee to the address of the Secretary to the Chief Commissioner of Assam, in which full and detailed particulars with regard to the Police Department in Assam have been called for, for the use of the Public Service Commission, I have the honour to submit the following particulars under each of the four heads mentioned by the Commission.

(1.) There are no separate officers in the grade of District Superintendents and Assistant Superintendents of Police for the Police of this Province. The staff of officers now serving in Assam is borne on the Bengal Police list, and their promotions, &c., are regulated by that Government.

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(2.) The conditions of service in the department in regard to pension and furlough are those laid down in Sections 104, 106, and 111 of the Civil Pension Code and Section 132 of the Civil Leave Code respectively.

The rates of pay of the District Superintendents and Assistant Superintendents now employed in this province are shown in the column 3 of the statement appended to this report. As regards the pay of the three Military Commandants now attached to the Frontier Police, they get Rs. 300 per month, plus the pay of their rank.

The rates of pay of the grade of Inspectors of the Civil Police and of Subadárs of the Frontier Police are also given in column 3 of the statement.

With regard to the Frontier Police, I am of opinion that if it is expected to be a success, more money must be expended on this branch, and better pension and leave rules given to the men. Men must be induced to stop when we have got them.

As regards the Armed Civil Police, which is composed principally of Natives of the Province, and who were appointed to look after gaols and treasuries and perform escort duties in those districts which were denuded of Frontier Police on the new reorganisation scheme in 1883, we shall always have some difficulty in recruiting them as long as their strength is not increased, as they are continually on duty, and have not the chances of living as cheaply as those appointed to the purely Civil Police. The clothing allowance granted them is still quite inadequate, considering they are but seldom out of uniform.

(3.) There are no technical requirements of the Civil Police. For the Frontier Police men of fighting castes and good physique are an absolute necessity.

(4.) The same class of the community that are employed in most Government appointments seek employment in the Civil Police. In the Frontier Police the same class of community that are employed in the army.

(5.) I beg to submit herewith the statement showing the existing organisation and constitution of the Police Department of this Province.

4

**Existing ORGANISATION and CONSTITUTION of the POLICE DEPARTMENT in the PROVINCE of ASSAM.**

1. Department.	2. Total Number of Gazetted Appointments, or of Appointments not being purely Clerical, of Salaries of Rs. 100 and upwards.	3. Distribution of the Gazetted Appointments and the other Appointments mentioned in Column 2 amongst Classes and Grades, with Rate of Pay attached.	4. Number of Appointments in each Class or Grade now held by							Total.
			1. Europeans not Domiciled in India.	2. Europeans Domiciled in India.	3. Khasians.	4. Natives of India.				
						Hindus.	Muhammadans.	Others		
Frontier Police	Commandants, 4	1 Rs. 674 1 6	1	—	—	—	—	—	—	1
		2 " 625 12 0	2	—	—	—	—	—	—	2
		1 " 600 0 0	1	—	—	—	—	—	—	—
			4	—	—	—	—	—	—	4
Civil	District Superintendents, 4	2 @ Rs 700 0 0	2	—	—	—	—	—	—	2
		1 " 600 0 0	1	—	—	—	—	—	—	1
		1 " 500 0 0	1	—	—	—	—	—	—	—
			4	—	—	—	—	—	—	4
" " "	Assistant Superintendents, 5	1 @ Rs. 450 0 0†	1	—	—	—	—	—	—	1
		3 " 400 0 0†	3	—	—	—	—	—	—	3
		1 " 250 0 0	1	—	—	—	—	—	—	—
			5	—	—	—	—	—	—	5
Frontier	Subadars, 11	1 @ Rs 250 0 0§	—	—	—	—	—	—	—	—
		4 " 200 0 0	1	—	1	1	1	—	—	4
		3 " 150 0 0	—	—	—	2	—	—	—	2
			—	1	—	1	2	—	—	4
			1	1	1	4	3	—	—	10
Civil	Inspectors, 20	1 @ Rs 250 0 0†	—	—	—	—	—	—	—	—
		4 " 200 0 0	—	—	—	3	1	—	—	4
		6 " 150 0 0	—	—	—	6	—	—	—	6
		9 " 100 0 0	—	1	—	8	—	—	—	9
			—	1	—	17	1	—	—	19

Pay Rs. 500 and allowance Rs. 100.  
 " 300 " 150.  
 " 309 " 100.

§ Vacant.  
 || Incumbent officiating in §.  
 † Vacant

From F. E. K. WEDDERBURN, Esq., Secretary to the Chief Commissioner of Coorg, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, dated Bangalore, 19th May 1888.

I AM directed to acknowledge the receipt of your letter No.  $\frac{31}{628}$ , dated the 16th March 1888, forwarding a copy of the final report submitted to the Government of India by the Public Service Commission; and requesting to be furnished with the Chief Commissioner's opinion as to the extent to which the recommendations of the Commission can be carried out in Coorg, more especially with reference to the matters summarised in the paragraphs noted on the margin.

Chapter X. Paragraphs 25, 28, 30, 38, 44, 48, 58, 59, 61, 75, 76, 86 to 90.

2. In reply, I am to submit the following remarks containing the officiating Chief Commissioner's opinion on the questions raised in the paragraphs specially referred for his opinion.

3. Owing to the small extent and backward condition of Coorg, it cannot, in the opinion of the Chief Commissioner, maintain a separate Provincial Service of its own. Its inhabitants are mountaineers, passionately attached to their native soil, not equal in intelligence and education to their neighbours in British India and Mysore, and, therefore, not candidates for appointments beyond the limits of Coorg.

In the Province there are also many British and immigrant planters.

4. The First and Second Assistant Commissioners should alone be in the Provincial Service. The munsifs, subedars, and all other officials should be classed in the Subordinate Service.

The First Assistant Commissioner should be an English gentleman. The Second Assistant Commissioner should be selected as the most efficient member of the Coorg Subordinate Service.

5. Good evidence should be required that the candidate for employment possesses the qualifications mentioned in sub-heads *b*, *c*, and *d*.

Paragraph 30.

6. Coorg is hardly ripe for the order that recent residence of at least three years in the Province shall be an essential condition of admission to the Provincial Service, but, *cæteris paribus*, Coorgs should be preferred for the appointment of Second Assistant Commissioner.

• Paragraph 38.

Paragraph 44.

7. Statutory Civilians would be out of place in the Provincial Service of Coorg.

8. The Board of Examiners should consist of the Commissioner, the District Magistrate, the Inspector of Schools, and two or three selected Orientals.

Paragraph 48.

9. The remarks made in these paragraphs in regard to the Education Department seem to be right in principle; but education is not sufficiently advanced to require rules at present.

Paragraphs 58, 59, 61.

10. The Superintendent of the Jail is, and always should be, a Commissioned Officer of the Indian Medical Department.

Paragraphs 75, 76.

11. The Officiating Chief Commissioner heartily concurs with the recommendations of the Commission, especially those contained in paragraph 90; and he will, with the approval of the Government of India, submit proposals for raising the pay of the lower grades of Police Officers, more especially of Officers in charge of Police Stations

Paragraphs 86 to 90.

From G. S. FORBES, Esq., C.S., Secretary for Berar to the Resident at Hyderabad, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, dated Hyderabad Residency, 16th May 1888.

SIR,

I AM directed to acknowledge the receipt of your letter No. 21-630, dated 16th March 1888, in which the opinion of the Resident is solicited regarding the extent to which the recommendations of the Public Service Commission can be carried out in the Hyderabad Assigned Districts.



2. Before referring in detail to the main points of the Committee's scheme, it is desirable to recall the peculiar circumstances of Berar. The Province is a small one; it is neither a Regulation nor a Non-Regulation Province, and is not a part of British India. Its general administration is conducted by a Commission resembling externally the Commissions in Non-Regulation Provinces, but the appointments to it are not necessarily made from either Her Majesty's Covenanted Civil Service or from the Staff Corps, but are wholly in the patronage of the Viceroy. Thus the apportionment of the appointments in the Commission is already under the complete control of the Governor-General. In addition to this a certain share of the appointments has already been practically secured for Natives of India exclusively. Under the scheme sanctioned by the Government of India in 1872 (Foreign Department letter No. 2079-G., dated 26th September 1872) several appointments of Rs. 200 each were created to which "native gentlemen of good family and promise with a fair knowledge of English" should be nominated. The number of these appointments was originally 5, but in 1883 was reduced\* to 4, at which figure it now stands. These officers, designated Attachés, after a satisfactory probation of three years, are eligible for promotion to the commissioned ranks of the executive service. The system has worked fairly well, and the Attachés have, as vacancies occurred, been posted to 3rd Class Assistant Commissionerships, obtaining further advancement in ordinary course. Owing to stagnation in promotion, their claims to Deputy Commissionerships have not yet come under consideration, but the Officiating Resident knows of no reason why, if their previous career has proved them fitted in ability and character for the charge, they should not be advanced to that office. Of the 22 appointments in the higher branch of the Commission, 6 are already held by Asiatic Natives of India, and besides there are now on duty 4 Attachés either passed or on probation. Extra Assistant Commissioners, who are all Statutory Natives of India, are also occasionally promoted to Assistant Commissionerships. It will thus be seen that the claims of Natives of India in the Berar Commission are already more fully recognised and admitted than in any province of British India.

3. A point of importance with the Public Service Commission in their proposals for a Provincial, as distinguished from an Imperial, service is the local recruitment of the former service. They remark: "As a general rule recent residence of at least three years in a province should be an essential condition of admission to the Provincial Service." Hitherto it has proved impossible to find in Berar itself a sufficient number of qualified recruits for all the Attachéships. The majority of the gentlemen appointed have been natives of Hyderabad or of the adjacent Presidencies. In the latter case some of those appointed have been persons connected by hereditary or other interests with the province; and for the future, when it is necessary to go outside, this point will be more carefully attended to than perhaps it has been. The claims of Hyderabadis are however on another footing, and are not open to the objection which appertains to the appointment of persons from outside the Nizam's Dominions.

4. Such being the situation, I am directed to say that, as the existing system appears to make reasonable provision for securing a fair share of the more responsible executive and administrative posts in Berar to Natives of India, the recommendations of the Public Service Commission are in some measure forestalled. The Government of India directly controls all the higher appointments in the province, and can regulate their distribution with reference to class claims in such manner as it pleases. Considering these circumstances, and having regard to the status of the province and the smallness of the administrative and executive staff, the Officiating Resident is of opinion that little, if anything, would be gained, either for native interests or for the public advantage, by the creation of three distinct services—Imperial, Provincial, and Subordinate—to conduct the civil administration. He is, therefore, disposed to deprecate any alteration of the existing system. In this view it becomes unnecessary to discuss the details of the Committee's scheme summarised in paragraphs 25, 28, 30, 38, 44, and 48 of Chapter X. of the Report.

5. Turning to the proposals relative to the recruiting of the Educational Service, I am to state that this department, in the Hyderabad Chapter X., paragraphs 55, 59, 61. Assigned Districts, is already an entirely native service.

6. With regard to Jails (paragraphs 75 and 76 *ibid.*), at present all the Superintendents are medical officers. Should this arrangement be in any case discontinued, a qualified native might be unobjectionably placed in charge.

