

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

VOLUME VI.—PROCEEDINGS RELATING TO THE LOWER
PROVINCES OF BENGAL (INCLUDING ASSAM).

SECTION I.—NOTICE AND CORRESPONDENCE INVITING EVIDENCE, AND
INFORMATION SUPPLIED BY THE BENGAL GOVERN-
MENT AND THE CHIEF COMMISSIONER OF ASSAM.

SECTION II.—MINUTES OF EVIDENCE TAKEN IN BENGAL (BY THE
COMMISSION AND BY THE BENGAL SUB-COMMITTEE).

SECTION III.—REPLIES OF PERSONS NOT EXAMINED, AND OF ASSOCIA-
TIONS AND SOCIETIES, AND OTHER SELECTED PAPERS.

CALCUTTA:

PRINTED AT THE BENGAL SECRETARIAT PRESS.

1887.

ERRATA.

VOLUME VI.—SECTION II.

Page	14,	Q.	264,	line	12	For "Chand cholar" read "Claud scholar."
"	20,	"	340,	"	11.	For "from" read "to."
"	27,	"	383,	"	2.	For "hear" read "know."
"	28,	"	410,	"	3.	For "reserved" read "reserve."
"	30,	"	440,	"	9.	For "re-appointments" read "appointments."
"	31,	"	442,	"	31.	For "competition" read "competitors."
"	32,	"	453,	"	1.	For "latal" read "lately."
"	33,	"	473,	"	14.	For "Englishmen" read "Englishmen."
"	35,	"	503,	"	8.	For "natural" read "national."
"	37,	"	535,			Omit the figures "535" before "Make" in the first line.
"	39,	"	683,	line	1.	For "thoseo pinions" read "those opinions."
"	47,	"	755,	"	10.	For "admissible age" read "maximum age for admission."
"	48,	"	783,	"	6.	For "rouage" read "patronage."
"	64,	"	1025,	"	3.	For "No" read "If," and in line 5 after "India" insert a comma and cancel the words "In that case."
"	67,	"	1058,	"	6.	After "they" insert "had."
"	71,	"	1063,	"	3.	For "ability if" read "ability. If" for "can" in the 2nd line read "cannot," and for ". How" read ". how."
"	79,	"	1168,	"	2.	In the top right hand for "heredity" read "heredity."
"	93,	above	Q. 1356,			For "Chrales" read "Charles."
"	95,	Q.	1408,	line	3.	For "Civilians" read "Munsifs."
"	98,	"	1423,	"	2.	For "Civil" read "Uncovenanted."
"	101,	"	1493,	"	5.	For "shall" read "should."
"	105,	"	1551,	"	2.	Omit the semicolon after the word "that."
"	108,	"	1605,	"	4.	After "to" insert "the."
"	111,	"	1659,	"	5.	For "reasons" read "circumstances."
"	127,	Heading				After "Law" insert "C. I. E."
"	154,	Q.	2201,	line	9.	After "deduct" insert "the appointments gained by."
"	165,	"	2180,	"	3.	For "carefully" read "carefully."
"	176,	"	2588,	"	17.	For "got" read "get."
"	177,	"	2665,	"	3.	For "paretically" read "practically."
"	191,	"	2754,	"	7.	Omit "merely" and for "a large" read "the larger," and in line 8 for "it" read "the Civil work."
"	203,	"	3007,	"	12.	From the bottom for "Talk" read "Talk," and in line 11 for "Morhay" read "Moxhay," and in line 10 for "Cotterham" read "Cottenham."
"	204,	"	2900,	"	17.	For "of" read "to."
"	225,	"	3295,	"	12.	Before "would" insert "I."
"	232,	"	3375,	"	17.	For "on" read "in."
"	260,	"	3715,	"	2.	For "it" read "its."
"	274,	"	3855,	"	2.	After "a" insert "Statutory."
"	279,	"	3959,	"	9.	For "officers" read "offices."
"	290,	"	3969,	"	7.	For "appointment" read "appointments."
"	283,	"	4011,	"	1.	Omit "in."
"	283,	"	4059,	"	21.	For "34" read "3 and 4."
"	291,	"	4061,	"	13.	(From the bottom in 2d column) for "then" read "their."
"	292,	"	4062,	"	6.	For "probation" read "training."
"	295,	in line	7	of 2d	column	after "developed" read "amidst the."
"	297,	"	23	"		for "heredity" read "heredity," and in line 50 after "combat" insert a comma.
"	298,	Q.	4054,	line	9.	For "of" read "in," and in line 12 for "over one's self" read "of parents."
"	300,	Q.	4060,	line	9,	in 1st column cancel "s" in "appointments."
"	310,	"	4274,	"	18.	For "negocate" read "negotiate."
"	311,	"	4287,	"	29	(in 2nd column). For "cases" read "case."
"	314f,	"	4305,	"	22,	omit "and."
"	314f,	"	4308,	"	1.	For "one" read "British subject."

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

BENGAL (INCLUDING ASSAM).

VOLUME VI.—SECTIONS I—III.

CONTENTS.

SECTION I.—SUB-SECTION A.—NOTICE AND LETTERS CALLING FOR
EVIDENCE IN BENGAL.

No.	Page.
I.—Notice calling for evidence published in the Bengal Government Gazette and in the leading English and vernacular newspapers	1
II.—Letter No. 4, dated the 16th November 1886, calling for lists of (1) selected officers, (2) Associations, (3) Editors of leading newspapers, and (4) members of the general public whom it might be desirable to consult or invite to give evidence before the Commission	"
III.—Letter No. 19, dated the 30th November 1886, forwarding sets of questions framed by the Commission for distribution; and the reply No. 10A, dated the 3rd January 1887; also further replies No. 241A, dated the 11th January 1887, and No. 310A, dated the 12th January 1887	2
IV.—List of officers who were summoned or invited to appear as witnesses before the Public Service Commission at Calcutta	6
V.—List of non-official gentlemen who were invited to appear as witnesses before the Public Service Commission	"
VI.—List of persons in Bengal to whom the questions were communicated and who had an opportunity of appearing before the Public Service Commission	"
VII.—List of persons not invited, but who voluntarily submitted replies	8

SECTION I.—SUB-SECTION B.—INFORMATION SUPPLIED BY THE BENGAL GOVERNMENT.

No.	Page.
I.—Replies of the Government of Bengal to the set of questions A ...	11
II.—Memorandum on the special features of Bengal bearing on its administration	33
III.—Letter No. 3, dated the 16th November 1886, calling for detailed information showing the number of "charges" or offices in which Covenanted and Uncovenanted officers, engaged in the Executive and Judicial administration of the country, are employed; and the reply No. 3596A, dated the 4th December 1886	40
IV.—Letter No. 89, dated the 5th January 1887, calling for statistics showing the number of persons employed in the Subordinate Judicial and Executive Services in the Lower Provinces of Bengal who have passed University examinations; and the reply No. 981A, dated 23rd February 1887	42
V.—Letter No. 102, dated the 22nd January 1887, calling for a return showing the nationalities and castes of the persons employed in the Subordinate Executive and Judicial Services in the Lower Provinces of Bengal; and the reply No. 1017A, dated the 25th February 1887 ... ..	..
VI.—Telegram, dated 4th May 1887, in reply to an enquiry as to whether any of the persons serving in the Subordinate Executive and Judicial Services in Bengal were Natives of other Provinces	43
VII.—Letter No. 112, dated the 5th February 1887, calling for a return showing the number of persons who had passed University examinations in each of the past ten years; and the reply furnished by the Director of Public Instruction, Bengal, in his No. 1486, dated the 26th February 1887, under cover of endorsement No. 1067A, dated 28th February 1887 ... ..	..
VIII.—Letter No. 79, dated the 12th May 1887, from the Registrar, Calcutta University, giving the average ages at which various University examinations are passed	44
IX.—Letter No. 131, dated the 7th March 1887, calling for information showing the extent to which encouragement is offered to Natives of the Lower Provinces of Bengal, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education; and the reply No. 271, dated the 9th April 1887, and enclosures	45
X.—Letter No. 133, dated the 10th March 1887, calling for a full and detailed answer to questions 231 and 232, set A; and the reply	47

SECTION I.—SUB-SECTION C.—INFORMATION SUPPLIED BY THE CHIEF COMMISSIONER OF ASSAM.

I.—Letter No. 4, dated the 16th November 1886, calling for lists of (1) officials, (2) Associations, (3) Editors of leading newspapers, and (4) members of the general public, whom it might be desirable to consult or invite to give evidence before the Commission; demi-official letter dated the 1st December 1886, to E. Stack, Esq., Secretary to the Chief Commissioner, Assam, on the same subject; reply No. 7202, dated the 11th December 1886	51
II.—Letter No. 74, dated the 31st December 1886, in reply to No. 7203, dated the 11th December 1886, forwarding copies of sets of questions, and issues; and the reply No. 999, dated the 26th February 1887	52
III.—Replies of W. E. Ward, Esq., c.s., Officiating Chief Commissioner of Assam (to set A)	53
IV.—Memorandum on the special features of Assam which bear upon its administration; with covering letter No. 922, dated the 23rd February 1887	71

No.	Page.
V.—Letter No. 3, dated the 16th November 1886, calling for detailed information showing the number of “charges” or offices in which Covenanted and Uncovenanted officers, engaged in the Executive and Judicial administration of the country, are employed, &c.; and the reply No. 7270, dated the 16th December 1886	77
VI.—Letter No. 89, dated the 5th January 1887, calling for statistics showing how many persons employed in the Subordinate Judicial and Executive Services had passed University examinations; and the reply No. 892, dated the 22nd February 1887	80
VII.—Letter No. 102, dated the 22nd January 1887, calling for a return showing the nationalities and castes of the persons employed in the Subordinate Executive and Judicial Services in Assam; and the reply No. 900, dated the 22nd February 1887	”
VIII.—Letter No. 131, dated the 7th March 1887, calling for information showing the extent to which encouragement is offered to Natives of Assam, by means of Government scholarships or otherwise to proceed to England for the purpose of completing their education; and the reply No. 2177, dated the 20th April 1887	81
IX.—Letter No. 133, dated the 10th March 1887, calling for further reply to question 232, Set A; and the reply No. 2398, dated the 24th May 1887	82

SECTION II.—MINUTES OF EVIDENCE TAKEN IN BENGAL.

(SITINGS AT CALCUTTA.)

WITNESSES EXAMINED BY THE COMMISSION.*

I.—The Hon'ble H. J. Reynolds, c.s., c.s.I., M.A., Member of the Board of Revenue, Bengal; Member of the Legislative Council of Bengal	1
II.—J. G. Charles, Esq., c.s., Additional Judge, 24-Pergunnahs	13
III.—C. A. Samuells, Esq., c.s., Barrister-at-Law, Collector of Customs, Calcutta	20
IV.—Sir A. W. Croft, M.A., K.C.I.E., Director of Public Instruction, Calcutta	23
✓ V.—Babu Narendro Nath Sen, Editor, <i>Indian Mirror</i>	30
✓ VI.—Babu Brojendra Coomar Seal, B.L., District Judge, Bankura, and Assistant Sessions Judge, Burdwan	37
✓ VII.—H. Beveridge, Esq., c.s., Additional Sessions Judge, 24-Pergunnahs	41
VIII.—J. Beames, Esq., c.s., Commissioner of Burdwan	43
✓ IX.—C. H. Tawney, Esq., M.A., Principal of the Presidency College, Calcutta	55
X.—The Hon'ble Kalinath Mitter, Member of the Bengal Legislative Council, and Attorney, High Court, Calcutta	59
✓ XI.—Brajendra Nath De, Esq., M.A., c.s., Barrister-at-Law, Joint-Magistrate, Hughli	62
✓ XII.—Babu Surendro Nath Banerji, Editor of the <i>Bengali</i> Newspaper, Calcutta	70
✓ XIII.—Syad Husain Bilgrami, B.A., Motaria Jung Bahadur, Secretary to the Council of State, His Highness the Nizam of Hyderabad	76
✓ XIV.—H. J. S. Cotton, Esq., c.s., Secretary, Board of Revenue, Calcutta	83
XV.—C. B. Garrett, Esq., c.s., District and Sessions Judge, 24-Pergunnahs	97
✓ XVI.—K. G. Gupta, Esq., c.s., Barrister-at-Law, Joint-Magistrate and Deputy Collector, Nuddea	102
XVII.—Revd. Lal Behary De, Educational Department; Professor, Hughli College	107
XVIII.—E. W. Chambers, Esq., L.M.S., L.S.A., Physician and Coroner; Delegate of the Eurasian and Anglo-Indian Association, Calcutta	111
XIX.—Maulvi Syed Muazzam Husain, Presidency Magistrate, Calcutta	113
XX.—Babu Mohendro Nath Bose, Judge, Small Cause Court, Nuddea and Jessore	116

Fifty-seven witnesses were examined by the Commission in Bengal, and one hundred and nine by the Sub-Committee for Bengal.

No.	Page.
XXI.—W. H. Grimley, Esq., B.A., c.s., Magistrate and Collector; Commissioner of Income Tax, Bengal	121
XXII.—Rajah Durga Churn Law, Merchant, Calcutta	127
XXIII.—The Hon'ble Syad Amir Husain, Officiating Presidency Magistrate, Calcutta	131
XXIV.—Sir Edward Buck, K.C.I.E., c.s., Secretary to the Government of India, Revenue and Agricultural Department	134
XXV.—Pandit Mohesh Chandra Nyayaratna, C.I.E., Educational Department; Principal, Sanskrit College, Calcutta	139
XXVI.—The Hon'ble Dr. Mohandro Lal Sircar, C.I.E., Honorary Presidency Magistrate, Calcutta; Member of the Bengal Legislative Council	141
XXVII.—H. M. Kisch, Esq., M.A., c.s., Postmaster-General, Bengal	144
XXVIII.—His Highness Maharajah Sir Luchmessur Singh Bahadur, K.C.I.E., of Durbhunga	156
XXIX.—Babu Girija Bhushan Mukerji, B.A., B.L., Pleader, High Court	159
XXX.—M. P. Gasper, Esq., Barrister-at-Law, Calcutta	164
XXXI.—M. Finucane, Esq., M.A., c.s., Director of the Agricultural Department, Bengal	171
XXXII.—Babu Mohesh Chunder Chowdhry, Vakil, High Court, Bengal	179
XXXIII.—Babu Parbutty Churn Roy, B.A., Deputy Collector, Darjeeling	184
XXXIV.—The Hon'ble Sir William Comer Petheram, Kt., Q.C., Chief Justice of the High Court of Bengal	188
XXXV.—Syad Amir Ali, M.A., B.L., Barrister-at-Law; Representative of the Mahomedan Central Association	193
XXXVI.—The Hon'ble G. C. Paul, Barrister-at-Law, Advocate-General of Bengal	203
XXXVII.—The Hon'ble H. T. Prinsep, c.s., Judge, High Court, Bengal	208
XXXVIII.—The Hon'ble Maulvi Abdul Jubbar, Member of the Bengal Legislative Council; Deputy Magistrate, 24-Pergunnahs, Calcutta	218
XXXIX.—A. D.B. Gomes, Esq., Deputy Magistrate, Howrah	222
XL.—M. N. Ghose, Esq., Barrister-at-Law, High Court, Calcutta	224
XLI.—Babu Joykishen Mukerji, Zemindar, 24-Pergunnahs	227
XLII.—Babu Monomohun Ghose, Barrister-at-Law, High Court, Calcutta	232
XLIII.—Babu Rash Behari Ghose, LL.D., Pleader, High Court, Calcutta	241
XLIV.—Babu Obhoy Chunder Das, Deputy Magistrate, 24-Pergunnahs	243
XLV.—Babu Ambica Churn Sen, s.c., Assistant Magistrate and Collector, Shahabad	247
XLVI.—The Hon'ble Chandar Madhub Ghose, Judge, High Court, Bengal	253
XLVII.—B. L. Gupta, Esq., c.s., Barrister-at-Law, Officiating District and Sessions Judge, Faridpur	258
XLVIII.—Nawab Abdul Latif, Bahadur, C.I.E.	262
XLIX.—Ramesh Chunder Dutt, Esq., c.s., Barrister-at-Law, Joint-Magistrate and Deputy Collector, Backergunge	270
L.—J. Knox Wight, Esq., B.A., c.s., Deputy Commissioner, Nowgong, Assam	274
LI.—Babu Sarat Chunder Bannerji, M.A., B.L., Extra Assistant Commissioner, Kamrup, Assam	278
LII.—H. W. Bliss, Esq., c.s., Commissioner of Salt and Abkari Revenue, Madras; Fellow of the Madras University; Additional Member, Board of Revenue, Madras	281
LIII.—Lala Hakim Chand, M.A., Registrar, High Court, Hyderabad	288
LIV.—Sir Alexander Wilson, Kt., Sheriff of Calcutta	302
LV.—James Henderson, Esq., Merchant, Calcutta	306
LVI.—H. Dear, Esq., Honorary Magistrate, Sudder Bench, Monghyr	309
LVII.—A. O. Hume, Esq., c.s., late of the Bengal Civil Service	310
WITNESSES EXAMINED BY THE SUB-COMMITTEE FOR BENGAL AT PATNA, CALCUTTA, AND DACCA.	
LVIII.—Nawab Wilayat Ali Khan, Bahadur, Zemindar and Banker, Patna,—10th January 1887	315
LIX.—Sharaf-ud-din, Esq., Barrister-at-Law,—10th January 1887	316
LX.—Maulvi Syad Fuzal Imam, Zemindar; Vice-Chairman, Patna Municipality, and Member, District Board,—10th January 1887	317

No.	Page
LXI.—C. J. Graham, Esq., Head Assistant and Accountant, Behar Opium Agency,—10th January 1887	318
LXII.—Babu Rai Jaikissan, Zemindar, Patna,—10th January 1887	319
LXIII.—A. Ewbank, Esq., Principal, Patna College,—10th January 1887	320
LXIV.—Babu Guru Prasad Sen, Pleader, High Court, and Editor and one of the proprietors of the <i>Behar Herald</i> and <i>Indian Chronicle</i> ,—10th January 1887	321
LXV.—Maulvi Khuda Bukhsh, Government Pleader, Patna,—10th January 1887	322
LXVI.—Babu Bissessur Singh, Pleader, Judge's Court; Zemindar, Shahabad; and Joint-Proprietor of the <i>Behar Herald</i> and <i>Indian Chronicle</i> ,—10th January 1887	323
LXVII.—Babu Bimola Charn Bhattacharji, Member, Subordinate Executive Service,—11th January 1887	324
LXVIII.—John Boxwell, Esq., B.A., C.S., Collector and Magistrate, Gya,—11th January 1887	325
LXIX.—F. M. Halliday, Esq., C.S., Commissioner, Patna Division,—11th January 1887	326
LXX.—Rajah Rameshwara Singh Bahadur, younger brother of the Maharajah of Durbhunga,—11th January 1887	327
LXXI.—Mr. A. Ahmed, Statutory Civilian,—11th January 1887	328
LXXII.—Babu Chotu Lall Sejwar Gyawal,—11th January 1887	329
LXXIII.—Babu Bhup Sen Sing, Pleader, High Court,—11th January 1887	329
LXXIV.—Babu Jadunath Sahai, Pleader, High Court,—11th January 1887	330
LXXV.—Maulvi Abdul Bari, Member, Subordinate Judicial Service,—12th January 1887	333
LXXVI.—Babu Gonesh Chander Chowdhri, First Subordinate Judge, Patna,—12th January 1887	334
LXXVII.—Babu Chutterbuj Sahai, Pleader, District Court, Patna,—12th January 1887	335
LXXVIII.—Babu Joy Prakash Lall, Dewan of the Doornraon Raj,—12th January 1887	336
LXXIX.—Babu Basant Kumar Bose, Vakil, High Court,—14th January 1887	337
LXXX.—Babu Debendro Chander Ghose, Pleader, High Court,—14th January 1887	338
LXXXI.—F. J. Rowe, Esq., M.A., Educational Department,—14th January 1887	340
LXXXII.—Babu Durgagatti Banerji, Deputy Magistrate and Deputy Collector, and Personal Assistant to the Commissioner, Presidency Division,—14th January 1887	341
LXXXIII.—Babu Srinath Rai, Fourth Judge of the Court of Small Causes, Calcutta,—14th January 1887	342
LXXXIV.—Baba Charu Charn Mitter, Zemindar in Allahabad and Hughli, and Senior Vice-Chairman, Allahabad Municipality,—15th January 1887	343
LXXXV.—Babu Tarini Chander Ghose, Deputy Collector,—15th January 1887	344
LXXXVI.—Babu Rajendro Nath Mitter, Deputy Magistrate and Deputy Collector, 24-Pergunnahs,—15th January 1887	346
LXXXVII.—Babu Dharendra Nath Pal, private gentleman of Jessore,—15th January 1887	350
LXXXVIII.—Babu Jadub Prosono Shome, Pleader, District Court, Allahabad,—17th January 1887	355
LXXXIX.—Babu Upendra Chandra Mitra, Vakil, High Court,—21st January 1887	357
XC.—Babu Ashutosh Mukerji, B.A., Graduate, Calcutta University,—21st January 1887	358
XCI.—Maulvi Ahmed, Authorized Translator, High Court, Calcutta,—24th January 1887	360
XCII.—Babu Chandi Charan Sen, Munsif of Kishnagar,—24th January 1887	361
XCIII.—Babu Abinash Chander Bose, Treasurer, Office of the Accountant-General, Bengal,—24th January 1887	362
XCIV.—Babu Bulloram Mullick, Judge, Small Cause Court, Pubna,—24th January 1887	363
XCV.—Babu Jibun Krishno Ghose, Pleader, Judge's Court, Alipore,—24th January 1887	365
XCVI.—Babu Chander Sikur Gupta, Government pensioner,—25th January 1887	369
XCVII.—Babu Kalli Nath Mukerji, Pleader, High Court,—25th January 1887	371
XCVIII.—A. Read, Esq., Barrister-at-Law, High Court,—25th January 1887	372

No.	Page
XCIX.—Babu Nilkant Chatterji, M.A., Graduate, Calcutta University,—25th January 1887	375
C.—Babu Anada Prasad Banerji, Government Pleader, High Court, Calcutta,—26th January 1887	377
CI.—A. Larymore, Esq., Superintendent, Alipore Jail, <i>ex-officio</i> Deputy Inspector-General of Jails,—27th January 1887	377
CII.—Babu Ambica Chara Bose, Pleader, High Court,—27th January 1887	379
CIII.—Babu Is-ur Chander Chuckerbutty, Pleader, High Court,—27th January 1887	381
CIV.—Babu Moti Lall Chose, Editor, <i>Anarita Bazar Patrika</i> ,—27th January 1887	384
CV.—Babu Girish Chander Chaudhri, Pleader, High Court,—23th January 1887	387
CVI.—Babu Okhil Chander Sen, Pleader, High Court,—23th January 1887	388
CVII.—Babu Saligram Singh, Pleader, High Court,—23th January 1887	388
CVIII.—Babu Troylokho Nath Mitter, Pleader, High Court,—28th January 1887	390
CIX.—Maulvi Fuzl-ul Rahman, Vice-Chairman, Nattore Municipality, and Zemindar, Rajshahye,—29th January 1887	392
CX.—Bairamji Nasarwanji, Merchant, Calcutta,—29th January 1887	393
CXI.—Babu Asujosh Biswas, Pleader, High Court,—31st January 1887	394
CXII.—J. Kemp, Esq., Editor, <i>Bengal Times</i> ,—31st January 1887	395
CXIII.—Babu Dena Nath Dhur, Government Pleader, District Court, Dacca,—31st January 1887	397
CXIV.—Babu Anard Chander Sen, Deputy Collector,—31st January 1887	399
CXV.—F. Wyer, Esq., c.s., Collector and Magistrate, Dacca,—31st January 1887	401
CXVI.—Babu Akhoy Kumar Sen, Deputy Magistrate, and Personal Assistant to the Commissioner, Dacca,—31st January 1887	403
CXVII.—Babu Pami Madhub Mitter, Subordinate Judge, Dacca,—31st January 1887	405
CXVIII.—Khajeh Mahomed Ashgar, Vice-Chairman, District Board, Dacca,—31st January 1887... ..	407
CXIX.—Babu Shoshibhusun Rai, Editor, <i>Dacca Gazette</i> ,—31st January 1887	408
CXX.—Babu Rajoni Nath Bose, Vakil, High Court,—1st February 1887	410
CXXI.—Babu Issen Chander Chuckerbutty, Vakil, High Court,—1st February 1887	412
CXXII.—Babu Kali Prasanna Ghosh, Manager, Estate of Raja Rajendra Narayan Rai Chaudhri, and Editor of a Literary Journal,—1st February 1887	414
CXXIII.—Babu Rajoni Kanta Chaudhri, Law Lecturer, Dacca College, and Pleader, Judge's Court,—1st February 1887	416
CXXIV.—Maulvi Abul Khair Mahomed Sadiq, Superintendent, Dacca Madrissa,—1st February 1887	417
CXXV.—Babu Jagat Bandhu Laha, Head-master, Dacca Normal School,—1st February 1887	419
CXXVI.—Babu Troylokhonath Bose, Pleader, District Court, Dacca,—1st February 1887	421
CXXVII.—Babu Isvar Chandra Basu, Head-master, Collegiate School, Dacca,—1st February 1887	423
CXXVIII.—Babu Mohendro Nath Mitter, Judge, Small Cause Court, Dacca and Moonshigunge,—1st February 1887... ..	425
CXXIX.—Babu Olhoy Charan Nag, Editor, <i>Charu Varta</i> , Dacca, and Pleader, Judge's Court, Mymensingh,—2nd February 1887	428
CXXX.—Babu Radhaballub Chaudhri, Zemindar and Honorary Magistrate, and Vice-Chairman, Municipal Board, Sherepore Town,—2nd February 1887	429
CXXXI.—W. Booth, Esq., Principal, Dacca College,—2nd February 1887	430
CXXXII.—W. R. Larmindie, Esq., M.A., c.s., Commissioner, Dacca Division,—2nd February 1887	432
CXXXIII.—Babu Ananda Chandra Rai, Pleader, District Court, and Chairman, Dacca Municipality,—2nd February 1887	434
CXXXIV.—Babu Surrat Chander Gupta, Pleader, Judge's Court; Chairman, Local Board, and Member, District Board, Dacca,—2nd February 1887	437
CXXXV.—Babu Shoshibhusun Dutt, Assistant Professor, Dacca College,—2nd February 1887	439
CXXXVI.—Babu Satis Chander Ghose, Honorary Secretary, Farjona Association, Teacher, Pegose School, and Joint Editor, <i>Dacca Gazette</i> ,—2nd February 1887	442

No.	Page.
CXXXVII.—W. H. Page, Esq., c.s., District Judge, Dacca,—2nd February 1887 ...	443
CXXXVIII.—Babu Gobind Chandar Dass, Pleader, Judge's Court, Dacca,—2nd February 1887 ...	445
CXXXIX.—Babu Mohun Mohan Basack, Merchant and Zemindar, Dacca,—2nd February 1887 ...	447
CXL.—Babu Keshub Chandar Acharji, Pleader, Judge's Court, Mymensingh,—2nd February 1887 ...	449
CXLI.—Babu Bipin Behari Mitter, Accountant, Calcutta Collectorate,—2nd February 1887 ...	451
CXLII.—Babu Janendra Nath Bose, Delegate from the Sripur Hitasadhini Sabha and Taki Hitakari Sabha; Professor, Calcutta Ripon College,—2nd February 1887 ...	457
CXLIII.—Babu Kunjo Lall Banerji, Government pensioner,—2nd February 1887 ...	461
CXLIV.—Babu Bonode Behary Rai, Zemindar,—2nd February 1887 ...	463
CXLV.—Babu Hari Nath Sen, Delegate of Baraset Association, and Sub-Inspector of Schools,—2nd February 1887 ...	464
CXLVI.—Babu Chandar Mohun Ghose, M.B., Teacher of Anatomy, Campbell Medical School,—7th February 1887 ...	466
CXLVII.—Babu Issur Chander Mitter, Subordinate Executive Service,—7th February 1887 ...	468
CXLVIII.—Babu Jagendro Chandra Ghose, Zemindar,—7th February 1887 ...	470
CXLIX.—Babu Radhica Prasad Mukerji, Inspector of Schools, Presidency Circle,—8th February 1887 ...	476
CL.—Pandit Sada Nanda Misra, Editor, <i>Sarasadhanidhi</i> ,—9th February 1887 ...	479
CLI.—Dr. P. K. Roy, Professor, Presidency College ...	480
CLII.—Babu Roy Jogindra Nath Chaudhri, Zemindar, Thaki,—11th February 1887 ...	482
CLIII.—Babu Kishori Mohun Ganguly, Delegate, Sheebpore Rate-payers' Association,—11th February 1887 ...	484
CLIV.—Dr. Annanda Prasad Kastgiri, Medical Practitioner, Calcutta,—11th February 1887 ...	486
CLV.—Rai Ram Sunker Sen, Bahadur, Retired Deputy Magistrate,—11th February 1887 ...	489
CLVI.—Baboo Mritunjoy Rai, Pleader, High Court,—11th February 1887 ...	491
CLVII.—Babu Okhoy Chander Sircar, Editor, <i>Nobobibhakar Sadharani</i> ,—11th February 1887 ...	493
CLVIII.—Kumar Nil Krishna Deb, Member, Sobha Bazar Deb Family,—11th February 1887 ...	495
CLIX.—Pandit Jadubeshwar Tarkaratna, Tol Pundit, Rungpore,—11th February 1887 ...	496
CLX.—Babu Jodu Nath Rai, Bahadur, Zemindar, Nuddea,—11th February 1887 ...	498
CLXI.—Pandit Muddu Sudun Smritiratna, late Professor, Hindu Law, Sanskrit College,—11th February 1887 ...	499
CLXII.—Babu Kali Charn Ghose, Deputy Collector,—11th February 1887 ...	500
CLXIII.—Babu Durga Mohan Das, Pleader, High Court,—12th February 1887 ...	502
CLXIV.—Babu Taraprasad Mukerji, Pleader, Judge's Court, Sarun, and Zemindar, Honorary Magistrate, and Chairman, Revelgunge Municipality,—15th February 1887 ...	503
CLXV.—Babu Krishna Kamar Mitra, Editor, <i>Sanjibani</i> ,—15th February 1887 ...	504
CLXVI.—Babu Hem Chander Ghose, Zemindar, Hughli,—15th February 1887 ...	505

SECTION III.—SUB-SECTION A.—WRITTEN REPLIES OF SOCIETIES AND ASSOCIATIONS.

I.—Representation by the Bengal Chamber of Commerce ...	1
II.—Replies of the British Indian Association ...	4
III.—Replies of the <i>Bali Siddhanti Sabha</i> ...	7
IV.—Letter from the Registrar, Calcutta University, enclosing an extract from the Minutes of the Senate ...	11
V.—Replies of the Mahomedan Literary Society of Calcutta ...	12

SECTION III.—SUB-SECTION B.—WRITTEN REPLIES OF PERSONS SUMMONED OR INVITED, BUT WHO WERE UNABLE TO ATTEND THE SITTINGS OF THE COMMISSION:

No.	Page.
I.—Replies of C. J. Lyall, Esq., c.s., c.I.E., Secretary to the Chief Commissioner, Assam	15
II.—Note by H. Luttman-Johnson, Esq., c.s., Commissioner, Assam Valley Districts	20
III.—Replies of G. Stevenson, Esq., c.s., Deputy Commissioner, Sylhet ...	23
IV.—Replies of A. C. Campbell, Esq., Deputy Commissioner, Kámráp ...	25
V.—Replies of Babu S. C. Banarji, Rai Bahadur, Extra Assistant Commissioner, Assam	27
VI.—Letter from William Aitchison, Esq., Dulo Tea Estate, Cachar ...	29
VII.—Replies of Babu Prakash Nath Mallik, Editor of the <i>Samay</i> , Calcutta ...	30
VIII.—Replies of John Phillips, Esq., Chief Superintendent, Assam Company, Nazira	34
IX.—Letter from Babu Kanti Chandra Mukerji, Extra Assistant Commissioner, Jorhat, Assam	35
X.—Note by R. Knight, Esq., Editor of the <i>Statesman</i> , Calcutta ...	37
XI.—Replies of Maharaja Sir Jotendra Mohun Tagore, Kr.	39
XII.—Note by Babu Obhoy Charn Gohar, Banian; Honorary Presidency Magistrate	42
XIII.—Replies of Babu Ram Shanker Sen	43
XIV.—Replies of H. J. Rainey, Esq.	46
XV.—Replies of the Reverend K. S. MacDonal	56
XVI.—Replies of A. Rattray, Esq., Deputy Magistrate and Deputy Collector, Darjiling	59
XVII.—Replies of W. Swinhoe, Esq., Solicitor	60
XVIII.—Replies of Babu Bhudeb Mukerji	67
XIX.—Replies of Editor of the <i>Prabajandhu</i> newspaper	70
XX.—Memorandum by the Hon'ble Rao Sáhab Vishvanath Narayan Mandlik, c.s.I., Additional Member of the Council of His Excellency the Viceroy and Governor-General of India; Government Pleader, High Court, Bombay	72
XXI.—Memorandum by the Editor of the <i>Bangobasi</i> newspaper	75
XXII.—Replies of C. F. Manson, Esq.	76
XXIII.—Replies of Babu Nanda Krishna Bose	78
XXIV.—Replies of the Editor of the <i>East</i> newspaper	83
XXV.—Note by Editor of the <i>Sanshodhini</i> newspaper	86
XXVI.—Replies of D. R. Lyall, Esq.	87
XXVII.—Replies of Babu Damdeva Datta	91
XXVIII.—Replies of Babu Surjya Kumar Agasti	94

SECTION III.—SUB-SECTION C.—SELECTED PAPERS AND REPLIES.