\* Government of India, Home Department, letter No. 1125, dated 20th August 1883.

7. Finally, as to the Police, provision for the officering of the force by a certain proportion of Natives has, I am to remark, already been made. Under a standing rule introduced in 1886 (Home Department letter No. 249, dated the 21st June 1886), one of the three Assistant Superintendentships is reserved for a Native of India, and the rule is followed. With regard to the recruitment for the grade of Assistant District Superintendent, the present system is admittedly unsatisfactory. The number of appointments available in this department in Berar is so small that the scheme proposed by the Commission, while otherwise desirable, could hardly work successfully, unless for this purpose the Police service of the province were united with that of the Central Provinces or of Bombay; and the Officiating Resident would recommend this suggestion for the consideration of the Government of India.

A report on the other points noticed by the Commission relative to the Police service has recently been submitted to the Home Department (this office letter No. 122-G., dated 3rd April 1888), and it is unnecessary to notice them further here.

I have, &c.

G. S. FORBES,  
Secretary.

Telegram from the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, Simla, to the CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, Ootacamund, dated the 18th July 1888.

YOUR 580 of 5th June, paragraph 2, Public Service Commission. It was not intended to restrict expression of opinion on any of the recommendations of the Commission affecting Madras. If Madras Government desires to offer any remarks on paragraph 77 of Report and Recommendation 16 in Chapter 10, or any other points, please telegraph them.

Telegram from the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, Simla, to the CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, Judicial Department, Poona, dated the 18th July 1888.

YOUR 2966 of 7th June, paragraph 14, Public Service Commission. Government of India understands Bombay Government does not object to Recommendation 16 of Chapter 10 and schedule, except as regards Under Secretaries. Is this correct?

Telegram from the SECRETARY TO THE GOVERNMENT OF BOMBAY, Judicial Department, Poona, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, Simla, dated the 27th July 1888.

YOUR telegram without number, dated 18th. Besides Under Secretaries, this Government thinks it undesirable that one tenth of Revenue Collectors should ordinarily and obligatorily be held by Natives, although it does not object to the appointment of Natives, provided the Famine Commission's recommendation\* quoted, Chapter 8, paragraph 89, is made a rule to be rigidly observed by selection under paragraph 89, Chapter 8, and without reference to Secretary of State as proposed in paragraphs 78 and 79 of Chapter 7, but with sanction of Government of India.

Telegram from the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, Simla, to the SECRETARY TO THE GOVERNMENT OF BOMBAY, Judicial Department, Poona, dated the 28th July 1888.

YOUR telegram No 956 of 27th instant. It is assumed the Governor in Council approves of the proposal made in paragraph 10, Chapter X. of Public Service Commission's Report, to repeal section 6 of 33 Vict., Chap. 3. If he does not approve, telegraph on this point, and on any other on which His Excellency in Council may wish to make remarks.

\* Part II, section II., pages 103-104 of the Report put up.

Telegram from the PRIVATE SECRETARY TO THE GOVERNOR OF MADRAS, Bangalore, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, Simla, dated the 31st July 1888.

THE GOVERNOR being on tour, I send following telegram at request Chief Secretary. *Telegram begins* :—Your telegraph 18th, Public Service Commission. Most important proposal is opening some district charges and one Member, Revenue Board, to Provincials. This Government has no objection to this at proper time and as competent men available, but strongly deprecates any pressure or compulsion, as by too great or too sudden restrictions of Imperial recruitment essential that any reduction of recruitment be introduced very gradually, and Local Government left to decide when such appointments can safely be given to Provincial men. Claims of all present Civilians demand consideration. As telegraphic reply demanded, other minor points not considered.—*Telegram ends*.

Telegram from the SECRETARY TO THE GOVERNMENT OF BOMBAY, Judicial Department, Poona, to the SECRETARY TO THE GOVERNMENT OF INDIA, Home Department, Simla, dated the 1st August 1888.

YOUR 2032, 28th. Proposed repeal of section 6, Statute 1870, approved conditional on amendments recommended in Statute of 1861, paragraph 78. Report subject, however, to a revision of those amendments required to meet my telegram 956.

PROPOSED SCHEDULE\* as referred to in paragraph 13 of Despatch, page 7.

*General.*

- (1.) Secretaries and Junior Secretaries to the several Governments in India, except Secretaries and Junior Secretaries in the Military, Marine, and Public Works Department.
- (2.) Comptroller and Auditor General.
- (3.) Accountants General except one.
- (4.) Commissioners of Customs, Salt, and Opium
- (5.) Opium Agents

*Judicial.*

- (6.) Judicial Commissioners.
- (7.) Two thirds of Civil and Sessions Judges or Chief Judicial Officers of districts; in the Punjab two thirds of the officers as aforesaid and of Divisional Judges after deducting the proportion reserved for military officers.
- (8.) Two thirds of Additional and Assistant Judges.
- (9.) Nine tenths of Magistrates or Chief Magisterial Officers of districts, and in the Punjab and Assam nine tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (10.) Five sixths of Joint Magistrates.
- (11.) Five sixths of Assistant Magistrates or Assistant to Magistrates, or Assistant Commissioners, and in the Punjab and Assam five sixths of the officers as aforesaid after deducting the proportion reserved for military officers.

*Revenue.*

- (12.) Members of Boards of Revenue and Financial Commissioners.
- (13.) Secretaries to the Boards of Revenue and Financial Commissioners except one (when there are more than one) in each Province.
- (14.) Commissioners of Revenue or Chief Revenue Officers of Divisions, except one such appointment in Bengal, in the North-Western Provinces and Oudh, in the Punjab, and in the Central Provinces.
- (15.) Nine tenths of Collectors of Revenue or Chief Revenue Officers of Districts, and in the Punjab and Assam nine tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (16.) Five sixths of Deputy or Subordinate Collectors when combined with the office of Joint Magistrate.

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\* This Schedule does not apply to Burma.

(17.) Five sixths of Assistant Collectors or Assistants to Collectors, or Assistant Commissioners, and in the Punjab and Assam five sixths of the officers aforesaid after deducting the proportion reserved for military officers.

*Note.*—When the fractions two thirds, five sixths, or nine tenths, as the case may be, leave a remainder, such remainder may be disregarded or may be reckoned as one appointment more, as the appointing authority finds convenient.

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MINUTE by HIS EXCELLENCY THE VICEROY.

I cannot allow this important Despatch to go home without expressing in my own name, and on behalf of my colleagues in the Government of India, my thanks to Sir Charles Aitchison for the manner in which he presided over the Civil Service Commission, and has brought the important task entrusted to him to the fortunate conclusion which it has now reached. Sir Charles Aitchison accepted the presidency of the Commission when his health was in a very precarious condition, and for many months he prosecuted, with unflagging energy and zeal, labours which from their very nature must have been of a most wearying and harassing description. Thanks to his wisdom, tact, and conciliatory handling of the matter, the Commission, though constituted of Members representing diverse ideas and belonging to very different classes, have come to unanimous conclusions; and these conclusions have, except in one or two matters of detail, received *en bloc* the approval of the Government of India. Sir Charles Aitchison can return home with the consciousness of having crowned what has been a most honourable and distinguished career in India by the accomplishment of a work which cannot fail to prove as advantageous to Her Majesty's Indian subjects as to the general administration of the country.

DUFFERIN.

October 5th, 1888.

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No. 2.

From the UNDER SECRETARY OF STATE FOR INDIA to the SECRETARY,  
CIVIL SERVICE COMMISSION.

SIR,

India Office, 24th July 1889.

IN October 1886, in accordance with the desire of the Secretary of State for India, a Commission was appointed by the Government of India to inquire into the system under which Natives of India are admitted to the Covenanted Civil Service under the Statute of 1858, or, under the Statute of 1870, to offices formerly reserved to members of that Service. The Commission was desired "to devise a scheme which may reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher and more extensive employment in the public service." The Report of the Commission was submitted in December 1887, and on the 9th October 1888 it was forwarded to the Secretary of State with the recommendations of the Government of India on the principal questions that have been discussed. The adoption of some of these recommendations would involve important changes in the existing system under which candidates for the Indian Civil Service are admitted to the competitive examination in England, and under which selected candidates are required to go through a subsequent period of probation, and it is with regard to the changes thus proposed that the Secretary of State in Council is desirous of obtaining the advice and assistance of the Civil Service Commissioners.

2. Although, under the instructions to the Commission, the conditions under which English candidates are admitted to the Indian Civil Service in England were expressly excluded from the inquiry, there were questions, primarily affecting Native candidates, on which it was not possible for the Commission to pronounce an opinion without at the same time raising questions connected with the English examinations. This observation applies especially to three of the subjects referred for the consideration of the Commission. The first is the question of the expediency of holding a competitive examination in India for the Civil Service simultaneously with the examination in England, it having often been urged by Natives of India that, without the adoption of this plan, they cannot compete on terms of equality with British-born subjects of Her Majesty. The second is the question of the limits of age for Native candidates, it having been alleged that the present limit is too low to admit of Natives competing with reasonable prospects of success at the English examination. The third is the question whether, if the present system is substantially maintained, it is desirable that

any changes should be made in the subjects, standards, and general conditions of the English examinations.

3. Viscount Cross does not ask the Civil Service Commissioners to consider the first of these subjects, although it has been necessary to refer to it because it is connected with the question of the limits of age for Native candidates. The Commission and the Government of India have expressed a decided opinion that it would be altogether inexpedient to hold an examination in India simultaneously with examination in London, and the Secretary of State in Council has no doubt that this conclusion is right. In the words of the Government of India, "the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If under such conditions Native candidates succeed, they will then, as Lord Macaulay said, 'enter the Service in the best and most honourable way.' The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objection." The reasons for this conclusion have been more fully stated in paragraph 60 of the Commission's Report. It may be added that, on altogether different grounds, when a proposal was made in 1887 to hold examinations for the Indian Civil Service simultaneously in Australia and England, the Civil Service Commissioners considered\* that the practical difficulties in the way of such a scheme were insuperable, and the Secretary of State concurred in that opinion.

4. Assuming that the examinations are to be held in England only, the next question to which reference has been made is that of the limits of age most appropriate for candidates at the competitive examination in England. Paragraph 62 of the Report explains the grounds on which the Commission is of opinion that the existing rules place serious obstacles in the way of Native candidates. It recommends that the present limits of age for those candidates should be raised and that the minimum and maximum limit should be 19 and 23 respectively.

5. There can be no doubt, as the Government of India and the Indian Public Service Commission have laid down, that the very *raison d'être* of the Covenanted Civil Service dictates the necessity of strictly maintaining the principle that while that Service is open to all natural-born subjects of Her Majesty, it must always be essentially English in its character. As observed by the Government of India, the object is to obtain men trained in the highest and best form of English education, and the importance of recruiting the Service in a manner which shall ensure the maintenance of English principles and methods of government cannot be overrated. While, therefore, the Secretary of State in Council is anxious to get rid of all removable obstacles, if such exist, which tend to prevent Native candidates from presenting themselves at the open competition in London, he could not consent, even for so important an object as this, to any change of system likely to prevent the Government of India from obtaining the most highly qualified Englishmen.