I.—Letter from the Hon'ble Sir W. W. Hunter, K.C.S.I., C.I.E., LL.D. ...	99
II.—Statements sent in by the Hon'ble Mr. Justice Prinsep in connection with his evidence before the Commission, and showing the result of appeals in the High Court for the years 1883, 1884 and 1885 ...	100
III.—Note by W. C. Mudge, Esq., Secretary, Eurasian and Anglo-Indian Association	102
IV.—Statement submitted by A. O. Hume, Esq., c.B.	106

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

VOLUME VI.—PROCEEDINGS RELATING TO BENGAL (INCLUDING ASSAM).

SECTION I.—SUB-SECTION A.—NOTICE AND LETTERS CALLING FOR EVIDENCE
IN BENGAL.

No. I.

A Sub-Committee of the Public Service Commission was deputed to Bengal early in January: the Sub-Committee consisted of F. B. Peacock, Esq., c.s., and the Hon'ble Mr. Justice Mitter.

Notice was given of the meetings of the Sub-Committee, which sat on fixed dates at Patna, Dacca and Calcutta, and examined a large number of persons.

The following notice was published in the Bengal Government Gazette, and was communicated to the leading newspapers, both English and Vernacular, on the 18th January 1887:—

Vol. VI.
Sec. I.
Sub-Sec. A.
Bengal.

NOTICE.

Persons desirous of giving evidence before the Public Service Commission are reminded of the necessity of intimating their intention of doing so without delay. The time at the disposal of the Commission, on its arrival in Calcutta, will be limited, and it will be unable to examine more than specially selected witnesses. It was with the object of giving every one who wished to tender evidence on the subject under consideration an opportunity of doing so that a Sub-Committee is now sitting in Calcutta.

January 18th, 1887.

No. II.

No. 4, dated Lahore, the 16th November 1886.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

I AM directed to request that, with the permission of His Honor the Lieutenant-Governor, the Public Service Commission may be favoured with a list of the names of selected officers serving in the Lower Provinces and belonging to (a) the Covenanted Civil Service, (b) the Statutory Service, and (c) the Uncovenanted Service, whose opinions the Bengal Government may consider it desirable for the Commission to invite on the subject-matter of the enquiries with which it has been entrusted, as set forth in the Resolution of the Government of India in the Home Department, No. 34—1573-80, dated 4th October 1886. I am also to request that the Commission may be favoured with a list of (1) any local Associations or Societies, (2) the Editors of the leading newspapers, both English and Vernacular, published in the Lower Provinces, who should, in the opinion of His Honor the Lieutenant-Governor, be consulted by the Commission. The

Vol. VI.
Sec. I.
Sub-Sec. A.
Bengal.

Commission would further be glad if the Bengal Government would be good enough to suggest the names of any members of the general public, not being in Government service, who might with advantage be consulted on the subject-matter of the enquiries in question.

2. It is hoped that His Honor the Lieutenant-Governor will be good enough to let it be generally known throughout the Lower Provinces that the Public Service Commission will be glad to receive the opinions of any Association or Society or of any gentlemen, whether or not in the service of Government, who may wish to lay their views before the Commission.

No. III.

No. 19, dated Lahore, the 30th November 1886.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Government of Bengal.

In continuation of my letter No. 4, dated 16th November 1886, I am directed by the Public Service Commission to forward herewith five separate sets of questions bearing on their enquiries which the Commission desire to address (1) to the several Local Governments and Administrations, (2) to selected officers of the Covenanted Civil Service, (3) to selected Statutory Civilians, (4) to selected officers of the Uncovenanted Service, and (5) to such Associations and Societies, Editors of newspapers, Vernacular and English, and members of the general public, not being in the service of Government, as it may be considered desirable to consult on the subject-matter of the enquiries of the Commission.

2. With reference to the questions (marked A) addressed to the Bengal Government, twenty-five copies of which are forwarded, I am to say that the Commission would be glad if His Honor the Lieutenant-Governor, after consulting such officers as he may see fit with regard to any of them, would be good enough to cause replies to be furnished to me with as little delay as possible. It is not necessary that the replies should be detained until all the questions have been answered, and it might be convenient if answers were sent from time to time as prepared, provided that the serial number attached to each question is correctly entered opposite the reply thereto. As some of the questions deal with statistical matters, it might further be convenient if the replies to these were thrown into a tabular form; but if this course is adopted, I am to request that care may be taken that the question or questions which each tabular statement embraces are accurately noted. Other questions, again, may possibly be better answered orally than in writing, and if this should appear to the Lieutenant-Governor to be the case, the Commission would be glad if he would indicate in what way the answers to such questions could most conveniently be given, either by the deputation of some special officer to represent the views of the Local Government or in any other manner which may be deemed preferable.

3. As regards the other sets of questions, I am to explain that those marked B, C and D, respectively, are intended to be addressed to such officers, being members of the Covenanted Civil Service, the Statutory Service, or the Uncovenanted Service, as might, in the opinion of the Bengal Government, be consulted with advantage by the Commission on the subject-matter of their enquiries. Fifteen copies of set B (for selected officers of the Covenanted Service) are forwarded herewith, with five copies of set C (for selected Statutory Civilians) and twenty copies of set D (for selected officers of the Uncovenanted Service); and I am to request that, with the permission of His Honor the Lieutenant-Governor, a copy of each set of these questions with one of the letters attached thereto in original may be supplied to those officers serving in the Lower Provinces of Bengal whom the Bengal Government may consider it desirable to consult. It will be noticed that alternative covering letters are attached to each of these sets of questions, the object being to distinguish between the cases of officers whom, owing either to their position in the service of Government or to the nature of the evidence which they may be expected to give, it is considered desirable to *summon* as witnesses before the Commission, and of those whom it is not deemed necessary to *summon* as witnesses, but who might be invited voluntarily to offer evidence. It is left to the Bengal Government to determine the officers in Bengal who should be classed under each of these categories, and to distribute accordingly all the sets of questions, or as many sets as may be considered necessary, accompanied by the appropriate covering letter in each case. In order to meet the case of officers of Government or others who, although not specially consulted, may nevertheless be desirous of offering evidence before the Commission, it is proposed to issue a notification inviting such persons to intimate their names and addresses to the Secretary to the Commission with a brief note of the particular points on which they wish to give evidence. When the plan of the Commission's operations has been further settled, copies of the notification will be communicated to the Bengal Government for insertion in the local Gazette and in some of the leading local newspapers, English and Vernacular.

4. The remaining set of questions, marked E, of which forty copies are forwarded, is intended for issue with the attached letters to selected local Associations and Societies,

Editors of newspapers (English and Vernacular), and members of the general public. It will be observed that two covering letters are attached to this set of questions, one of which is intended for issue to the Editors of newspapers or members of the general public, and the other to Associations or Societies. The Commission would feel obliged if His Honor the Lieutenant-Governor would be good enough to cause these sets of questions to be issued, with the appropriate covering letter in each case, to such bodies or individuals of the classes named in the Lower Provinces of Bengal as may, in the opinion of the Bengal Government, be expected to give useful advice on the subject-matter of the present enquiries.

5. It is hoped that the questions will be issued under the supervision of some responsible officer and with as little delay as practicable, and I am particularly to request that the Commission may be furnished with a complete and accurate list of all Associations, Societies, or persons, whether official or non-official, to whom sets of the questions may be communicated, the names of the Government officers who may be summoned to attend as witnesses, or who may be invited to give evidence, being separately given with their addresses in each case. The replies should, in all cases, be sent direct by those consulted to the Secretary to the Public Service Commission, and if additional copies of any of the sets of questions are required for use in Bengal, they will be at once supplied on application.

Vol. VI.
Sec. I.
Sub-Sec. A.
Bengal.

No. 10A, dated Calcutta, the 3rd January 1887.

From—COLMAN MACAULAY, ESQ., C.I.E., Offg. Chief Secretary to the Government of Bengal,

To—The Secretary to the Public Service Commission.

I AM directed to acknowledge the receipt of your letter No. 19, dated the 30th November 1886, in which you ask that the sets of questions, therewith forwarded, bearing on the enquiries with which the Commission has been entrusted, may be distributed to such selected officers of the Covenanted Civil Service, the Statutory Service, and the Uncovenanted Service, and to such Associations or Societies, Editors of newspapers, English and Vernacular, and members of the general public, not being in the service of Government, as it may, in the opinion of this Government, be considered desirable to consult on the subject-matter of the enquiries in question. The Commission also request to be furnished with a complete and accurate list of all such Associations, Societies, or persons, whether official or non-official, to whom the questions may be communicated; the names of the Government officers who may be summoned to appear as witnesses, or who may be invited to reply to them in writing, being separately given with their addresses in each case.

2. In reply, I am to say that the following officers, who had previously to the receipt of your letter under reply been furnished with sets of questions, have now been warned to appear as witnesses before the Public Service Commission to give their evidence on the subject of the enquiries entrusted to the Commission by the Government of India. Each of these gentlemen has received a copy of the appropriate covering letter (No. 16) forwarded by you, and has also been informed of the substance of your telegram of the 17th December 1886:—

The Covenanted Civil Service—

1. The Hon'ble H. J. Reynolds, C.S.I., Member, Board of Revenue.
2. Mr. F. M. Halliday, Commissioner of Patna.
3. " J. Beames, Commissioner of Burdwan.
4. " C. B. Garrett, District and Sessions Judge, 24-Pergunnahs.
5. " H. Beveridge, Additional District and Sessions Judge, 24-Pergunnahs and Hughly.
6. " W. H. Grimley, Income-tax Commissioner.
7. " J. G. Charles, Additional District Judge, 24-Pergunnahs.
8. " H. J. S. Cotton, Secretary, Board of Revenue.
9. " K. G. Gupta, Joint-Magistrate and Deputy Collector, Nuddea.
10. " B. De, ditto ditto, Hughly.

The Statutory Service—

11. Mr. Ambica Churn Sen, on special duty under the Director of Agricultural Department, Bengal.

The Uncovenanted Service—

12. Mr. A. W. Croft, C.I.E., Director of Public Instruction, Bengal.
13. " C. H. Tawney, Principal, Presidency College.
14. " F. J. Rowe, Professor, Presidency College.
15. The Hon'ble Abdul Jubber, Deputy Collector, 24-Pergunnahs.
16. Babu Mohendra Nath Bose, Judge of the Principal Court of Small Causes, Krishnagar.

Vol. VI.
Sec. I.
Sub-Sec. A.
—
Bengal.

17. Babu Srinath Roy, Officiating Judge, Small Cause Court, Calcutta.
18. The Hon'ble Syed Ameer Hossein, Officiating Presidency Magistrate, Calcutta.
19. Babu Durgaguti Banerji, Personal Assistant to the Commissioner, Presidency Division.
20. „ Rajendra Nath Mitter, Deputy Collector, 24-Pergunnahs.
21. Mr A. D'B. Gomess, Deputy Collector, on leave.
22. Babu Tarini Kumar Ghose, Deputy Collector, Nuddea.

3. The sets of questions forwarded by you have also been distributed, with the appropriate covering letters, to the gentlemen, official and non-official, newspapers, and Associations named in the subjoined list. In each case the substance of your telegram of the 17th December, requesting that replies should be confined to specific points on which distinct opinions are held, has also been communicated:—

The Covenanted Civil Service—

Mr. D. R. Lyall, Officiating Commissioner, Chittagong.

The Statutory Service—

Babu Nanda Krishna Bose, Officiating Joint-Magistrate and Deputy Collector, Backergunge.

„ Surjya Kumar Agasti, Assistant Magistrate and Collector, Purneah.

The Uncovenanted Service—

Babu Brojendro Coomar Seal, District Judge, Bankura.

„ Bullaram Mullick, Small Cause Court Judge, Pubna.

Mr. A. Rattray, Deputy Collector, Darjiling.

„ J. White, ditto, Nowadah, Gya.

„ C. F. Manson, ditto, Lohardugga.

Babu Obhoy Chunder Das, Deputy Collector, on Excise duty under the Board of Revenue.

„ Cally Churn Ghose, Deputy Collector, 24-Pergunnahs.

General public—

Maharajah Sir Jotindra Mohun Tagore, K.C.S.I.

Rai Ram Sunker Sen Bahadur.

Nawab Abdul Lutf. C.I.E.

Syed Muazzim Hussein.

Mr. T. Gibbon.

„ R. Steel.

„ W. Swinhoe.

„ H. J. Rainey.

The Revd. E. Lafont, S.J., C.I.E.

„ „ K. S. Macdonald

Newspapers, English—

The "Englishman,"	Calcutta.
„ "Indian Daily News,"	ditto.
„ "Statesman,"	ditto.
„ "Indian Mirror,"	ditto.
„ "Indian Planter's Gazette,"	ditto.
„ "Darjiling News,"	Darjiling.
„ "Anrita Bazar Patrika,"	Calcutta.
„ "Hindu Patriot,"	ditto.
„ "Behar Herald,"	Bankipore.
„ "Bengali,"	Calcutta.
„ "East,"	Dacca.
„ "Bengal Times,"	Dacca.
„ "Liberal and the New Dispensation,"	Calcutta.
„ "Reis and Rayyet,"	ditto.
„ "Indian Echo,"	ditto.
„ "Indian Chronicle,"	Bankipore.
„ "Indian Nation,"	Calcutta.

Vernacular Newspapers—

"Purna Darpan,"	Chittagong.
"Ananda Bazar Patrika,"	Calcutta.
"Bangabasi,"	ditto.
"Bharatbasi,"	ditto.
"Bharat Mihir,"	ditto.

"Education Gazette," Hughly.
 "Navavibhakar Sadharani," Calcutta.
 "Praja Bandhu," Chandernagore.
 "Samaya," Calcutta
 "Sanjivani," Calcutta.
 "Sansodhini," Chitagong.
 "Som Prokash," Changripottah, 24-Pergunnahs.
 "Sulabha Samachar and Kusadaha," Calcutta.
 "Surabhi and Pataka," Calcutta.
 "Dainik," ditto.
 "Bharat Mitra," ditto.
 "Uchit Bakta," ditto.
 "Hindu Samachar," Bhagulpore.

Vol. VI.
 Sec. I.
 Sub-Sec. A.
 Bengal.

Associations and Societies—

The European and Anglo-Indian Defence Association, Calcutta.
 " British Indian Association, ditto.
 " Indian Association, ditto.
 " Eurasian and Anglo-Indian Association, ditto.
 " National Mahomedan Association, ditto.
 " Mahomedan Literary Society, ditto.
 " East Bengal Landholders' Association.
 " Behar Landholders' Association, Patna.
 " Indigo-Planters' Association, Mozufferpore and Chumparun.

4. As regards the deputation of some special officer to represent the views of this Government before the Commission in case it is decided that some of the questions, as set forth in the printed paper marked A, could be better answered orally than in writing, I am to say that the Lieutenant-Governor's views on this point will be communicated to you hereafter.

No. 241A, dated Calcutta, the 11th January 1887.

From—G. K. Lyon, Esq., Offg. Under-Secretary to the Government of Bengal,
 Judicial, Political and Appointment Departments,
 To—The Secretary to the Public Service Commission.

In continuation of my letter No. 10A, dated the 3rd instant, I am directed to inform you that the Lieutenant-Governor has since called upon the following officers to appear as witnesses before the Public Service Commission. A copy of your letter No. 16, dated the 30th November last, together with a copy of the memorandum of issues drawn up by the Commission, has been forwarded to them, and they have also been informed of the substance of your telegram dated the 17th December 1886:—

Covenanted Civil Service.

Mr. R. C. Dutt, Joint-Magistrate and Deputy Collector, on leave.
 (Due on 14th March 1887.)

Uncovenanted Service.

Babu Brojendra Coomar Seal, District Judge, Bankura.

No. 310A, dated Calcutta, the 12th January 1887.

From—G. K. Lyon, Esq., Offg. Under-Secretary to the Government of Bengal,
 Judicial, Political and Appointment Departments,
 To—The Secretary to the Public Service Commission.

In continuation of my letter No. 241A of yesterday's date, I am directed to inform you that the following officers of the Covenanted Civil Service have also been warned to appear as witnesses before the Public Service Commission. They have each been furnished with a copy of your letter No. 16, dated the 30th November last, with a memorandum of issues, and have also been informed of the substance of your telegram dated the 17th December 1886:—

Mr. C. A. Samuells, Officiating Collector of Customs, Calcutta.
 " H. M. Kisch, Postmaster-General, Bengal.
 " M. Finucane, Director of Agricultural Department, Bengal.

No. IV.

Vol. VI.
Sec. I.
Sub-Sec. A.

Bengal.

List of officers who were summoned or invited to appear as witnesses before the Public Service Commission.

Names.	Designations.
The Hon'ble H. J. Reynolds	... Member, Board of Revenue.
Mr. F. M. Halliday	... Commissioner of Patna.
" J. Beames	... Ditto of Burdwan.
" C. B. Garrett	... District and Sessions Judge, 24-Pergunnahs.
" H. Beveridge	... Additional District and Sessions Judge, 24-Pergunnahs and Hughly.
" W. H. Grimley	... Income-tax Commissioner.
" J. G. Charles	... Additional District Judge, 24-Pergunnahs.
" H. J. S. Cotton	... Secretary, Board of Revenue.
" K. G. Gupta	... Officiating Magistrate and Collector, Jessore.
" B. De	... Joint-Magistrate and Deputy Collector, Hughly.
" R. C. Dutt	... Ditto ditto, Pubna.
" C. A. Samuells	... Officiating Collector of Customs, Calcutta.
" H. M. Kisch	... Postmaster-General, Bengal.
" M. Finucane	... Director of Agricultural Department, Bengal.
" Ambica Churn Sen	... On special duty under above.
Sir A. W. Croft	... Director of Public Instruction.
Mr. C. H. Tawney	... Principal, Presidency College.
" F. J. Rowe	... Professor, ditto.
The Hon'ble Abdul Jubber	... Deputy Collector, 24-Pergunnahs.
Babu Mohendra Nath Bose	... Judge, Principal Court of Small Causes, Krishnaghur.
" Srinath Roy	... Officiating Judge, Small Cause Court, Calcutta.
The Hon'ble Syed Ameer Hossein	... Officiating Presidency Magistrate, Calcutta.
Babu Durgagati Banerji	... Personal Assistant to Commissioner, Presidency Division.
Rai Rajendra Nath Mitter,	
Bahadur	... Deputy Collector, 24-Pergunnahs.
Mr. A. D'B. Gomess	... Ditto, on special duty.
Babu Tarini Kumar Ghose	... Ditto, Nuddea.
" Brojendra Coomar Seal	... District Judge, Bankura.

No. V.

List of non-official gentlemen who were invited to appear as witnesses before the Public Service Commission.

Names	Address.
Babu Debendra Chunder Ghosh	... Pleader, High Court, Bhowanipore.
" Jabub Prasana Shome	... No. 8, Rutton Bose's Lane, Calcutta.
" Dharendra Nath Pal	... Bora Bazar Road, Chinsura.
" Bussunt Coomar Bose	... Vakeel, High Court, Calcutta.
" Charu Chunder Mitter	... No. 61, Beadon Street, Calcutta.
Sir Alexander Wilson	... No. 34, Chowringhee.
The Hon'ble J. Cruickshank	... Messrs. Begg, Dunlop and Company.
Mr. Archibald Hill	... Nischindpore, Nuddea.
" R. Lyall	... Messrs. Lyall, Marshall and Company.
" Gregor Grant	... Bhagalpore.
" Herschell Dear	... Monghyr.
" H. F. Wilson	... Naraingunge.
" James Henderson	... Messrs. George Henderson and Company.

No. VI.

List of persons in Bengal to whom the questions were communicated and who had an opportunity of appearing before the Public Service Commission. (It includes some witnesses who were examined by the Sub-Committee.)

S. No.	Name.	Service.	Appointment and where stationed.	Written replies submitted or not.
1	H. L. Johnson, Esq.	Covenanted Civilian	Judge and Commissioner, Assam Valley District.	Yes.
2	G. Stevenson, Esq.	Ditto	Deputy Commissioner, Sylhet, Assam.	..
3	A. C. Campbell, Esq.	Uncovenanted Service	Deputy Commissioner, Kamrup, Assam.	..
4	C. J. Lyall, Esq.	Covenanted Civilian	Secretary, Chief Commissioner, Assam.	..

LIST OF PERSONS INVITED.

7

Vol. VI.
Sec. L.
Sub-Sec. A
Bengal.

Serial number.	Name.	Service.	Appointment and where stationed.	Written replies submitted or not.
5	Mr. Phillips	.....	Nazira, Assam ...	Yes.
6	Mr. J. Buckingham	.....	Amguri, Assam ...	No.
7	" W. Atchison	.....	Doloo in Cachar	Yes.
8	" W. Marillier	.....	Langla in Sylhet	No.
9	F. M. Halliday, Esq.	Covenanted Civilian ...	Commissioner of Patna	"
10	J. G. Charles, Esq.	Ditto	Additional District Judge, 24-Pergunnahs.	"
11	F. J. Rowe, Esq.	Uncovenanted Service	Professor, Presidency College, Calcutta.	"
12	Babu Srinath Roy	Ditto	Officiating Judge, Small Cause Court, Calcutta.	"
13	" Durgagati Banerji	Ditto	Personal Assistant to Commissioner, Presidency Division.	"
14	" Rajendra Nath Mitter	Ditto	Deputy Collector, 24-Pergunnahs.	"
15	" Tarini Kumar Ghose	Ditto	Deputy Collector, Nuddea	"
16	D. R. Lyall, Esq.	Covenanted Civilian ...	Officiating Commissioner, Chittagong.	"
17	Babu Nanda Krishna Bose, M.A.	Statutory Service	Assistant Magistrate and Collector, Backergunge.	Yes.
18	" Surjya Kumar Agasti	Ditto	Assistant Magistrate and Collector, Purneah.	No.
19	" Bullaram Mullick	Uncovenanted Service	Judge, Small Cause Court, Pubna.	"
20	A. Rattray, Esq.	Ditto	Deputy Collector, Darjiling	Yes.
21	J. White, Esq.	Ditto	Deputy Collector, Nowadah, Gya.	No.
22	C. F. Manson, Esq.	Ditto	Deputy Collector, Lohardugga.	Yes.
23	Babu Cally Churn Ghose	Ditto	Deputy Collector, 24-Pergunnahs.	No.
24	Hon'ble Bco Sahib Vishvanath Narayan Mandlik, C.S.I.	Ditto	Government Pleader, High Court, Bombay, and Member of the Viceroy's Legislative Council.	Yes.
GENERAL PUBLIC.				
25	W. C. Bonnerji, Esq., Barrister-at-Law.	.....	.....	No.
26	Maharaja Sir Jotindra Mohun Tagore, C.S.I.	.....	.....	Yes.
27	Rai Ram Sunker Sen Bahadur	.....	.....	"
28	Babu Bhudeb Mukerji	.....	Late Educational Department	"
29	Kumar Rajendra Narain Deb	.....	.....	No.
30	Pandit Issur Chunder Vidyasagar.	.....	.....	"
31	Hon'ble D. Croickshank	.....	.....	"
32	Archibald Hill, Esq.	.....	.....	"
33	R. Lyall, Esq.	.....	.....	"
34	G. Grant, Esq.	.....	.....	"
35	H. F. Wilson, Esq.	.....	.....	"
36	F. Gibbon, Esq.	.....	.....	"
37	R. Steel, Esq.	.....	.....	"
38	W. Swincoe, Esq.	.....	.....	"
39	H. J. Rainey, Esq.	.....	.....	Yes.
40	The Rev. E. Lafont, S.J., C.I.E.	.....	.....	No.
41	" K. S. Macdonald	.....	.....	Yes.
EDITORS OF NEWSPAPERS (ENGLISH).				
42	Editor of the <i>Englishman</i>	.....	Calcutta	No.
43	" of the <i>Indian Daily News</i>.	.....	Ditto	"
44	" of the <i>Statesman</i>	.....	Ditto	Yes.
45	" of the <i>Indian Mirror</i>	.....	Ditto	No.
46	" of the <i>Indian Planter's Gazette</i>.	.....	Ditto	"
47	" of the <i>Darjiling News</i>	.....	Darjiling	"
48	" of the <i>Amrita Bazar Patrika</i>.	.....	Calcutta	"
49	" of the <i>Hindu Patriot</i>	.....	Ditto	"
50	" of the <i>Bihar Herald</i>	.....	Bankipore	"
51	" of the <i>East</i>	.....	Dacca	Yes.
52	" of the <i>Benjal Times</i>	.....	Do.	No.
53	" of the <i>Liberal and the New Dispensation</i>.	.....	Calcutta	"

Vol. VI.
Sec. I.
Sub-Sec. A.
Bengal.

Serial number.	Name.	Service.*	Appointment and where stationed.	Written replies submitted or not.
54	Editor of the <i>Reis and Rayget</i>	.....	Calcutta	No.
55	" of the <i>Indian Echo</i> ...	.....	Ditto	"
56	" of the <i>Indian Chronicle</i>	.....	Bankipore	"
57	" of the <i>Indian Nation</i> ...	.....	Calcutta	"
VERNACULAR NEWSPAPERS.				
58	Editor of the <i>Purna Darpan</i> ...	.....	Chittagong	No.
59	" of the <i>Ananda Bazar Patrika</i>.	.....	Calcutta	"
60	" of the <i>Bangabasi</i> ...	.....	Ditto	Yes.
61	" of the <i>Bharatbasi</i> ...	.....	Ditto	No.
62	" of the <i>Bharat Mihir</i> ...	.....	Ditto	"
63	" of the <i>Education Gazette</i>	.....	Hughly	"
64	" of the <i>Navavibhakar Sadharani</i>.	.....	Calcutta	"
65	" of the <i>Prajabundhu</i> ...	.....	Chandernagore	Yes.
66	" of the <i>Samaya</i> ...	.....	Calcutta	"
67	" of the <i>Sanjivani</i> ...	.....	Ditto	No.
68	" of the <i>Sansodhini</i> ...	.....	Chittagong	"
69	" of the <i>Som Prokash</i> ...	.....	Changripotta, 24-Pergunnahs	"
70	" of the <i>Sulabha Samachar and Kusadaha</i>.	.....	Calcutta	"
71	" of the <i>Surabhi and Pataka</i>.	.....	Ditto	"
72	" of the <i>Dainik</i> ...	.....	Ditto	"
73	" of the <i>Bharat Mitra</i> ...	.....	Ditto	"
74	" of the <i>Uchit Bakta</i> ...	.....	Ditto	"
75	" of the <i>Hindu Samachar</i>	.....	Bhagalpore	"
ASSOCIATIONS AND SOCIETIES.				
76	The European and Anglo-Indian Defence Association.	.....	Calcutta	No.
77	The British Indian Association	.....	Ditto	Yes.
78	The Indian Association ...	.....	Ditto	No.
79	The Eurasian and Anglo-Indian Association.	.....	Ditto	"
80	The National Mahomedan Association.	.....	Ditto	"
81	The Mahomedan Literary Society.	.....	Ditto	Yes.
82	The East Bengal Landholders' Association.	.....	.....	No.
83	The Behar Landholders' Association.	.....	Patna	"
84	The Indigo Planters' Association	.....	Mozufferpore and Chumpanun	"

No. VII.

List of persons, &c., not invited, but who have voluntarily submitted replies.

Serial number.	Name.	REMARKS.
1	Babu Kanty Chandra Mukerji, Jorhat, Assam	Submitted replies.
2	Syed Zukiruddin, Presidency Magistrate, Dinapore Bench	Ditto.
3	Rai Abinash Chunder Banerji Bahadur, Honorary Secretary, Bali Sadharani Sabha	Ditto.
4	Members of the mercantile community, Calcutta	Ditto.
5	Muhammad Wazir Ali Khan, L.M.S., Gya	Ditto.
6	Nuffer Chandra Bhatta, B.L., Sub-Judge of Nuddea	Ditto.
7	Babu Brojonath Bezbaroa, Secretary, Upper Assam Sarbojanik Sabha, Jorhat.	Ditto.
8	Babu Obhoy Churn Ghose, Honorary Presidency Magistrate	Ditto.
9	G. Bezbaroa, President, Hitasadhini Sabha, Golaghat	Ditto.

PROCEEDINGS

OF THE

PUBLIC SERVICE COMMISSION.

VOLUME VI.—PROCEEDINGS RELATING TO BENGAL (INCLUDING ASSAM).

SECTION I.—SUB-SECTION B.

INFORMATION SUPPLIED BY THE BENGAL GOVERNMENT.

CONTENTS.

	PAGE.
I.—Replies received from the Bengal Government	11
II.—Memorandum on the special features of Bengal bearing on its administration ...	33
III.—Letter No. 3, dated the 16th November 1886, calling for detailed information showing the number of "charges" or offices in which Covenanted and Uncovenanted officers, engaged in the Executive and Judicial administration of the country, are employed; and the reply No. 3596A, dated the 4th December 1886	40
IV.—Letter No. 89, dated the 5th January 1887, calling for statistics showing the number of persons employed in the Subordinate Judicial and Executive Services in the Lower Provinces of Bengal who have passed University examinations; and the reply No. 981A, dated 23rd February 1887	42
V.—Letter No. 102, dated the 22nd January 1887, calling for a return showing the nationalities and castes of the persons employed in the Subordinate Executive and Judicial Services in the Lower Provinces of Bengal; and the reply No. 1017A, dated the 26th February 1887	"
VI.—Telegram, dated 4th May 1887, in reply to an enquiry as to whether any of the persons serving in the Subordinate Executive and Judicial Services in Bengal were Natives of other Provinces	43
VII.—Letter No. 112, dated the 6th February 1887, calling for a return showing the number of persons who had passed University examinations in each of the past ten years; and the reply furnished by the Director of Public Instruction, Bengal, in his No. 1436, dated the 26th February 1887, under cover of endorsement No. 1067A, dated 2nd February 1887	"
VIII.—Letter No. 79, dated the 12th May 1887, from the Registrar, Calcutta University, giving the average ages at which various University examinations are passed	44
IX.—Letter No. 131, dated the 7th March 1887, calling for information showing the extent to which encouragement is offered to Natives of the Lower Provinces of Bengal, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education; and the reply No. 271, dated the 9th April 1887, and enclosures	45
X.—Letter No. 133, dated the 10th March 1887, calling for a full and detailed answer to questions 231 and 232, set A; and the reply	47

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

VOLUME VI.—PROCEEDINGS RELATING TO BENGAL (INCLUDING ASSAM).

SECTION I.—SUB-SECTION B.—INFORMATION SUPPLIED BY THE BENGAL
GOVERNMENT.

No. I.

REPLIES RECEIVED FROM THE BENGAL GOVERNMENT.

I.—Working of the existing Statutory System.

What systems of selection or nomination for the purposes of the Statutory Rules have been adopted in your Provinces?—The present Statutory Rules came into force in Bengal in 1879. The system adopted in that year, and in the four succeeding years, was one of selection, pure and simple. The factors taken into account were family respectability, good education, past Government service, and physical powers. In 1884 a test of limited competition among nominated candidates was instituted, according to the results of which the Lieutenant-Governor's nominations for the Statutory Civil Service were submitted. A second examination on the same principle was held in January 1886.

2. What subsidiary rules, if any, have been framed in your Provinces for the purpose of giving effect to the general Statutory Rules?—No subsidiary rules have been framed for these Provinces. A set of rules was prepared and submitted to the Government of India, but they have never been sanctioned by that Government.

3. How many Statutory Civilians have been appointed in your Province under the Statutory Rules on the ground of merit and ability proved in the service of Government?—The following Statutory Civilians have been appointed in this Province on the ground of merit and ability proved in the service of Government:—

Kumar Gopendra Krishna.
Babu Surjya Kumar Agasti.
„ Ashutosh Gupta.
„ Nilkanto Sircar.

The three last-named gentlemen also qualified by passing the examination instituted in 1884, Babu Surjya Kumar Agasti and Babu Ashutosh Gupta taking the first and second places in 1884, and Babu Nilkanto Sircar the second place in 1886.

4. What positions were persons thus appointed holding in Government service when selected for appointment under the Statutory Rules?—The above officers were holding the following positions in Government service when selected for appointment to the Statutory Civil Service:—

Kumar Gopendra Krishna was a Deputy Magistrate and Deputy Collector of the 5th grade on Rs. 400 per mensem.

Babu Surjya Kumar Agasti was a temporary Professor in the Dacca College, and subsequently officiated as a Deputy Magistrate and Deputy Collector.

Babu Ashutosh Gupta was a Deputy Magistrate and Deputy Collector of the 7th grade, holding his office substantively *pro tempore*.

Babu Nilkanto Sircar was a substantive *pro tem*. Deputy Magistrate and Deputy Collector of the 7th grade.

5. How long had they been in the service of Government when appointed under the Statutory Rules?—Kumar Gopendra Krishna for six and a half years.

Babu Surjya Kumar Agasti for about a year.

Babu Ashutosh Gupta for four years and four months.

Babu Nilkanto Sircar for seven years as an Educational Officer of the lower grade,

Vol. VI.
Sec. I.
Sub-Sec. B.
—
Bengal
Government.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

and two years as a Deputy Magistrate and Deputy Collector.

6. What were their ages, respectively, when they first entered Government service and when they were appointed under the Statutory Rules?—Kumar Gopendra Krishna was 25 years old when he entered Government service, and 32 years when he was appointed under the Statutory Rules.

Babu Surjya Kumar Agasti, 26 years and 27 years respectively.

Babu Ashutosh Gupta, 23 years and 27 year respectively.

Babu Nilkanto Sircar, 23 years and 32 years respectively.

7. How were their merit and ability held to have been proved?—The recommendation of Kumar Gopendra Krishna was based on reports received from his official superiors.

The abilities of Babus Surjya Kumar Agasti, Ashutosh Gupta, and Nilkanto Sircar were proved by a test of limited competition held in 1884 and 1886; and they were also favourably reported on by the officers under whom they had worked.

8. What appointments did they receive under the Statutory Rules?—Probationary Assistant Magistrates and Collectors, with the exception of Kumar Gopendra Krishna and Babu Ashutosh Gupta, who were at once appointed Assistant Magistrates and Collectors.

9. What rate of pay did they receive—(1) immediately before appointment under the Statutory Rules, and (2) on appointment under those Rules?—Kumar Gopendra Krishna, Rs. 400 and Rs. 400 per mensem respectively.

Babu Surjya Kumar Agasti, Rs. 200 and Rs. 200 per mensem respectively.

Babu Ashutosh Gupta, Rs. 250 and Rs. 250 per mensem respectively.

Babu Nilkanto Sircar, Rs. 250 per mensem, and the same pay on appointment under the Statutory Rules.

10. How many Statutory Civilians have been appointed in your Province on the ground of merit and ability proved in the practice of a profession?—No Statutory Civilian has been appointed in this Province on the ground of merit and ability proved in the practice of a profession.

11—15. Blank.

16. How many persons have been appointed Statutory Civilians in your Province on the ground of intellectual qualifications alone?—Babu Nanda Krishna Bose, M.A. (The fact that this gentleman belonged to a distinguished family was also considered.)

Mr. Ambica Churn Sen, M.A.

Babu Baroda Churn Mitter, M.A.

Mr. Syad Nurul Huda, B.A., LL.B.

17. If such appointments have been made, how were the intellectual qualifications of the persons concerned tested?—Babu Nanda Krishna Bose held the degree of M.A. (Calcutta), and was a French and Roychaud student. He was acting as

Mathematical Lecturer in the Patna College at the time of his nomination. Mr. Ambica Churn Sen obtained one of the scholarships created by the Bengal Government at the Royal Agricultural College at Cirencester, where he obtained the highest honours. Babu Baroda Churn Mitter stood first at the competitive examination held in 1886 among selected candidates for the Statutory Service. Mr. Syad Nurul Huda was educated in England, where he obtained the degree of B.A. and LL.B. He officiated as a Munsif under this Government for nine months.

18 & 19. Blank.

20. How many candidates were nominated to compete for each vacancy?—As stated above, only two competitive examinations have been held in Bengal for nominations to the Statutory Service, viz., in December 1884 and January 1886.

In 1884 there were two appointments in the Statutory Service allotted to Bengal, and for these two 30 candidates were permitted to appear, but only 18 actually went through the examination.

In 1886 the number of allotments was the same, and for these appointments 14 candidates were permitted to appear at the examination. Six only, however, actually presented themselves at the examination.

21. To what classes of Native society did the candidates belong?—Most of the candidates belonged to the middle class of Native society.

22. Was the examination an open competitive examination, pure and simple?—No. The examination was a competitive one among the accepted candidates for the Statutory Service.

23 & 24. Blank.

25. Were the selections for appointment under the Statutory Rules made in accordance with the results of the examination?—Yes. As noted above, in three cases out of the four, the successful candidates had also proved their merit in the service of Government; and as they were over 25 years of age, they have been classed among candidates selected for proved merit and ability in Government service.

26. What was the social position of the selected candidates?—They belonged to the upper middle class.

27—29. Whatever may have been the nature of the examination, what conditions, if any, were prescribed in regard to the age-limit of candidates? and in regard to their minimum educational attainments? and in regard to their moral, social, and physical fitness?—Candidates who had attained the age of 25 years and were not already in the service of Government or had not been at least five years engaged in the service of a learned profession, were not allowed to appear at the examination. Selection was made from (a) officers in the service of Government who had specially distinguished themselves, (b) persons who had taken the degree of B.A. at the Calcutta

University, provided that such persons were able to produce certificates of their having a thorough practical knowledge of the English language, of their being physically fitted for the service of Government, of their being of good moral character, of active habits, and able to ride; (c) persons of proved merit and ability in the practice of a learned profession.

30 & 31. What were the subjects of examination? If marks were awarded, on what principle were they allotted to each subject?—The subjects of examination are given below with the marks assigned to each:—

	Marks
(1) An essay in English ...	400
(2) A general paper of—	
(a) Literature ...	100
(b) Historical and philosophical questions ...	100
(3) A general paper on—	
(a) Mathematics ...	100
(b) Physical science ...	100
(4) (a) Penal and Criminal Procedure Codes ...	200
(b) Mr. Field's Introduction to the Bengal Regulations ...	200

32. If marks were not awarded, what relative weight was assigned to each subject?—Marks were awarded.

33. Under each system of examination, what appointments did the selected or successful candidates receive under the Statutory Rules?—Probationary Assistant Magistrates and Collectors, excepting Babu Ashutosh Gupta, who was at once appointed an Assistant Magistrate and Collector in consideration of his previous service.

34. What rate of pay did they receive on appointment under the Statutory Rules?—(The answer to this question refers back to question 16, and deals with all the persons appointed on the ground of intellectual qualification.)

	Per mensem. Rs.
Babu Nanda Krishna Bose ...	250
Mr. Ambica Churn Sen ...	200
Babu Baroda Churn Mitter ...	200
Mr. Syad Nurul Huda ...	250

35. How many Statutory Civilians have been appointed in your Province on the ground of high birth, of social position, or general influence?—Four, viz.—

Kumar Rameshwar Singh, the younger brother of the Maharaja of Durbhunga, appointed in 1878 under the rules of 1875. This gentleman resigned in 1886, after having been on leave for above three years.

Kumar Sattya Sri Ghosal. This gentleman's services have since been dispensed with owing to his failure to pass the prescribed departmental examination.

Kumar Girendra Narain Deb.
Maulvi Ahsanuddin Ahmad, Barrister-at-Law.

36. If Statutory Civilians have been appointed in your Province on the ground of

high birth, social position, or general influence, were any preliminary qualifications required?—None.

37. Blank.

38. What appointments did persons selected on any of these grounds receive under the Statutory Rules?—Probationary Assistant Magistrates and Collectors.

39. What rate of pay did they receive on appointment under the Statutory Rules?—

	Per mensem. Rs.
Kumar Rameshwar Singh ...	400
" Sattya Sri Ghosal ...	200
" Girendra Narain Deb ...	250
Maulvi Ahsanuddin Ahmad ...	200

40. Have persons been appointed in your Province to Covenanted posts on any other grounds than those above mentioned?—None.

41—43. Blank.

44. How many Mahomedans and how many Hindus have been appointed to the Statutory Service in your Province?—Two Mahomedan and ten Hindu gentlemen have been appointed to the Statutory Service.

45. Have any Eurasians been appointed to the Statutory Service in your Province?—No Eurasian gentleman has as yet been appointed.

46. If not, are there any particular reasons why they have not been appointed?—Some of them were allowed to appear at the competitive examinations held in 1884 and 1886 for admission into the Statutory Service, but they did not come up to the prescribed standard.

47 & 48. Whatever system of selection or nomination may have been adopted, has it been usual to require a probationary period before the appointment was finally confirmed? If so, what have been the incidents of such period as to duration and pay?—A probationary period has been insisted upon, except in the cases of Kumar Gopendra Krishna, Babu Ashutosh Gupta, and Syad Nurul Huda. The period of probation has not been uniform in all cases. It has varied from two to six years; but has generally been two years. The pay allowed has invariably been Rs. 200 per mensem, and Rs. 250 per mensem on passing the lower standard of departmental examination, during the probationary period, except in the case of Kumar Rameshwar Singh, who was appointed under the rules of 1875, and at once received the full pay of a Covenanted Assistant Magistrate and Collector.

49. Has the requirement of a probationary period been waived in the case of any appointments hitherto made under the Statutory Rules?—The same reply as above.

50. If so, in the case of what appointments, and on what grounds?—In consideration of the past service under Government of Kumar Gopendra Krishna and Babu Ashutosh Gupta, and of the satisfactory intellectual qualifications of Mr. Syad Nurul Huda.

Vol. VI.
Sec. I.
Sub-Sec. B.
—
Bengal
Government.

51. To what positions have the persons selected on the various grounds above noted respectively attained in the public service?—The following Statutory Civilians are now acting in the second grade of Joint-Magistrates and Deputy Collectors:—

Babu Nanda Krishna Bose.
Kumar Girindra Narain Deb.
" Gopendra Krishna.

Kumar Rameshwar Singh, since resigned, was an Assistant Magistrate and Collector; Mr. A. C. Sen, Babu Ashutosh Gupta, and Maulvi Syad Nurul Huda are Assistant Magistrates and Collectors; Kumar Sattya Sri Ghosal was removed before being confirmed; Maulvi Ahsanuddin Ahmad, Babus Surjya Kumar Agasti, Baroda

Churn Mitter, Nilkanto Sircar are probationers.

52. Have any practical difficulties been experienced in regard to the promotion of Statutory Civilians after their appointment?—Fully passed Statutory Civilians are promoted to act as Joint-Magistrates in turn according to their position on the list of fully passed Assistants. Such promotions involve no increase of work or responsibility, and no difficulties have yet been experienced.

53. Blank.

54. After what periods from the dates of original appointment were the examinations by the lower and higher standard, respectively, passed in each case?—

Nos.	NAMES.	Dates of original appointments to statutory Service.	Dates of passing the lower standard of examination.	Dates of passing the higher standard of examination.	REMARKS.
1	Rajsh Rameshwar Singh...	2nd March 1873 ...	May 1873 ...	May 1881 ...	Since resigned the service.
2	Babu Nanda Krishna Bose.	27th January 1880 ...	May 1880 ...	..... Ditto.	.....
3	Kumar Sattya Sri Ghosal	Ditto ...	.....	.....	Could not succeed in passing completely ...
4	" Girindra Narain Deb.	28th December 1880 ...	.....	June 1883 ...	.....
5	Mr. Ahsanuddin Ahmad...	3rd January 1882 ...	May 1885 ...	.....	.....
6	Kumar Gopendra Krishna	3rd November 1882 ...	.....	April 1883 ...	.....
7	Mr. Ananta Churn Sen ...	21st January 1884 ...	November 1884 ...	May 1885 ...	.....
8	Babu Surjya Kumar Agasti	19th March 1885 ...	May 1885 ...	November 1885 ...	.....
9	" Ashutosh Gupta ...	Ditto ...	.....	.....	.....
10	" Baroda Churn Mitter.	30th March 1886 ...	November 1886 ...	.....	.....
11	" Nilkanto Sircar ...	10th June 1886 ...	.....	.....	.....
12	Maulvi Syad Nurul Huda	25th December 1886 ...	.....	.....	.....

55. In how many cases has there been failure to pass by either test within the two years' probationary period?—One case only, viz., that of Kumar Sattya Sri Ghosal.

56. After what periods from the dates of original appointment have Statutory Civilians in your Province been confirmed in their appointments?—Kumar Rameshwar Singh, 3 years. Babu Nanda Krishna Bose, 1 year and 9 months. Kumar Girindra Narain Deb, 5 years and 2 months. Mr. Ahsanuddin Ahmad, appointed on probation in January 1882, still unconfirmed. Mr. A. C. Sen, 2 years. Babu Surjya Kumar Agasti, 2 years. Kumar Gopendra Krishna, Babu Ashutosh Gupta, and Syad Nurul Huda have been exempted from any period of probation. Babus Baroda Churn Mitter and Nilkanto Sircar, appointed in March 1886 and June 1886, respectively, not yet confirmed.

57. Has the period before confirmation in any case extended beyond the probationary period of two years?—In two cases: those of Kumar Girindra Narain Deb and Mr. Ahsanuddin Ahmad.

58. If so, under what circumstances?—The reports received from the official superior of Kumar Girindra Narain Deb during the earlier years of his service were not thoroughly satisfactory.* Mr. Ahsanuddin

Ahmad has not yet passed fully by the higher standard.

59. What is the prevalent feeling in your Province regarding the existing Statutory system? If the feeling is one of dissatisfaction, is the dissatisfaction general, or is it confined to certain sections of the community?—The feeling in the Province is against the Statutory Service, so far as the educated classes of the community are concerned. The feeling of the upper classes is in favour of it.

60. What are the grounds upon which any such feeling is based?—The feeling among the educated or advanced class is against the Statute itself, in so far as the Statute embodies a separate system of appointment. Their wish is to enter in larger numbers the regular Covenanted Service. They think the Statutory Service is a half measure, which militates against the Government fulfilling the above wish. They look upon the Statutory Service as inferior in status, and especially as involving the appointment to particular posts, and thus conferring no *right* to promotion to the highest posts *pari passu* with the Covenanted members of the Service. They look upon it as unfavourable to their own class, inasmuch as it allows of selection, instead of enforcing competition.

* He has since done so.

61. Is the feeling of dissatisfaction, if it exists, directed against the Statute itself (33 Vic., Chapter 3, section 6), or is it directed against the rules framed thereunder?—The feeling is also directed, for the above reasons, against the way in which the rules have been applied, even more than against the Statute and rules themselves.

62. If the Statute itself is objected to, is it because its provisions admit persons to specific appointments only and not to membership in an organised "Service"?—See answer to question 60.

63. Are the objections based on other, and, if so, what grounds?—No other objections beyond those stated in the reply to question 60 are believed to exist.

64. If a desire is felt for enrolment in a general service, what are the reasons for this desire?—The feeling is prevalent that members of the Statutory Service occupy a lower position than members of the Covenanted Service.

65. *What amendments do you advocate in section 6 of the Statute?—The definition of the term "Native of India" should be altered so as to include persons *bonâ fide* permanently settled in the country?

66. Do you consider that section 6 of the Statute supplies such a definition of the words "Native of India" as describes with sufficient clearness, fulness, and accuracy the various classes of persons for whose appointment to Covenanted posts it is desirable to provide?—Section 6 is insufficient as it stands. The Lieutenant-Governor believes that it has been held to exclude subjects of Native States, such as Mysore, Hyderabad, Baroda, &c., and that the clause beginning "it shall be lawful for the Governor-General in Council to define, &c.," has been found incapable of any clear interpretation at the hands of the Law Officers of the Crown.

67. If not, can you suggest any more complete or more satisfactory definition?—No.

68. If the objections are directed against the rules framed under the Statute, do they relate to the mode or modes of selection actually adopted?—See answer to question 60.

69. Do they relate to the general conditions, in regard to pay, promotion, and retiring annuity, under which Statutory Civilians hold their offices?—The rule that a Statutory Civilian draws only 64 per cent. of the pay of the Covenanted Civilian is

objected to by some; but on this point there is much difference of opinion.

70. Assuming the Statutory system to be retained, what amendments would you suggest in the rules with a view to remove any reasonable objections which may be felt to them?—If the Statutory system be retained, the rules do not appear to be open to objection, except rule No. I. It is felt to be a hardship that the mere fact of a person not having been born within the dominions of Her Majesty in India should preclude his entering the Statutory Service. The rule, however, merely follows the definition given in section 6 of 33 Vic., Chapter 3, which appears to need amendment.

71. How do Statutory Civilians compare, in regard to their work as public servants, with Native Civilians who have passed in by the channel of the English competition?—Most of the officers who have been consulted hold that Statutory Civilians compare unfavourably with Native Civilians who have entered the service by the channel of competition in England.

72. How do Statutory Civilians, nominated or selected by competition, compare in regard to their work with Statutory Civilians selected on the ground of merit and ability previously proved in the Uncovenanted Service, or other branches of the Government service, if any such selections have been made?—See answer to questions 1 and 3. No distinction can be drawn between those selected by competition and those appointed on the ground of proved fitness.

73. Do Statutory Civilians regard themselves as occupying a position inferior to that of persons who enter the Covenanted Service through the competitive channel?—The Statutory Civilians generally regard themselves as occupying an inferior position to that of persons who enter the Civil Service through the competitive channel, and the same view is taken both by the general public and by their *confrères* in the service, who have entered it through the competitive channel, on account of the lower pay and allowances and less favourable leave rules granted to the Statutory Service, and the lower standard of qualification required.

74—76. Blank.

77. Do the general public view with any difference the status of Statutory Civilians and that of Uncovenanted Officers? If so, on what grounds? How is the

* A. Whereas it is expedient that additional facilities should be given for the employment of Natives of India of proved merit and ability, in the Civil Service of Her Majesty in India: Be it enacted, that nothing in the "Act for the Government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain appointments in India, and to amend the law concerning the Civil Service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any Native of India to any such office, place, or employment, although such Native shall not have been admitted to the said Civil Service of India in manner in section thirty-two of the first mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor-General in Council, and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present; and that for the purpose of this Act the words "Natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only, and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualifications of Natives of India thus expressed: provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

present Statutory system regarded by members of the Uncovenanted Service?—It is believed that both the general public and members of the Uncovenanted Service regard the status of Statutory Civilians as higher than that of the Uncovenanted Service. This is shown in the case of the Uncovenanted Service by the readiness which its members show to enter the Statutory Service, the attractions being the increased pay and the wider field of employment in the higher ranks which the Statutory Service affords.

78 & 79. Blank.

80. Do competitive Civilians, English and Native, and members of the Uncovenanted Service, respectively, stand on a footing of cordiality with Statutory Civilians, or is there any friction between them?—The members of the Covenanted Civil Service, English and Native, and those of the Uncovenanted Service, generally stand on a footing of cordiality with Statutory Civilians. No friction is reported to have taken place between them.

81. Has the Statutory system had the effect of securing men who, in point of education or natural ability, are superior to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service?—They are certainly, as a rule, superior to the average of Uncovenanted Officers, and may be regarded as up to the level of the pick of the Uncovenanted Service.

82. Has the result of the Statutory system been to secure the services of men of better social position and better family than those who usually accept posts in the Uncovenanted Service?—In some cases men have been secured who would not have accepted posts in the Uncovenanted Service; but six out of the ten Statutory Civilians now holding appointments already belonged to that service when they received their present appointments.

83. Do young men among the landed aristocracy or of good family display unwillingness to accept employment under the Statutory Rules? If so, what are the reasons for this unwillingness?—Of the four gentlemen selected on account of birth and social position, one has resigned the Service, another was dismissed; and of the other two, one (Kumar Girindra Narain Deb) served for five years before being confirmed, and the other (Ahsanuddin Ahmad) is not yet

confirmed. Since the introduction of the test of limited competition, only one gentleman of specially good family has appeared at the examination, and he failed to pass. The tests are too severe, and the work is too hard, to make the service attractive to young men of means and considerable social position.

84. Blank.

85. Has experience shown that the Statutory Civilians of aristocratic family are as punctual and regular in the discharge of their duties as those selected from other classes?—Experience has shown the reverse.

86 & 87. Do young men among the landed aristocracy or of good family display unwillingness to accept posts in the Uncovenanted Service, and a willingness to accept employment under the Statutory Rules? If so, on what grounds?—*Vide* answers to questions 83 and 84.

88-92. How many Natives in your Province have been appointed under the Statute 24 and 25 Vic., Chapter 54, sections 3 and 4,* to offices reserved for Covenanted Civilians? When and on what grounds were they appointed? Why was appointment under 24 and 25 Vic., Chapter 54, preferred to appointment under the Statutory Rules? To what offices and on what pay were those persons appointed, and to what offices and pay have they now attained? Is there any marked difference in ability, social position, efficiency or other respects between Natives who have been appointed under 24 and 25 Vic., Chapter 54, and Natives appointed under the Statutory Rules?—Babu Brojendra Coomar Seal was appointed in March 1880 to the office of Additional Judge of Burdwan to hold his court at Bankura. In February 1881 he was appointed District Judge of Bankura. The office was newly created, and the appointment was made on the ground that it was desirable to appoint a Native to a District Judgeship. The pay of the appointment was fixed at Rs. 1,200, which is less than two-thirds of the pay (Rs. 2,000) which would have been drawn by a Covenanted Civilian appointed to the post. As the Statutory Rules provide for the payment of salary to a Statutory Civilian at the rate of two-thirds of the salary which would have been drawn by a Covenanted Civilian, these rules could not apply to the appointment in question; and it was therefore made under the earlier

* 3. Where it appears to the authority in India by whom an appointment should be made to any office, place, or employment specified in the said schedule, that such appointment, under the special circumstances of the case, should be made without regard to the prescribed qualifications, conditions, and restrictions of the said Act, it shall be lawful for such authority to make such appointment accordingly; provided that no person shall be so appointed who has not resided for at least seven years in India, and that every person previously to his being so appointed to any of the offices in the Revenue and Judicial Departments specified in the said schedule shall pass an examination in the vernacular language of the district in which he is to be employed, where such examination is now required, and shall be subject to all the departmental tests and other qualifications and restrictions which are or may be imposed in the like case on Covenanted Civil Servants.

4. Every such appointment shall be provisional only, and shall forthwith be reported to the Secretary of State in Council of India, together with the special reasons for making the same; and unless the Secretary of State in Council shall approve such appointment, with the concurrence of a majority of members present at a meeting, and shall within twelve months from the date of such appointment notify such approval to the authority by whom the appointment was made, then such appointment shall be cancelled.

Statute. The same office is still held by Babu Brojendra Coomar Seal on the same pay. He was specially selected on account of marked ability shown and experience gained in the Subordinate Judicial Service during a period of more than 14 years.

93. Has the appointment of Natives under the Statutory Rules or under 24 and 25 Vic., Chapter 54, produced uncertainty or uneasiness in the minds of Covenanted Civil Servants as to their promotion and prospects?—Yes.

94. Seeing that the proportion of Natives has been fixed, and the scale of recruitment for the Civil Service has been adjusted accordingly, is this feeling of uncertainty or uneasiness, if it exists, well founded?—No; not as the rules have hitherto been worked.

95. Has it an appreciably injurious effect either on recruitment or on the efficiency of Civil Servants?—The following statement shows the total number of candidates and the number of successful candi-

dates at each open competitive examination since 1865 :—

	Total No.	Successful.
1865	282	51
1866	238	50
1867	279	50
1868	270	51
1869	325	53
1870	327	43
1871	223	37
1872	199	35
1873	203	40
1874	206	37
1875	195	30
1876	201	30
1877	202	30
1878	{ 134 } { 69 }	26
1879	174	23
1880	182	27
1881	147	31
1882	149	38
1883	150	40
1884	185	38

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

It is believed that the purport of the Statute was unknown to the candidates at the examination, and that the diminution in the number of vacancies open to competition is the cause of the diminution in the number of competing candidates.

II.—Mode of selection of Statutory Civilians.

96. On the assumption* that the Statutory system is retained, how would appointment to the Statutory Service by nomination be regarded by influential sections of the Native community in your Province?—With favour, if by "influential sections" is meant the landed and titled aristocracy. With disfavour by the classes distinguished as "educated or advanced"

97. How would a system of nomination to be followed by a period of probation be regarded by the same classes?—The period of probation would not be objected to.

98. Would a system of nomination, with or without probation, be likely to secure well-qualified persons?—Yes, if nominations were made with due care.

99. Has experience actually shown such a system to secure well-qualified officers?—Not entirely. Some of those selected by nomination have not turned out well-qualified officers.

100. Do you consider that nominations should be confined to persons of proved merit and ability?—Yes.

101. If so, how do you consider that merit and ability should be held to have been proved for this purpose?—No particular method of proof seems necessary. It might be success in the practice of a profession or in the public service, or even in a distinguished academical career.

102. How would a system of limited competition amongst persons nominated for this purpose by the Local Governments or by the Universities, or by those authorities concurrently or alternately, be regarded?—It would vary among different classes of the community, but on the whole the feeling would be against it.

103. In preference to either of the above systems (nomination and limited competition), would a system of open competition, pure and simple, for the Statutory Service commend itself to the Native community?—Yes; to the educated classes.

104. If competition (whether limited or open) is preferred, should there be one competition for all India, or separate competitions in each Province?—It is quite essential that the competition should be provincial.

105. If there were only one general competition, how would you ensure a due proportion of appointments falling to the population of the several Provinces?—It would be impossible to do so.

106. Having regard to the varying educational standards reached in the several Provinces, and the varying conditions prevalent therein, is it possible to have any one system of selection for all India, which would not result in the inhabitants of some Provinces being more or less excluded from a due share of appointments?—No.

107. Under any of the three systems of nomination, limited competition, and open competition, would you prescribe any tests of preliminary qualifications on the part of nominees or candidates in regard to (1) age, (2) intellectual capacity, (3) moral, social, and physical fitness?—Appointments should not be given, as a rule, to persons above 25 years of age, and they should be compelled to furnish satisfactory certificates as to moral, social, and physical qualifications. If appointments were given by pure nominations, then proof of intellectual capacity should be also required.

108. If so, what should be the tests under each of the heads specified?—See

* The questions which follow, down to No. 119 inclusive, are put subject to the same assumption.

Vol. VI.
Sec. I.
Sub-Sec. B.

*Bengal
Government.*

preceding answer. The Lieutenant-Governor would not adopt any such exclusive test as a University degree.

109. Do you consider that (after selection, whether by nomination or competition) there should be a period of probation?—Yes, as a general rule: the exception would be in the case of a person of mature age being appointed, whose fitness for the particular appointment would be sufficiently proved by his antecedents.

110. If so, what should be the duration of the probationary period?—Probably two years would be sufficient.

111. Should the period of probation be passed in the ranks of the Uncovenanted Service, or of the Covenanted Service, or in what other manner?—The period of probation should be passed in doing the work ordinarily assigned to junior members of the Covenanted Civil Service.

112. Do you consider that after selection and before entering on probation (or on duty) the person selected should undergo special training?—This is perhaps not absolutely necessary in the case of the Statutory Service, though it would certainly be very desirable.

113. If so, should the special training be carried out in India or in England?—Preferably in England.

114. If in India, would it be possible, and, if possible, advisable, to establish an Indian Civil Service College on the basis of the Haileybury College which formerly existed in England?—There would be great difficulties arising out of caste and religious differences.

115—118. If you do not consider special training in England essential, would you encourage nominees or selected candidates to visit England with a view to add to their qualifications for the Service? If so, what form should such encouragement take? Should it be offered before, or during, or after, the probationary period, if any, through which nominees or selected candidates may be required to pass? Should

it be offered before or after the nominees or selected candidates enter on their duties?—Encouragement should be given to the extent of putting those who went there on precisely the same footing as young men who have passed the competitive examination in England for the Covenanted Service. It should be before the probationary period.

119. Are you in favour of the establishment of scholarships tenable by Natives in England for the purpose of enabling them to qualify for the Civil or Statutory Service?—No.

121. Do you think that any distinction should be made between the emoluments of nominees or selected candidates who have been trained in England, or have gone to England to add to their qualifications, and those who have not?—Certainly.

122. If the opportunity of residence in England at a University for two years with a sufficient allowance were offered to nominees or selected candidates, is it likely that it would be taken advantage of to any great extent?—It would probably be at once taken advantage of to a considerable extent, and this would no doubt rapidly increase.

123. If the system of examination in England were revised, with the result that Natives availed themselves of it in considerable numbers, would it still be necessary to retain the Statutory system?—It would depend on the numbers.

124. If so, to what appointments or classes of appointments would you restrict the latter system, and what conditions over and above those already existing would you impose?—The Statutory Service might be retained as a means of bringing up the number of Natives to a fixed percentage—say 18 per cent. of the whole. It would in that case be sufficient perhaps to recruit it exclusively from the Uncovenanted Service, but no absolute restrictions seem called for beyond those already existing.

III.—*Competition in England for the Indian Civil Service.*

125. What has been the experience in your Province in regard to their work as public servants of Natives who have entered the Covenanted Civil Service through the competitive channel in England?—On the whole, decidedly favourable.

126. To what classes of society do such Natives belong?—To the middle class.

127. Blank.

128. Is competition of Natives in the examination in England favourably looked upon by large and important classes in India?—It is by the advanced classes if certain disabilities were removed, but simultaneous and identical examinations in England and India would be preferred. The question of the effect which these alterations might have on the standard of

home candidates is one which would require careful consideration and the advice of the Civil Service Commissioners.

129—131. Should additional facilities be given to Natives for proceeding to England and entering the Indian Civil Service by the channel of the English competition? If so, what form or forms should such facilities take? What conditions, if any, should be attached to them?—It is desirable that Natives should receive such facilities, provided they do not lead to lowering the existing standard of qualification for home candidates. The facilities desired are that the age should be raised to a maximum of 22 or 23, that Sanskrit and Arabic should be put on a par with Latin and Greek, and the principal Vernaculars should be marked

as French and German, but the number of these Vernaculars to be taken up by any candidate should be limited to two.

132. What is your opinion as to giving Statutory appointments to Natives who, though they may have failed to secure a place amongst the successful candidates, have shown merit in the English competition?—Subject to a certain minimum standard of marks, this would afford an excellent way of recruiting the Statutory Service.

133. Assuming it to be advisable to appoint to the Statutory Service in India Natives who have failed in the English competition, should such persons receive the same training as successful candidates in England, and be subject to the same final examination?—Yes.

134. Should they on appointment to the Statutory Service in India be subject to the same incidents as apply to other persons appointed under the Statutory Rules?—Yes.

135. Can you say what number of Natives belonging to your Province have presented themselves annually at the competitive examination in England, and what degree of success they attained?—The number of certificates of age granted by the General Department of the Bengal Secretariat to Indian candidates who were desirous of appearing at the competitive examinations held in England during the past ten years is shown below:—

1877	...	...	1
1878	...	...	6
1879	...	...	1
1880	...	...	1
1881	...	...	Nil.
1882	...	...	1
1883	...	...	1
1884	...	...	5
1885	...	...	5
1886	...	...	3

It is not probable that they all appeared at the examination.

In the last ten years only three Native gentlemen have joined the Covenanted Civil Service in these Provinces:—

Mr. Badshah passed at the open competitive examination of 1877.

Messrs. Chuckerbutty and Palit at the examination of 1884.

136. What class or classes of Natives in your Province readily go to England?—Chiefly persons belonging to the middle class.

137. Are objections entertained to going to England; and, if so, what are they, and by what classes in particular are they felt?—Those who go to England entertain no objections whatever on the score of losing caste, but objections are taken by the orthodox class of the Native community.