This is the view that has always been held by the highest authorities. As observed by Lord Kimberley, in his Despatch to the Government of India, dated 8th January 1885, while, from the first establishment of the competitive system, it was hoped and expected that a certain number of Natives would qualify themselves for an examination open to all subjects of the Crown, and that they would succeed in it, it has at all times been understood that the examination "was to be one adjusted to the conditions of English education, and not one so manipulated as to be specially suitable to Oriental candidates."

6. From 1855 to 1859 the maximum limit of age for the competitive examination was 23; from 1860 to 1865 it was 22; from 1866 to 1877 it was 21; from 1878 to the present time it has been 19 or 19½. It is not necessary to describe in detail the circumstances under which these various changes were made, because they are within the knowledge of the Civil Service Commissioners.

7. The Commissioners have more than once observed† that the merits and defects of any plan of selecting and training candidates for the Covenanted Civil Service can only be properly tested by the actual work of administration in India. In 1875, when the proposal, afterwards carried into effect, to reduce the maximum age for admission to the examination was under discussion, the Commissioners said that it appeared to them that the question at issue could not be determined satisfactorily except by the

\* Secretary, Civil Service Commission, to Under Secretary of State for India, 10th March 1887.

† See especially letters from Secretary, Civil Service Commission, to Under Secretary of State, dated 16th March 1875, and 14th January 1882.

experience of those who had seen the practical working of the then existing system in India. As no evidence of such experience or of the failure of the existing system was forthcoming, the Commissioners found no reason for recommending any change in the age limits then established. Again, in their letter to this Office, dated 14th January 1882, when the present system was in force, and the question of again raising the age had been brought forward by Mr. Walter Wren and others, the Commissioners said that it had "always been their opinion that the age of admission to the Civil Service in India ought to be determined according to the results of experience in India, irrespective of all considerations of convenience respecting methods or places of education and training in this country." As no such results of experience could be shown, nor any falling off in the efficiency of the men appointed, the same reasons which had led the Commissioners in 1875 to abstain from giving an opinion that the age for admission should be lowered prevented them in 1882 from advising that it should be raised.

8. Although the truth of the principle laid down by the Civil Service Commissioners has not been disputed, it has always been extremely difficult to pronounce any confident judgment in regard to the practical results in India of the various plans that have been adopted, and the changes made from time to time in the age for admission to the Service have, in fact, been determined on other grounds. On this subject the Commissioners, in their letter of 14th January 1882, made the following observations:—

"Unfortunately, the views formed in India from the results of experience appear to be conflicting. By some it is said that men do best if sent out young; that young persons adapt themselves more readily to the climate and other conditions, and further, that not having had time to take root in England they are more likely to look to India as the one object of their lives. Others maintain that settled constitutions resist better the trying change of temperature, and also that the more European education civilians carry out with them the more valuable they become. Each of these views has in its turn influenced the decision of the Government, but in 1876 it was decided on other grounds. The one feeling then expressed with the greatest unanimity was the desire that the Civil Service in India should be more largely recruited from the English Universities, and the one question about age was what limits will most tend to secure this object. Here again there were conflicting plans; one that the limit should be raised to 22 or 23, so that the future civilian might be able to get a University education before selection; the other that the limit should be lowered to 19, so that they might go to the University after selection. The latter plan eventually carried the day, because it was possible under it practically to secure the desired object, whereas under the former there could be no certainty that the successful candidates would be men who had been to college. Accordingly the limit was fixed at 17 to 19, the probationary allowance being at the same time conditional on residence at a University."

9. The reduction sanctioned in 1876, in the age of admission to the competitive examination, was made in opposition to the recommendations of Lord Northbrook, who was then Viceroy. On the 12th September 1884 the question was again opened by a Despatch from the Government of India to the Secretary of State, and it was proposed that the limits of age should be raised to 18-21.\* The reasons for this proposal were very fully stated in a Minute by the Viceroy, Lord Ripon. They were summed up by him in the following terms:—"The conclusion 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."

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\* See "Correspondence between the Government of India and the Secretary of State for India relating to the age at which candidates for the Civil Service of India are admitted for competition in England." Parliamentary Paper C, No. 4580 of 1885.

10. The Secretary of State in Council replied to the Government of India on the 8th January 1885, but in his Despatch he dealt only with the questions which specially affected Natives of India, and hardly referred to the proposal to raise the age of admission for English candidates. Nor did he, at that time, ask the advice of the Civil Service Commissioners. It has now become necessary to reconsider the whole subject, in consequence of the recommendations made by the Government of Lord Dufferin and by the Public Service Commission.

11. As the Civil Service Commissioners will see from the Appendices to the Report of the Commission, between four and five hundred witnesses, European and Native, were examined, and a very large number of these witnesses gave opinions on the question of the most desirable limits of age for admission to the competitive examination in England. Although, as already explained, it was not within the duties of the Commission to report on this subject in its relation to English candidates, a great deal of the evidence refers, in fact, as much to them as to candidates of Native birth, and it is important to inquire whether any fresh light is thrown by it on the question of what have been the actual results in India, in regard to the efficiency of the public service, of the various plans that have from time to time been adopted.

12. The fact must be recognised that there is a very general opinion in India that the limits of age for all candidates at the competitive examination should be raised. It has already been noticed that this view was urged by Lord Northbrook, and by the Governments both of Lord Ripon and Lord Dufferin, and it has more recently been adopted by Lord Lansdowne. That it should be held by almost every Native of India who has been consulted was, for the reasons explained by the Commission, to have been expected; but it is remarkable that the unanimity of English opinion in India, official and non-official, seems to be hardly less complete. The inquiries of the Commission extended to every province of India, and 140 European witnesses were examined. About 110 of these expressed more or less definite views on the subject of the age limits for English candidates; only 13 of them were in favour of leaving the present system unaltered, while 97 recommended that the maximum limit should be raised. The majority were in favour of raising it to the full extent proposed by the Commission. Whatever be the precise value that ought to be given to these facts, this deduction at least seems reasonable, that the men appointed under the existing system, which has been in force since 1878, have shown, as a rule, no superiority to their predecessors.

13. To this mass of testimony must be added the opinion of the Government of India that the object with which the regulations are framed, namely, that of securing candidates trained in the best and highest form of English education, is not attained under the present system; that the system having been in operation for nearly ten years can be judged by the test of experience, and that when so judged it is found not to be the one best suited to the present circumstances of India.

14. Viscount Cross, moreover, has reason to believe that many of the best class of students, who, having gone to the Universities without any definite idea as to their future profession, would be glad after taking their degree to compete for the Indian Civil Service, are under the present system excluded. And, with regard to the public schools, the information which he has received tends to show that a large proportion of candidates now leave them, in order to be specially prepared for the competition, at an age which deprives them of the most valuable period of school training,—the period, namely, immediately preceding the time at which under ordinary circumstances they would leave in order to go to a University.

15. It appears, therefore, to the Secretary of State that all the available facts point to the conclusion that the efficiency of the English officers of the Covenanted Civil Service in India has been in no way increased under the existing system, and that this efficiency would not be diminished and might be increased by raising the maximum limit of age for candidates at the competitive examination. On the other hand, with regard to Native candidates, His Lordship considers it impossible to disregard the arguments that have been put forward. The Report of the Commission and the voluminous evidence that has been recorded show that it is generally believed that they do not at present compete on equal terms, and that there is hardly any subject connected with the extended employment of Natives in India in which so strong an interest has been expressed by the educated Native community.

16. After careful consideration of the whole question, and being satisfied as to the probable effect of the proposed change upon the English element of the Service, the Secretary of State in Council is disposed so far to accept the recommendations of the Government of India as to fix the limits of age for the competitive examination at

21-23, or, possibly,  $21\frac{1}{2}$ - $23\frac{1}{2}$ . He is inclined to prefer these limits to those suggested by the Commission; but the question whether the lower limit should be 19 or 21, assuming that the higher limit is fixed at 23, is one on which he especially desires to have the opinion of the Commissioners.

17. There is another respect in which it appears to Viscount Cross that such a change as this may lead to valuable results. As the Commissioners are aware, the feeling has more than once found expression that although the Indian Civil Service has been declared by Parliament to be open to all natural-born subjects of Her Majesty, the existing regulations practically make it difficult for young men from the British Colonies to present themselves with good prospects of success at the competitive examinations in London. Correspondence took place in 1887 between this Office and the Civil Service Commissioners\* on the occasion of a representation on this subject made to the Colonial Office by the Governor of New Zealand. While they expressed sympathy with the wishes of the Colonies, the Commissioners did not think it possible to give effect to them. The Secretary of State in Council concurred in that opinion, but, at the same time, he would have seen with much satisfaction the adoption of any practicable measure which might tend to associate the interests of the Colonies with those of the Indian Empire, and encourage young colonists to become competitors for admission to the Indian Civil Service. And he thinks that, if the limits of age be raised as proposed, the obstacles in the way of candidates not resident in the United Kingdom will be less serious.

18. The Government of India has recommended that in the event of these conclusions being adopted the period of probation during which the successful candidates remain in England should be reduced to one year as formerly. Viscount Cross recognises the fact that under such a new system it would be necessary to abandon the practice of extending the period of probation in certain cases to three years; but he trusts that the selected candidates may still, if possible, have the advantage of a course of training at such Universities as may be approved by the Secretary of State. This, however, is a question which requires further consideration, and on which the Secretary of State in Council can at present give no final opinion.

19. I am further to request the consideration of the Civil Service Commissioners to the subject referred to in paragraph 63 of the Commission's Report, in regard to the adequacy of the marks at present assigned at the competitive examination to the Sanskrit and Arabic languages, and the suitability of the standard exacted. It will be observed that the Commission is of opinion that it has been clearly shown that the examination in those languages is now of too easy a character. On the whole question of the examination, the Government of India has remarked† that it would be a necessary corollary of the raising of the age-limits that the general standard of examination should be reconsidered; and in this connexion I am to draw attention to the question as to the number of subjects which each candidate should be allowed to take up.

20. Before concluding this letter, Viscount Cross desires to say that there is another matter to which no reference has been made, because it is hardly among the subjects on which he can ask the advice of the Civil Service Commissioners. It is, however, one which he is unwilling to leave altogether unnoticed, lest he should seem wanting in the consideration due to the Universities of Oxford and Cambridge. He cannot too fully acknowledge the obligations of the Government of India to the Universities for the interest which they have shown, and for the practical measures which they have taken in the work of preparing young men for their duties in the Indian Civil Service. They have devoted to the subject much careful thought, and have incurred considerable expenditure. Viscount Cross fears that changes such as those now contemplated may cause some inconvenience to the Universities, and this would be to him a cause of regret. He believes, however, that the authorities may still find the means of attracting and training Indian students under the proposed new arrangements, and he intends to consult them with a view to the attainment of this object to which he attaches much importance.

I am, &c.  
(Signed) J. A. GODLEY.

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\* Under Secretary of State to Secretary, Civil Service Commission, 5th March 1887.  
Secretary, Civil Service Commission, to Under Secretary of State, 19th March 1887.

† Despatch, paragraph 20.



## No. 3.

From the CIVIL SERVICE COMMISSIONERS to the UNDER SECRETARY OF STATE FOR INDIA, dated 19th August 1889.