138. Should the examination for Natives in England be distinct in standards and conditions from that for English candidates, or should there be one and the same examination for all?—There is a great deal to be said for this suggestion, but it would not

wholly satisfy the Native public opinion which is heard in the press. They would look upon the service as in some respects inferior. It would have to be safeguarded by reserving a proportion of appointments, which the Lieutenant-Governor would put at 20 per cent. on the whole, for Natives; but these conditions would be successful, he fears, only as applied to Bengal Proper, Madras and Bombay. For some years to come the (educationally) more backward Provinces of the North-Western Provinces and the Punjab and the minor Administrations would fail to be properly represented, and this militates seriously against the scheme, but is not absolutely fatal to it.

139. If the standards and conditions were different, how would it be possible to compare the results in the two examinations so as to bring out one list in order of merit?—It would be impossible.

140. Would it under such circumstances be desirable to allot a fixed proportion of appointments to each of the two examinations?—With separate standards and conditions this would be absolutely essential.

141. If a fixed proportion of appointments were allotted for a Native examination in England, do you consider that, in view of the objections against a voyage to England and life there, the cost thereof and the chances of failure, a sufficient number of suitable candidates from your Province would be available to make the competition a real competition?—Unquestionably.

142 & 143. If the examination were distinct, what should be the limits of age for the Native examination? What should be the conditions, nature, and subjects of the separate Native examination?—The alterations suggested in the answer to questions 129—131 would suffice.

144 & 145. Assuming only one examination in England for both English and Native candidates, do you consider that the subjects and standards of examination and the conditions as to age and other matters in any respect place Native candidates at a disadvantage as compared with English candidates? If so, in what respects are Native candidates placed at a disadvantage, and what alterations would you recommend with a view to remove that disadvantage?—See answer to questions 129—131.

146. If there should be only one examination for all candidates, should the limits of age for Natives be higher than those at present fixed for European candidates; and, if so, what should the limits for Native candidates be?—If the limit of age be raised, as above proposed, to twenty-two or twenty-three, the limits of age for Natives should not be higher.

147. If higher limits of age were fixed for Native than for European candidates, might not the latter complain that they were placed at a disadvantage?—They certainly would under the above circumstances, and with great justice.

Vol. VI.
Sec. I.
Sub-Sec. B
Bengal
Government.

148. How do Natives, who have been successful in the English examination since the reduction of age was made, compare, in regard to their work as public servants, with Natives who entered by competition when the limit of age was higher?—Only two Natives have entered the service in the Lower Provinces since the reduction of age, viz., Messrs. Chuckerbutty and Palit, who only arrived in India a few months ago. No comparison is therefore possible.

149. What is the average age at which Natives at the Indian Universities pass the examinations for F.A., B.A., and M.A., respectively?—Eighteen to nineteen for F.A., twenty to twenty-one for B.A., twenty-two to twenty-three for M.A.

150. From what classes of Native society are the persons who graduate at the Indian Universities usually drawn in your Province?—From the middle class.

IV.—Competition in India for the Indian Civil Service.

151. Do you advocate a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations?—No.

152. How would this method of selection be regarded by the Native community?—They would prefer it to any other.

153. Blank.

154. If Native candidates were admitted to the competition in England, while English candidates were excluded from the competition in India, on what grounds could this distinction be justified?—It could not be justified with two examinations: one in England and one in India. Europeans should be restricted to the first and Natives to the last.

155. Do you consider that the educational institutions available in India are at present capable of giving the very high class education which it was the object of the competitive system as introduced in 1855 to secure?—No.

156. Would an open competition in India be likely to give decided advantages to any particular class or classes of the Native community over others?—Certainly. It is thought that the candidates from Bengal, Bombay, and Madras would have distinct advantages over others.

157. Would it be likely to lead to the undue preponderance of any one class or caste in the public service?—This would most probably be its effect.

158. Do you think there are any objections on political or administrative grounds to open competition in India?—Yes. It would not be desirable that one or more classes only should obtain all or most of the appointments.

159. Would the introduction of an open competitive examination in India have the effect of deterring cadets of leading families from aspiring to enter the ranks of the Civil Service?—Certainly, as very few, if any, of them have received such an education as would give them the smallest chance in such an examination.

160. Under such a system, how would it be possible to provide against Natives of a Province in which education is comparatively backward being excluded from appointments in their own Province?—It would not be possible.

161. Would a system of provincial examination be preferable to one examination

for the whole of India?—Yes, on the whole, but the Provinces in which education was backward would of course be officered by men less well educated than those in which education was advanced.

162. Under a system of open competition in India, would the successful candidates be regarded as occupying a position inferior to that of persons who enter the Service through the channel of the open competition in England?—No.

163. Supposing that the Covenanted appointments were allotted in fixed proportions, a certain number to be obtained by competition in England and a certain number by competition in India, the examination in each case being open on fairly equal conditions to Native and English candidates alike, and the Statutory system being abolished, how would such a system be viewed?—It would be approved of.

164—167. If an open competition were established in India, what should be the preliminary qualifications required on the part of candidates in regard to age? and in regard to minimum educational attainments? and in regard to moral, social, and physical fitness? and in other respects (if any)?—Maximum limit of age should be 22 or 23. Minimum educational attainments need not be considered, as no one whose standard of education was not a very high one would compete. Satisfactory certificates in regard to moral, social, and physical fitness should be insisted on.

168. Should the subjects and conditions of the examination be the same as those prescribed for the competitive examination in England, or should they be different?—The same, with the modifications suggested in the answer to questions 129—131.

169. Blank.

170. Circumstances being different in the case of persons who enter through the examination in England and of persons who enter through the examination in India, is there any reason why the rules in regard to pay, leave, pension, &c., should not also be different?—No. They should be different.

171. Should successful candidates go through a period of special study in India like the English candidates, who spend two years in special preparation?—Those who pass for the Covenanted Civil Service should be required to go to England for a course of special study, the same as that which

successful candidates in England have to go through.

172. Would it be preferable (a) to require them to go to England, or (b) to give them the option of going to England, suitable allowances being given to enable them to prosecute their studies there?—The arrangement, however, would be unpo-

pular, and there would be constant agitation to substitute special study in India.

173. Should successful candidates at the Indian competition be required to pass through a probationary period before final appointment?—No further probationary period need be required.

174 & 175. Blank.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

V.—Promotion from the Uncovenanted Service.

176. To what extent does the Uncovenanted Service in your Province include in its ranks persons eligible on the ground of proved merit and ability for appointment to offices ordinarily reserved for members of the Covenanted Civil Service?—It is difficult to specify the precise extent. But there are certainly several men in the Uncovenanted Service quite as good as the present Statutory Civilians.

177—179. If there are such persons in the Uncovenanted Service, could they be appointed to the lowest grade of the Covenanted Service without suffering in pay? Under existing rules as to pay, &c., how would such appointment be regarded by Uncovenanted Officers? Do you think they would be willing to forego pay for the sake of the advantages which admission to the Civil Service might afterwards bring?—All except those in the lowest grades would no doubt suffer in pay, but the younger men would be willing to forego pay at first for the sake of the future advantages held out to them.

180—182. What special provision, if any, do you think should be made for the appointment to Covenanted posts of deserving members of the Uncovenanted Service? If such appointments are made, should they be restricted to the holders of any particular classes of appointments in the Uncovenanted Service; and, if so, what classes? Should persons so appointed be appointed provisionally and be required to pass through a period of probation before final confirmation?—It is difficult to say how this could be done, if the Covenanted Service is made more easy of attainment by Natives and the Statutory system be abolished. If the latter be retained, it might be arranged that a certain proportion of the appointments allotted to it should be reserved for members of the Subordinate Executive and Subordinate Judicial Services. For these persons no period of probation would be required.

183. Should provision be made for the appointment of qualified members of the Uncovenanted Service to the higher Covenanted offices without requiring them to

pass through the lower grades?—This might be done to a limited extent, and in very exceptional circumstances.

184. If certain appointments in the Covenanted grades were set apart for the Statutory Service, should a fixed proportion of those appointments be expressly reserved for persons of proved merit and ability in the Uncovenanted Service?—See answer to preceding question.

185. Should special provision be made for the promotion to Covenanted posts of European members of the Uncovenanted Service?—No special provision should be made for Europeans. The selection for these appointments would be by merit only, and Europeans would have to take their chance with Natives.

186. Should special provision be made for the promotion to such posts of Eurasian or other members of the Uncovenanted Service who, though not Natives of pure descent, fall within the meaning attached in the Statute of 1870 to the term "Natives of India"?—No.

187. Ought not the Uncovenanted Service, equally with the Covenanted Service, to be open to all natural-born subjects of Her Majesty who possess the qualifications that may be from time to time prescribed?—Certainly it ought, and if these services were entered by competition, no excuse could be found for the present system, but under a system of nomination the pressure applied to appoint an undue proportion of Europeans was thought to be injurious and led to the absolute restriction which exists. If nomination prevails, Sir Steuart Bayley would advocate a fixed proportion of appointments being reserved to the two races.

188. If the Uncovenanted Service is closed to any natural-born subjects of Her Majesty, on what grounds, bearing in mind the terms of Acts of Parliament and Her Majesty's Proclamation of 1st November 1858, is this to be justified?—It is not logically to be justified. The exclusion of any natural-born subjects of Her Majesty from appointments for which they are fitted is a distinct infringement of the Statute and of the terms of the Proclamation of 1858.

VI.—Pay, Leave and Pension for Natives of India appointed to Covenanted posts otherwise than through the channel of competition in England.

189 & 190. Is the rate* of pay at present granted to Statutory Civilians during probation and on final appointment, respec-

* Two hundred rupees a month on first appointment as probationers. Two hundred and fifty rupees a month after passing the Departmental Examination by the lower standard. After passing the Departmental Examination by the higher standard (unless

especially exempted) and after having been confirmed in their appointments, 64 per cent. of what would be the gross pay or salary of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England. tively, sufficient? If not, on what grounds do you consider it insufficient, and what rates of pay should, in your opinion, be granted

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

to Statutory Civilians (a) while on probation, and (b) on final confirmation in their appointments?—Yes, for a young Native or for a young European a salary of Rs. 200 is quite sufficient to begin upon, bearing in mind the future prospects opened out to him.

191. Would those rates of pay be suitable in the case of persons appointed to Covenanted posts from the Uncovenanted Service?—Yes, for persons selected from the junior grades.

192. Would they be suitable in the case of persons appointed to Covenanted posts from the professional classes?—No, unless very junior men were selected, and even then it is doubtful if they would be accepted.

193. If not, how would you treat in regard to pay persons selected from these two classes if appointed to the lowest grade of the Covenanted Service?—They could not be appointed to the lowest grade.

194. How would you treat in regard to pay such persons if appointed to any of the higher Covenanted posts without being required to pass through the lower grades?—See answer to question 183. To a limited extent they might be appointed to the higher posts and get the pay of them, subject to such deductions, if any, as might be decided on hereafter.

195. Do you consider that a difference should be maintained between the rates of pay granted to Covenanted Civilians who enter through the competitive channel in England, and to persons holding Covenanted posts who do not enter through that channel?—Yes, certainly.

196. If so, what would you consider the fair rate of reduction to be made in the case of persons holding Covenanted posts who do not enter through the competitive channel in England?—One-third as now.

197. Would you approve of an arrangement by which the pay of appointments would be a fixed sum to be drawn by the holder, whether he is a Covenanted or a

Statutory Civilian, with an additional staff allowance to be drawn by those only who enter the service through the examination in England?—There seems no object in such an arrangement. It is a very transparent disguise, and would be of use only as a step towards abolishing the additional staff allowance.

198. Can you suggest any other way of providing different rates of pay?—No. The one now in force seems the simplest and best.

199 and 200. Blank.

201. Have you any remarks to make on the leave rules embodied in the Civil Leave Code which apply to Statutory Civilians?—No.

202. At what age do you consider that Natives appointed to Covenanted posts otherwise than through the competitive channel in England should be entitled to retire on pension?—Entitled after 25 years' service. Forced after 35 years' service. It would be most inconvenient in a service which is to a great extent one of seniority to have this class holding on longer than Covenanted servants.

203—205. After what length of service do you consider that such persons should be entitled to retire on pension? At what age should they be obliged to retire on pension? After what length of service should they be obliged to retire on pension?—See last answer.

206. What amount of pension should, in your opinion, be granted to Natives so appointed if they serve the prescribed period for voluntary and compulsory retirement, respectively?—In either case a maximum pension of Rs. 6,000 per annum.

207. If, before serving the prescribed period for pension, they are compelled to retire on medical certificate, what gratuity, if any, would you give them?—The gratuity that would be given in other cases, viz., one month's pay for every year of service.

FII.—General.

208 & 209. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men to the public service? Can you suggest any improvements? In 1854 Lord Macaulay's Committee were of opinion that the best, the most liberal, and the most finished education to be procured in England was a necessary qualification for admission to the Civil Service. Do Indian schools and colleges at present supply an education of so high a standard?—There is not much fault of any remediable kind to be found with the existing system of education in Indian colleges. It is probably in most respects as good as, and in some better than, that which a pupil would receive in any of the "coaching" establishments in England, such as Wren's. It is

inferior in point of mental discipline to the course pursued at Oxford and Cambridge; and this owing to causes which are inherent partly in the circumstances of English education in India, and partly in the national character. The typical Oxford course is concerned with Greek and Latin literature; the typical Cambridge course with mathematics and physics. To these courses correspond, in the Calcutta University, (1) the literature course, consisting of English, psychology, and either a second language or history; (2) the science course, consisting of English, mathematics, and some branch of physical science. Each of these courses, it is evident, covers a wider range than the corresponding course at Oxford or at Cambridge, where thoroughness and depth are preferred to extent of surface. Among the

members of the Calcutta Senate, on the other hand, there is a deeply-rooted conviction that the bare knowledge of facts has some educational value—that he who knows the most facts in the greatest variety of subjects is the best educated man. Members of the Senate who hold the opposite, or what may be called the “disciplinary” view of studies, found in that belief the chief obstacle they had to encounter in carrying the new and greatly improved courses. The extent and range of the courses in either branch have now been greatly reduced; but they still compare unfavourably in some respects with those of English Universities, as instruments of mental discipline. For example, on the literary side English grammar must be studied, and studied historically; and that, in Mr. Tawney’s opinion, is a far longer and less satisfactory business than the study of Latin grammar. Again, on the scientific side the student of mathematics and physics is seriously handicapped by having to devote a large share of his time to English. And yet, in one course as in the other, the continuous study of English is absolutely required by the conditions of the case. Further, the student of mathematics in an Indian college requires and receives from his Professor an amount of direct personal assistance in his work which is quite unknown at Cambridge. This is doubtless due to a want of intellectual robustness and independence; and the difficulty is that while, on the one hand, the aid cannot in the student’s interest be refused, on the other a course of instruction so conducted does nothing to foster the growth of those valuable qualities.

Probably the only defect that can be justly charged against the existing courses of study is that they do not offer sufficient scope to independent and original work—that the student is almost entirely receptive. And even this charge comes to have less foundation as he advances in his University career. Certainly the M.A. student under the new regulations is in some respects an independent worker, and the limitation of the subjects of study at that stage gives him the opportunity of becoming a genuine student and of acquiring a fruitful knowledge of his subject. Consequently, the higher his education proceeds, the more fitted the student becomes for responsible duties, so far as the discharge of those duties depends not upon moral qualities, but upon intellectual capacity.

210. Do you consider that Indian schools at present develop the force of character and other qualities required for English administration?—Indian schools and colleges have very little to do with developing force of character. The force of character which an average English school-boy manifests is due partly to the superior energy of his race, and partly to the duties and responsibilities thrown upon him by membership of the little republic to which he belongs out of school hours. Out of school the Bengali

school-boy has no distinct personality; he sinks back into the mass. His conduct is not governed, as that of an English school-boy is, by a set of traditional rules of binding force, which have been so constructed as to throw responsibility on those who are fitted to take it, and to develop aptitude for leadership in those who are forced into positions of prominence. The complex mass of influences, altogether outside the school-master’s sphere of action, which help to form the character of an English school-boy, are entirely wanting in the case of the Bengali. In fact, the influences to which a boy in this country is exposed out of school hours make rather for insubordination than for order. Each generation is advancing intellectually beyond its predecessor, so that the younger men view with continually increasing impatience the habits, the ideas, and the traditions of their elders. A spirit of this kind spreads from the home circle outwards, and excites a general feeling of resentment against restraint and of dislike for authority. School-boys catch the prevailing spirit of discontent and hostility, and bring with them into the class-room the lessons they have learnt outside. Once within its walls, however, a different set of influences come into play. To the social forces at work the discipline of school life opposes a constant resistance during several years of boyhood. It is in the school-room alone that habits of obedience and discipline are at the present time systematically taught. School discipline is now the one force that does not conspire with, but actively combats and counteracts, those other and far stronger influences that are apparently at work in Bengali society. The pupil acquires, by means of enforced daily practice, habits of order, diligence, and submission to authority. These are personal and social virtues of a high value, and though they may be weakened by external influences of a different tendency, or by the absence of restraint in after-life, yet within their own limited range they help to build up the temperate and solid character of an industrious and law-abiding citizen. The possession of a University degree affords a guarantee of industry, self-denial and discipline maintained through several years of pupilage; and these are moral qualities of a high order. Still, as regards the formation of character, the Bengali youth is at a serious disadvantage. With the English school-boy, all the influences to which he is exposed in early years, whether in school or out of school, make in the same direction—for discipline, obedience to orders, and promptness of action. With the Bengali school-boy they often make in opposite directions, social influences pulling one way, school influences another; and the conflict cannot be productive of solidity of character or directness of purpose.

On the other hand, the experience of many years has convinced the Lieutenant-Governor that in sobriety of judgment, in industry, in integrity,—in those practical

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

Vol. VI.
Sec. I.
Sub-Sec. B.
—
Bengal
Government.

virtues, in short, which Englishmen chiefly value, the highest class of University graduates do not fall short. For, indeed, the directly moral value of an advanced intellectual education, even outside the range of daily practice and discipline, is a fact that is commonly acknowledged. It has been well observed that "honesty is one result of a sound understanding"—of an understanding enlightened enough to appreciate the direct personal value to its possessor of a character for honesty, such as can only be acquired by unflinching honesty in practice. Sir Steuart Bayley holds this to be true also, in its degree, of courage and even decision of character. If a man is constitutionally timid in danger or infirm of purpose, education will go some way to strengthen his character—will help him to act in emergencies with an appearance of firmness by reason of his vivid perception of the disastrous consequences, to himself and to others, of vacillation or cowardice. The force of character which in other cases is acquired instinctively, by inherited capacity or by early training, is in those cases acquired by conscious recognition of its value, and by keeping vigilant guard over those moral defects which render its attainment difficult. At the same time, it must be admitted that the latter class of habits have nothing like the stability of the former and may well fail in time of need.

211. What has been the actual experience in your Province as to the general efficiency of educated Natives—graduates of the Indian Universities—employed in administrative work?—Satisfactory, but no very marked superiority is shown in efficiency by graduates over non-graduates.

212. How have Natives, placed in charge of sub-divisions or in other quasi-independent positions, discharged their duties in your Province?—As a rule very well; some excellently. They require supervision, however, not less, and indeed rather more, than their European *conféres*.

213. Do we now obtain for Government service Natives of the classes who under Native rule carried on the civil administration of the country?—Yes.

214. Blank.

215. How far would any system of appointment which involves a journey to and residence in England be regarded by the Native community as open to objection on the ground that it requires Hindu candidates to abandon their caste as a condition of entering the Civil Service?—By certain classes it would be regarded as a very serious objection. But the feeling is, it is believed, rapidly dying out, and is not very prominent in Bengal.

216. How far would such a system be regarded as open to objection on the ground that it restricts the field of selection to those candidates who are wealthy enough to undertake the cost of a journey to and residence in England?—This would to some extent be felt as an objection, but not a very

serious one, because in some way or other a really clever boy would generally manage to raise the necessary funds to take him to England.

217. Are the Natives who go to England from your Province for purposes of education limited to the wealthier classes?—No.

218. Are they limited to any particular section of the community, or to any particular creed?—To the middle classes.

219. Does a voyage to or residence in England involve the loss of social position or other unfavourable consequences in the case of any section of the Native community?—To some extent, and among the orthodox classes it does. But, as has been above observed, this is dying out.

220. Does it result in placing those Natives who undertake it more or less out of touch and sympathy with their fellow-countrymen on their return to India?—It is believed not.

221. Would the requirement of a temporary residence in England as a condition precedent to, or following on, appointment to the Government service have the effect of excluding from such appointment any considerable or important section of the Native community?—Not entirely. It would militate against men of the orthodox class from entering the service no doubt, but even among this class it is thought that in a few years' time a temporary residence in England will not be regarded as a fatal objection to a young man entering the service.

222. If the Statutory system is discontinued, should special provision be made for the appointment to Covenanted posts of Natives who, for religious or other sufficient reasons, are unable or unwilling to undertake a journey to and residence in England?—No.

223. Blank.

224. If the Statutory system is discontinued, do you consider that special provision should be made for the appointment to Covenanted posts of capable members of the professional classes?—To a limited extent this might be done.

225. If so, what provision should be made for this purpose?—A certain proportion of the appointments might be assigned to these classes.

226. Whatever system or systems may be adopted, ought power to be reserved to Government to appoint to Covenanted posts candidates of high family, subject to such antecedent guarantees of fitness as may be considered sufficient in each case?—This is not necessary in Bengal.

227. Ought similar power to be reserved to Government to appoint to Covenanted posts persons who have proved their merit and ability in Government service, or in the exercise of a profession, without preliminary examination or competition?—To a limited extent.

228. If a thorough knowledge of English were made an essential qualification for appointment to Covenanted posts, would the

field of selection in the case of persons already in the Uncovenanted Service, or engaged in the exercise of a profession, be unduly limited thereby?—Not in Bengal.

229. Blank.

230. Should provision be made for the occasional appointment in very special and exceptional cases to Covenanted posts of persons of known ability and local influence whom, although they may never have held office and may not possess special professional qualifications, and although their age may exceed the limit laid down for untried candidates, it might nevertheless be considered desirable to appoint to the higher grades for political or other reasons?—No such provision is necessary in Bengal.

231 & 232. To what extent, if any, could the prescribed Covenanted Civil Service *cadre* in your Province be reduced without increase to the Uncovenanted Service? 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?—See separate note by the Lieutenant-Governor appended to this reply at page 29.

233. Assuming a fixed proportion to be maintained between Europeans and Natives in the Civil Service *cadre*, in what posts or classes of appointments do you consider that Europeans and Natives, respectively, might be employed with most advantage to the interests of the public service?—Europeans do equally well in the Executive and the Judicial Branches of the Service. Natives seem more fitted for judicial work, but the Lieutenant-Governor would not confine them to any one line.

234. Would it be desirable to rule that the proportion of persons being Hindus and Mahomedans, respectively, who are from time to time or over a series of years appointed to the Covenanted ranks in any Province, should bear a certain relation to the number of the two classes composing the population of the Province concerned?—It is doubtful if this would be feasible at present owing to the backward state of education among Mahomedans.

225. Blank.

236. How far should appointments in each Province to Covenanted posts be restricted to Natives of the Province concerned?—*Cæteris paribus* it seems desirable that appointments in each Province should be held by Natives of that Province.

237. How would the following scheme be regarded by the Native community:—

- (1) The Covenanted Civil Service to be reduced to a fixed number of European officers, admission being by competition in England, confined to European candidates only.
- (2) The appointments taken from the Covenanted Civil Service to be

filled by appointment in India, Natives only being eligible?

—Not favourably. The Native community wishes, so far as the Civil Service (Covenanted) is concerned, to be placed on a footing of equality with Europeans; to be members with them of one organized service, and not merely to be given particular appointments lopped off from the Covenanted Service.

238. How would you regard such a scheme?—A few years ago the Lieutenant-Governor would have regarded it most favourably, but it would now be a retrograde step on even the Statutory scheme, and we cannot go back to it. It would, if adopted ten years ago, have been, he feels sure, the wisest policy.

239. How would the Native community regard the following:—

- (1) The Covenanted Civil Service to be reduced to a fixed number of appointments to be filled by competition in England, to which Natives and Europeans alike would be admitted.
- (2) The appointments taken from the Covenanted Civil Service to be filled by appointment in India, both Natives and Europeans being eligible?

—This would be preferred to the former.

240. How would you regard such a scheme?—Favourably.

241. If either of the above schemes were adopted, how would the Native community view a proposal to combine the higher appointments of the Uncovenanted Service with the appointments taken from the Covenanted Civil Service, so as to form an enlarged Civil Service to be recruited in India?—This would not be specially objected to. But, as before remarked, the object of Natives now is to become members of the Covenanted Service.

242. How would you view such a proposal?—Favourably.

243. How would the Native community regard the following scheme:—

- (1) A certain number of appointments in the Covenanted Civil Service to be reserved for Natives.
- (2) A certain proportion of that number to be filled by competition or by some other system in India.
- (3) The remainder to be filled by competition in England?

—Not favourably. It offers them two inferior lines of service when they want an open door to the one superior service.

244. How would you regard such a scheme?—Not favourably for similar reasons.

245. Assuming a system of nomination or of limited competition among nominated candidates, would Native opinion be in favour of giving a preference, as between candidates possessed of certain preliminary essential qualifications and having on general grounds fairly equal claims, in the following or any other order to—

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

Vol. VI.
Sec. I.
Sub-Sec. B.
—
Bengal
Government.

- (a) Members of families of tried loyalty and distinguished service ;
(b) Persons of good social status and influence in the country ; and
(c) Persons of superior educational attainments, such as persons who have taken the degree of M.A. ?

—No Natives are, it is believed, in favour of a system of nomination, except the higher classes, who regard that system as the only one which affords them a chance of getting into the service.

246. What is your opinion as to giving such preference?—On the above assumptions, Sir Stuart Bayley would give such preference.

247. How would the Native community regard a system of nomination on the ground of merit and ability shown in the service of Government or in the exercise of a profession, alternating with a system of selection by means of competition, whether entirely open or amongst nominated candidates?—Natives dislike nomination, but would not seriously object to this.

248. How would you regard such a system?—It might usefully be tried as an experiment for filling the Statutory Service, or whatever takes its place.

249. If the Statutory system were maintained, and if a probationary period were required from nominees or selected candidates before final appointment, would it be necessary to insist upon such probationary period in all cases, *e.g.*, in the case of a person who has done good service in the Uncovenanted ranks?—No.

250. In the case of persons nominated from the professional classes, is it desirable that a probationary period should be prescribed?—It seems hardly necessary. Moreover, it is doubtful how far a member of the professional classes would accept this condition.

251. Blank.

252. On what principles should the promotion of Natives appointed to Covenanted posts otherwise than by the channel of the competition in England be regulated?—*Ceteris paribus* by seniority, but special merit and ability might be specially recognised by special promotion.

253. Blank.

254. How would the appointment of Natives to the higher reserved posts without passing through the lower grades affect the vested rights or the reasonable expectations and prospects of officers who entered the Covenanted Civil Service before the year 1870?—If this were done largely, it would of course affect the expectations and prospects of the men who entered the service before 1870 very seriously.

255. If those rights, expectations, or prospects would be prejudicially affected,

how could they be safeguarded?—It cannot be done.

256. Should Natives appointed to Covenanted posts be required to pass the departmental examinations?—Certainly.

257—259. Should they be required to pass the departmental examinations by both the lower and higher standards within their probationary period, subject to the penalty of forfeiture of appointment if they fail to pass within that time, unless the period is for special reasons extended? or should a period longer than the probationary period be allowed for passing the departmental examination by the higher standard? or should the present rule be maintained under which probationers may be confirmed in their appointments at the close of the probationary period of two years, provided that they pass within that period the departmental examination by the lower standard prescribed for Covenanted Civilians appointed in England, no obligatory period being fixed for passing the higher standard, but no promotion or increase of pay being attainable until the higher standard examination has been passed, and power being retained to the Government to dispense with the services of a Statutory Civilian who may fail to pass by the higher standard within a reasonable time?—The present rule appears on the whole the best and the least likely to cause hardship.

260. What rule in regard to passing the departmental examinations should be applied in the case of persons appointed to Covenanted posts on the ground of merit and ability proved in the service of Government or in the exercise of a profession?—Persons appointed to the Covenanted Service for proved merit and ability in Government service would almost certainly have already passed the departmental examinations. Professional men would probably only be appointed to high judicial appointments in which the passing of the departmental examinations need not be insisted on.

261. Should subjects of Native States be eligible for appointment to Covenanted posts in British India?—Yes.

262. If so, should this be extended to all Native States in alliance with the Crown, or only to those in subordinate alliance?—Only the latter.

263. What system, if any, is at present adopted in your Province for bringing into the public service persons who, from their position or otherwise, cannot be expected to enter the service of Government in the lowest grades, and for giving them the necessary apprenticeship?—There is no such system in vogue in Bengal.

264. Blank.

VIII—Composition, Recruitment, &c., of the Subordinate Executive and Subordinate Judicial Services.

265. Of what different classes of appointments is the Subordinate Executive Service in your Province composed, including in the

term "Subordinate Executive Service" all Subordinate Executive offices down to and including the office of Tahsildar, or other

office corresponding to that of Tahsildar which are not reserved by law for, or not ordinarily held by, members of the Covenanted Civil Service?—Deputy Magistrates and Deputy Collectors, and Sub-Deputy Magistrates and Sub-Deputy Collectors.

266 & 267. Into what grades is each class of the above executive appointments divided in your Province, and of how many appointments does each grade consist? What rate of pay is attached to each grade?—Deputy Magistrates and Deputy Collectors are divided into seven grades, as shown below:—

	Sanctioned number.	Pay. Rs.
First grade	7	800
Second "	9	700
Third "	19	600
Fourth "	39	500
Fifth "	64	400
Sixth "	58	300
Seventh " (37 + 9*)	46	200

* Temporary.

Sub-Deputy Magistrates and Sub-Deputy Collectors, four grades—

	Sanctioned number.	Pay. Rs.
First grade	17	200
Second "	23	175
Third "	31	150
Fourth "	26	100

268. Of what different classes of appointments is the Subordinate Judicial Service in your Province composed, including in the term "Subordinate Judicial Service" all Subordinate Judicial offices down to and including the office of Munsif or other office corresponding to that of Munsif, which are not reserved by law for, or not ordinarily held by, members of the Covenanted Civil Service?—Subordinate Judges and Munsifs.

269 & 270. Into what grades is each class of the above Judicial appointments divided in your Province, and of how many appointments does each grade consist? What rate of pay is attached to each grade?—Subordinate Judges are divided into three grades, as shown below:—

	Sanctioned number.	Pay. Rs.
First grade	7	1,000
Second "	15	800
Third "	27	600

Munsifs, four grades—

	Sanctioned number.	Pay. Rs.
First grade	75	400
Second "	70	300
Third "	65	250
Fourth "	25	200

271—275. In the existing Subordinate Executive staff how many persons are (1) Europeans; (2) Natives of India of pure descent; (3) Eurasians and others who, though not Natives of India of pure descent, fall within the meaning attached to

the words "Natives of India" by the Statute of 1870 (33 Vic., Cap. 3, section 6); and (4) persons who are neither Europeans nor Natives of India, whether of pure descent or within the Statutory meaning? What particular appointments in the Subordinate Executive Service are at present held in your Province by persons falling under each of the above classes? What rates of pay are attached to the appointments thus held in each case? What particular appointments in the Subordinate Judicial Service are at present held in your Province by persons falling under each of the above classes? What rates of pay are attached to the appointments thus held in each case?—

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

GRADES.	Europeans.	Natives of India of pure descent.	Eurasians and others who, though not Natives of India, fall within the meaning attached to the words "Natives of India."	Persons who are neither Europeans nor Natives of India, but who, by descent or within the Statutory meaning.
---------	------------	-----------------------------------	--	--

DEPUTY MAGISTRATES AND DEPUTY COLLECTORS.

1st grade on Rs. 800 per mensem.	3	3	1	.....
2nd grade on Rs. 700 per mensem.	4	5	.....	.....
3rd grade on Rs. 600 per mensem.	9	17	.....	.....
4th grade on Rs. 500 per mensem.	6	30	1	.....
5th grade on Rs. 400 per mensem.	2	59	2	1
6th grade on Rs. 300 per mensem.	1	53	4	.....
7th grade on Rs. 250 per mensem.	3	36	7	.....

SUB-DEPUTY COLLECTORS.

1st grade on Rs. 200 per mensem.	.....	16	1	.....
2nd grade on Rs. 175 per mensem.	.....	23	1	.....
3rd grade on Rs. 150 per mensem.	.....	29	2	.....
4th grade on Rs. 100 per mensem.	.....	25	1	.....