SIR,

I AM directed to acknowledge the receipt of your letter of the 24th July, relating to certain questions raised in consequence of the recommendations of the Public Service Commission (India) with regard to the system under which candidates for the Indian Civil Service are admitted to the competitive examination in England.

In reply, I am to request that you will convey to the Secretary of State for India in Council the thanks of the Civil Service Commissioners for so fully acquainting them with his views upon these questions.

The Commissioners understand that he desires to ask their opinion in the first place on the general question of the expediency of making a change in the age at which candidates are admitted to the competitive examination, and secondly, in the event of the age being raised, as to certain alterations in the scheme of the examination, the probation of the successful candidates, and other arrangements which such a change would render necessary.

(1.) As regards the expediency of making a change in the age, the Commissioners observe that one of the main considerations which the Secretary of State has been good enough to bring before them is that under the existing regulations it is generally believed that "the Natives of India do not compete on equal terms with the other candidates." Upon this point, which, in the opinion of the Commissioners, involves a question of policy, and lies, therefore, beyond their province, they do not propose to offer any observations. They entirely concur in the opinion expressed by the Government of India that the object of the examination should be to "obtain men trained in the highest and best form of English education," and the question they have to consider is, whether for this purpose it is expedient to fix the maximum age for selecting candidates at 19 or 23. This being so, even if it were to appear, on a consideration of the whole question, that the object in view could be best attained by retaining the upper limit of age at 19, such a conclusion would not, in the opinion of the Commissioners, be affected by the fact that some of the candidates might, in consequence, owing to special circumstances, enter the competition at a disadvantage.

Passing, accordingly, to the question as to the best age for selecting candidates who have received the highest form of English education, the Commissioners think that a change in the existing system might be justified on two grounds; either on the ground that this system of selection had entirely failed to secure the desired result, or in the confident expectation that the raising of the age would lead to the selection of a more efficient class of officers.

It would be on the first ground alone that the Commissioners could pronounce an opinion in favour of a proposal to abandon the existing system. As the Secretary of State points out, the Commissioners, in their letter of 14th January 1882, laid down the principle by which they themselves must be necessarily guided, viz., "that the age of admission to the Civil Service in India ought to be determined according to the results of experience in India." Hence, as Viscount Cross states in his letter, "as no such results of experience could be shown, nor any falling off in the efficiency of the men appointed, the same reasons which had led the Commissioners in 1875 to abstain from giving an opinion that the age of admission should be lowered, prevented them in 1882 from advising that it should be raised."

The Commissioners do not think that the circumstances under which they are now asked to give an opinion are materially different from those of 1875 and 1882. They cannot find in the letter of the Secretary of State any evidence pointing positively to the fact that there has been a "falling-off" in the efficiency of the men appointed since 1878. They observe, indeed, that the balance of official opinion in India is largely in favour of the age being raised to 23; but they are not aware that this opinion has been formed in consequence of an unfavourable estimate of the candidates selected under the existing regulations, or from a comparison between the candidates selected between 1855 and 1859, the years when the maximum age was 23, and those selected since 1878, the year when the age was lowered to 19.

The Secretary of State further points out that four Viceroys of India have expressed an opinion adverse to the existing system. It is unnecessary for the Commissioners to state that they fully appreciate the weight and authority of such a judgment. But as they are not furnished with the reasons which led three of the four Viceroys to this conclusion, they are unable to decide how far it was formed in consequence of the

proved inefficiency of the candidates selected since 1878. Lord Ripon, the fourth of the Viceroys referred to, desired that the limits of age should be 19-21, and gave as the reason for his recommendation "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." On this, the Commissioners observe that Lord Ripon did not recommend that the age should be raised to 23, the maximum age fixed when the system of open competition was first established, nor did he, apparently, mention the reasons for the reduction of the age from 23 to 22, and afterwards to 21, nor the fact that the reason for fixing in 1876 the age at 19, was the desire, almost universally expressed in India, that the candidates should have some period of University association; while the upper limit of 21, then existing, made it yearly a rarer occurrence for candidates to have such association at all. Candidates selected at 19, and having only two years afterwards at the University, might compare ill with the University graduates selected in the early days of the competition, but well with those who had had little or no University training. Nor do the Commissioners find in Lord Ripon's opinion any positive statement that the men selected since 1878 have proved inefficient.

Finally, they observe that the Secretary of State in Council, judging from the evidence before him, is not inclined to draw a stronger conclusion as to the relative merits of the candidates selected before and after 1878 than "that the candidates appointed since 1878 have shown, as a rule, no superiority to their predecessors."

As far as the Commissioners have been able to form a judgment from personal observation and experience, they have not been unfavourably impressed with the young men selected under the present regulations. During the probationary period they have found that the work has been generally well performed, and that it affords evidence of a satisfactory growth in the mental power of the candidates. Sir Andrew Clark, in a letter addressed to the Commissioners and published in their Report for the past year, has also given a good account of the health of the candidates whom he has examined since 1878:

Taking into account the absence of positive evidence that the existing system has entirely failed to attain its object, coupling this with the fact of the extreme difficulty, admitted on all sides, of forming a conclusive judgment as to the best age of selecting candidates for India; and looking further to the deliberation with which the existing Regulations were framed, to the educational changes they have produced at the Public Schools, and in the Universities, to the very considerable expenditure which has been incurred to meet the requirements now in force, and lastly, to the uncertainty of the consequences of any alteration in the age, the Commissioners are unable to undertake the responsibility of advising in favour of raising the age from 19 to 23.

They observe, however, that the Secretary of State in Council is himself disposed to raise the upper limit of age to 23, on the ground that the efficiency of English officers of the Covenanted Civil Service in India "would not be diminished, and might be increased," by such a step, and they conceive that he may desire to have their opinion as to the probable effects of the change in "securing candidates trained in the best and highest form of English education." As the limits of age would henceforth be identical with those adopted when the Open Competition was first instituted, it is doubtless hoped with Lord Macaulay's Committee that "among the successful competitors will frequently be young men who have obtained the highest honours of Oxford and Cambridge." In the early days of the competition Lord Macaulay's anticipation was to a large extent justified. But in the opinion of the Commissioners it would be unsafe to rely with confidence on a repetition of this experience in the event of the original limits of age being restored. It is to be remembered that when the system of open competition was first introduced, the University candidates had practically a monopoly of the examination, for not only did the age suit them, but they were exposed to only a feeble competition from candidates who had been specially prepared for this examination. But the system of special preparation has now been very greatly developed, and in all the larger competitive examinations conducted by the Civil Service Commissioners a considerable number of the successful candidates are men who have been specially trained for them. The class of University candidates whom the Secretary of State in Council, no doubt, desires to secure, viz., those who read to obtain honours in one of the Final Schools at the great Universities, would have to

compete against able men who have given their whole time and thought to preparing themselves exclusively for the Indian Competitive Examination.

The Commissioners are nevertheless very far from thinking that the University candidates would, on that account, necessarily find themselves at a disadvantage in the competition. They think, on the contrary, that the thorough and systematic knowledge of his subjects acquired by an able man, who studies with a view to success in a particular competitive examination, may be more than matched by the greater independence and grasp of mind obtained by a man of equal intelligence who has graduated with high honours in such a school; for example, as the Literæ Humaniores at Oxford. And in this opinion they are confirmed by the fact that a large proportion of the successful candidates in the Class I. examinations for the Home Civil Service are University men. Looking to the principle of equality, essential to Open Competition, the Commissioners could not with propriety consider the interests of candidates trained at any one place of education apart from those of candidates trained at another. But on the same principle they hold that a scheme of examination, intended to test the intellectual qualities of candidates "trained in the best and highest form of English education," should be made to comprehend all suitable subjects of a general and liberal nature embraced in the course of University studies, and if the age were raised, they would be prepared to review the existing scheme with the object of bringing it into complete correspondence with this educational standard in respect both of subjects and marks. Beyond this, the success of University candidates in the examination would probably depend to a great extent on the facilities afforded to them by the Universities and Colleges themselves. Were the Colleges, for example, to allow their scholars, who, at some late stage in their University career, might desire to study specially for the Indian examination, to retain their emoluments; or should the Universities be disposed to make any special educational arrangements for those who, concurrently with the study required for an ordinary pass degree, wished from the first to devote their time to reading for the Indian Examination, great inducements would no doubt be offered to possible or intending Indian candidates to proceed to a University. And, assuming such a favourable combination of circumstances, the Commissioners think it by no means impossible that a class of more highly educated officers (who had also had the advantage of University associations) might be obtained for the Indian Civil Service, by raising the maximum limit of age to 23, than is procurable under the existing system.

(2.) As regards the particular details connected with the raising of the age to which the Secretary of State refers:

(A.) Assuming 23 to be fixed as the upper limit of age, 21 would, in the judgment of the Commissioners, be preferable to 19 as the lower limit. There would, in the former case, be less inducement to candidates to enter upon a protracted period of special preparation; and many who, if the lower limit were 19, might hesitate between the University and a course of special preparation, would, if the age were 21, decide in favour of the former, determining to put off their choice of a profession till they had tested their powers in the first Public Examination at Oxford or Cambridge.

(B.) As regards the admission of candidates from the British Colonies to the competitive examination, the Commissioners concur in the opinion expressed by the Secretary of State in Council, that young colonists would probably be encouraged to become competitors for admission to the Indian Civil Service if the limits of age were raised as proposed.

(C.) On the question of the scheme of probation to be adopted in the event of an alteration in the existing system of competition, the Commissioners will be prepared to offer an opinion whenever they are informed of the resolution ultimately arrived at by the Secretary of State in Council with regard to the age fixed for the competition and the age at which candidates must proceed to India.

(D.) With reference to the question whether the maxima of marks allotted to Sanskrit and Arabic are adequate, I am to observe that, as pointed out in the letter from this Board of 16th March 1875, the maxima for these and other subjects were originally fixed by Lord Macaulay's Committee, and have since been reconsidered from time to time, not with the desire to encourage or discourage any particular methods of education, but solely with the view to assign to the several subjects such relative values as might represent approximately the relative amounts of ability and industry likely to be bestowed on those subjects by the candidates who present themselves. The marks actually obtained in Sanskrit and Arabic indicate that the candidates so far have generally found the papers somewhat beyond their powers. But, on the whole, the Commissioners think that the questions of the relative value to be attached to Sanskrit

and Arabic as subjects of examination, and of the standard of examination to be adopted in these subjects, may be best considered with other changes in the scheme of examination which an alteration in the limits of age may render necessary.

(E.) As regards the question of limiting the number of subjects which each candidate should be allowed to take up, it had been the intention of the Commissioners, had the present regulations as to age remained unaltered, to suggest to the Secretary of State in Council the propriety of prescribing such a limitation. They think it would have been expedient, provided the candidates were still recruited from school, for, in their opinion, it is undesirable to allow boys the discretion of taking up more subjects than they can properly master, while at the same time this liberty imposes a grave difficulty in respect of instruction in the schools where the candidates are trained. But this consideration does not apply to the case of young men of 22 or 23, whose course of education is practically finished, nor to the instruction which these can receive at the Universities, where all the subjects named in the scheme of examination may be studied. On the whole, the Commissioners are strongly of opinion that if the age be raised to 23, the views expressed by Lord Macaulay's Committee should be adhered to, and that full liberty in the choice of subjects should be left to the candidates. Experience shows that the conditions requisite for success in the examination practically restrict the candidates to an average of seven subjects each, and the Commissioners think that this number is not greater than young men of 23 can satisfactorily master.

When the limits of age shall have been finally fixed, the Commissioners will be prepared to state the changes in the scheme of examination which, in their opinion, are required

The Under Secretary of State,  
India Office.

I have, &c.  
(Signed) E. HUMPHREYS.

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No. 4.

EXTRACT FROM LETTER FROM THE ASSISTANT UNDER SECRETARY OF STATE FOR INDIA TO THE SECRETARY TO THE CIVIL SERVICE COMMISSIONERS, dated 30th August 1889.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Humphreys' letter of the 19th instant on the subject of the proposed change in the system under which candidates are admitted to compete for the Indian Civil Service.

After a careful consideration of its contents, his Lordship has decided that the maximum limit of age shall be fixed at 23, and the minimum limit at 21.

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No. 5.

DESPATCH FROM THE SECRETARY OF STATE FOR INDIA IN COUNCIL TO THE GOVERNMENT OF INDIA,

(Public, No. 104.)

India Office, London,  
September 12, 1889.

MY LORD MARQUIS,

IN a Despatch dated the 9th October 1888, No. 58, the Government of Lord Dufferin conveyed to me the conclusions to which they had been led by mature consideration of the Report presented by the Commission appointed in October 1886 to consider the question of the admission of Natives to higher and more extensive employment in the Civil administration in India.

2. After a careful study of the result of the labours of the Commission, I cordially concur in the high appreciation expressed in the Despatch of the manner in which the President and members have performed the responsible duties imposed upon them. The voluminous record attached to the Report testifies to the magnitude of their labours, and the exhaustive treatment of every point leaves nothing wanting in the materials necessary for arriving at a decision on the questions referred to them. The Commission visited every province of India except Burma. Between four and five hundred witnesses were examined; among them were members of every branch of the administration falling within the scope of the inquiry; representatives of all the more educated classes of the non-official Native and European communities; members

of the learned professions, delegates of associations, editors of newspapers, zemindars, merchants, pensioned officers of the British Government, and officials belonging to Native States.

3. The recommendations of the Commission derive additional importance from the manner in which it was constituted. It was composed of members representing many phases of opinion and much diversity of interests. Its President was Sir Charles Aitchison, Lieutenant-Governor of the Punjab, and among its members, fifteen in number, were Sir Charles Turner, late Chief Justice of the High Court at Madras, five members of the Covenanted Civil Service chosen from the five principal provinces of India, a representative of the non-official European and of the Eurasian community respectively, a member of the Uncovenanted Civil Service and six Native gentlemen selected from different parts of India as representing various classes and modes of thought, and as commanding the confidence of their fellow-countrymen. These Native gentlemen were Mr. Romesh Chunder Mitter, a Judge of the High Court at Calcutta, who has twice acted as Chief Justice; Raja Udhai Pertab Singh of Bhinga, a Taluqdar of Oudh, who has taken much interest in public affairs; Sir Sayyid Ahmad Khan Bahadur, one of the leaders of the Mohammedan community in Northern India and the founder of the Anglo-Oriental College at Alighur; Kazi Shahbudin Khan Bahadur, late Dewan of Baroda; Rao Bahadur Krishnaji Lukshman Nulkar, President of the Poona Sarvajanic Sabha; and Mr. S. Ramaswami Mudaliyar, a Vakeel of the High Court at Madras.

4. The scheme framed by the Commission does not suggest any very serious change in the main features of the existing system of administration. It proposes that, for the conduct of the higher branches of the Executive and Judicial work throughout India, there should continue to be, as at present, two distinct Services. The first of these would be the existing Covenanted Civil Service, which the Commission has proposed to call the Imperial Service, recruited by competition in England, and open without distinction of race to all natural-born subjects of Her Majesty. Its numbers would continue to be regulated on a scale which would enable it to fill the majority of the highest civil offices, with such a number of smaller offices as will provide a course of training for the younger men. The second of the two Services would be called the Provincial Service, and it is to the constitution of this Service that the principal recommendations of the Commission refer. It would be recruited in each Province of India separately, and would hold the higher appointments of the existing Uncovenanted Service, together with a certain number of the appointments now ordinarily reserved by law or practice to the Covenanted Civil Service, which would be transferred to the Provincial Service. It is proposed that the two classes of appointments should be gradually amalgamated, and that recruitment should be effected provincially under various methods adapted to local circumstances. Among the appointments to be transferred to the Provincial Service are one third of the offices of District or Civil and Sessions Judge, and one sixth of the offices of Magistrate and Collector of a district, as well as others of both higher and lower rank. To facilitate this measure it is proposed that the transferred appointments in the Regulation Provinces should be excluded from the schedule of the Statute 24 & 25 Vict. c. 54., and that the strength of the Covenanted Civil Service should be proportionately reduced. The Provincial Service would be open to all natural-born subjects of Her Majesty, but recent residence of at least three years in a province and thorough knowledge of its language are recommended as among the essential conditions of admission to its Provincial Service. The Commission further proposes that the grades of pay in the Provincial Service, and the pay of appointments to be held by its members, together with the general conditions of that Service as to leave and retiring annuity, should be fixed on independent grounds. The terms offered to the Provincial Service in these respects would be those which are necessary to secure locally in India the desired qualifications.

5. While, as I shall explain, there are points on which I am unable to agree with the views of the Commission, I give my entire assent to the main principles of its scheme. It has the merit of involving no great dislocation of existing arrangements; it "maintains" (to quote the words of the Commission) "the very high standard of qualification necessary for the Covenanted Civil Service; and it meets the general desire that all Her Majesty's subjects should receive equal treatment."

6. To obtain facilities for the introduction of this scheme, the Commission recommends some very important changes in the Acts of Parliament which now regulate the

admission of Natives and others, not being members of the Civil Service of India, to offices, places, and appointments therein. The law is comprised in the Act 24 & 25 Vict. c. 54., and Section 6 of the Act 33 Vict. c. 3. which may be quoted as the Statute of 1861 and the Statute of 1870. By an earlier Statute (33 Geo. III. c. 52.) it was enacted that all vacancies in any offices, places, or employments in the civil line of the Company's Service in India (under the degree of Councillor) should be filled up from the Civil Servants of the said Company. As civil offices multiplied, it was found that the number of "Covenanted Civil Servants of the Crown in India" was insufficient to fill them all; and by reason of the exigencies of the public service, appointments were made from time to time, which may not have complied with the terms of this enactment. The object of the Statute of 1861 was, first, to legalise all such appointments in the past, and, secondly, to empower the authorities in India to make such appointments in like circumstances in future. The method adopted in the Act was to specify in a schedule a number of offices, which (with all similar offices thereafter created) were to be filled from amongst the Covenanted Civil Servants of the Crown in India, except under special circumstances and conditions defined by the Act. The offices in the schedule (with a few exceptions) were the higher Judicial and Revenue appointments in the Regulation Provinces, *i.e.*, in Bengal, the North-West Provinces, Madras, and Bombay. And it was enacted that vacancies in any existing offices not named in the schedule, and any others that might thereafter be created in India, might be filled up without regard to the qualifications, conditions, and restrictions of 33 Geo. III. c. 52. The Act was passed on grounds of administrative convenience, to remove restrictions on the power of appointment to civil offices, and it does not establish a claim in any particular race or class to be admitted to them. The Act of 1870, Sect. 6, on the contrary, was passed for the special benefit of the Natives of India, as therein defined; and it provided additional facilities for their employment, if of proved merit and ability, in the Civil Service of Her Majesty in India. It empowered the authorities in India, subject to rules to be prescribed by the Governor General in Council and sanctioned by the Secretary of State in Council, to appoint any Native of India to any office ordinarily reserved to members of the Covenanted Service, although such Native may not have been admitted to that Service by the method of examination prescribed for entrance thereto.

The Commission recommends, with the approval of your predecessor's Government, fresh legislation including a revision of the schedule of the Statute of 1861, and the entire repeal of Section 6 of the Statute of 1870. The considerations adverse to legislation of the kind proposed are so weighty that I am constrained to examine narrowly the arguments which would represent it as unavoidable.

7. The Commission unanimously recommended that no change should be made in the principle laid down by the Act of 1861, that all vacancies in certain offices described in the schedule should, except under special circumstances, be filled by members of the Covenanted Civil Service. Appointments in that Service have, as they observe, always been held under parliamentary guarantee, and its maintenance is necessary "not only in order to attract the best qualified candidates by providing security of tenure, but also to guard against the possibility of abuses, and to protect the Government from the pressure of influences which, as experience has shown, are not always easily resisted."\* But the Commission advised the amendment of the schedule of the Statute; first, to facilitate the transfer of the Provincial Service of certain appointments named in the schedule; and second, because the existing restrictions of the schedule apply only to the Regulation Provinces, and the distinctions between the administration of Regulation and Non-Regulation Provinces having now become little more than historical, the Commission desired to apply to the latter the principle already applied to the former, and in both cases to include, in a revised schedule, the offices to be ordinarily held in future by members of the Covenanted Service.

The Commission also recommended the repeal of Section 6 of the Statute of 1870, on the grounds that the expression "Natives of India" requires better definition; that it is susceptible of more than one meaning; that however it may be interpreted, it must operate with inequality, that although the section allows the appointment of Natives of proved merit and ability to specific offices it does not admit them to membership in an organised service; and that, if the scheme for the formation of a Provincial Service be adopted, the maintenance of the section will tend to the exclusion of Europeans from its higher posts, and be inconsistent with the principle that, in the recruitment for that

Service, all classes of Her Majesty's natural-born subjects shall be treated alike. But while it recommends the repeal of the provision above mentioned, the Commission also recommends that the power conferred on the Government by Section 3 of 24 & 25 Vict. c. 54. should be enlarged so as to permit the appointment to an office specified in the revised schedule, of persons not being members of the Covenanted Service who have exhibited exceptional merit or ability in the public service; and, in the case of reserved judicial offices, of persons of exceptional merit or ability proved in active practice in a High Court.

8. I must observe, as to the first point, that the Commission's proposal to transfer a number of appointments from the schedule, and to amalgamate these and the analogous appointments in the Non-Regulation Provinces with the body of offices to be held by a Service which (in the words of the Government of India Despatch) "will necessarily be mainly recruited with reference to the qualifications for offices of a less responsible and less independent character," suggests a departure from the principle of individual selection of fit persons of proved merit and ability, which was expressed by the Court of Directors in 1834 in the dictum that fitness was to be the criterion of eligibility, and which has always hitherto been maintained. The Commission, no doubt in general terms, advocates promotion by merit and not by seniority; but it appears to contemplate something rather in the nature of the establishment of vested rights of the Provincial Service in the higher appointments transferred to it, than the existing practice of raising an individual to a Covenanted Service post on the ground that he is fit and competent to hold it. The Government of India did not fail to observe this point in the Commission's scheme, and commented upon it in the following passages of their Despatch:—

"Promotion\* within the Provincial Services to the higher offices to be transferred from the Covenanted Service should be altogether special, and the Service rules should contain a distinct provision that such promotion is not to be expected, and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service. . . . It must be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to."