SUBORDINATE JUDGES.

1st grade on Rs. 1,000	.....	6	1	.....
2nd " " 800	.....	15	.....	.....
3rd " " 600	.....	27	.....	.....

MUNSIFS.

1st grade on Rs. 400 per mensem.	.....	75	.....	.....
2nd grade on Rs. 300 per mensem.	.....	70	.....	.....
3rd grade on Rs. 250 per mensem.	.....	65	.....	.....
4th grade on Rs. 200 per mensem.	.....	25	.....	.....

276. Under what system of selection or nomination are appointments at present made in your Province to the Subordinate Executive Service as above defined?—The appointments to the higher ranks of the Subordinate Executive Service, i.e., appointments of Deputy Magistrates and Deputy Collectors, are at present made on the results of a competitive examination held annually among accepted candidates. If after all the successful candidates of the year are provided for more vacancies occur during the year, appointments are made by nomination. Sub-Deputy Collectors are appointed by nomination.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

277. Under what system are appointments similarly made to the Subordinate Judicial Service as defined above?—The power of nominating candidates for appointment to the Subordinate Judicial Service in Bengal is vested in the High Court by law. The Court do not nominate any one who has not taken the degree of "B.L." at the Calcutta University, and who has not served for three years as a Pleader at some mufasal District Judge's Court, or who has not been called to the Bar.

278—282. Have any rules been framed for the purpose of regulating such appointments, and, if so, what are they (a) in the case of the Subordinate Executive Service, and (b) in that of the Subordinate Judicial Service? What preliminary qualifications, if any, are required in the case of the Subordinate Executive Service and in that of the Subordinate Judicial Service, respectively, in regard to the age of candidates? In regard to their educational attainments? In regard to their moral, social, and physical fitness? In other respects (if any)?—In the case of the Subordinate Judicial Service, please see the above reply. Admission to that service is allowable up to the age of thirty years. Nominations to the Subordinate Executive Service are not subject to any rules. The following rules have been prescribed for admission of candidates to the competitive examinations for this service:—

(1) They must have passed the Entrance examination of the Calcutta University, or must produce satisfactory evidence from a competent authority of having received a good education up to the standard at least of the Entrance examination.

(2) They must produce certificates of health, respectability, and good moral character.

(3) They must be under twenty-five years of age.

A fee of Rs. 10 is required from each candidate. The examination is open to Statutory Natives as well as Natives of pure descent.

283. Are the same qualifications, if any, required on the part of the holders of all appointments in the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, or are different qualifications required on the part of candidates for different classes of appointments?—Please see the above reply.

284. Blank.

285—288. Are appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, made on probation? If so, what is the length of the probationary period required? What are its incidents as to pay and in other respects? If a probationary period is required, is it insisted upon in all cases, or is it dispensed with in any, and, if so, in what cases?—In the case of the Subordinate Executive Service, appointments to the rank of Deputy Magistrates and Deputy Collectors are at first made on

probation, which lasts till the probationary Deputy Magistrates pass completely by the two standards of the departmental examination, and are absorbed in the 7th, or lowest, grade on the occurrence of vacancies in that grade. During this period they draw Rs. 200 per mensem. The probationary period is insisted upon in all cases. Sub-Deputy Collectors are appointed as temporary officers, and gradually absorbed as vacancies occur. No definite period of probation is fixed. In the Subordinate Judicial Service the fourth grade of Munsifs is a probationary grade on Rs. 200 per mensem, the members of which are first appointed to fill temporary vacancies and are absorbed in the grade as permanent vacancies occur.

289—291. What departmental examinations (if any) are persons appointed to the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, required to pass? Within what period (if any) from the date of original appointment must such examinations be passed? What is the penalty for failure to pass the examinations within the period prescribed?—Deputy Magistrates and Deputy Collectors are required to pass the lower and the higher standards of the departmental examinations. Sub-Deputy Collectors are required to pass no examinations. Munsifs are also exempted from examination. The lower standard of departmental examination in the cases of Deputy Magistrates and Deputy Collectors must be passed within two years from the date of their first appointment, and another period of two years from the date of passing the lower standard is allowed to enable them to pass by the higher standard of the departmental examination. The penalty for failure to pass the departmental examination within the prescribed time is forfeiture of appointment.

292—294. How is promotion regulated in the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined? Does such promotion depend on fitness only or merely on seniority? or is it regulated by considerations of fitness combined with considerations based on seniority?—Promotions in the Subordinate Executive and Subordinate Judicial Services are regulated on the combined principles of fitness and seniority. A senior officer is seldom, if ever, passed over in promotion unless he is unfavourably reported on by his official superiors.

295. Blank.

296. How is the present system of regulating appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, regarded by influential sections of the Native community?—Favourably.

297. Has the existing system the effect of securing for the Subordinate Executive and Subordinate Judicial Services, respectively, persons who are found to be thoroughly qualified for the performance of their duties?—Yes.

298. To what sections of Native society do the persons belong who accept, under existing conditions, appointments in the Subordinate Executive and Subordinate Judicial Services, respectively?—To the middle class.

299. To what extent do Natives of good family and education in your Province offer themselves as candidates for Subordinate Judicial and Executive appointments?—Appointments in the Subordinate Executive and Judicial Services are eagerly sought by Natives of good family and education.

300. Do Natives who have been to England for purposes of study on their return to India willingly accept such appointments?—There is one Barrister-at-Law in the Subordinate Judicial Service, and two Barristers-at-Law among Deputy Magistrates and Deputy Collectors. For the Subordinate Executive Service examination a Barrister-at-Law was a candidate on one occasion, and one of the holders of the Bengal scholarships at Cirencester is a Deputy Magistrate. As far as the information available goes, no other officers in these services studied in England.

301. How far are such appointments in your Province restricted to persons *bona fide* resident in (and connected with) the Province?—Deputy Magistrates and Munsifs and Subordinate Judges are almost invariably *bona fide* residents, of this Province, except in the case of Europeans.

302. How far are the professional classes represented in the Subordinate Executive and Subordinate Judicial Services, respectively, in your Province?—There are two Attorneys-at-Law and one Barrister among Munsifs, and two Barristers-at-Law in the Subordinate Executive Service among Deputy Magistrates and Deputy Collectors.

303. Do members of the professional classes in your Province readily accept employment in those services?—Munsifs are now recruited almost entirely from the ranks of practising Pleaders.

304. Whatever system or systems may at present be adopted for the purpose of regulating appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, are any class or classes of persons expressly or practically excluded from such appointments?—No class or classes of Native gentlemen are practically or expressly excluded from appointments in the Subordinate Executive and Judicial Services.

305. Blank.

306. Is it the case that certain classes of Uncovenanted appointments are practically reserved for Natives of pure descent owing to the fact that conditions are imposed which have resulted in shutting out Eurasians and other Statutory Natives of mixed descent?—No such conditions as are contemplated in these questions are imposed in this Province, but see answer to question 272.

307. Blank.

308. What has been the effect on the efficiency of the Subordinate Executive and Subordinate Judicial Services in your Province of the orders of the Government of

India, dated 18th April 1879, which debar, unless with the previous sanction of the Governor-General in Council, (1) the appointment of any person, not being a Native of India within the Statutory meaning, to an office carrying a salary of Rs. 200 a month or upwards; and (2) the promotion to such an office of persons, not being Statutory Natives, who entered the Department concerned after the 1st January 1879?—During the administration of Sir Richard Temple it was proposed that 20 per cent. of Deputy Magistrates and Deputy Collectors should be Europeans, and Sir Ashley Eden subsequently suggested that the percentage of such officers should not be allowed to fall below 16. But nothing appears to have been settled on the point. The grounds urged for the appointment of European Deputy Magistrates and Deputy Collectors were the following:—(1) At some stations it was desirable to have a European officer in addition to the district officer, with reference to local circumstances, such, for instance, as the presence of European settlers or planters, and the possibility of disturbances among the population, *e.g.*, in the Sonthal Pergunnahs. (2) There was a constant tendency to decrease in the annual recruitment of Covenanted officers from home.

The full effect of these orders has not been felt owing to the number of Europeans remaining in the service, but it will ultimately be disastrous.

309 & 310. Since the issue of the orders above cited, have any undomiciled Europeans or other persons, not being Statutory Natives of India, been appointed either to the Subordinate Executive Service or to the Subordinate Judicial Service in your Province? If so, how many such persons have been appointed, and under what circumstances were the appointments made?—In the Subordinate Judicial Service no European officer has been appointed. Since the end of April 1879 only one European has been appointed to the Subordinate Executive Service with the sanction of the Government of India. The appointment was made in February 1880 in the ordinary course. The proportion of Europeans in the Subordinate Executive Service is now 11.1 per cent. of the total number, and the proportion of Europeans and Statutory Natives combined is 17.3. It is often impossible to keep up the supply of European officers in districts where they are required.

311. Is it in your opinion necessary that there should be a proportion of Europeans either in the Subordinate Executive Service or in the Subordinate Judicial Service, or in both of those services?—Most certainly in the former: it is not essential in the latter.

312. If so, on what grounds do you consider that an admixture of Europeans is necessary? and what in your opinion is the requisite proportion to be maintained between Europeans and Natives in those services?—See answers to questions 308—309.

313. Blank.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

Vol. VI. 314. How do European members of the
Sec. I. Subordinate Executive and Subordinate
Sub-Sec. B. Judicial Services, respectively, work with
Native members of those services?—Usually
in perfect harmony.

Bengal
Government.

315. Has experience shown that Europeans serving in such capacities become dissatisfied with their position and with the general conditions as to pay, promotion, and retiring annuity under which they hold their appointments, and that their efficiency as public servants is consequently impaired?—Occasionally; but as a rule they accept their position, if not with entire satisfaction, at least with equanimity.

316. Are you in favour of laying down a rule that high educational capacity should be regarded as an essential qualification for appointment to the Subordinate Executive and to the Subordinate Judicial Services as defined for the purposes of these questions?—High educational capacity should certainly be regarded as an essential, though not the only, qualification. Good moral character and physical fitness must also be taken into account.

317. Blank.

318. Do you think that the test should vary according to the character of the office to be filled?—Not materially, though physical fitness is perhaps of less importance in the Judicial than in the Executive Service.

319. Generally, what system do you advocate for filling appointments in the Subordinate Executive and Subordinate Judicial Services as above defined?—The system now in force for the recruitment of each of these services seems as good as can be devised. This for the Subordinate Executive Service is a competitive examination for a considerable portion of the vacancies anticipated in any particular year, the remainder being given by nomination to specially good officers in subordinate grades or to outsiders of good education and social position, in most cases relations of men who have in their day done excellent service to

Government, and who have thereby established a claim on it. For the Judicial Service the system is that a man must have taken the B.L. degree, and have actually practised his profession as a Barrister or *Vakil* for three years.

320. What preliminary qualifications would you require on the part of candidates for those appointments in regard to age and in other respects?—The age should not, as a general rule, exceed twenty-five, and satisfactory certificates of good moral character and physical fitness should be insisted on.

321. Is it possible to devise any one system which would be equally applicable to all Provinces, having regard to the varying educational standards reached in the several Provinces, and the varying conditions prevalent therein?—Probably not.

322. Do you advocate the requirement of a probationary period, and, if so, what should be the incidents of such period as to duration, pay and in other respects?—In the Subordinate Executive Service a man is considered on probation till he passes the departmental examination. This rule should be maintained. In the Subordinate Judicial Service a man generally holds for some time only an officiating appointment, and if he shows himself incompetent in that, he need not of course be confirmed when a substantive vacancy occurs.

323. Blank.

324. If an open competitive examination were held in India for the Covenanted posts reserved for Natives, would persons who gained high marks in that examination and showed decided proficiency, but who fail to secure a place amongst the successful candidates, form suitable nominees for Subordinate Judicial and Executive appointments in the Uncovenanted Service?—They would no doubt form quite suitable nominees for the Subordinate Executive Service, though they might not, owing to the absence of special legal training, be equally suitable for the Subordinate Judicial Service.

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

<i>Cadre.</i>		Actually persons be- low.	to examine what the <i>cadre</i> is. This is shown in Mr. Hope's note of the 16th No- vember 1881, and may be put down briefly as 174 "charges," arranged as in
Government of India	10	14	
Administrative Services	21	22	
Heads of Districts	45	45	
Subdivi- sional officers	45	43	
High Court	6	5	
District Judges	10	29	
General	17	+ 5 = 7	

* This Note was received in reply to the Secretary to the Public Service Commission's letter No. 153, dated 16th March 1887 (p. 6.)

the margin, to which are added a percentage 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 Civilian—in all 259; but of these 26 are serving in Assam, nine are serving in Burma, 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 ten men transferred to the Government of India for which the scheme

allows, there are at present* four-
teen so trans-
ferred, 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 consider-

ation 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 percentage of 7 on the whole service; or if I deduct the numbers serving out of the Province, a percentage of 8.

8. The Government of India, in its correspondence with the Secretary of State, proposed tentatively that there should be a percentage 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 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 increase 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 underestimated.

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, "Sub-divisional charges," is most difficult to deal with.

13. There were in 1881, in independent

Appendix to Mr. Hope's note. charge of sub- divisions, 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 head-quarters, besides 149 members of the Subordinate Executive Service. Of the appointments thus held by Covenanted officers, *viz.* 69, only 45 were allowed to count as charges. The remainder were considered as reserve.

14. The figures in the margin show

<i>Sub-divisional and similar charges and offices.</i>	<i>In independent charge of sub-divisions.</i>
19 Joint-Magistrates (substantive and officiating).	}
6 Assistant Magistrates in charge.	
2 Military Officers (2 Cantonment Magistrates).	
1 Uncovenanted Cantonment Magistrate (officiating).	
64 Deputy Magistrates and Deputy Collectors.	
Total ... 92	
<i>At head-quarters.</i>	<i>In independent charge of sub-divisions.</i>
14 Joint-Magistrates.	}
1 Uncovenanted Assistant Commissioner.	
17 Assistant Magistrates (in training).	
164 Deputy Magistrates and Deputy Collectors.	
Total ... 198	
5 Deputy Magistrates employed as second officers at sub-divisions.	

* 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 sub-division, as for the cultivation of indigo or tea, or at railway centres, it has been deemed essential that the Sub-divisional Officer should be a European; it is also most desirable that in such districts there should be a European Justice of the Peace at head-quarters 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

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

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

19. But there seems to me 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 deadlock 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
" sub-divisional charges	...	15
" District Judges	...	10
" General	...	5

	Mr. Hope's Pro- note.	posed.	and the figures as compared with those in Mr. Hope's note are shown on the margin.
Government of India	...	10	10
Administration	...	21	21
Heads of dis- tricts	...	45-4	41
Sub-divisional 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 percentage 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.

No. II.

MEMORANDUM ON THE SPECIAL FEATURES OF BENGAL BEARING
ON ITS ADMINISTRATION.

BENGAL (or, as it is more precisely designated, 'Lower Bengal'), the largest and most populous of the twelve Local Governments of British India, comprising the lower valleys and deltas of the Ganges and Brahmaputra, lies between 19°18' and 23°15' North Latitude, and between 82° and 97° East Longitude. Excluding Assam, which was erected into a separate Administration in February 1874, Bengal now includes the four great provinces of Bengal Proper, Behar, Orissa and Chutiá Nágpur. It forms a Lieutenant-Governorship, with a population, according to the census of 1881, of 69,536,861 souls. Comparing the population with that of other countries, it will be seen that the population ruled over by the Lieutenant-Governor of Bengal exceeds the population of any European country, except Russia. It does not fall far short of the total population of France and the United Kingdom put together; it exceeds by 50 per cent. the population of the German Empire, and by 33 per cent. that of the United States of America. Its area is 150,388 square miles, excluding the area of large rivers and of the Sundarbans—a large tract of unsurveyed and half-submerged forest, forming the sea-face of the delta of the Ganges and the Brahmaputra, with an estimated area of 5,976 square miles. But in addition to districts under direct British rule there are other territories, governed by Chiefs in political dependence upon the Government of Bengal. These are the principalities of Kuch Behar and Hill Tipperah, situated respectively on the north-eastern and eastern boundaries of Bengal, and two groups of petty Chiefships on the south and south-west of the province, known as the Tributary States of Orissa and Chutiá Nágpur. These territories comprise an area of 36,634 square miles, making a total area for the whole of Bengal of 187,922 square miles, excluding the Sundarbans, or of 193,198 square miles including that region. Although ruled by a Lieutenant-Governor, Bengal forms the largest administrative division in India. It contains one-third of the total population of British India, and yields a gross revenue of from 17 to 18 millions sterling, or one-third of the actual revenues of the Indian Empire.

2. The Lieutenant-Governorship is further divided into four great provinces of unequal size, but with strongly defined characteristics. Three of them are known under the historic names of Bengal, Behar, and Orissa; while the fourth is composed of the still undeveloped and comparatively little explored territory of Chutiá Nágpur. Of these provinces, Bengal Proper is by far the largest, both in actual area and in population. It extends over 70,430 square miles, exclusive of the Sundarbans, and occupies more than one-third of the whole area. Behar comes next, with an area of 44,139 square miles; or nearly one-fourth of the whole area; Chutiá Nágpur has 26,966 and Orissa 9,053 square miles, while the Feudatory States aggregate 36,634 square miles. Taken as a whole, the area of the Lieutenant-Governorship is very little less than that of Spain, and a good deal more than half as large again as England and Wales. It exceeds the aggregate area of five European States, namely, Denmark, Holland, Belgium, Switzerland and Greece. The population of one of its four provinces (Bengal Proper) falls short by only half a million of that of the whole of the United Kingdom. Another of its four provinces (Behar) supports a population larger than that of Spain and Portugal, and not much less than that of England and Wales, and the Uriyás of Orissa are almost exactly as numerous as the inhabitants of Scotland.

3. Lower Bengal is bounded on the north by Nepál and Bhután; on the east by Assam, and by an unexplored, mountainous region which separates it from China and Northern Burma; on the south by the Bay of Bengal, Madras and the Central Provinces; and on the west by the plateau of the Central Indian Agency, and by an imaginary line running between the border districts of Behar and the adjoining Lieutenant-Governorship of the North-Western Provinces.

4. The mass of the population consists of 45½ millions of Hindus, and 22 millions of Musalmáns. The residue consists of 2½ millions of semi-aboriginal and distinctly non-Aryan races, and of two small bodies of Christians and Buddhists. The great bulk of the Musalmáns are Sunnis; Shiáhs and Wahábis forming but a very small percentage. In Bengal Proper the number of Musalmáns exceeds that of Hindus, the figures being 17,863,411 and 17,254,120, respectively. In the other Provinces Hindus are in a large majority.

5. The absence of large towns is one of the most remarkable statistical features of Bengal. The population beyond Calcutta and its suburbs is almost entirely rural. With the exception of London, however, no city in the British Empire has so great a population as Calcutta, including its Suburbs, the South Suburban Municipality, and the Municipality of Howrah on the opposite bank of the river. These various suburbs are as much a part of Calcutta as Lambeth or Chelsea is of London, and give it a gross population of 790,286. Even excluding the suburbs, the central municipality of Calcutta

Vol. VI. with its 433,219 inhabitants, is only exceeded by Liverpool and Glasgow. Only four
 Sec. I. towns contain more than 100,000 inhabitants. These are—
 Sub-Sec. B.

<i>Bengal</i>	Calcutta (without Suburbs)	...	...	...	433,219
<i>Government.</i>	Calcutta Suburbs	...	...	...	251,439
	Patna	...	...	...	170,654
	Howrah	...	...	...	105,206

In the seven following instances the population exceeds 50,000 :—

Dacca	...	...	...	...	79,076
Gayá	...	...	...	...	76,415
Bhágápur	...	...	...	...	68,238
Darbhanga	...	...	...	...	65,955
Monghyr	...	...	...	...	55,372
Chhaprá	...	...	...	...	51,670
South Suburban Municipality of Calcutta	...	...	...	...	51,658

There are 22 towns in the province with less than 50,000, but more than 20,000 inhabitants, and in 200 more there are less than 20,000 and more than 5,000. The actual population of these 200 towns was 3,664,229, or only about 5·26 per cent. of the entire population.

6. The province is also divided into—(1) districts subject to the general Regulations and Acts; (2) tracts known as the Scheduled Districts, to which the Regulations and Acts do not apply of their own force, but to which they may be extended at the discretion of Government; and (3) semi-independent and tributary States, administered or partly administered by British officers. Under the second head come the Santál Parganá and the Hill Tracts of Chittagong, which are still administered under a peculiar system, and the districts of Jalpaiguri, Darjiling, Hazáribágh, Lohárdagá, Mánbhúm, and Singhbhúm, in which many of the general laws are at present in force. Under the third head are the tributary maháls of Orissa and Chutiá Nágpur.

7. For administrative purposes the province is portioned off into nine large tracts, officially called divisions, each of which is superintended by a Commissioner. Six districts of Bengal Proper, west of the Bhágirathí or Húgli, constitute the Bardwán Division, and are known as Western Bengal. Central Bengal includes the Presidency Division, the district of Maldah in the Bhágápur Division, and the greater part of the Rájsháhí Division. Eastern Bengal comprises the Dacca and Chittagong Divisions. The province of Behar contains the Patná and Bhágápur Divisions, with the exception of the district of Maldah. Each of the provinces of Orissa and Chutiá Nágpur constitutes a separate division.

8. These divisions are divided into 37 Regulation and 8 Non-Regulation Districts. The Regulation Districts are under the control of a Magistrate-Collector. The names of the divisions and districts are as follows:—

DIVISION.	District.	DIVISION.	District.
BARDWAN	Bardwán.	CHITTAGONG	Chittagong.
	Bánkura.		Noakhali.
	Bírbhúm.		Tipperah.
	Mídnápur.		
	Húgli.		
	Howrah.		
PRESIDENCY	24 Parganá.	PATNA	Patná.
	Khúlúá.		Gayá.
	Nadiyá.		Sháhábád.
	Murshidabád.		Darbhanga.
	Jessor.		Muzaffarpur.
			Saran.
			Champáran.
RAJSHAHÍ	Dinájpur.	BHÁGÁPUR	Monghyr.
	Rájsháhí.		Bhágápur.
	Kangpur.		Purniah.
	Bogra.		Maldah.
	Pabná.		
DACCA	Dacca.	ORISSA	Cuttack.
	Farídpur.		Puri.
	Bakarganj.		Balásor.
	Maimansingh.		

The Non-Regulation Districts, as shown below, include one entire Commissionership, and portions of the Rájsháhi, the Bhágalpur and the Chittagong Divisions. They are under the control of Deputy Commissioners:—

DIVISION.	District.	DIVISION.	District.
RAJSHAHÍ	... { Dájiling. Jálpáiguri.	BHAGALPUR	... Santál Parganá. { Hazáribágh. Lohárdagá.
CHITTAGONG	... Hill Tracts of Chittagong.	CHUTIA NAGPUR	... { Singhbhum. Manbhúm.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

The Chutía Nágpur Division, although the largest in point of size (26,966 square miles), includes a much larger proportion of uncultivated land than any other, with the exception of Chittagong, which has less than half its area (12,118 square miles), and of Orissa, which is a little more than one-third its size (9,053 square miles). The average area of a Commissioner's Division is 16,732 square miles, or somewhat larger than that of Switzerland; while of the two largest, Patná and Bhágalpur, the former is almost exactly co-extensive with Belgium and the Netherlands, while the latter is considerably larger than Greece. Dacca Division is the size of Denmark, and the combined area of the Rájsháhi and the Bardwán Divisions equals that of Scotland. Regarding population, the Commissioner of Patná rules the fortunes of nearly thrice as many persons as the King of the Belgians or the Khedive of Egypt; while the Chittagong Division, which is the smallest in Bengal in point of numbers, has a population equal to twice that of Norway.

9. The largest district, Lohárdagá, has an area of 12,045 square miles: the smallest, Howrah, is only 476 square miles in extent, and derives its importance from the existence within its limits of the metropolitan suburb of Howrah. The average size of a district in Bengal is 3,323 square miles, which is considerably larger than any county in England or Ireland, except Yorkshire, and is most nearly approached by Argyleshire in Scotland. The large districts exceed in extent any single county in the United Kingdom; and the largest of them, Lohárdagá, is greater than the whole of Wales, together with the county of York. Hazáribágh is larger than the Irish county of Connaught. The smallest Bengal district, Howrah, is nearly twice the size of Middlesex, and not much smaller than the 'Kingdom' of Fife. This, however, is an exceptionally small district, and scarcely more extensive than the average Bengal sub-division. The next smallest district to it, Húgli, is nearly four times its size, and almost as large as Gloucestershire. The average population of each of the 45 districts of Bengal is a little less than a million and a half, the figures ranging from 3,051,966 in Maimansingh to 101,597 in the Chittagong Hill Tracts. Nine districts have a population of more than two million souls, while only seven fall below three quarters of a million. The average district has a population equal to that of the Grand Duchy of Baden, the Irish Province of Leinster, the English county of Surrey, or the State of Virginia. Among the larger districts, Maimansingh has its counterpart in the great States of Illinois and Ohio, or the county of Lancashire, with its commercial cities and swarming manufacturing population.

10. Below the districts are sub-divisions, of which nearly every district has two or more, each administered by a resident Assistant or Deputy Magistrate, subordinate to the Magistrate of the district. The number of these sub-divisions, including *sadr* sub-divisions, which are under the direct supervision of the Magistrate-Collector, is 135, with an average area of 1,107 square miles, varying from 7,804 square miles in the case of the *sadr* sub-division of Lohárdagá to 33 square miles in the case of Chuádangá in Nadiyá. The average area of a sub-division is exactly the size of an average English county.

11. The last and smallest unit of administration recognised in the census is the *tháná* or police circle, which has come to be the acknowledged unit of territorial partition, and is every day being used more and more in all administrative matters. The average area of a *tháná* is 236 square miles, or rather more than twice the size of Malta. On an average each district is broken up into 13 of these police circles, the actual number ranging from 39 in the 24-Parganá to 4 in Darjiling and Jálpáiguri. The average population of a *tháná* is 168,026. Some of the large *thánás* are divided again for police purposes into outposts.

12. For the purposes of revenue administration the country was divided by the Mughal Government into Parganá, or fiscal divisions, each comprising certain villages with their lands. This arrangement formed the basis of our own revenue system; but from its want of compactness, as well as for other reasons, it has been found inconvenient, and in Bengal has fallen into such decay that in some districts the parganá boundaries can hardly be ascertained. Practically the parganá divisions have died out, except for the purposes of land revenue payments, in favour of the simpler and more compact *thánás* adopted for purposes of police. The *tháná* or police circle is now the unit of local administration.

13. The *tahsildar* system, which obtains in other parts of India for the collection of revenue, and the *tahsil* division of territory, is not generally known in these provinces. It prevails only in the district of Chittagong and the Khurdhá estate in the district of

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

Puri. In Chittagong five circles have been formed for the management of the enormous number of petty estates scattered all over the district. Three of these are in charge of special tahsildárs, while the remainder, with their head-quarters at Chittagong and Cox's Bazar, respectively, are entrusted to a Deputy Collector and the Sub-divisional Officer. In Khurdhá the chief control of the arrangements is vested in the Sub-divisional Officer, who is assisted by a tahsildár. The actual collecting agency consists of the sarbarakárs or head village officers, their work being supervised by the tahsildár.

14. The Bengalis occupy the whole of Bengal Proper, together with the districts of Maldah and Mánbhúm, parts of Purniah, and of the Santál Parganá. Their number is about 36½ millions. The people of Behar speak Bihári, a language which spreads across the frontier as far west as Benares and as far south as Jabalpur in the Central Provinces. Throughout the most advanced districts of Chutiá Nágpur Beharis are numerous, and have introduced their language, manners, and civilization, the aborigines having, as usual, succumbed to external influences. Altogether the Bihári-speaking people within the Lieutenant-Governorship of Bengal number about 25 millions. The Uriyá speakers of Orissa, including hillmen and dwellers on the plains, about 5½ millions.

15. The unit of the executive administration, whether in Regulation or Non-Regulation Districts, is the District Officer—in the one case styled Magistrate-Collector, in the other Deputy Commissioner. The Superintendent of Police is the right hand of the Magistrate. The ordinary district jails, while placed in the hands of an officer, usually the Civil Surgeon, selected for the duty, are under the general control of the Magistrate. A similar arrangement is in force in the department of education. All District Officers are *ex-officio* Registrars. They are also, in districts to which the provisions of the Local Self Government Act have not been extended, *ex-officio* Chairmen of the District Road Committees, and as such are charged with the execution and administration of all local public works. The District Officer is the executive chief and administrator of the tract of the country committed to him, and is or ought to be supreme over everyone and everything, except the proceedings of the courts of justice. As District Magistrate he is also head of the department of criminal justice, which is charged with the summary trial of small cases, and with the inquiry into greater cases previous to trial at sessions, although he generally rather distributes and superintends this work than does a large share of it himself. As Collector, he is responsible for the administration of the land revenue, and for the collection of the revenue derived from Stamps, Excise, License Tax, and from the Road and Public Works Cesses. He is also entrusted with the management of Government and wards' estates, and with the control of any settlement operations which may be in progress in his district.

16. At the disposal of the District Officer are the subordinate magisterial, police, and revenue authorities. The District Superintendent of Police, who is the head of the police under the Magistrate, confines his attention to police administration and kindred subjects; but the subordinate Magistrates combine revenue with their magisterial functions. The sub-divisional officers, who are Assistant and Deputy Magistrates in charge of divisions of districts, exercise in their own jurisdictions the delegated power of the District Officer, except in matters of police, over which they have only judicial and no executive control. The departments of Government with which the Magistrate-Collector has no direct concern are in Bengal, as elsewhere in India, numerous: it is sufficient here to mention the Postal, Railway, Telegraph and Salt Departments. The Public Works Department, including the Irrigation Branch, has many interests common with those with which the Magistrate-Collector is charged, but its officers, as elsewhere, are not under his control.

17. Above the District Magistrates are the Divisional Commissioners. Their duties are principally those of supervision. In almost all matters they exercise a general superintendence, and especially in the Revenue Department they keep a control over the Collectors' proceedings. Commissioners are the channels of communication between the local officers and Government, sifting, collating, and bringing together in a compact form, the information they receive. In Revenue matters the Commissioners are in their turn subject to the orders of the Board of Revenue, in Calcutta; in other matters they are under the Government direct.

18. The political work of Commissioners, Magistrate-Collectors, and Deputy Commissioners in Bengal is not of any considerable importance. The largest and most important of the Native States bordering on Bengal is Nepal, whose territory subtends the divisions of Patná and Bhágalpur. Political relations with Nepal are under the direct control of the Government of India in the Foreign Department, and the only questions that arise between it and the Government of Bengal are matters of extradition and boundary. In these matters the local Commissioners and Magistrate-Collectors have much to do. To the east of Nepal lies Sikkim, a small Himalayan State in subsidiary alliance with the British Government, with which communication is kept up by the Deputy Commissioner of Darjiling. The Deputy Commissioner of the Chittagong Hill Tracts is the medium of communication with the Lushai tribes, of the Sailus, the Haulongs, and Thanglowas, and with the Shinhus and other tribes of the high lands between Chittagong and Lurma. The Magistrate of Tipperah is the *ex-officio* Political Agent of Hill Tipperah.

and an Assistant Political Agent resides at Agartala, the capital of the State. The Chutiá Nágpur States are governed by their own Chiefs under the control of the Commissioner of the Chutiá Nágpur Division, and there are 17 similar Tributary Maháls under the Commissioner of Orissa.

Vol. VI.
Sec. I.
Sub-Sec. B.

*Bengal
Government.*

19. Under the system of Provincial decentralization, which has undergone such great development during the last ten years, the powers and responsibilities of the Local Government, both administrative and financial, have been extended to almost every department of Government. By the financial contract, which came into force on the 1st April 1882, the whole of the receipts under the heads of General Administration, Police, Jails, Marine, Education, Medical, Superannuation, Miscellaneous, Stationery, Interest, and Productive Public Works (including Railways and Canals constructed from borrowed capital on the financial responsibility of the Provincial revenues, as well as works constructed with surplus Provincial Funds) were made over in their entirety to the Local Government, together with the corresponding charges. In addition to these, one-half the receipts and an equal proportion of the expenditure under Stamps, Excise, Registration, Forests, and Assessed Taxes were similarly made over, together with certain items of receipt and expenditure under Customs and Salt, and a fixed proportionate share in the Land Revenue of the province. In all cases the fullest authority in all the internal details of the departments mentioned above has accompanied the transfer of financial interest:

20. The revenues of the Province of Bengal are derived from the following principal sources:—The land revenue, the monopoly of opium, excise on spirits and intoxicating drugs, stamps, salt, license-tax, the customs duties, and the Public Works cess levied under Act IX (B.U.) of 1881. Of these, land revenue, excise, stamps and the license-tax are managed by the District Collector and his establishments, but the opium, customs, and salt revenue are under special departments. The Public Works cess is levied conjointly with the road cess by the District Collector by means of an establishment which is paid for partly by Provincial revenues and partly by Local Funds. The District Collector is controlled by the Revenue Commissioner, who again is subject to the orders of the Member of the Board of Revenue in charge of the department. The Board consists of two Members, in charge of separate departments, and exercising full powers independently of one another. The Senior Member devotes his undivided attention to the department of land revenue. The Junior Member has charge of all other sources of revenue. The opium branch of the revenue is under the management of two Opium Agents—the one stationed at Patná and the other at Gházipur; but although the latter station lies in the North-West Provinces, both officers are subordinate to the Government of Bengal. The reorganization of the Opium Department, and the question of its subordination to the Government of Bengal, are now under consideration. The Opium Agents are aided by a local agency of Principal Assistants and Sub-Deputy Agents. The general superintendence of the opium revenue, under the direction of the executive Government, is vested in the Member of the Board in charge. At the head of the customs is a special Collector, who is aided by a number of assistants. The customs duties have recently been abolished upon all articles, except arms and ammunition, wines and spirits, opium and salt, and the revenue from this source has been very greatly reduced. There is also a large body of preventive officers. The minor custom houses at Chittagong and Balasor are under the control of the local officers.

21. Criminal justice is administered by the High Court, the Courts of Session, and the Courts of the various classes of Magistrates. The High Court on its original side tries by a single Judge, with a jury, all cases committed to it by the Presidency Magistrate, and also certain cases in which the accused are European British subjects, which may be committed for trial by Magistrates in the interior. On its appellate side the High Court, by a bench of two or more Judges, disposes of appeals in respect of convictions on trials before a Court of Session. It revises upon reference from Sessions Judges or Magistrates the decisions of inferior courts, when in error upon points of law, and it confirms, modifies or annuls all sentences of death passed by Sessions Courts in the interior. The Courts of Session are presided over each by a single Judge, who tries, with the aid either of a jury or assessors, all cases committed by Magistrates empowered to that end, and decides, sitting alone, all appeals from the decisions of Magistrates of the first class when the sentence exceeds one month's imprisonment or 50 rupees fine. The powers of a Sessions Judge are limited only by the amount of punishment which may be inflicted for the offence under the Penal Code, except that sentences of death are passed subject to confirmation by the High Court. The powers of a Magistrate of the first class extend to sentencing offenders to imprisonment, either rigorous or simple, up to two years, including solitary confinement; to fine to the extent of Rs. 1,000, or imprisonment and fine combined; also to whipping as a separate or additional punishment for certain offences. The Magistrate of the district always exercises first class powers, and he also hears appeals from the Magistrates of the second and third class within the district. Any Magistrate of the first class duly empowered by the Local Government can similarly hear and decide all such appeals. A Magistrate of the second class can award imprisonment up to six months, fine up to Rs. 200, or both, and also whipping as the sole or as an additional punishment if specially

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

empowered by the Local Government. A Magistrate of the third class can only imprison up to one month, or fine up to Rs. 50, or combine these punishments. Benches of Magistrates, consisting of two or more Magistrates sitting together, have now been appointed at most of the head-quarter stations and many of the sub-divisional stations in Bengal. Their powers vary in different localities.

22. In respect of civil justice the High Court of Calcutta exercises an appellate, a legal, an equitable, an ecclesiastical, an admiralty, and a bankruptcy jurisdiction. The functions which in England were until recently divided among different courts are here exercised in one court and by the same Judges. Below the High Court are the District and Additional Judges, the Small Cause Court and Subordinate Judges, and the Munsifs. Of these officers, the District Judges also exercise the powers of a Criminal Court: the remainder are purely Civil Judges. The jurisdiction of a District Judge or Subordinate Judge extends to all original suits cognizable by the Civil Courts. It does not, however, include the powers of a Small Cause Court unless these be specially conferred. The jurisdiction of a Munsif extends to all like suits in which the amount or value of the subject-matter in dispute does not exceed one thousand rupees. An appeal lies from the High Court to the Privy Council in England, if the value or amount of the subject-matter exceeds ten thousand rupees. Appeals from the decrees and orders of District and Additional Judges lie to the High Court. Appeals from Subordinate Judges and Munsifs lie to the District Judge, except when the value of the subject-matter exceeds five thousand rupees, when the appeal lies to the High Court. The High Court, with the sanction of the Local Government, may also direct, when necessary, that appeals from the Munsifs may lie to the Court of the Subordinate Judge. The following suits are cognizable by Courts of Small Causes in the Mufasal, and when there is a Small Cause Court, are not cognizable in any other court:— Claims for money due on bond or other contract, or for rent or for personal property, or for the value of such property, or for damages when the debt, damage or demand does not exceed in amount or value the sum of Rs. 500, whether on balance of account or otherwise: provided that no action shall lie in any such court (1) on a balance of partnership account, unless the balance shall have been struck by the parties or their agent; (2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will; (3) for the recovery of damages on account of an alleged personal injury, unless actual pecuniary damage shall have resulted from the injury; and (4) for any claim for the rent of land or other claim for which a suit may now (in 1865) be brought before a revenue officer. There is no appeal from the order of a Small Cause Court. Besides the regular Small Cause Courts, 92 Munsifs have been vested under the law with the powers of a Small Cause Court Judge for the trial of cases up to Rs. 50 in value, and four with the same powers for the trial of cases up to Rs. 25 in value.

23. Such being a brief indication of the work to be performed by Divisional, District and Sub-divisional Officers, both generally and on the frontier, and also of that to be performed by Judicial Officers under the control of the High Court, the agency at the disposal of the Local Government may now be considered. This agency consists of officers of the Commission, and those of the Subordinate Service. Another, and cross division is that into Administrative and Judicial Officers. Excluding the highest officers, such as the Lieutenant-Governor, Judges of the High Court, Members and Secretaries of the Board of Revenue, and the Secretariat Officers attached to them, the sanctioned strength of the Commission is as follows:—

Administrative.

Commissioners of Divisions—					
(Regulation Districts)	...	...	...	...	8
(Non-Regulation Districts)	...	...	...	...	1
					<u>9</u>
Magistrate-Collectors (three grades)*—					
(Regulation Districts)	...	...	...	...	39
Joint-Magistrates and Deputy Collectors (two grades)—					
(Regulation Districts)	...	...	...	...	35
Assistant Magistrate-Collectors who have passed the second standard of examination†—					
(Regulation Districts)	...	...	...	...	44
Assistant Magistrates and Collectors who have not passed the second standard examination‡—					
(Regulation Districts)	...	...	...	...	21
Deputy Commissioners (three grades)—					
(Non-Regulation Districts)	...	...	...	...	8
Assistant Commissioners (three grades)—					
(Non-Regulation Districts)	...	...	...	...	6

* These include one Collector of Customs and one Director of the Agricultural Department.

† Excluding 18 lent to other Governments, and 12 lent to the Revenue Department of this Government.

‡ Excluding 10 who have been lent to other Governments.

<i>Judicial.</i>				Vol. VI. Sec. I. Sub-Sec. B.
Judicial Commissioner— (Non-Regulation District)	...	...	...	1
District and Sessions Judges (three grades)— (Regulation Districts)	...	...	...	23
District and Assistant Sessions Judge— (Regulation District)	...	...	...	1

Bengal
Government.

Of these, the Commissioners, Magistrate-Collectors, Joint-Magistrates and Deputy Collectors, the Judicial Commissioner and the District and Sessions Judges are Covenanted Civilians. The Assistant Magistrate-Collectors are either Covenanted Civilians or Statutory Civilians (10 in number). The Deputy and Assistant Commissioners are Covenanted Civilians (4), Military officers (4), or Uncovenanted officers (3). Three Assistant Commissionerships were vacant on the 1st January 1887. The District and Assistant Sessions Judge is a Native Uncovenanted officer. Of the Joint-Magistrates and Deputy Collectors, 4, and of the Assistant Magistrate-Collectors, 13, are Natives of India. In the Non-Regulation Commission none of the officers are Natives.

24. The Subordinate Service consists of the following offices:—

<i>Administrative.</i>					
Deputy Magistrates and Collectors*—					
1st grade	...	7 (0)	7th grade	...	46 (5)
2nd "	...	9 (2)	Probationers	...	39 (3)
3rd "	...	19 (2)	Special officers	...	13 (3)
4th "	...	39 (3)			
5th "	...	64 (7)			
6th "	...	53 (5)			
			Total	...	299
Sub-Deputy Collectors—					
1st grade	...	17 (1)	Temporary and special officers	...	12 (1)
2nd "	...	23 (6)			
3rd "	...	31 (5)			109
4th "	...	26 (2)			
Tahsildars			5 (0)
<i>Judicial.</i>					
Small Cause Court Judges and Subordinate Judges—					
1st grade	...	7 (0)	3rd	...	27 (0)
2nd "	...	15 (1)			49
Munsifs—					
1st grade	...	75 (5)	4th grade	...	25 (1)
2nd "	...	70 (1)			235
3rd "	...	65 (0)			

Of the Deputy Magistrates and Collectors, all but 42; of the Sub-Deputy Magistrates and Collectors, all but 5; of the Subordinate Judges, all but 1; and all the Munsifs and Tahsildars, are Natives.

25. There are no special features in these provinces which are not so well known that the discussion of them here would be trite and useless. It will be sufficient to draw attention to the deltaic character of Bengal Proper, with its rice, jute, indigo and tea cultivation, and to the cultivation of indigo, opium, and the millet and wheat staples in Behar. Rice is the staple food of Bengal, and millets of Behar, but as we cross the ridge of land which passes through Dumraon in the Sháhábád district, we come upon a nation of wheat-eaters as much more hardy and more sturdy than the Beharis, as they are hardier and sturdier than the timid, rice-fed Bengalis. A distinguishing feature of the Lower Provinces of Bengal is the large non-official European population. The bulk of this is, of course, in Calcutta and its Suburbs, but large numbers of Europeans are found in Behar and Central Bengal engaged in the cultivation of indigo, and in Northern and Western Bengal occupied in the tea industry. There is also a large colony of Europeans and Eurasians in the Monghyr district, who are employed at the important station of Jamálpur on the East Indian Railway.

The lead taken by Bengalis in political agitation and rapid assimilation by them of Western ideas and habits of thought, are striking features of interest; and they may be regarded as necessary sequences of the ever-widening spread of higher education on European models.

* The figures in brackets show the number of Mussalmáns in each grade.

Vol. VI.
Sec. I.
Sub-Sec. B.
—
Bengal
Government.

No. III.

No. 3, dated 16th November 1886.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

WITH reference to the Resolution of the Government of India in the Home Department, No 34—1573-83, dated 4th October 1886, on the subject of the appointment of a Commission for the purpose of enquiring into the question of the employment of Natives of India in the Public Service, I am directed to request that, with the permission of His Honor the Lieutenant-Governor, you will be good enough to favour the Commission with full details showing the number of "charges" or offices in which Covenanted and Uncovenanted Officers, engaged in the Executive and Judicial administration of the country, are at present employed, together with complete information as to the apportionment of these "charges" or offices amongst members of the Covenanted and Uncovenanted Services respectively in the Lower Provinces of Bengal.

2. Columns 2—14, inclusive of the statement embodied in paragraph 7 of the Resolution of the Government of India in the Home Department, No. 68—2924-35, dated 15th December 1881, show the nature of the statistics required, and I am to request that the return now asked for may be rendered as complete as possible so as accurately to represent existing facts. I am at the same time to enclose detailed lists of appointments upon which the figures given in the Resolution of 15th December 1881 in regard to the Lower Provinces were based, and to request that corresponding details may be furnished of the figures entered under each column of the present return.

3. The Commission would also be glad to be furnished with figures showing the existing *cadre* of the Covenanted Civil Service in the Lower Provinces, together with information regarding the proportion to the total strength of that service of (1) effectives, (2) officers on leave and other non-effectives, and (3) officers in training, respectively.

No. 3596A, dated Calcutta, the 4th December 1886.

From—H. A. D. PHILLIPS, Esq., Under-Secretary to the Government of Bengal,
Judicial, Political and Appointment Departments,
To—The Secretary to the Public Service Commission.

WITH reference to your letter No. 3, dated the 16th November 1886, I am directed to forward the accompanying statement with full details showing the number of "charges" or offices in which Covenanted and Uncovenanted officers engaged in the Executive and Judicial administration of the country are at present employed. The statement has been prepared in accordance with the instructions contained in paragraph 2 of your letter.

2. As regards the apportionment of these "charges" amongst members of the Covenanted and Uncovenanted Services respectively, I am to state that there are some "charges" which are not reserved for either Service, but are open to both Covenanted Civil Servants and Uncovenanted Officers; for instance, the District Judgeship of Bankura, the First Inspectorship of Registration Offices, the Chief Presidency Magistracy, Calcutta, the Judgeship of the Principal Courts of Small Causes at Nuddea and Jessore, and the Superintendentship of Stamps.

3. From the statement now forwarded, it will be seen that the number of Covenanted officers actually employed is 194, and that of Uncovenanted Officers 798. The proportion of Covenanted to Uncovenanted Officers is therefore 1 to 4. The proportion of Covenanted and Uncovenanted Officers to the total "charges" is 19.55 and 80.45 per cent. respectively.

4. With reference to paragraph 3 of your letter, I am to say that the existing *cadre* of the Covenanted Civil Service is 140. The total strength of (1) the Covenanted Civil Service exclusive of Statutory officers is 239, of (2) effectives 149, of (3) officers on leave and other non-effectives 80, and of (4) officers in training 10; and the proportion of *cadre* appointments to (1), (2), (3) and (4) is 1 to 1.7, 1 to 1.06, 1 to 5.7 and 1 to .07 respectively.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

PROVINCE.	COVENANTED, INCLUDING MEMBERS OF COMMISSIONS.								UNCOVENANTED.						TOTAL.		
	EXECUTIVE.				JUDICIAL.				EXECUTIVE.		JUDICIAL.		GENERAL.		Covenanted.	Uncovenanted.	GRAND TOTAL.
	Government of India.		Districts.		High and Chief Courts and Judicial Commissioners.		Districts.		Sub-divisional officers.		High and Chief Courts and Judicial Commissioners.		Subordinate Judges, Munsifs, and the like.				
	Administration.	Headships of districts and the like.	Sub-divisional officers.	High and Chief Courts and Judicial Commissioners.	District or special Judges and the like.	Assistant Judges and the like.	General.	Sub-divisional officers.	Tahsildars, mamlatdars, sub-deputies, &c.	High and Chief Courts and Judicial Commissioners.	District or Special Judges and the like.	Subordinate Judges, Munsifs, and the like.	Officers other than those ordinarily held by Covenanted Civilians or members of Commissions.				
1	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Bengal	16	22	45	63	5	30	.....	13	233	102	7	7	284	165	194	798	992

Appointments under Government of India—14	Deputy Magistrates and Deputy Collectors employed on work outside the regular line—concluded.	Sub-divisional and similar charges and offices—230.
1 Member of Council. 1 Judicial Commissioner, British Borneo. 1 Director-General of Statistics. 1 Comptroller and Auditor-General. 1 Secretary, Home Department. 1 Finance and Commerce. 1 Commissioner, Irrawaddy Division. 1 Consul-General, Baghdad. 3 Enrolled officers, Accountant Department. 1 Secretary, Foreign Department. 1 Postmaster-General, Rerul Madras. 1 Political Agent, Ajmere. 1 Assistant, Rajputana. Total 16	1 Personal Assistant, Bhagulpore Division. 1 Assistant Political Agent, Hill Tipperah. 1 Personal Assistant, Burdwan Division. 1 Public Works Department, Irrigation Branch. 1 Personal Assistant, Dacca Division. 1 Manager of the estate of the late Ananda Prosad Bai of Cosimbazar. 1 Manager, Burdwan Raj Estate. 1 Inspector of Registration Offices. 1 Manager, Surjapore Estate. 1 Second Personal Assistant, Presidency Division. 1 First Personal Assistant, Patna Division. 1 Canal Revenue Superintendent. 1 Revenue Department of this Government. 5 Public Works Department, Railway Branch. 1 Personal Assistant, Rajshahye Division. 1 Toll Collector. 1 Personal Assistant, Chota Nagpore Division. 1 Personal Assistant, Chittagong Division. 1 Superintendent of Survey. 1 Deputy Collector of Calcutta. 1 Personal Assistant, Orissa Division. 1 Land registration work. 1 Manager, Nilgiri Native State. 1 Second Personal Assistant, Patna Division. 1 Khas Tahsil Deputy Collector. 1 Head Assistant, Revenue Department, Benral Secretariat. 3 Assistant Settlement Officers. 1 Sunderbans settlement. 1 Gya escheated estates. 1 Employed under the Director of Agriculture. 1 Revaluation work. Total 43	17 Joint-Magistrates (substantive and officiating, including two Statutory officers). 3 Assistant Magistrates (including one Statutory officer). 3 Cantonment Magistrates (two military officers and one Uncovenanted officer). 65 Deputy Magistrates and Deputy Collectors. Total 88 Tahsil and similar minor executive charges and offices—102. 102 Sub-Deputy Collectors and Tahsildars. High Court, Chief Court, Judicial Commissioner, &c.—12. 12 High Court Judges. District Judges—37. 1 Judicial Commissioner, Chota Nagpore. 15 District Judges, 1st grade. 13 Ditto, 2nd " 1 Additional Judge. 1 Uncovenanted District Judge. 4 Calcutta Small Cause Court Judges. 1 Registrar, Calcutta Small Cause Court. 1 Judge, Principal Court of Small Causes at Nuddea and Jessore. Total 37 Assistant or Subordinate Judges and Munsifs—234. 9 Small Cause Court Judges. 40 Subordinate Judges. 235 Munsifs. Total 284 Higher miscellaneous appointments held by Covenanted Civil servants or other members of Commission of rank of Assistant Commissioner and upwards—13. 1 Commissioner of Police and Chairman. 1 Superintendent and Remembrancer of Legal Affairs. 1 Inspector-General of Police. 1 Collector of Customs. 1 Inspector-General of Registration. 1 Superintendent of Stamps. 1 Presidency Magistrate. 1 Director of Agriculture. 1 Registrar, High Court. 1 First Inspector of Registration Offices. 3 Settlement Officers. 1 Income-tax Commissioner. Total 13.
Administration—23. 1 Lieutenant-Governor. 3 Members, Board of Revenue Commissioners. 6 Secretaries and Under-Secretaries. 3 Secretaries to Board. 3 Opium Agents. Total 23	Deputy Magistrates and Deputy Collectors employed on work outside the regular line. 1 Employed in the Hyderabad State. 1 Mansaer, Chota Nagpore Estate. 1 Agent, Maharajah of Cooh Behar. 1 Dewan, Cooh Behar State. 1 Presidency Magistrate. 1 First Personal Assistant, Presidency Division. 1 Mansaer, Khasat Padmanand Singh's Estate. Total 10	GRAND TOTAL 236
Officers in charge of districts—46. 15 Magistrates and Collectors, 1st grade. 18 Magistrates and Collectors, 2nd grade. 8 Magistrates and Collectors, 3rd grade. 5 Deputy Commissioners. Total 47—2=45.	GRAND TOTAL 236	Total 13.

The appointments of collector of Customs and Director of Agriculture are entered in column 9. There is no such appointment as Collector of Calcutta. Mr. G. M. Goodricke is Deputy Collector of Calcutta.

Vol. VI.
Sec. I.
Sub-Sec. B.

*Bengal
Government.*

No. IV.

No. 89, dated Allahabad, the 5th January 1887.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

I AM directed to request that, with the permission of His Honor the Lieutenant-Governor, you will be good enough to favour the Public Service Commission with accurate statistics showing how many persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in the Lower Provinces of Bengal have (1) passed the Entrance examination, (2) passed the First Arts or other corresponding examination, and (3) taken the degree of Bachelor or Master of Arts at an Indian University.

2. I am to explain that the information is required for each class of appointments separately, and that the terms "Subordinate Judicial Service" and "Subordinate Executive Service" are intended to embrace respectively all Subordinate Executive and Judicial offices down to and including the office of Munsif or Tahsildar, or other office corresponding to that of Munsif or Tahsildar, which are not reserved for, or not ordinarily held by, members of the Covenanted Civil Service.

3. The favour of an early reply is requested.

No. 981A, dated Calcutta, the 23rd February 1887.

From—G. K. LYON, Esq., Offg. Under-Secretary to the Government of Bengal,
Judicial, Political and Appointment Departments,
To—The Secretary to the Public Service Commission.

I AM directed to acknowledge the receipt of your letter No. 89, dated the 5th ultimo, and in reply to enclose a statement showing how many persons at present employed in the Subordinate Executive Service and in the Subordinate Judicial Service in these Provinces have (1) passed the Entrance examination, (2) passed the First Arts or other corresponding examination, and (3) taken the degree of Bachelor or Master of Arts at an Indian University.

Service.	Total number of officers.	Class of appointments.	Number of persons who have passed the Entrance examination.	Number of persons who have passed the First Arts or other corresponding examination.	Number of persons who have taken the degree of Bachelor of Arts.	Number of persons who have taken the degree of Master of Arts.
Subordinate Judicial Service.	49	Subordinate Judges and Small Cause Court Judges.	5	4	27	1
	235	Munsifs	19	54	128	31
Subordinate Executive Service.	243	Deputy Magistrates and Deputy Collectors.	73	44	58	28
	92	Sub-Deputy Collectors ...	74	19	2	.....
	5	Tahsildars	3	.....	.....	.....

No. V.

No. 102, dated Bombay, the 22nd January 1887.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

I AM directed to request that, with the permission of His Honor the Lieutenant-Governor, you will be good enough to favour the Public Service Commission with a return in the annexed form showing the nationalities and castes of the several persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in the Lower Provinces of Bengal.

2. I am to explain that the information is required for each class of appointments separately, and that the terms "Subordinate Judicial Service" and "Subordinate Executive Service" are intended to embrace respectively all Subordinate Executive and Judicial offices down to and including the office of Munsif or Tahsildar, or other office corresponding to that of Munsif or Tahsildar, which are not reserved for, or not ordinarily held by, members of the Covenanted Civil Service.

3. The favour of an early reply is requested.

No. 101A, dated Calcutta, the 25th February 1887.

From—G. K. Lyon, Esq., Offg. Under-Secretary to the Government of Bengal,
Judicial, Political, and Appointment Departments,
To—The Secretary to the Public Service Commission.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

I AM directed to acknowledge the receipt of your letter No. 102, dated the 22nd ultimo, and in reply to forward herewith the returns called for, in the form prescribed therein, showing the nationalities and castes of the several persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in these Provinces.

Subordinate Executive Service.

Class of appointments.	Europeans or Europeans domiciled in India.	Europeans or Europeans at the time of appointment.	Mahomedans.	HINDUS.						Sikhs.	Others.
				Brahmans including Shettyas.	Kshatriyas.	Knyashts (Fadhvis).	Shanyas and Vyasias.	Shudras.	Others.		
Deputy Magistrates and Deputy Collectors	15	23	26	58	.....	70	4	10	29	.....	3
Sub-Deputy Collectors and Inspectors	5	.....	18	26	.....	36	1	8	7	.....	1
Total	20	23	44	84	.....	106	5	18	36	.....	3

Subordinate Judicial Service.

Subordinate Judges and Small Cause Court Judges	1	.....	1	22	.....	75	3	3	4	.....	1
Munsifs	.....	.....	8	72	.....	98	5	33	19	.....	.....
Total	1	.....	9	94	.....	173	7	36	23	.....	1

No. VI.

In answer to an enquiry as to whether any of the persons employed in the Subordinate Executive and Judicial Services in the Lower Provinces of Bengal were Natives of other Provinces, the following telegram was received on the 4th of May 1887:—"For practical purposes all members of Subordinate Judicial and Executive Services may be taken to be Natives of the Lower Provinces; there may be one or two exceptions, but to ascertain exact particulars would take time, no record of nationality being kept in this office."

No. VII.

No. 112, dated Madras, the 5th February 1887.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

I AM desired to request that, with the permission of His Honor the Lieutenant-Governor, the Public Service Commission may be favoured with a return in the annexed form showing (1) the number of persons who have passed the Entrance examination, the First Arts or other corresponding examination, or who have taken the degree of Bachelor or Master of Arts at the Calcutta University during each of the past ten years, and (2) the nationalities and castes to which such persons belong.

2. The favour of an early reply is requested.

No. 1496, dated Calcutta, the 26th February 1887.

From—The Director of Public Instruction, Bengal,
To—The Chief Secretary to the Government of Bengal.

In reference to your office No. 906A, dated 21st instant, I have the honour to forward the return therein called for showing the nationalities of the persons who have passed the several Arts examinations at the Calcutta University during each of the preceding ten years, and to state that the records of the University do not furnish the required information in a more specific form.

Vol. VI.
Sec. I.
Sub-Sec. B.
*Bengal
Government.*

YEARS.	ENTRANCE.				F.A.				B.A.				M.A.				REMARKS.
	Hindus.	Mahomedans.	Christians.	Others.	Hindus.	Mahomedans.	Christians.	Others.	Hindus.	Mahomedans.	Christians.	Others.	Hindus.	Mahomedans.	Christians.	Others.	
1876-77 ...	1,196	66	85	8	284	10	6	33	118	7	4	15	(a)28	(a)3	1	...	(a) For M.A. degree holders, the University Minutes do not show how many are Native Christians.
1877-78 ...	990	67	93	29	217	11	11	13	53	8	5	6	28	...	...	...
1878-79 ...	914	66	84	34	235	12	10	12	81	...	8	7	27	...	...	...
1879-80 ...	965	59	59	46	290	19	13	8	92	4	5	11	31	...	...	...
1880-81 ...	1,421	39	119	39	354	16	13	13	146	4	1	4	35	...	...	...
1881-82 ...	1,170	67	139	33	323	19	12	10	96	1	1	4	31	...	...	...
1882-83 ...	1,216	92	110	40	406	15	14	2	178	0	3	2	42	...	...	...
1883-84 ...	1,338	123	161	63	600	29	33	38	149	15	8	17	63	...	...	...
1884-85 ...	(b)	...	...	(c)	289	16	17	10	114	3	2	8	...	...	...	...	(b) Entrance and M.A. Examinations were not held in this year.
1885-86 ...	1,250	91	101	41	398	19	13	17	268	8	10	21	33	...	...	...	(c) Supplementary F.A. and B.A. Examinations.
Total ...	10,370	721	951	327	3,376	166	142	154	1,338	51	42	94	318	5	7	...	

	Entrance.	F.A.	B.A.	M.A.
1. Hindus ...	10,370	3,376	1,399	318
2. Mahomedans ...	721	166	51	5
3. Christians ...	951	142	42	7
4. Others ...	327	164	94	Nil.

A. CROFT,

Director of Public Instruction.

No. 1067A, dated the 28th February 1887.

Copy forwarded to the Secretary to the Public Service Commission for information, with reference to his letter No. 112, dated the 5th instant.

No. VIII.

In reply to an enquiry as to the ages at which persons usually pass the Calcutta University examinations, the following letter, No. 79, dated the 12th May 1887, from the Registrar, Calcutta University, was received under endorsement No. 2609A, dated the 14th May 1887:—

No. 79, dated Senate House, the 12th May 1887.

From—The Registrar, Calcutta University,
To—The Director of Public Instruction, Bengal.

I HAVE the honour to acknowledge the receipt of your letter No. 3271, dated 11th instant, forwarding correspondence noted in the margin. In reply, I beg to inform you that the average age at which Natives of India pass examinations for Entrance, First Arts, Bachelor of Arts, and Master of Arts of the Calcutta University

Letter No. 2507A, dated 10th May 1887, from F. B. Peacock, Esq., Chief Secretary to the Government of Bengal, to the Director of Public Instruction, Bengal.
Telegram No. 109, dated 9th May 1887, from Secretary to the Public Service Commission, Simla, to Chief Secretary, Bengal, Calcutta.
Endorsement No. 3271, dated 11th May 1887, from the Director of Public Instruction, Bengal, to the Registrar, Calcutta University.

is as follows:—

Entrance ...	...	...	...	...	17
First Arts ...	...	...	...	...	19
Bachelor of Arts ...	...	...	...	...	22
Master of Arts ...	...	...	...	...	23

No. 3314, dated Calcutta, the 13th May 1887.

Copy forwarded to the Chief Secretary to the Government of Bengal for information, in reference to his No. 2507A, dated the 10th May 1887.

No. 2609A, dated Calcutta, the 14th May 1887.

Copy forwarded to the Secretary to the Public Service Commission for information, with reference to his telegram dated the 9th instant.

No. IX.

Vol. VI.
Sec. I.
Sub-Sec. B.
—
Bengal
Government.

No. 131, dated Calcutta, the 7th March 1887.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

I AM desired to request that, with the permission of His Honor the Lieutenant-Governor, you will be good enough to furnish the Public Service Commission with information showing the extent to which encouragement is offered to Natives of the Lower Provinces, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education. The Commission are aware of the fact that certain scholarships have been recently established for this purpose by the Government of India, but the present enquiry is made with a view to ascertain (1) whether any similar encouragement is offered by Local Governments and Administrations, and, if so, subject to what rules and conditions, and (2) to what extent advantage is taken of the same.

2. It would be convenient if you would be good enough at the same time to supply such information as may be available regarding scholarships, if any, which may have been established with a similar object in the Lower Provinces but the cost of which is not borne by the State.

No. 271, dated Calcutta, the 9th April 1887.

From—W. C. MACPHERSON, Esq., Under-Secretary to the Government of Bengal,
General Department,
To—The Secretary to the Public Service Commission.

I AM directed to acknowledge the receipt of your letter No. 131, dated 7th ultimo, asking for information showing the extent to which encouragement is offered to Natives of Bengal, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education.

Letter from Director of Public Instruction, No. 2408, dated 1st April 1887.
Letter from this Government, No. 260, dated 2nd April 1887, to the Government of India, Home Department.

2. In reply, I am to forward the accompanying copies of the letters noted in the margin giving the required information.

No. 2408, dated Calcutta, the 1st April 1887.

From—The Director of Public Instruction, Bengal,
To—The Secretary to the Government of Bengal, General Department.

I HAVE the honour to acknowledge the receipt of Mr. Macpherson's endorsement No. 215, dated the 23rd March, forwarding copy of letter No. 131, dated the 7th idem, from the Secretary to the Public Service Commission, requesting information as to the extent to which encouragement is offered to Natives of the Lower Provinces, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education, and in reply to state as follows:—

(1). Two agricultural scholarships of the annual value of £200 each, awardable to graduates of the Calcutta University on the physical side, and tenable for two years and a half in the Royal Agricultural College, Cirencester, were established by the Bengal Government in the year 1880. The scholars elected were also to receive Rs. 2,000 for their outfit and passage to England and back. Since the establishment of the scholarships in the year 1880, two candidates have been elected every year, except in 1884-85, when only one candidate was elected. Under recent orders of Government, these scholarships have been discontinued for the present.

(2). The Government Senior and Junior Scholarships, of the values noted in the margin, which are tenable in the Colleges of Bengal, may also be held in the United Kingdom subject to the usual conditions of good conduct and satisfactory progress. There have been five or six cases in the last few years in which these scholarships have been held in England.

(3). Grants are occasionally made to Mahomedan students from the Mohsin Endowment Fund in order to enable them to prosecute their studies in England. In the year 1873, Syad Hossain of Patna received a special Mohsin grant of Rs. 2,000, to enable him to study medicine in England. A grant of Rs. 2,400 has lately been sanctioned for Maulavi Abdur Rahim, M.A., who has been elected Bhopal scholar by the Calcutta University, in order to supplement the Bhopal scholarship of the value of Rs. 7,200 which was not considered sufficient to enable the recipient to study in England during the three years for which that scholarship is tenable. I have in my letter No. 560, dated 22nd January last, pointed out the insufficiency of the Bhopal scholarship for the object for

	Rs.
Senior scholarships of the 1st grade	25
Ditto ditto 2nd grade	20
Junior, 1st grade	20
Ditto, 2nd	15
Ditto, 3rd	10

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

which it is awarded, and have suggested that you should move Her Highness the Begum of Bhopal to increase the value of the scholarship.