If it be granted that the revision of the schedule of the Statute of 1861 and the repeal of Section 6 of the Statute of 1870 are essential to the scheme of the Commission, it seems to me that this amendment superadded by the Government of India, of which I cannot but approve, restores very much the position of affairs as it stands under these Statutes. Selection of the fittest and most capable men for offices to which they have no other claim than that based on proved personal fitness implies the exercise by the selecting authority of a distinct act of choice on each occasion; and no Act of Parliament can do more to facilitate such choice than the Statute which empowers the Government to appoint any Native to any office for which he is fit.

9. As to the second point, the repeal of Section 6 of the Act of 1870 would do nothing in itself to advance the purpose of the Commission to make the offices excluded from the schedule a part of the domain of "an organised Service," or, in the words of the Report, to remedy the failure of the law "to specify the number of appointments which should be made, and to render it obligatory on the Government to make them to the full limit." Its repeal would doubtless make it possible to merge the excluded offices in the body of appointments which the men of the Provincial Service are to be recruited to fill; but, as I have observed, the Government of your predecessor were not prepared to accept such unconditional amalgamation, and in this I cannot doubt that they were right. Nor would the wish for an "organised Service" be met by such means. The law, if amended as proposed, would not give effect to the objects of the Commission, which would still have to be attained, if at all, by the executive action of the Government. The Commission proposes no statutory basis for the Provincial Service. The mere exclusion of certain offices from the schedule of the Statute of 1861 would decide nothing as to their future disposal. The analogous appointments in the Non-Regulation Provinces are not reserved by schedule, but they have been dealt with executively on the same principles and with generally the same reservations as the scheduled appointments. Nor is the reduction of the appointments reserved in the schedule a necessary preliminary to the reduction of the strength of the Service recruited by competition in England. The strength of that Service is regulated by the rate of recruitment, which is not controlled by Statute but by executive orders; and the

Government of India observe, that the recruitment for the Covenanted Service has, in fact, been reduced since 1881 approximately in the proportion desired by the Commission,\* “so that, so far as the Commission’s proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870, and commence recruiting Provincial officers to the same extent. The old system will thus merge in the new without any dislocating of existing arrangements.”

10. I have dealt in the foregoing remarks with the principal reasons for legislation advanced by the Commission. My object has not been to take exception to the proposals of the Commission, which appear to me to be generally valuable and appropriate, but to show that as modified by the Government of India they may be substantially acted upon without parliamentary legislation. There are, indeed, some obscurities and difficulties of interpretation which surround the Statute of 1870, but they are of minor importance. The schedule of the Statute of 1861 has ceased to be exactly accurate, but the Act itself, read with Section 6 of the subsequent Act of 1870, indicates clearly enough the principles which the Government have accepted as regulating in all parts of India the admission to the higher offices of Natives and others who are not members of the Covenanted Civil Service. The restrictions imposed by the Act of 1861 on special appointments made under its provisions were removed in favour of Natives of India by the Act of 1870. They remain in force as against other persons who are neither Natives of India nor members of the Covenanted Civil Service; and I observe that the Government of India have declined to accept the recommendation of the Commission to modify them in the sense of the Act of 1870 as regards the appointments which it is proposed to reserve in the revised schedule. And both the Commission and the Government of India propose to enforce restrictions of the same character on admission to the new Provincial Service.

11. On the other hand, supposing that legislation were unavoidable, I must call your Lordship’s attention to the aspect which the particular proposals of the Commission would present when reduced to the form of an enactment. The guarantees and restrictions of the Act of 1861 relate substantially only to offices in the Regulation Provinces, *i.e.*, in Bengal, the North-West Provinces, Madras, and Bombay. The Commission has proposed to extend the guarantee given to the Covenanted Service as regards appointments reserved in the Regulation Provinces so as to include the analogous appointments in the rest of India; and the Government of India, in accepting the proposal, observe that “it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion.” At the same time the Commission proposes the repeal of Section 6 of the Act of 1870, which empowers the authorities in India by whom appointments to offices in the Civil Service are made to appoint any Native of approved merit and ability to any such office, although he may not have been admitted to the Civil Service by competition under the Statute of 1858. This would certainly be represented as the withdrawal from the Natives of India of an important statutory right. If it were explained that this loss is counterbalanced by the exclusion or omission from the schedule and transfer to the Provincial Service of a portion of the appointments hitherto reserved for the Covenanted Service, the reply might be made that the fact that an office is not in the schedule by no means implies that it shall be held exclusively by members of the Provincial Service. The Commission† admits that, as regards the higher offices which it proposes to transfer to that Service, “such an arrangement would neither be desirable nor practicable;” for the present these offices are to be regarded as ground common to both Services. On the other hand, it could not be denied that a much larger number than heretofore of certain classes of offices would be reserved in the revised schedule under the full force of the restrictions of the Act of 1861. The Commission says that to the scheduled appointments thus multiplied the Provincial Service will have no claim as of right, and your predecessor’s Government declined to weaken the parliamentary guarantee by relaxing the restrictive clauses of the Act. It is not probable that Parliament would accept with satisfaction a draft enactment of which the provisions appear to reduce rather than to increase the facilities for the admission of Natives to the higher offices, on the assurance that, if it is passed, certain measures of the opposite tendency not defined or prescribed in the Act will be adopted by the executive authorities.

\* Paragraph 14.

† Paragraph 12.

‡ Paragraph 72.



12. It has been clearly recognised, moreover, in the proposals before me, that the difficulties which have really hampered the free action of the Government in using the existing Statutes are such as cannot be summarily removed by fresh legislation. They can be overcome only by time, and the operation of agencies already at work. The proportion of higher offices which it is proposed to leave outside the revised schedule form the field over which the Provincial Service is to extend itself upwards, but it is admitted that the process would occupy "nearly a generation of official life." The field is at first to be partly held by the Covenanted Service, because competent Provincial agency would become available only by degrees. Moreover, regard for the claims of the Covenanted Civil Servants, Native as well as European, and of other officers in the ranks of the several Commissions appointed before 1880, on the one hand, and the preferential rights of the Natives admitted under the Statute of 1870, on the other, would delay for years to come any complete absorption of the excluded offices into the body of Provincial Service appointments. Both the Commission and your predecessor's Government were properly sensible that the rights of existing Covenanted Civil Servants cannot be disregarded. The Government of India, however, has justly observed that the reduction of recruitment since 1880 has for some years been providing for a vacant area of high offices which may be occupied by Natives without trespass on the vested rights of others. Of the Indian gentlemen who, to the number of about 57, have been appointed since 1880 to reserved posts under the Statutory Rules, some 52 are actually holding at this moment a portion of the appointments which the Commission proposes to transfer to the Provincial Service; and they represent the recruitment since the same date for one-sixth part of the higher or reserved appointments, which will thus become available for competent members of the Provincial Service in a period somewhat shorter than that which the Commission expects to elapse before the complete realisation of its scheme. It is obvious that, in the one case as in the other, the process must be gradual for the same reasons. The Commission admits that these reasons are conclusive; and if they are to prevail, legislation will secure no greater facilities for the expeditious transfer of the excluded offices to the Provincial Service than have already been provided by the reduction, under executive orders, of recruitment for the Covenanted Civil Service.

13. The defects of the existing law are defects rather of form and symmetry than of anything more serious. So far as the admission of Natives of India to the higher offices in the Public Service is concerned,—and this is the primary question now under consideration,—the Act of 1870 gives to the Government the fullest powers. I cannot do better than repeat the words used by Lord Kimberley, in his Despatch of the 8th January 1885. "The Act" (he said) "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 restricted 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 6 would not allow to be attempted." I agree with Lord Kimberley that the Act of 1870 is the parliamentary remedy for any defects in the existing system; and I think that it is the duty of the Indian Government to exhaust this remedy before applying to Parliament for further legislation. Nor can I doubt that this conclusion will commend itself generally to Native opinion, which sees in the Act a valuable protection for Native interests. Although dissatisfaction with the Rules hitherto passed under the Act was often expressed, I observe that there were very few among the large number of Natives examined by the Commission who did not deprecate the repeal of the Act itself.

14. My conclusion, therefore, is that the legislation proposed to me, while in itself of doubtful expediency, would not really facilitate the scheme of the Commission, because the obstacles to any very early and permanent redistribution of the public offices are due to the circumstances of the case and not to the law. "Many of the measures which it is proposed to take must, for a long time to come, be more or less experimental; they can only be brought gradually into operation, and their ultimate consequences can at present be very imperfectly foreseen. After an attentive examination of the scheme as explained in the papers now before me, I have to come to the conclusion that it can be accepted in substance and introduced, without discarding any essential part or disturbing its framework, upon the basis of the existing Acts of Parliament.

15. The important change in the form of the Schedule appended to the Act of 1861, which is proposed by the Commission in furtherance of its scheme for redistributing the higher offices, appears to me to indicate that both the Commission and the Government of India have failed to keep in view the true principle which regulates the reservation of certain offices to the Covenanted Civil Service, and to which it is therefore necessary that I should call attention. The Commission has appended to its Report a revised Schedule which your predecessor's Government have, with some modifications, approved and adopted. The change in form to which I have adverted consists in this, that whereas the existing Schedule reserves whole classes of certain high Judicial and Revenue appointments, the revised Schedule reserves certain proportions of each class, such as (among others) two thirds of the offices of Civil and Sessions Judge, nine tenths of the offices of Collector and Magistrate of a District, and all but one of the offices of Commissioner of Revenue, or Chief Revenue Officer of a Division in all provinces except Bombay and Assam. It is intended that the portion of each class of offices which is excluded from the Schedule should be "thrown open," and ultimately transferred to the Provincial Service. Under this plan of excluding from the Schedule a fixed portion of each class of certain offices, there would be a statutory partition of each of those classes of offices between the Covenanted and Provincial Services. It appears to me that this proposal reserves in one sense too little, and in another sense too much. The Commission has quoted and accepted the views expressed by the Government of India,\* that the Covenanted Civil Service should be reduced to a "*corps d'élite*, and its numbers limited to what is necessary to fill the chief administrative appointments of the Government, and such a number of the smaller appointments as will ensure a complete course of training for junior civilians." But in the detailed proposals by which the Commission would give effect to this proposition, it has deviated from the principle which underlies the statement of the Government of India,† and which has been distinctly enunciated in more than one Despatch by the Secretary of State. I have no desire to extend the practical application of that principle further than political necessity requires. It is in fact based on the same considerations of fitness in the broadest sense which regulate the admission of Natives of India to the higher public offices of every kind; but it justifies on indisputable grounds of public expediency the necessity of maintaining the special reservations which have hitherto existed in regard to a particular class of executive offices. No share of these offices (among which I include that of chief executive officer of a District, as well as that of Commissioner of a Division and the administrative offices of still higher rank), could, without a violation of that principle, be formally excluded from statutory reservation and transferred to a Provincial Service. I do not suggest that the reservation of these offices to the Covenanted Civil Service should be so absolute as to exclude from them military officers in the Non-Regulation Provinces, or that in special circumstances a member of the Provincial Service might not be appointed to one of them on grounds of proved individual fitness. What I desire to establish is that the transfer of a definite portion of them to the Provincial Service is inappropriate. If they are to be named in any list at all, the whole of each class should be specified as reserved to the Covenanted Civil Service, except in special circumstances, as they are in the Statute of 1861.