(4). One scholarship of the value of £150 per annum, founded on the Gilchrist Trust and tenable for four years in the United Kingdom, is awarded to a candidate born in India or Ceylon on the result of the London University matriculation examination, which is held in India for the purpose. The last award of this scholarship under the existing rules will be made in January 1888, and the rules under which it will be awarded in future are now under the consideration of the Trustees.

(5). The Indian Association at Calcutta lately awarded a scholarship to a Hindu student on the result of a special examination held by them, in order to enable him to compete for the Covenanted Civil Service examination in England.

No. 260, dated Calcutta, the 2nd April 1887.

From—P. NOLAN, Esq., Secretary to the Government of Bengal, General Dept.;
To—The Secretary to the Government of India, Home Department.

I AM directed to acknowledge receipt of your letter No. 11—317, dated 8th September 1886, in which it was asked that publicity might be given to the decision of the Trustees of the Gilchrist Educational Trust to withdraw the present scholarships offered annually to youths in India and Ceylon after the award which may be made as the result of the examination to be held in January 1888. It was requested also that the views of the heads of the higher educational institutions in the Lower Provinces, and of others interested, might be obtained on the points discussed in the letter received from the Trustees, and that an expression of the Lieutenant-Governor's opinion on the subject might be forwarded for the information of the Government of India.

2. In reply, I am to say that the letter of the Trustees, dated the 19th June 1886, addressed to the Secretary of State, has been published in the *Calcutta Gazette* for general information. I am to enclose copies of letters* received from the British Indian Association, and from the Director of Public Instruction, Bengal, who were consulted by the Lieutenant-Governor on the subject, and I am to communicate the following remarks.

3. It will be observed that the Director of Public Instruction reports that there is entire accord among Educational authorities in the Lower Provinces that, if scholarships continue to be given from the Gilchrist Educational Trust Fund for the benefit of Indian education, they should be held in Europe. This is also the opinion favoured by the British Indian Association. The Educational authorities and the British Indian Association are also agreed that aid to higher education in science is especially required in this country. The Lieutenant-Governor concurs in the opinions expressed in the Director of Public Instruction's letter, and desires to recommend the proposals therein made. With regard to the value to be fixed for future scholarships tenable in Europe, the Lieutenant-Governor observes that, when the Gilchrist scholarships were originally founded, it was represented by the Bengal Government, in a letter No. 635, dated the 6th February 1867, that in order to attract competition in India, they must be made more valuable than they stood under the provisions of the original scheme. The suggestion was not accepted by the Trustees for reasons stated in their letter of 5th December 1867, addressed to the Assistant Under-Secretary of State for India. In 1882, however, with reference to the small competition in India for the scholarships, a single scholarship of the value of £150 per year, tenable for four years, was substituted for the two scholarships of £100 tenable for five years, established by the original scheme. This is at present the value of a Gilchrist scholarship, and this value also fails to attract competition. Between 1869 and 1887 about 100 candidates only have competed in the Lower Provinces for the Gilchrist scholarships, and 23 scholarships have been awarded among these candidates. In the examination held this year only one candidate has competed in the Lower Provinces. The Lieutenant-Governor thinks, therefore, that the value of the Gilchrist scholarships should be raised from £150 to £200 a year. The Government of India is aware that the Bengal Government scholarships at Cirencester College for the study of agriculture, which have been held by Natives of these Provinces in recent years, have been of the value of £200 per year, and that the State scholarships tenable at Oxford and Cambridge Universities founded by the Government of India in 1886, are not considered sufficient to cover the total yearly expenditure of the scholars. I am to mention, for the information of the Government of India, the case of the scholarship recently given by Her Highness the Begum of Bhopal, of the value of Rs. 2,000 per year (exclusive of payment of travelling expenses), tenable for three years by a Mahomedan student desirous of studying Law or Medicine in England. In aid of this scholarship, which the Director of Public Instruction reported to be of insufficient amount to maintain a Native of this country studying for the Bar or for a medical degree in England, the Lieutenant-Governor has recently granted to the first student selected to hold the scholarship, a supplementary scholarship of Rs. 800 per year payable from the Mohsin Endowment Fund.

No. X.

No. 133, dated Calcutta, the 10th March 1887.

From—The Secretary to the Public Service Commission,
To—The Chief Secretary to the Government of Bengal.

Vol. VI.
Sec. I.
Sub-Sec. B.
Bengal
Government.

WITH reference to No. 232* of the questions circulated with my letter No. 19, dated 30th November 1886, and to the reply given by the Government of Bengal to No. 231 of those questions, I am directed by the Public Service Commission to forward a copy of the reply to the former question which has been received from the Punjab Government, and to request that the answer to this question for the Lower Provinces of Bengal may, with the permission of His Honor the Lieutenant-Governor, be amplified in the manner adopted in the case of the Punjab. I am at the same time to request that the answer to the question may be framed on the assumption 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 the 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 Vic., Cap 3, is discontinued.

2. As this question has a particularly important bearing upon the enquiries of the Public Service Commission, it is hoped that the reply thereto may be very carefully prepared.

Note.—The reply to this letter is contained in Sir Stuart Bayley's note—*vide* pages 30-32 *ante*.

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

VOLUME VI.—PROCEEDINGS RELATING TO BENGAL (INCLUDING ASSAM).

SECTION I.—SUB-SECTION C.

INFORMATION SUPPLIED BY THE CHIEF COMMISSIONER OF ASSAM.

CONTENTS.

	PAGE.
I.—Letter No. 4, dated the 16th November 1886, calling for lists of (1) officials, (2) Associations, (3) Editors of leading newspapers, and (4) members of the general public, whom it might be desirable to consult or invite to give evidence before the Commission; demi-official letter, dated the 1st December 1886, to E. Stack, Esq., Secretary to the Chief Commissioner, Assam, on the same subject; reply No. 7202, dated the 11th December 1886 ...	51
II.—Letter No. 74, dated the 31st December 1886, in reply to No. 7202, dated the 11th December 1886, forwarding copies of sets of questions, and issues; and the reply No. 999, dated the 26th February 1887 ...	52
III.—Replies of W. E. Ward, Esq., c.s., Officiating Chief Commissioner of Assam (to set A) ...	53
IV.—Memorandum on the special features of Assam which bear upon its administration; with covering letter No. 922, dated the 23rd February 1887 ...	71
V.—Letter No. 3, dated the 16th November 1886, calling for detailed information showing the number of "charges" or offices in which Covenanted and Uncovenanted officers, engaged in the Executive and Judicial administration of the country, are employed, &c.; and the reply No. 7270, dated the 16th December 1886 ...	77
VI.—Letter No. 89, dated the 5th January 1887, calling for statistics showing how many persons employed in the Subordinate Judicial and Executive Services had passed University examinations; and the reply No. 892, dated the 22nd February 1887 ...	80
VII.—Letter No. 102, dated the 22nd January 1887, calling for a return showing the nationalities and castes of the persons employed in the Subordinate Executive and Judicial Services in Assam; and the reply No. 900, dated the 22nd February 1887 ...	"
VIII.—Letter No. 131, dated the 7th March 1887, calling for information showing the extent to which encouragement is offered to Natives of Assam, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education; and the reply No. 2177, dated the 30th April 1887 ...	81
IX.—Letter No. 133, dated the 10th March 1887, calling for further reply to question 232, Set A; and the reply No. 2398, dated the 24th May 1887 ...	83

PROCEEDINGS

OF THE

PUBLIC SERVICE COMMISSION.

VOLUME VI.—PROCEEDINGS RELATING TO BENGAL (INCLUDING ASSAM).

SECTION I.—SUB-SECTION C.—INFORMATION SUPPLIED BY THE CHIEF
COMMISSIONER OF ASSAM.

No. I.

No. 4, dated Lahore, the 16th November 1886.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

Vol. VI.
Sec. I.
Sub-Sec. C.
Assam.

I AM directed to request that, with the permission of the Chief Commissioner, the Public Service Commission may be favoured with a list of the names of selected officers serving in Assam and belonging to (a) the Covenanted Civil Service, (b) the Statutory Service, and (c) the Uncovenanted Service, whose opinions the Chief Commissioner may consider it desirable for the Commission to invite on the subject-matter of the enquiries with which it has been entrusted as set forth in the Resolution of the Government of India in the Home Department No. 34-1573-30, dated 4th October 1886. I am also to request that the Commission may be favoured with a list of (1) any local Associations or Societies, (2) the Editors of the leading newspapers, both English and Vernacular, published in Assam who should, in the opinion of the Chief Commissioner, be consulted by the Commission. The Commission would further be glad if the Chief Commissioner would be good enough to suggest the names of any members of the general public, not being in Government service, who might with advantage be consulted on the subject-matter of the enquiries in question.

2. It is hoped that the Chief Commissioner will be good enough to let it be generally known throughout Assam that the Public Service Commission will be glad to receive the opinions of any Association or Society or of any gentlemen, whether or not in the service of Government, who may wish to lay their views before the Commission.

Demi-official letter, dated the 1st December 1886, from the Secretary, Public Service Commission, to E. STACK, Esq., c.s., Officiating Secretary to the Chief Commissioner of Assam.

WITH reference to my letter No. 4, dated 16th November 1886, I am desired to say that the Public Service Commission would be glad to be furnished, at an early date, with a list of the selected Covenanted Civilians, Statutory Civilians (I believe there are none of these in Assam), Uncovenanted Officers, Associations, Editors of newspapers, and members of the general public in Assam, whose opinions the Chief Commissioner considers it desirable to obtain in connection with the enquiries of the Commission. I am at the same time to forward five copies of a set of questions which is being circulated to Local Governments and Administrations, and to say that the Commission would be glad if the Chief Commissioner, after consulting such officers or authorities as he may see fit, would be good enough to furnish replies thereto as soon as this can conveniently be done, particular care being taken that the serial number of each question is correctly entered opposite the answer thereto. As some of the questions deal with statistical matters, it might be convenient if the replies to these were thrown into the form of tabular statements; but if this is done, will you kindly see that the question or questions embraced by each tabular statement are carefully noted?

Vol. VI.
Sec. I.
Sub-Sec. C.
Assam.

If the Chief Commissioner should consider that some of the questions can be more conveniently answered orally than in writing, the Commission will be prepared to take, in Calcutta, the evidence of any officer whom Mr. Ward may see fit to depute for this purpose, or to adopt any other plan which the Chief Commissioner may prefer.

No. 7202, dated Shillong, the 11th December 1886.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

I AM directed to acknowledge the receipt of your letter No. 4, dated the 16th November, requesting to be furnished with a list of the names of selected officers whose opinions the Chief Commissioner considers it would be desirable for the Commission to invite on the subject-matter of their inquiries.

2. In reply, I am to submit the names of the following officers serving under this Administration—(a) Covenanted Civil Service: Mr. H. Luttmann-Johnson, Judge and Commissioner, Assam Valley Districts; Mr. G. Stevenson, Deputy Commissioner, Sylhet; Mr. J. Knox Wight, Deputy Commissioner, Nowgong. (b) There are no members of the Statutory Service in Assam. (c) Uncovenanted Service: Mr. A. C. Campbell, Deputy Commissioner, Kamrup; Babu Sarat Chandra Banerji, M.A., B.L., Extra Assistant Commissioner, Kamrup.

There are no local Associations or Societies, Editors of newspapers, or members of the general public in the Province whom the Chief Commissioner could recommend the Commission to consult.

3. In reply to paragraph 2 of your letter, I am to enclose copy of a circular which has been addressed to the Commissioner, Assam Valley Districts, and all Deputy Commissioners in the Province, and which will be published in the *Assam Gazette*, requesting district officers to give due publicity to the wishes of the Commission.

Circular No. 30, dated Shillong, the 15th December 1886.

From—The Secretary to the Chief Commissioner of Assam,
To—The Commissioner, Assam Valley Districts, and all Deputy Commissioners.

I AM directed to state that the Chief Commissioner has been requested by the Secretary to the Public Service Commission to let it be generally known throughout Assam that the Commission will be glad to receive the opinions of any Association or Society, or of any gentlemen, whether or not in the service of Government, who may wish to lay their views before the Commission, and to say that Mr. Ward trusts that you will give due publicity to the wishes of the Commission in your ^{division} district. All communications should be addressed to the Secretary to the Public Service Commission, Lieutenant-Governor's Camp, Punjab.

No. II.

No. 74, dated the 31st December 1886.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

I AM directed to acknowledge the receipt of your letter No. 7202, dated 11th December 1886, furnishing the names of certain officers of the Covenanted Civil Service and of the Uncovenanted Service whom the Chief Commissioner considers that it would be desirable for the Public Service Commission to consult on the subject-matter of their enquiries, and explaining that there are no local Associations or Societies, Editors of newspapers, or members of the general public in Assam whom the Chief Commissioner could recommend the Commission to consult.

2. In reply, I am to forward three copies of a set of questions framed in connection with the enquiries of the Public Service Commission that have been addressed to selected officers of the Covenanted Service, with two copies of a set of questions similarly addressed to selected officers of the Uncovenanted Service. I am at the same time to forward ten copies of certain general issues which have been drawn up by the Commission for the purpose of their enquiries, and to say that, if any or all of the gentlemen who may be consulted should prefer to prepare their replies in the form of answers to these issues instead of to the more detailed questions, there is no objection whatever to this arrangement being adopted. It would be convenient if the replies, as also that of the Chief Commissioner, to the questions forwarded with my despatch of the 1st December were printed in your office (the questions being incorporated) so that they may be ready to be laid before the Commission before the commencement of their sittings in Calcutta.

which, under present arrangements, will probably take place some time in the month of February 1887.

3. I am to add that the Commission when at Calcutta will be prepared to take the oral evidence of any officers serving in Assam, or of any persons residing in that Province, whom the Chief Commissioner may see fit to nominate for this purpose; and I am to suggest that, in view of the large non-official community of planters in the Province, it might be well if some influential, and as far as possible representative, member of that community were invited to lay his views before the Commission either in writing (in the form of replies to the issues) or by means of oral examination, as may be most convenient to him. In the event of there being any other similar classes of the community in Assam who should be represented, the Commission trust that the matter will receive the consideration of the Chief Commissioner.

Vol. VI.
Sec. I.
Sub-Sec. C.
Assam.

No. 999, dated Shillong, the 26th February 1887.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

In reply to your letter No. 74, dated the 31st December last, I am directed to forward the enclosed replies* of the officers noted on the margin to the enquiries of the Public Service Commission; one of the gentlemen to whom questions were sent—Mr. J. Knox-Wight, c.s.—has regretted that he has had no leisure to answer them.

Commissioned Civil Service.

Mr. C. J. Lyall.
" H. Luttman-Johnson.
" G. Stevenson.

Uncommissioned Service.

Mr. A. C. Campbell.
Rai Sharat Chunder Banerji, Bahadur.

2. It will be seen that, with the exception of Mr. Luttman-Johnson, all these gentlemen have preferred to answer the general issues framed by the Commission, rather than the detailed sets of questions supplied to them. Mr. Johnson's forwarding letter explains that he has not strictly followed the line of examination prescribed by the Commission, but has expressed in a general manner his views on the subject of their enquiries.

3. With reference to your third paragraph, I am to say that the Chief Commissioner consulted several gentlemen as to their willingness to proceed to Calcutta for oral examination. Mr. Luttman-Johnson declined to do so, and I am myself precluded by pressure of work from being present in Calcutta at the time fixed for the examination of witnesses from Assam; but Mr. Knox Wight, c.s., and Rai Sharat Chunder Banerji, Bahadur, have expressed their willingness to attend, and have been warned to present themselves on the 2nd March, the date fixed in your telegram of the 11th instant.

4. Acting upon the suggestion made in your letter, the Chief Commissioner sent copies of the issues to four representative tea-planters—Mr. Phillips of Nazira, and Mr. J. Buckingham of Amguri, in the Sibsagar district, Mr. W. Aitchison of Doloo in Cachar, and Mr. W. Marillier of Langla in Sylhet. Answers have been received only from Messrs. Phillips and Aitchison, which are enclosed in original. Mr. Ward does not think that there are any other similar classes of the community in Assam who are desirous of expressing their views on the subject of the Commission's enquiries.

5. Lastly, I am to say that Mr. Ward has himself recorded his views on the subject of the enquiries made by you in the annexed note. There have never been any Statutory Civilians in Assam, and a large number of the questions in the list received therefore do not apply to this Province. Acting upon the intimation given in your telegram, dated the 20th December 1886, that replies should be confined to specific points on which the person consulted holds distinct opinions, the Chief Commissioner has in his note given his opinions generally on the subject of the enquiries made, but has not restricted himself to answering specific questions.

No. III.

REPLIES OF W. E. WARD, ESQ., C.S., OFFICIATING CHIEF COMMISSIONER OF ASSAM
(TO SET A).

I.—Working of the existing Statutory system.

1 & 2. What systems of selection or nomination for the purposes of the Statutory Rules have been adopted in your Province? What subsidiary rules, if any, have been framed in your Province for the purpose of giving effect to the general Statutory Rules?—There are no Statutory Civilians in Assam, nor have any subsidiary rules been framed in this Province for the purpose of giving effect to the general Statutory Rules.
3—58. Blank.
59. What is the prevalent feeling in your Province regarding the existing Statutory system? If the feeling is one of dissatisfaction, is the dissatisfaction general, or is it confined to certain sections of the community?—It is impossible to say what

* The replies received have been printed in Section III of Volume VI, Bengal.

Vol. VI.
Sec. I.
Sub-Sec. C.
—
*Replies of
Chief Com-
missioner,
Assam.*

the prevalent feeling in Assam is regarding the existing Statutory system, as there is very little public opinion in the Province; but, where any opinion at all exists on the subject, it may be said to be decidedly unfavourable to that system.

60. What are the grounds upon which any such feeling is based?—The main grounds of disapprobation are—(1) that no system of appointing Natives on nomination, pure and simple, can possibly be expected to give satisfaction, as there is no guarantee that the nominees will be men of tried merit and ability; (2) that the men appointed are not really enrolled as members of the Covenanted Civil Service, but can only receive specific appointments which are ordinarily reserved for that service.

61—64. Blank.

65. What amendments do you advocate in section 6 of the Statute?—I am unable to recommend any modification of the Statute (33 Vic., Chapter III, section 6), or of the rules issued under it. I think it unnecessary to have any Statutory Service at all. I would have the Covenanted Civil Service composed, as it is now, of men who have passed the competitive examination in England, and the Uncovenanted Service, and no other; at the same time, I would certainly not give the

Covenanted Service a monopoly of the appointments now usually reserved for them. Local Governments and Administrations should, I think, be allowed to nominate to such appointments any men in the Uncovenanted Service of proved merit, subject to a limitation as to the proportion which such appointments should bear to the total number of appointments in each province hitherto reserved for the Covenanted Civil Service. I would not allow nominations of any men who had not served Government for at least five years in the Uncovenanted Service. Nominations should certainly be confined to persons of proved merit and ability, and I can suggest no other way of proving the existence of these qualifications than by putting a man into an inferior Government service and giving him the opportunity of showing he has got them, and is therefore fit to hold higher appointments than those which are ordinarily attached to the inferior service to which he belongs. I entirely disapprove of the present system of nominating outsiders of "good family" on two years' probation. The two years of probation can prove nothing. The nominee is only learning his work during this time, and has had no opportunity of proving his merits, if he has any.

66—95. Blank.

II—Mode of selection of Statutory Civilians.

96. On the assumption that the Statutory system is retained, how would appointments to the Statutory Service by nomination be regarded by influential sections of the Native community in your Province?—I express no opinion on most of the questions put under this head. Questions 100 and 101 I have answered above. As I have already said, there is no Native public opinion in Assam on the subject of the best mode of appointing to the Statutory Civil Service, and my own opinion is that no such service is required.

97—118. Blank.

119. Are you in favour of the establishment of scholarships tenable by Natives in England for the purpose of enabling them to qualify for the Civil or Statutory Service?—I am decidedly in favour of establishing scholarships tenable

by Natives in England for the purpose of enabling them to qualify for the Covenanted Civil Service. There is no doubt that they are under some considerable disadvantages in competing for that service, and I think every reasonable encouragement should on that account be given to them to compete, provided that the encouragement given is not such as will affect the quality of the service. If scholarships were given, I have no doubt that they would be taken advantage of, and that more Native candidates would appear at the Civil Service Examinations; the number of such candidates would, I think, go on increasing, slowly but steadily, as I have no doubt that caste prejudices will gradually disappear under the inducements held out to candidates to compete in England for valuable appointments.

120—124. Blank.

III.—Competition in England for the Indian Civil Service.

125—127. What has been the experience in your Province, in regard to their work as public servants, of Natives who have entered the Covenanted Civil Service through the competitive channel in England? To what classes of society do such Natives belong? Is there reason to believe that the Natives obtained by this system are the best, as regards character and capacity, who could be procured under any system?—

We have had no experience in Assam of Native Covenanted Civil Servants, but my own belief is that no other system than that now in force of compelling Natives to go to England and compete will secure a better class of Natives, as regards character and capacity, for the Covenanted Service. As already stated, additional facilities should be given to Natives to proceed to England by giving them scholarships and

paying their passage home and out again, such scholarships being, of course, only given to selected candidates who have some reasonable expectation of passing. Any such candidate who failed to pass might be offered an appointment in the Uncovenanted Service, if he had shown merit in the English competition, and in that case he should be subjected to all the incidents of that service. Hitherto only one Native of this Province has passed the English Civil Service examination, and I do not know of any others who have competed. The same objections doubtless exist to Natives of Assam going to England as exist in the case of Natives of Bengal; but it can scarcely be said that such objections have hitherto stood in the way of the Natives of this Province competing; they are not yet sufficiently educated to think of competing.

128—138. Blank.

139. If the standards and conditions were different, how would it be possible to compare the results in the two examinations so as to bring out one list in order of merit?—I am most decidedly of opinion that the examination for Natives in England should be in the same standards as those for English candidates. No doubt easier standards would be most popular with the

Natives, and induce more Native competitors to come forward; but, assuming that the existing standards are calculated to give us the best material for the work required from the Covenanted Service, I do not see upon what ground Native candidates, who claim to belong to that service, can reasonably ask for special treatment. I certainly, however, think that if the present limits of age are to be maintained for the Civil Service examination, they may be raised in the case of Native candidates by fixing the maximum limit at twenty-one or even twenty-two years. The Commission are well aware of the arguments which the Native Press put forward in support of this concession, and their grounds of complaint seem to me to be reasonable. It is chiefly the conditions as to age and the necessity for competing in England that place Native candidates at a disadvantage, as compared with English candidates. To say that the Native candidate is placed at a disadvantage in respect also to subjects and standards of examination amounts, I think, to saying, in other words, that in point of education he is not up to the mark required, and which we think ought to be required, from candidates for the Covenanted Civil Service.

140—150. Blank.

IV—Competition in India for the Indian Civil Service.

151 & 152. Do you advocate a competition in India for the Civil Service simultaneously with the competition in England, the same question papers being used at both examinations? How would this method of selection be regarded by the Native community generally?—The Native community would doubtless gladly welcome simultaneous examinations in India and England, but I certainly cannot advocate anything of the kind. It should be a condition precedent to any Native being enrolled in the Covenanted Civil Service that, with the inducements which I have proposed should be offered to him to compete in England, he should compete there and take up his residence there for at least two years. I would certainly not entertain the objection as to caste prejudices. If caste prejudices are to be recognised, and simultaneous examinations in India and England started on that ground, the result will be that the Covenanted Civil Service will cease to be a homogeneous service of picked men, not only of ascertained merit and ability (so far as examinations are a test of these), but also of liberal ideas and strong character; it will necessarily divide itself into two parts, the superior and the inferior; Local Governments and Administrations will find from experience that the inferior portion cannot be trusted, or are not fit, to hold the higher and more responsible posts now reserved for the service; the superior portion of the service will also look down upon the inferior, and so the latter will become

discontented. In short, if caste prejudices prevent the Native candidate for the Covenanted Civil Service from proceeding to England and qualifying for that service by bringing himself into contact with English thought and English manners, I would not admit him into the service at all, but would offer him the Uncovenanted Service, with the hope held out to him that, if he proves himself, while in that service, to be an officer of exceptional merit and ability, he may aspire to hold, without actually being enrolled in the Covenanted Civil Service, appointments ordinarily reserved for that service.

153 & 154. Blank.

155. Do you consider that the educational institutions available in India are at present capable of giving the very high class education which it was the object of the competitive system as introduced in 1855 to secure?—I have no doubt that our educational institutions in India can not, and do not, give the high education which it was the object of the competitive system to secure. This is one of the disadvantages under which the Native candidate labours, and may be a reason for raising, if we can, the standard of our high education in India; but it is no reason for introducing an inferior element into our Covenanted Civil Service as now constituted.

156. Would an open competition in India be likely to give decided advantages to any particular class or classes of the

Vol. VI.
Sec. I.
Sub-Sec. C.
—
Replies of
Chief Commissioner,
Assam.

Vol. VI.
Sec. I.
Sub-Sec. C.
Replies of
Chief Com-
missioner,
Assam.

Native community over others?—An open competition in India would give a decided advantage to Bengalis, as compared with candidates from the North-Western Provinces or Assam. I do not think, however, that it would deter cadets of leading families from competing.

157—160. Blank.

161. Would a system of provincial examinations be preferable to one examination for the whole of India?—A system of provincial examinations in India would be still more objectionable than an open

competition for the whole of India, if it is meant that there should be different provincial standards of examination according to the state of education in each province. The result would be a Covenanted Civil Service composed of a superior class of Civilians who had passed in England, and several other inferior classes of various degrees of inferiority according to the standard of education prevalent in the province in which each member of the service had passed. A Covenanted Civil Service so constituted would scarcely command respect.

162—175. Blank.

V.—Promotion from the Uncovenanted Service.

176. To what extent does the Uncovenanted Service in your Province include in its ranks persons eligible on the ground of proved merit and ability for appointment to offices ordinarily reserved for members of the Covenanted Civil Service?—Out of a staff of 29 Extra Assistant Commissioners, I am prepared to nominate one who is quite fit, in my opinion, to hold charge of a district; but, as may be gathered from what I have said above, I would not enrol this officer in the ranks of the Civil Service, nor would I appoint him to a special service, called Statutory or by any other name. I simply say that he is fit to hold charge of a district, and I would appoint him to such a charge if I had the power to do it, without necessarily giving him a claim to higher appointments now reserved for the Covenanted Civil Service. I am altogether opposed to any member of the Uncovenanted Service being enrolled in the ranks of the Covenanted Civil Service, which would place him on an equality, and give him equal claims, with the rest of the service. The Covenanted Service should, as I have said, be reserved for Natives who have been to England and who have passed the competitive examination there. That is no reason, however, why appointments ordinarily reserved for the Covenanted Civilian should not, in cases of proved merit, be given to the Uncovenanted Civilian,—given,

too, without requiring him to pass through the lower grades of the Covenanted Service; nor would I make such appointments provisional, or require the nominee to go through any period of probation in his new appointment, for his merits have already been sufficiently proved in the Uncovenanted Service. In order to avoid giving discontent to members of the Covenanted Civil Service, it would, of course, be necessary to limit the number of appointments ordinarily reserved for that service to which members of the Uncovenanted Service could be appointed.

177—186. Blank.

187. Ought not the Uncovenanted Service, equally with the Covenanted Service, to be open to all natural-born subjects of Her Majesty who possess the qualifications that may be from time to time prescribed?—I should say that if candidates to the Uncovenanted Service were required to compete at an open examination in India, as I think they should be, then certainly the service should be open to all natural-born subjects of Her Majesty; otherwise I think this service should ordinarily be reserved for Natives. A limited proportion of graduates of our Universities I would admit into the Uncovenanted Service, as they are admitted now, without requiring them to pass a competitive examination.

188. Blank.

VI.—Pay, Leave and Pension for Natives of India appointed to Covenanted posts otherwise than through the channel of competition in England.

189, 191 & 192. Is the rate* of pay at present granted to Statutory Civilians during probation and on final appointment respectively sufficient? Would these rates of pay be suitable in the case of persons appointed to Covenanted posts from the Uncovenanted Service? Would they be suitable in the case of persons appointed to Coven-

* Two hundred rupees a month on first appointment as probationers. Two hundred and fifty rupees a month after passing the departmental examination by the lower standard. After passing the departmental examination by the higher standard (unless specially exempted) and after having been confirmed in their appointments, 64 per cent. of what would be the gross pay or salary of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England.

anted posts from the professional classes?—I certainly think the pay at present granted to Statutory Civilians during probation and on final appointment is sufficient, and I would give the same rates of pay to Uncovenanted officers appointed to Covenanted posts, as well as to persons appointed to those posts from the professional classes, if any such are to be appointed. I am, however, opposed to the appointment of persons from the professional classes to Covenanted posts whose merits have not been tested in the Uncovenanted Service. The pension and leave rules of the Uncovenanted Service I should leave undisturbed.

190 & 193 to 207. Blank.

VII.—General.

208—210. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men to the public service? Can you suggest any improvements? In 1854 Lord Macaulay's Committee were of opinion that the best, the most liberal, and the most finished education to be procured in England was a necessary qualification for admission to the Civil Service. Do Indian schools and colleges at present supply an education of so high a standard? Do you consider that Indian schools at present develop the force of character and other qualities required for English administration?—I should say that schools and colleges in Bengal and Assam certainly do not at present supply an education of so high a standard as is supplied by "the best, the most liberal, and the most finished education to be procured in England." The majority of Indian schools fail altogether to develop force of character and other qualities required for English administration. They are fit only, as a rule, for training men for the inferior Government appointments, whether Judicial or Executive. If all our schoolmasters, or even a small proportion of them, in our Government schools, were Europeans, something might be done in this direction; but the ordinary Native schoolmaster is capable of little more than coaching his boys up to pass a given examination in a given time; he never thinks of developing his boys in any other way.

211 & 212. What has been the actual experience in your Province as to the general efficiency of educated Natives—graduates of the Indian Universities—employed in administrative work? How have Natives, placed in charge of sub-divisions or in other quasi-independent positions, discharged their duties in your Province?—I am very well satisfied with the general efficiency of graduates of the Calcutta University employed in administrative work in Assam, but not so with Natives appointed to our Subordinate Executive Service (Extra Assistant Commissioners) who have not graduated at the University. Speaking generally, the latter are not fit to take independent charge of a sub-division, whereas the former are, and they discharge their duties as sub-divisional officers right well. If it were not for the large tea-planting population that we have, I would gladly see all my sub-divisions put in charge of educated Natives of this class, provided the head of the district is always a European officer.

213 & 214. Blank.

215—225. How far would any system of appointment which involves a journey to and residence in England be regarded by the Native community as open to objection on the ground that it requires Hindu candidates to abandon their caste as a condition of entering the Civil Service? How

far would such a system be regarded as open to objection on the ground that it restricts the field of selection to those candidates who are wealthy enough to undertake the cost of a journey to and residence in England? Are the Natives who go to England from your Province for purposes of education limited to the wealthier classes? Are they limited to any particular section of the community, or to any particular creed? Does a voyage to or residence in England involve the loss of social position or other unfavourable consequences in the case of any section of the Native community? Does it result in placing those Natives who undertake it more or less out of touch and sympathy with their fellow-countrymen on their return to India? Would the requirement of a temporary residence in England as a condition precedent to, or following on, appointment to the Government service have the effect of excluding from such appointment any considerable or important section of the Native community? If the Statutory system is discontinued, should special provision be made for the appointment to Covenanted posts of Natives who, for religious or other sufficient reasons, are unable or unwilling to undertake a journey to and residence in England? If so, what provision should be made for this purpose? If the Statutory system is discontinued, do you consider that special provision should be made for the appointment to Covenanted posts of capable members of the professional classes? If so, what provision should be made for this purpose?—The objections as to proceeding to England are precisely the same in Assam as they are in Bengal; but they certainly do not restrict the field of candidates who might otherwise appear at the Civil Service examination in England. Assam is not yet, and will not for many years be, able to produce candidates fit to compete at this examination, and, when a fit candidate does appear, the probability is that he will not be able to afford to go to England, so that the question of caste prejudices does not arise. As I have already stated, those who are prevented from religious prejudices from going to England to compete should, I think, rest content with the Uncovenanted Service, with the chance of promotion, if they show special merit, to specified posts hitherto reserved for the Covenanted Service.

226. Whatever system or systems may be adopted, ought power to be reserved to Government to appoint to Covenanted posts candidates of high family subject to such antecedent guarantees of fitness as may be considered sufficient in each case?—I would certainly not reserve any such power to Government. I think it very desirable to have candidates of high family, both European and Native, for the Covenanted Civil Service, as well as for posts now reserved for that Service; but I do not believe in "antecedent

Vol. VI.
Sec. I.
Sub-Sec. C.
—
Replies of
Chief Commissioner,
Assam.