16. But there are many other classes of offices to which no such restrictions need, on grounds of public policy, be applied, and there is no propriety in reserving by statute a large numerical proportion of each of these to the Covenanted Civil Service. It is in the proposed treatment of offices of this kind in the revised Schedule that the plan of the Commission appears to me to reserve too much. It is true that we cannot now foresee the time when it will cease to be necessary, in all the higher branches of the administration, that a large proportion of appointments should be held by members of the Covenanted Civil Service. It is only by these means, as the Commission observes, that we can, under existing circumstances, secure an administration conducted on principles and by methods in harmony with western knowledge and civilization. These considerations, however, setting aside the executive offices to which I have specially referred, do not oblige us to reserve by law to the Covenanted Civil Service either the whole or any fixed proportion of any class of offices. The Commission is doubtless right in reporting that at the present time it would not always be possible to find, outside that Service, men qualified to hold such offices as that of member of the Board of Revenue, or of District Judge, or to be Comptroller and Auditor General

\* Government of India, Home Department, Resolution, No 68/2024, 15th December 1881.

† Secretary of State to Government of India, Educational, No. 3, 8th April 1869, para. 11.

Ditto to ditto, Public, No. 113, 22nd October 1872, para. 7.

or Commissioner of Customs, Salt, and Opium, or Opium Agent; but this appears to me no sufficient reason for the conclusion that these appointments, or a proportion of them, should be declared by law to be tenable by officers of the Covenanted Civil Service only. I agree with many of the observations made on this subject by Mr. Mackenzie, Chief Commissioner of the Central Provinces, in his Minute of the 31st March 1888. If a Native or a member of the Provincial Service of any race is confidently believed by the Government to possess the ability and training, and all the other qualifications requisite for such posts, there is no reason why he should be shut out from them.

17. The question of specifically assigning offices to the Provincial Service must next be considered. The Commission evidently attaches particular value to that part of their scheme which consists of marking off, and publicly allotting beforehand, the offices accessible to persons in the Provincial Service, although their preferential claims or prior rights are subjected to several exceptions, and to the paramount condition of fitness. I infer from these papers that neither the Commission nor the Government of India desired to pledge the administration positively to reserve any particular offices exclusively for the Provincial Services. I am of opinion that the ends contemplated will be practically attained by requiring each Provincial Government to place on a separate classified list, in each province, certain offices in the different grades and departments; and by publicly declaring these to be offices to which members of the Provincial Service may (subject to the conditions laid down in the letter of your predecessor's Government) properly be appointed. These lists will be arranged to suit the preponderant administrative needs, circumstances, and aptitudes of each province and its people, and the proportion of appointments in the different branches will be from time to time determined and varied accordingly. It will thenceforward be necessary in making appointments to any of the scheduled offices that may be placed in these lists, to cite the powers vested in the local authorities by the Act of 1870; and the rules framed by the Government of India must, so far as these appointments are concerned, also conform to that Act. But I do not see that this procedure need affect the working of the scheme, or cause any inconvenient restriction or impediment.

18. While these lists will definitely indicate the higher offices which are recognised by the Government as the most suitable field for the employment of competent men of the Provincial Service, and in which nothing but unfitness should prevent them from being employed, the papers before me show that the time and extent of their admission to these offices are also definitely prescribed by certain circumstances which cannot be left out of account. With regard to the time, the Commission has admitted that the claims of the Covenanted Civil Service must defer for some years the full introduction of its scheme. I concur with the Government of Lord Dufferin that this preferential right must be accorded to the Covenanted civilians and the other officers in the ranks of the several Commissions who entered the service before the reduction of recruitment in 1880. With regard to the extent of admission, the Government of India have rightly indicated in a passage which I have quoted that this question has already been solved by the reduction of recruitment for the Covenanted Civil Service in 1880, which satisfied the requirements of the Commission. In other words, the reduction of the Civil Service recruits by one sixth, and the substitution for that one sixth of Natives selected under the Act of 1870, defines the maximum extent to which, under present arrangements, room in the higher offices will gradually become available for competent members of the Provincial Service. The reduction of the Covenanted Civil Service is already taking effect in respect of the sixth of the junior reserved offices; and when it is completed that service will cease to have any special claim to the same proportion of the reserved offices as a whole. On the basis of these considerations, it is practicable to calculate the number of reserved offices to which members of the Provincial Service may be appointed after existing prior claims have ceased through efflux of time, and the definiteness of the prospect thus offered to the Provincial Service is precisely what would be secured to it by the proposals of the Commission approved by the Government of India.

19. If these or similar arrangements are made with respect to the higher offices, the remaining steps required for the constitution of the Provincial Services present comparatively little difficulty. The Judicial and Executive branches of the Uncovenanted service are already occupied almost entirely by Natives of India; so that nothing prevents the transfer, by executive order, of those grades to the Provincial list, down to a limit that will be settled, as the scheme proposes, by each Local Government at its discretion. The result will be to constitute and establish a connected and graduated

series of offices, rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, judicial and executive, which will throw open a sure and honourable prospect of employment to persons appointed in India, and of continuous promotion to officers of tried merit and ability.

20. I do not overlook the fact that in a Provincial Service thus constituted upon the authority of existing statutes there will be no power (except under the Act of 1861) to appoint natural-born subjects of Her Majesty, other than Natives of India, to the scheduled offices. But, as I have before intimated, I do not think it advisable to lay before Parliament a proposal to remove this disability, which is confined, as your Excellency is aware, to a limited class of offices in certain provinces. It is in the power of the Secretary of State at any time to modify existing orders, and to sanction the employment of Europeans, or of any person whatever, in any office (with two or three exceptions) in the provinces of India now called the Non-Regulation Provinces, and in Burma. Nor is any measure required, beyond the change of an executive order, to authorise the larger introduction of a similar element into the *personnel* of the Provincial Service.

21. Although the delay that must occur before the new system can come into full operation is inevitable, I trust that the Provincial Governments may sometimes, without infringing the equitable claims of members of the Covenanted Service, find, with your co-operation, earlier opportunities than have been contemplated of giving to the members of the Provincial Services the appointments to which it is proposed they shall ultimately attain. Whenever the conditions that I have stated can be fulfilled, I should see with much satisfaction the appointment of Natives of India of proved merit and ability to fill the offices in question.

22. I proceed to notice other important questions that have to be decided. I will take them in the order in which they are taken in the Despatch of the Government of India.

As to what is known as the Statutory Service, there is an almost universal agreement of opinion among the authorities, both European and Native, who have been consulted, that this service has not fulfilled the expectations with which it was formed. With the constitution of the Provincial Service, the further recruitment under the existing rules framed in accordance with Section 6 of Statute 33 Vict., ch. 3, will necessarily cease. The only practical question now to be decided is the manner of dealing with the present (so-called) Statutory officers. The Commission has recommended,\* as the most expedient and equitable course, that they should be absorbed into the Provincial Service, in such positions as, having regard to the circumstances of each case, the Government of India may consider just. Since the Statutory officers are now appointed, not to a Service, but to specific posts, under the provisions of the Statute of 1870, on the grounds of "proved merit and ability," the Commission was of opinion that by transfer to the organized Provincial Service, "with consequent claims to the usual promotion in ordinary course, they would obtain a distinct advantage over and above that which they now enjoy by virtue of holding particular offices." The Government of your predecessor concurred in the view taken by the Commission, but as a further concession in favour of the Statutory Civilians, it proposed that "*cæteris paribus*, they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

While it seems to me that there can be little doubt that, at least in the great majority of cases, the transfer of the Statutory Civilians to the Provincial Service would, as the Commission believed, be really beneficial and not injurious to their interest. I am aware, from memorials that have been submitted to me, and from other sources of information, that this view is not held by all of these officers themselves. I am anxious to avoid even the appearance of injustice or want of due consideration towards these gentlemen. As observed in paragraph 15 of your predecessor's Despatch, "the question is not free from difficulty, because the status of a Statutory officer is now superior to that of an officer in the Uncovenanted Judicial and Revenue Service, and any measure of amalgamation, if not carefully qualified, might be regarded as an infringement of just expectations." I think that the course least open to objection will be to give to every Statutory Civilian the option of remaining in his present position, or of being transferred to the Provincial Service, with an acknowledgment of his preferential claims in the manner proposed by your predecessor's Government. In the former case, the maintenance of the *status quo* would simply mean, as is said in the Despatch, † that his appointment would continue as hitherto, to be specially treated

Paragraph 87.

† Paragraph 15.

outside both the Covenanted and Provincial Services. He would not belong to any organized Service in which he would, under ordinary circumstances, rise by seniority to certain posts. His claims to advancement would depend entirely on the merit and ability that he might display, and each step that he might gain would be treated as a fresh appointment under the rules passed under the Act of 1870. This arrangement will remove all grounds for possible complaint. This decision need not in any way affect the operation of the general scheme, except so far as the occupation of certain offices by the Statutory Civilians may temporarily reduce the number of posts available for Provincial officers.

23. The next subject to which the Despatch of the Government of India refers is concerned with the open competitive examination for admission to the Covenanted Civil Service, and the first point is the question whether there are any grounds for considering that, for Native candidates, it should be held in India as well as in England. There cannot, in my opinion, be any doubt that the conclusions of the Commission and of Lord Dufferin's Government on this subject are correct.

24. Few parts of the Report of the Commission are more interesting and important than that in which it is shown how very large a part in the administration of India is already in the hands of Natives. In the superior ranks of the Executive and Judicial branches of the Uncovenanted Service (excluding the so-called Special Departments), there are 2,588 officers, of whom 2,449 are Natives of India, and only 35 are Europeans or Eurasians not domiciled in India at the time of appointment. It is a complete, but not an uncommon mistake to suppose that the work entrusted to these officers is of minor importance. "It is with the officers of this class (the Commission observes\*) that the great mass of the people are most ordinarily brought into contact, and upon these it devolves to decide a large proportion of the disputes, whether connected with revenue, magisterial, or civil matters, which arise between man and man in ordinary life, and do not, as a general rule, come before officers belonging to the Covenanted grades." Nearly the whole of the civil Judicial business throughout India, including a large portion of that in the Appellate Courts, is transacted by Natives. Native Judges have jurisdiction in all classes of civil suits, whatever be their value, and over Europeans and Natives alike, without distinction of nationality. The duties of the Executive branch of the Native Service are hardly less responsible and important. The officers in both branches receive salaries which in India are large, which in England would be considered liberal, and which are far higher than those usually assigned in other countries of Europe to posts of corresponding dignity.

Not including posts filled by junior officers in training, and excluding Burma altogether, there are only 765 civil charges in British India held by members of the Covenanted Service, by military officers, and by Uncovenanted officers promoted to the ranks of the several Commissions in the Non-Regulation Provinces. These offices represent a proportion of only one to office every 1,048 square miles of area, and to every 254,000 of population. Since 1874, notwithstanding the constantly increasing demands for improved administration, the strength of the Covenanted Service recruited in England has been reduced by more than 22 per cent.; and if existing orders be maintained it will at no distant period be reduced by 12 per cent. more. Under the rules framed by Lord Lytton's Government in 1879, which, with certain modifications, are still in force, there would eventually be one Statutory Civilian for every five members of the Covenanted Service. And in recent years the number of Natives employed in the Executive and Judicial Services has been largely increased, and the field of their employment has been steadily enlarged.

25. It is not surprising that the Commission should have arrived at the conclusion that, as so little room now remains for reducing the numbers of the Covenanted Civil Service, which may be said to represent the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of government cannot be overrated,—and that, therefore, the idea of holding a competitive examination for Native candidates for the Covenanted Service in India as well as in England is altogether inadmissible. The Government of your predecessor were unanimously of opinion that this view is correct, and I cannot better express my own conclusion than by quoting the words of their Despatch †:—"The true principle, on which the Commission has very strongly insisted, is that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If, under such conditions, Native candidates succeed, they will then, as Lord Macaulay said, 'enter the Service in the best and most honourable way.' The

\* Paragraph 47.

† Paragraph 18.

establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections. We therefore fully agree with the Commission in deprecating the entertainment of any such proposal."

There is also another objection to the holding in India of a simultaneous examination for the Covenanted Service which is scarcely less forcible. To attract English youths of suitable education and intellectual promise to the Covenanted Service in India, it is necessary to offer greater inducements in salary, pension, and furlough than would be requisite were the duties to be performed in their own country or under less unfavourable conditions of climate. To compensate successful Native candidates for the inconvenience of presenting themselves at the examination in England, and to avoid an invidious distinction, similar advantages are allowed to them. But it would impose an unnecessary, and therefore unjustifiable, burden on the revenues of India, to provide larger emoluments or furlough privileges than are sufficient to attract Natives of high education and ability to an examination for the public service in India. This consideration has constantly been kept in view by the Government of India. As education in that country has from time to time qualified, more extensively, Natives to take part in the administration, European agency has been curtailed, and the field for the employment of Natives has been extended. At the same time the Statute of 1870 has put it in the power of the Government to secure the services of Natives who have given proof of eminent capacity, for employment in any of the offices reserved by the Statute of 1861.

26. With regard to the limits of age within which candidates should be allowed to compete for the Indian Civil Service, I am glad to be able to inform your Excellency, in Council that, after a most careful consideration of the subject, and after consulting the Civil Service Commissioners, I am prepared to adopt the recommendation of the Public Service Commission, supported as it is by the concurrence of your predecessor in Council. The limits of age will accordingly be raised, the maximum limit to 23 and the minimum limit to 21, which I agree with the Civil Service Commissioners in thinking preferable to the lower limit of 19 suggested by the Public Service Commission. In both cases the age of the candidate will be taken as it stands on the first day of the month in which the competitive examination commences: and the successful candidates will be required to arrive in India before the 31st of December of the year following that in which the examination takes place. As to the date at which this change may properly be carried into effect, and as to the various alterations of existing arrangements which it will involve, I am now in communication with the Civil Service Commissioners.\*

27. I proceed to notice the subjects referred to in paragraphs 21 to 34 of the Despatch of the Government of India, relating, for the most part, to the organisation of the Provincial Services. Some of the more important questions connected with this subject have been already noticed in the earlier part of the present Despatch. I generally concur in your proposals, and there are only a few points on which it is now necessary for me to offer observations.

28. The recruitment for the Provincial Service will be made in each province under rules framed by the Provincial Government, with the sanction of the Government of India. "The rules" (in the words of your predecessor's Despatch) "while making due provision for indispensable educational attainments, must be such as are adapted, on the one hand, to obtain for each province thoroughly efficient candidates, and, on the other hand, to secure the due representation in the public service of the different classes of the community."

29. The Commission has recommended, and the same view has been taken by the Government of your predecessor, that all natural-born subjects of Her Majesty resident in the provinces and fulfilling certain conditions shall be eligible for admission to the Provincial Service. This recommendation is based, the Commission says,† "on the cardinal principle, proceeded with throughout, of equality of treatment for all classes of Her Majesty's subjects."

30. Under the orders which were passed by the Government of Lord Lytton in 1879, with the approval of the Secretary of State, and which are still in force, no person other than a Native of India as defined in the Statute of 1870, can be appointed to any office in the Executive or Judicial Service carrying a salary of 200 rupees a month and upwards, without the previous sanction of the Governor General in Council, or (in

\* It has since been decided that the change as to the limits of age for the open competition shall come into force in 1892, and that the 1st of April shall be the date for determining the age of candidates.

† Paragraph 84.

Madras and Bombay) of the Secretary of State. How completely these orders have been carried out is shown by the facts given in paragraph 53 of the Commission's Report, and noticed in paragraph 24 of this Despatch. Out of a total number of 2,588 persons employed in the higher grades of the Executive and Judicial branches of the Uncovenanted Service throughout India, there were only 35 Europeans or Eurasians who were not domiciled in India at the time of their appointment. Only two of these have been appointed since the orders of 1879, and 23 out of the 35 held offices in Lower Bengal. The total number of Europeans and Eurasians domiciled in India thus employed was 104. Practically, therefore, although these branches of the Service are open, under certain conditions, to all classes of Her Majesty's subjects, they are now manned almost entirely by Natives of India.

31. The primary object with which the Commission was appointed was to extend the employment of Natives of India, and, accepting that object as a proper one, I am unable to agree to the recommendation that the rules of 1879 should be wholly cancelled. The present Uncovenanted Service, in its Executive and Judicial branches is, as I have shown, essentially a Native Service; and the Provincial Service ought, in my opinion, to retain the same character. If it should hereafter be found by experience that the orders which now bar the entry of Europeans into the Uncovenanted Service are not altogether applicable to the constitution of the Provincial Services, it will be open to your Excellency's Government to reconsider them.

32. I approve the proposal that the Government of India should reserve the power of making, in very special cases and under prescribed conditions, direct appointments whether of Natives or Europeans, to offices in the higher grades of the Provincial Service;\* and that, in the case of the Judicial branch, the exercise of this power should be confined to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than 10 years' standing, and possessing a thorough knowledge of the vernacular language of the province. I entirely agree with the Commission† that, when it is considered necessary to recruit Europeans for the Provincial Service otherwise than under the published rules, the recruitment should be made in Europe and by the Secretary of State. This will be in accordance with the established policy of the Government, and its soundness is not open to question.

33. The offices now filled by the lower grades of Uncovenanted officers will, under the scheme of the Commission,‡ be formed into a Subordinate Civil Service. The precise point at which the line is drawn between the Provincial and Subordinate Services will be fixed in each case by the Provincial Government, and will probably vary in different provinces. Promotion from the Subordinate to the Provincial Service may be made as a reward for conspicuous merit. I approve these proposals. As the Commission has pointed out,§ their acceptance will render it necessary to make a careful revision in each province of the rules for the recruitment of the Subordinate Service.

34. A strong opinion has been expressed by the Commission|| that no useful comparison can be made between the conditions of service suitable in the case of officers recruited in England and officers recruited in India respectively, and that the grades of pay, the pay of appointments, and the rules regarding leave and pensions in the Provincial Service should be fixed on independent grounds and without any special relation to those of the Covenanted Service. This view has my approval. In the words of the Report, "the simple principle which the Commission would adopt is to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications. The rate of pay would thus depend on the place of recruitment and the service to which the office belongs, independently altogether of questions of nationality." The distinction to which the Commission here refers is that drawn by the existing rules, under which a Native of India holding an office ordinarily reserved for the Covenanted Civil Service receives only two thirds of the pay which he would have received if he were a member of that Service; he receives a smaller pension, and is subject to less favourable leave rules.

35. The Commission has advised¶ that for the high appointments made directly by Her Majesty, which are very few in number and stand upon a footing of their own, the pay and the rules governing leave and pension should be the same for all incumbents

\* Despatch, paragraph 26. Report, paragraph 82

† Report, paragraph 84.

‡ Despatch, paragraph 21. Report, paragraph 81.

§ Paragraph 82.

|| Paragraph 85. ¶ Paragraph 85.

whether belonging to the Covenanted or the Provincial Service, or appointed from outside the service of Government. Among the principal officers of this class are the Judges of the High Courts. It is already provided by the existing rules that, in their case, no distinction shall be made in regard to pay, but it is otherwise in regard to leave and pension. The distinctions, which were finally laid down in Lord Kimberley's Despatch No. 18, dated 27th May 1886, were based on the ground that the leave and pension allowances of Natives of India must be regulated on Indian rather than on English considerations; and your predecessor's Government\* did not think it desirable to re-open the question. Under the circumstances which existed when the orders of 1886 were passed, the conclusions arrived at were, in my opinion, correct. But when the changes of system now proposed are carried out, the case, in regard to the High Court Judges who are Natives of India, will be altered, and I think that it will no longer be right that any distinction should be maintained. In the Covenanted Service the rules regarding pay, leave, and pension will be the same for all members, whether they are European or Native. In the Provincial Service they will also be the same for all the members. When, in both these branches of the administration, all distinctions in the conditions of service based on difference of nationality are abolished, it will be impossible to apply another principle in the High Courts, and to say that Judges who are Natives of India shall, because of their nationality, be treated differently from Judges who are Europeans. On other grounds, at the present time, when we are recognising the claims of Natives to a larger share in the higher offices of the Public Service, and are endeavouring, as far as possible, to get rid of distinctions between them and Englishmen, I am glad to be able to remove what I am aware is a cause of dissatisfaction to some of the most distinguished Natives of India who are in the service of Her Majesty. I sanction, therefore, the recommendations of the Commission on this subject.

36. In this Despatch I have, for the sake of convenience, made frequent use of the term "Covenanted Service." The Commission recommends that, when the Provincial Service has been constituted, the two Services shall be called the "Imperial" and the "Provincial" respectively. The Government of India approve of the proposed designations, and agree to their being substituted for the "Covenanted" and "Uncovenanted" at present in common use. The term "Imperial" does not commend itself to me; and I prefer that the Service now known as the "Covenanted" should be designated "the Civil Service of India," and that each branch of the "Provincial" Service should be designated by the name of the particular province to which it belongs, *e.g.*, "the Madras Civil Service," "the Bombay Civil Service," "the Punjab Civil Service," and so forth. When this rule comes into operation, the use of the terms "Covenanted" and "Uncovenanted" must be entirely discontinued.

37. I have now stated to you my views on all the questions referred to in the Report of the Commission, or in the Despatch of your predecessor's Government, which appear to me at present to demand notice. As observed in the last paragraph of that Despatch, the Government of India have as yet communicated to me their conclusions on that part only of the proposals of the Commission which deals with the two great Services through which the Executive and Judicial administration is carried on. There remain the Special Departments,† in respect of which the Commission has made separate recommendations. As to these I shall be glad to learn the matured conclusions of your Excellency's Government, and of the Local Governments which, in regard to many Departments concerned, you will doubtless think it necessary to consult fully.

I have, &c.  
(Signed) CROSS.

\* Paragraph 32.

† Accounts, Archaeology, Customs, Education, Forests, Geological Survey, Jails, Mint, Opium, Pilot Service, Police, Post Office, Public Works, Registration, Salt, Surveys, Telegraphs.



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