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Com-
missioner,
Assam.

guarantees of fitness" that have not actually been tested by examination or by actual Government service.

227. Blank.

228—230. If a thorough knowledge of English were made an essential qualification for appointment to Covenanted posts, would the field of selection in the case of persons already in the Uncovenanted Service, or engaged in the exercise of a profession, be unduly limited thereby? If such is likely to be the case, could the difficulty be obviated by requiring proficiency in the English language to be tested by periodical examinations after selection, but during a probationary period? Should provision be made for the occasional appointment in very special and exceptional cases to Covenanted posts of persons of known ability and local influence whom, although they may never have held office and may not possess special professional qualifications, and although their age may exceed the limit laid down for untried candidates, it might nevertheless be considered desirable to appoint to the higher grades for political or other reasons?—I would answer all these questions most decidedly in the negative.

231 & 232. To what extent, if any, could the prescribed Covenanted Civil Service *cadre* in your Province be reduced without increase to the Uncovenanted Service? 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?—These questions scarcely apply to Assam. The Covenanted Civil Service *cadre* here consists of the Chief Commissioner, one Commissioner, and a certain number of Deputy Commissioners and Assistant Commissioners. The Uncovenanted *cadre* consists of a certain number of Deputy Commissioners, Assistant Commissioners, and all the Extra Assistant Commissioners, 29 in number (I exclude our Sub-Deputy Collectors and Tahsildars). I could not recommend any reduction in the number of Covenanted Civil Servants, and if any reduction were made, a corresponding increase would, of course, have to be made to the number of the Uncovenanted officers. The whole of our Uncovenanted officers, with one exception, are also well acquainted with English, and always will be.

233. Assuming a fixed proportion to be maintained between Europeans and Natives in the Civil Service *cadre*, in what posts or classes of appointments do you consider that Europeans and Natives, respectively, might be employed with most advantage to the interests of the public service?—I am opposed to any fixed proportion being maintained between Europeans and Natives in the Civil Service *cadre* (Covenanted and Uncovenanted) of this Province. Such a proportion could not be maintained without inconvenience to the Administration. It moreover assumes, what can never be

the case, that the number of competent Natives in the Civil Service of the Province is always constant, and it is impossible to reserve appointments for competent Natives when the supply of these latter will necessarily vary from year to year. On the other hand, if appointments are reserved for Natives without any reference to their qualifications, the Administration must necessarily suffer.

234. Would it be desirable to rule that the proportion of persons being Hindus and Mahomedans respectively, who are from time to time or over a series of years appointed to the Covenanted ranks in any Province, should bear a certain relation to the number of the two classes composing the population of the Province concerned?—I think this quite unnecessary.

235. Blank.

236. How far should appointments in each Province to Covenanted posts be restricted to Natives of the Province concerned?—In Assam I would restrict appointments to Covenanted posts to Natives of Lower Bengal and Assam.

237—244. How would the following scheme be regarded by the Native community:—

- (1) The Covenanted Civil Service to be reduced to a fixed number of European officers, admission being by competition in England confined to European candidates only.
- (2) The appointments taken from the Covenanted Civil Service to be filled by appointment in India, Natives only being eligible? How would you regard such a scheme?

How would the Native community regard the following:—

- (1) The Covenanted Civil Service to be reduced to a fixed number of appointments to be filled by competition in England to which Natives and Europeans alike would be admitted.
- (2) The appointments taken from the Covenanted Civil Service to be filled by appointment in India, both Natives and Europeans being eligible? How would you regard such a scheme?

If either of the above schemes were adopted, how would the Native community view a proposal to combine the higher appointments of the Uncovenanted Service with the appointments taken from the Covenanted Civil Service so as to form an enlarged Civil Service to be recruited in India? How would you view such a proposal?

How would the Native community regard the following scheme:—

- (1) A certain number of appointments in the Covenanted Civil Service to be reserved for Natives;
- (2) A certain proportion of that number to be filled by competition

or by some other system in India.

(3) The remainder to be filled by competition in England. How would you regard such a scheme?—

Of the three schemes here propounded, I think the second is that which would please the Native community best, because it allows Natives to become members of the Covenanted Civil Service if they wish to. Neither of the other two schemes admits of this. I myself would prefer either the first or third scheme, because I think the admission of Natives into the Covenanted Civil Service is a mistake. If they were admitted in large numbers, there would be difficulty hereafter in finding appointments for them and getting European officers to work under them; and unless they can be promoted in the ordinary course, like other members of the service, it would be better not to admit them into the service at all. If it is decided to take a number of appointments away from the Covenanted Civil Service, and give them to another service (Uncovenanted, Statutory, or by whatever name it is called), then, of course, the appointments so taken away would be added to those which the Uncovenanted Service may now fill, and so give an enlarged Uncovenanted or otherwise-named Civil Service to be recruited in India.

245 & 246. Assuming a system of nomination or of limited competition among nominated candidates, would Native opinion be in favour of giving a preference, as between candidates possessed of certain preliminary essential qualifications and having on general grounds fairly equal claims, in the following or any other order to—

- (a) members of families of tried loyalty and distinguished service;
- (b) persons of good social status and influence in the country; and
- (c) persons of superior educational attainments, such as persons who have taken the degree of M.A.?

What is your opinion as to giving such preference?—I quite approve of the preference here given, and think the Native community would approve also.

247 & 248. How would the Native community regard a system of nomination on the ground of merit and ability shown in the service of Government, or in the exercise of a profession, alternating with a system of selection by means of competition, whether entirely open or amongst nominated candidates? How would you regard such a system?—I have no objection to such a scheme, and I think the Native community would not object.

249—251. Blank.

252 & 253. On what principles should the promotion of Natives appointed to Covenanted posts otherwise than by the channel of the competition in England be regulated? Would you regulate such promotion only by considerations of fitness and approved personal merit?—I would take neither seniority

nor merit *solely* into consideration, but would consider both.

254 & 255. How would the appointment of Natives to the higher reserved posts without passing through the lower grades affect the vested rights or the reasonable expectations and prospects of officers who entered the Covenanted Civil Service before the year 1870? If those rights, expectations, or prospects would be prejudicially affected, how could they be safeguarded?—This is a difficult question to answer. Covenanted Civilians have frequently complained that their vested rights and reasonable expectations have been disregarded within the last twenty years by the abolition of certain high appointments, and I would not, if possible, give further cause for complaint. It is doubtful, however, whether for many years to come we shall find Natives outside of the Covenanted Civil Service competent to fill the "higher reserved posts," and, if this is so, officers who entered that service before the year 1870 will have little cause for alarm.

256. Should Natives appointed to Covenanted posts be required to pass the departmental examinations?—Natives promoted from the Uncovenanted Service to Covenanted posts should not be required to pass any departmental examinations. All others should be required to pass in two years, the penalty being forfeiture of appointment.

257—262. Blank.

263 & 264. What system, if any, is at present adopted in your Province for bringing into the public service persons who, from their position or otherwise, cannot be expected to enter the service of Government in the lowest grades, and for giving them the necessary apprenticeship? Does the system work well, and what improvements can you suggest?—See Chief Commissioner's Resolution No. 1960, dated the 26th April 1883 (page 460 of Consolidated Circulars, copy attached). These rules have not worked very well hitherto, and they are not altogether adhered to in practice. Thus Tahsildars are not now ordinarily appointed from men who have passed the prescribed examination, because experience has shown that fit men cannot in this way be found to take charge of our tahsils. Our Tahsildars are mostly old Assamese mauzadars of approved service. They have more local influence than those who pass our examinations, and who are generally of the school-master class and Bengalis, having no touch with the people. Sub-Deputy Collectors are ordinarily appointed from passed examinees. The rules further say that the grade of Extra Assistant Commissioner will ordinarily be filled, not by direct appointments, but by promotions from among the Tahsildars and Sub-Deputy Collectors. I do not approve of this rule, and intend to alter it. Only men of approved merit and ability among the Sub-Deputy Collector and Tahsildar class will in future be promoted to the grade of Extra Assistant Com-

Vol. VI.

Sec. I.

Sub-Sec. C.

Replies of
Chief Commissioner,
Assam.

Vol VI. missioner, as Natives of a far superior class from among the graduates of the Calcutta
 Sec. I. are obtainable by selection elsewhere, notably University.
 Sub-Sec. C.

Replies of
 Chief Com-
 missioner,
 Assam.

VIII.—Composition, recruitment, &c., of the Subordinate Executive and Subordinate Judicial Services.

265. Of what different classes of appointments is the Subordinate Executive Service in your Province composed, including in the term "Subordinate Executive Service" all Subordinate Executive offices down to and including the office of Tahsildar or other office corresponding to that of Tahsildar, which are not reserved by law for, or not ordinarily held by, members of the Covenanted Civil Service?—Extra Assistant Commissioners, Sub-Deputy Collectors, Tahsildars.

266. Into what grades is each class of the above executive appointments divided in your Province, and of how many appointments does each grade consist?—Extra Assistant Commissioners, divided into five grades, viz.,—

Fifth grade	... Two appointments.
Fourth "	... Five "
Third "	... Ten "
Second "	... Seven "
First "	... Five "

Sub-Deputy Collectors, five grades, viz.,—

First grade	... Two appointments.
Second "	... Three "
Third "	... Four "
Fourth "	... Four "
Fifth "	... Two "

The above shows the sanctioned scale. The actual strength on 1st January 1887 was—

First grade	... One.
Second "	... Two.
Third "	... Three.
Fourth "	... Three.
Fifth "	... Five.

Tahsildars.—The number and grading are not yet definitely fixed. The actual strength on 1st January 1887 was 13, divided thus:—

One	... First grade.
One	... Second "
Two (one vacant)	... Third "
Vacant	... Fourth "
Nine	... Fifth "

267. What rate of pay is attached to each grade?—Extra Assistant Commissioners—

	Rs.
Fifth grade, two	... 600
Fourth " five	... 500
Third " ten	... 400
Second " seven	... 300
First " five	... 250

Sub-Deputy Collectors:—

	Rs.
First grade, two	... 200
Second " three	... 175
Third " four	... 150
Fourth " four	... 125
Fifth " two	... 100

Tahsildars, as at present,—

	Rs.
First grade, one	... 200
Second " one	... 175
Third " one	... 150
Fourth " none	... 125
Fifth " nine	... 100

268. Of what different classes of appointments is the Subordinate Judicial Service in your Province composed, including in the term "Subordinate Judicial Service" all Subordinate Judicial offices down to and including the office of Munsif or other office corresponding to that of Munsif, which are not reserved by law for, or not ordinarily held by, members of the Covenanted Civil Service?—Subordinate Judge and Munsifs.

269. Into what grades is each class of the above judicial appointments divided in your Province, and of how many appointments does each grade consist?—

One Subordinate Judge	... Second grade.
Three Munsifs	... First "
Two "	... Second "
Three "	... Third "
Two "	... Fourth "

270. What rate of pay is attached to each grade?—

	Rs.
Subordinate Judge, 2nd grade	... 800
Munsifs, first grade	... 400
" second "	... 300
" third "	... 250
" fourth "	... 200

271. In the existing Subordinate Executive staff how many persons are (1) Europeans; (2) Natives of India of pure descent; (3) Eurasians and others who, though not Natives of India of pure descent, fall within the meaning attached to the words "Natives of India" by the Statute of 1870 (33 Vic., Cap. 3, section 6); and (4) persons who are neither Europeans nor Natives of India, whether of pure descent or within the Statutory meaning?—

(1) European	... 1
(2) Natives of India of pure descent	... 52
(3) Eurasians and others	... 2
(4) Nil.	

272. What particular appointments in the Subordinate Executive Service are at present held in your Province by persons falling under each of the above classes?—The European and Eurasians are Extra Assistant Commissioners employed on general executive and magisterial duties.

Of Natives—

- 26 are Extra Assistant Commissioners, of whom four are in charge of subdivisions, and one is Cadastral Settlement Officer, Kamrup.
- 14 Sub-Deputy Collectors.
- 12 Tahsildars.

273. What rates of pay are attached to the appointments thus held in each case?—There are no appointments to which a special rate of pay is attached.

274. What particular appointments in the Subordinate Judicial Service are at present held in your Province by persons falling under each of the above classes?—All held by Natives of India of pure descent, class (2).

275. What rates of pay are attached to the appointments thus held in each case?—See reply to question 270.

276. Under what system of selection or nomination are appointments at present made in your Province to the Subordinate Executive Service, as above defined?—Under open competitive examination, prescribed in Rules dated 26th April 1883, No. 1900, a copy of which is attached for ready reference.

277. Under what system are appointments similarly made to the Subordinate Judicial Service, as defined above?—The appointments are made by selection by the High Court and reported to the Chief Commissioner. No qualifications entitle any one to enrolment as a candidate, but no one is, as a rule, enrolled unless he is a first grade pleader, holds a degree in law, and has practised his profession for three full years in some court, and is under 30 years of age at the time he receives his first appointment.

278. Have any rules been framed for the purpose of regulating such appointments, and, if so, what are they (a) in the case of the Subordinate Executive Service, and (b) in that of the Subordinate Judicial Service?—For, (a) Subordinate Executive Service, *vide* reply to question 276; (b) *vide* 277.

279. What preliminary qualifications, if any, are required in the case of the Subordinate Executive Service and in that of the Subordinate Judicial Service, respectively, in regard to the age of candidates?—For Executive Service, certificate of age from Government medical officer of the district [*cf.* Rule 4 (b)].

Age not to exceed twenty-five years, unless already in Government employ.

For Subordinate Judicial Service, *vide* reply to question 277.

280. In regard to their educational attainments?—For Executive Service, those in Government employ may appear at examination without passing any University examination, provided they satisfy the preliminary requirements as to character, age, and health, and ability to ride or walk, of the Rules of 1883 above quoted. Persons

not already in the service of Government must have taken a University degree in Arts, Law, Medicine, or Engineering.

281. In regard to their moral, social and physical fitness?—*Vide* Rule 4 of the Rules of 26th April 1883, above quoted.

282. In other respects (if any)?—*Vide* Rule 5 (a) of the Rules of the 26th April 1883, above quoted.

283 & 284. Are the same qualifications, if any, required on the part of the holders of all appointments in the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, or are different qualifications required on the part of candidates for different classes of appointments? If the latter, what are the qualifications required, and to what class or classes of appointments do they respectively apply?—Same qualifications required.

285. Are appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, made on probation?—For the Executive Service appointments made generally on probation for a year, *vide* Rule 9 of the Rules of 26th April 1883. As regards Subordinate Judicial Service, *see* reply to question 277.

286. If so, what is the length of the probationary period required?—*Vide* reply to question 285.

287. What are its incidents as to pay and in other respects?—*Vide* Rule 9 of the Rules of 26th April 1883.

288. If a probationary period is required, is it insisted upon in all cases, or is it dispensed with in any, and, if so, in what cases?—Not in all cases.

289. What departmental examination (if any) are persons appointed to the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined, required to pass?—For Subordinate Executive Service, *vide* Rule XVII of the Departmental Examination Rules, published as Notification No. 438, dated the 21st November 1884, a copy of which is annexed. For Subordinate Judicial Service the same system as in Bengal, *vide* reply to question 277.

290. Within what period (if any) from the date of original appointment must such examinations be passed?—Two years.

291. What is the penalty for failure to pass the examinations within the period prescribed?—Forfeiture of appointment—a penalty which is rarely enforced in practice.

292—294. How is promotion regulated in the Subordinate Executive and Subordinate Judicial Services, respectively, as above defined? Does such promotion depend on fitness only or merely on seniority? Is it regulated by considerations of fitness combined with considerations based on seniority?—In the Subordinate Executive Service partly on seniority, partly on merit.

295. If so, what relative weight is attached to fitness and seniority respectively?—More weight is given to seniority among the Extra Assistant Commissioner

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Com-
missioner,
Assam.

Vol. VI. and very little weight among the Sub-
 Sec. I. Deputy Collector and Tahsildar class.

Sub-Sec. C.

Replies of
 Chief Com-
 missioner,
 Assam.

296. How is the present system of reg-
 ulating appointments to the Subordinate
 Executive and Subordinate Judicial Services,
 respectively, regarded by influential sections
 of the Native community?—There is very
 little public opinion on the subject. Gener-
 ally speaking, all examinations are objected
 to.

297. Has the existing system the effect
 of securing for the Subordinate Executive
 and Subordinate Judicial Services, respec-
 tively, persons who are found to be thorough-
 ly qualified for the performance of their
 duties?—See reply to questions 263, 264.

298. To what sections of Native society
 do the persons belong who accept under
 existing conditions appointments in the
 Subordinate Executive and Subordinate
 Judicial Services, respectively?—They
 belong to no particular section of Native
 society. Those who accept appointments
 in the Sub-Deputy Collector and Tahsildar
 class on the condition of passing a preli-
 minary examination have hitherto been
 mostly Deputy Inspectors and Sub-Inspect-
 ors of Schools, or Masters in our High
 Schools, and belong to the Brahman,
 Kayastha, and Baidya castes, which con-
 stitute the educated classes in Bengal and
 Assam.

If we classify the officers in our Subor-
 dinate Executive Service by the caste
 standard, we arrive at the following re-
 sults:—

(1) Extra Assistant Commissioners—

Europeans and Eurasians	...	3
Mahomedans	...	3
Native Christians	...	2
Khasi	...	1
Brahmans	...	12
Baidyas	...	1
Kayasthas	...	5
Other castes	...	2
Total	...	29

(2) Sub-Deputy Collectors—

Mahomedans	...	2
Brahmans	...	2
Baidyas	...	3
Kayasthas	...	7
Total	...	14

(3) Tahsildars—

Brahmans	...	3
Baidyas	...	2
Kayasthas	...	3
Other castes	...	3
Native Christians	...	1
Total	...	12

(4) Subordinate Judge and Munsifs—

Brahmans	...	4
Kayasthas	...	5
Caste unknown	...	1
Mahomedans	...	1
Total	...	11

299. To what extent do Natives of good
 family and education in your Province offer
 themselves as candidates for Subordinate
 Judicial and Executive appointments?—
 Natives of good family belonging to Assam
 not unfrequently offer themselves as candi-
 dates for the Subordinate Executive Service;
 but they do not care to go in for the preli-
 minary examination prescribed by the
 rules, generally because they know they
 cannot pass. Natives of good family and
 education from Bengal, e.g., University
 graduates, frequently offer themselves for
 the post of Extra Assistant Commissioner,
 but refuse to enter this grade through the
 channel of the Sub-Deputy Collector class.
 Having, too, passed the University ex-
 aminations, they object to having to pass
 the preliminary examination at present re-
 quired before they can be appointed to be
 Sub-Deputy Collectors, and the objection
 appears to be a reasonable one. For the
 Subordinate purely Judicial Service (i.e.,
 Sub-Judges and Munsifs of Sylhet) there
 are numerous applicants, the appointments
 being made by the High Court by selection.

300. Do Natives who have been to
 England for purposes of study on their
 return to India willingly accept such ap-
 pointments?—No. Natives who have been
 to England have sought appointments.

301. How far are such appointments
 in your Province restricted to persons *bonâ
 fide* resident in (and connected with) the
 Province?—There is no such restriction, as
 the following statement shows:—

(1) Natives of Assam Province—

	ASSAM VALLEY.		SYLHET.				Total.
	Hindus.	Mahomedans.	Hindus.	Native Chris- tians.	Mahomedans.	Khasi, Jaintia, &c.	
Extra Assistant Com- missioners	4	1	1	1	1	1	9
Sub-Deputy Collectors	5	1	1	.....	1	.....	8
Tahsildars	8	.....	.....	.....	.....	.....	8
Total	17	2	2	1	2	1	25

(2) Natives of other places—

	Europeans and Eurasians.	Hindus.	Mahomedans.	Native Christians.	Total.
Extra Assistant Com- missioners	5	15	1	1	20
Sub-Deputy Collectors	.....	6	.....	.....	6
Tahsildars	.....	5	.....	1	6
Total	5	21	1	2	30

None of our officers in the Subordinate
 Judicial Service, i.e., the Subordinate Judges
 and Munsifs in Sylhet, belong to the Pro-
 vince of Assam. They are all from Bengal.

302 & 303. How far are the professional classes represented in the Subordinate Executive and Subordinate Judicial Services, respectively, in your Province? Do members of the professional classes in your Province readily accept employment in those services?—The following officers in the Subordinate Executive Service were formerly pleaders:—

Babu Harish Chandra Chaki, Extra Assistant Commissioner.		
" Raj Mohun De,	ditto	ditto.
" Bani Chandra Banerji,	ditto	ditto.
" Siva Prasad Chakravarti,	ditto	ditto.
" Jagan Banibhu Nair,	ditto	ditto.
" Malhab Chandra Barfala,	ditto	ditto.
" Nitya Gopal Chatterji,	ditto	ditto.
" Kall Ram Choudhury,	ditto	ditto.

I cannot say what officers in the Sylhet Subordinate Judicial Service came from the professional class; but probably most of them were pleaders.

304—307. Whatever system or systems may at present be adopted for the purpose of regulating appointments to the Subordinate Executive and Subordinate Judicial Services, respectively, are any class or classes of persons expressly or practically excluded from such appointments? If so, how is such exclusion justified? Is it the case that certain classes of Uncovenanted appointments are practically reserved for Natives of pure descent owing to the fact that conditions are imposed which have resulted in shutting out Eurasians and other Statutory Natives of mixed descent? If so, how is such reservation justified?—None are excluded.

308. What has been the effect on the efficiency of the Subordinate Executive and Subordinate Judicial Services in your Province of the orders of the Government of India, dated 18th April 1879, which debar, unless with the previous sanction of the Governor-General in Council, (1) the appointment of any person, not being a Native of India within the Statutory meaning, to an office carrying a salary of Rs. 200 a month or upwards; and (2) the promotion to such an office of persons, not being Statutory Natives, who entered the Department concerned after the 1st January 1879?—The orders referred to have not affected the efficiency of the services one way or the other.

309 & 310. Since the issue of the orders above cited, have any undomiciled Europeans or other persons, not being Statutory Natives of India, been appointed either to the Subordinate Executive Service or to the Subordinate Judicial Service in your Province? If so, how many such persons have been appointed, and under what circumstances were the appointments made?—None.

311—313. Is it in your opinion necessary that there should be a proportion of Europeans either in the Subordinate Executive Service or in the Subordinate Judicial Service, or in both of those services? If so, on what grounds do you consider that an admixture of Europeans is necessary? What

in your opinion is the requisite proportion to be maintained between Europeans and Natives in those services?—Yes, there should, I think, in Assam be a proportion of European officers among the Extra Assistant Commissioner class, having regard to the number of European tea-planters in the province. The proportion might be fixed at one-seventh, i.e., 4 out of 29, as the limit which is not to be exceeded.

314. How do European members of the Subordinate Executive and Subordinate Judicial Services, respectively, work with Native members of those services?—Cordially.

315. Has experience shown that Europeans serving in such capacities become dissatisfied with their position and with the general conditions as to pay, promotion and retiring annuity under which they hold their appointments, and that their efficiency as public servants is consequently impaired?—No dissatisfaction seems to prevail, though of course every European Extra Assistant Commissioner aspires to be an Assistant Commissioner, and often thinks he is entitled to special treatment by reason of his being a European. I should never think of encouraging such aspirations, except in the case of proved exceptional merit and ability.

316—320. Are you in favour of laying down a rule that high educational capacity should be regarded as an essential qualification for appointment to the Subordinate Executive and to the Subordinate Judicial Services, as defined, for the purposes of these questions? If so, what test would you apply? Generally, what system do you advocate for filling appointments in the Subordinate Executive and Subordinate Judicial Services as above defined? What preliminary qualifications would you require on the part of candidates for those appointments in regard to age and in other respects?—I would recommend a system which ordinarily requires candidates to pass a prescribed preliminary examination unless they have passed an examination which is equivalent to the prescribed examination, e.g., unless they are graduates of the Calcutta University. I would give the Local Government full discretion to appoint any graduate to be an Extra Assistant Commissioner, and any person who had passed the First Arts Examination to be a Sub-Deputy Collector, and any person it thought fit to be a Tahsildar, bearing in mind that our Tahsildars in Assam do not perform the same duties as Tahsildars in the North-Western Provinces or Central Provinces. I would not alter the existing rules which prescribed the preliminary qualifications, in respect to age, &c., required on the part of candidates for the Subordinate Executive and Judicial Services.

321. Is it possible to devise any one system which would be equally applicable to all Provinces, having regard to the varying educational standards reached in

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Commissioner,
Assam.

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Commissioner,
Assam.

the several Provinces and the varying conditions prevalent therein?—It would, I should say, be quite impossible to devise a uniform system for all Provinces I would let each province have its own system adapted to its own educational standard.

322 & 323. Do you advocate the requirement of a probationary period, and, if so, what should be the incidents of such period as to duration, pay and in other respects? Would you require a probationary period in all cases, or would you dispense with it in certain, and, if so, in what cases?—I would have a probationary period in all cases of one year for the Sub-Deputy and

Tahsildar class; and for the Extra Assistant Commissioner class I should require them to pass the departmental examinations in two years, failing which they would forfeit their appointments.

324. If an open competitive examination were held in India for the Covenanted posts reserved for Natives, would persons who gained high marks in that examination and showed decided proficiency but who failed to secure a place amongst the successful candidates, form suitable nominees for Subordinate Judicial and Executive appointments in the Uncovenanted Service?—Yes, certainly.

APPENDIX A—See question 276.

RULES FOR MAKING APPOINTMENTS TO THE SUBORDINATE NATIVE CIVIL SERVICE.

Extract from the Proceedings of the Chief Commissioner of Assam, in the General Department—No. 1960, dated Shillong, the 26th April 1883.

RESOLUTION.

THE following rules under which appointments will in future be made to the Subordinate Native Civil Service in the Province of Assam have been sanctioned by the Chief Commissioner, and are issued in supersession of all previous rules.

2. All appointments to the grades of tahsildar in the Assam Valley and of Sub-Deputy-Collector throughout the Province of Assam will ordinarily be reserved for persons who have passed the examination prescribed in the rules below, and the grade of Extra Assistant Commissioner will ordinarily be filled, not by direct appointments, but by promotions from among the Sub-Deputy Collectors and tahsildars of the Assam Valley.

3. An application for admission to the roll of candidates for these appointments must be made through the Deputy Commissioner of the district in which the applicant resides, or is serving at the time. If the Deputy Commissioner considers that the applicant's qualifications for office are sufficient, he will forward a nomination roll in the form annexed to the Assistant Secretary to the Chief Commissioner. If the applicant does not reside in Assam, he should forward his application to the Magistrate of the district in which he resides, requesting the Magistrate to forward the nomination-roll to the Assistant Secretary. Such nomination-rolls should be received in the Secretariat Office before the 1st April of each year.

4. The preliminary requirements which all persons must satisfy are described below, and must be attested by the following certificates:—

(a) *Certificate of character.*—A certificate will be required from every candidate of his character, respectability, and general moral fitness; such certificate to be signed by two gentlemen of his own nationality, resident in the district of which he is a native, or where he usually resides, and also signed by the Deputy Commissioner or (if in Bengal) Magistrate of such district. The certificate of the latter is to indicate that the gentlemen who have signed it are qualified by their position and character to give such a certificate, and that the Deputy Commissioner or Magistrate himself knows nothing to the prejudice of the candidate.

(b) *Certificate as to age and sound health.*—Each candidate will be required to produce a certificate from the Government Medical Officer of the district of which he is a native, or where he may for the time being reside, stating that the candidate is generally a man of sound health; that he has expressed his willingness to serve in any district in Assam; and that he (the Medical Officer) believes him capable of doing so so far as he is able to judge; and also declaring what, in the Medical Officer's opinion, the candidate's age is.

(c) *Certificate of ability to ride or walk.*—Every candidate for an appointment, the pay of which is Rs. 100 a month or more, will also be required to prove that he can ride; and for this purpose he may apply to the Deputy Commissioner (or in Bengal the Magistrate) of the district, who will either satisfy himself on the point, or select some other person he thinks competent for that purpose. The examiner must satisfy himself from his own personal observation that the candidate can ride not less than 12 miles at a rapid pace, and is in this respect competent for all practical purposes of district work; and if such examiner be not the Magistrate of the district, the certificate must be countersigned by the Magistrate.

Provided that ordinarily no person will be admitted to the roll of competitive candidates who may be over 25 years of age, unless he is already in the service of Government.

5. The following persons will be eligible for the examination:—

(a) Persons who have served Government for six years, and have held, for not less than two years, a responsible permanent appointment, above that of copyist, with a salary not less than Rs. 50 in one of the civil departments of the Government service, and can produce a sufficient certificate of ability, good conduct, and fitness for promotion from their official superiors.

(b) Persons who have taken an University degree in Arts, Law, Medicine or Engineering.

6. Candidates will be examined in the following subjects, and the marks set opposite each subject will be the maximum obtainable:—

Vol. VI.
Sec. I.
Sub-Sec. C.

I.—ENGLISH.

(a) Reading aloud—		
Fluency	10	
Pronunciation	10	
(b) Conversation (with fluency and intelligibility)	20	
(c) Writing from dictation—		
Spelling	10	
Handwriting	10	
(d) Writing a report on a subject of which an outline of the main facts is given	20	
(e) Writing a précis of the evidence in a case selected at random	20	
	<hr/>	100

Replies of
Chief Commissioner,
Assam.
Appendix
A.

II.—SURVEYING.

(a) A paper in mensuration and in theoretical survey—ten questions ...	100
(b) Practical survey in the field of a plot of land to be surveyed with chain and compass and a map drawn to scale	50

III.—VERNACULAR OF THE PROVINCE (ASSAMESE AT GAUHATI, BENGALI AT SYLHET).

(a) Conversation with fluency and intelligibility	10
(b) Translating a paper from English into the Vernacular	20
(c) Translating a paper from the Vernacular into English	20

IV.—ARITHMETIC.

A paper of 10 questions	100
--------------------------------	-----

7. The examination will be held once a year at Gauhati and Sylhet. The Examination Committee will consist of the officers who form the Committee for the Departmental Examination of Assistants and Extra Assistants. The date of examination will ordinarily be in May or June, and will be notified a month in advance. Notice will be given at the same time of the number of vacancies to which appointments will be made.

8. Candidates who fail to obtain half marks in any one of the subjects will be disqualified. Among those who pass, the Chief Commissioner does not bind himself in all cases to select the candidates who have obtained the highest marks. In making the selections, the chief weight will be given to the number of marks, but consideration will also be paid to birth, claims based on being a Native of the province, or on descent and social position, obtaining preference when the marks of two candidates are nearly equal.

9. The candidates who are selected to fill the number of notified vacancies will, if they are not already Government servants, at once be taken into the Government service and employed as probationers in different districts on a salary of Rs. 50 a month till the vacancy to fill which they were selected occurs. In ordinary course, all such probationers will receive their permanent appointments as Sub-Deputy Collectors or tahsildars within a year of the examination.

Nominal Roll under Rule 3.

Date of nomination, with name and title of officer making it.	Name.	Name of son of	Date of birth, tribe or nationality, and religion.	Native of what place, and belonging to what family.	Educated at what school.	Acquainted with what languages and to what extent.	Whether acquainted with land-measuring and surveying.	If so, by whom taught; possesses what certificates.	The several situations in which previously employed; whether under Government or otherwise.	How employed now.	What relatives in Government employ at present, and their appointments.	Whether ever a candidate at any of the Government examinations, which, and results.	A brief notice of testimonials, if any, in consecutive order, according to date.	Extract of description of character from service-book.	Substance of medical certificate.	Remarks by Deputy Commissioner, stating the reasons for the selection of the applicant's name, and the date on which the applicant's name was qualified for the office sought for.

By order of the Chief Commissioner of Assam,

W. C. MACPHERSON,

Assistant Secretary to the Chief Commissioner of Assam.

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Com-
missioner,
Assam.
Appendix
B.

APPENDIX B—See question 289.

GENERAL DEPARTMENT.

The 8th April 1887.

No. 119.—The following Rules, which have received the sanction of the Government of India, are published for general information, in supersession of those published with notifications Nos. 438, dated the 21st November 1864, 66, dated the 25th February, 117, 143, and 155, dated the 1st, 19th, and 29th April 1886, respectively:—

Rules for the Departmental Examinations of Assistant Commissioners, Extra Assistant Commissioners, Sub-Deputy Collectors, Tahsildars, Police Officers, Civil Surgeons, and Officers of the Education Department.

I.—All Assistant Commissioners, Extra Assistant Commissioners, and Sub-Deputy Collectors, District Superintendents, and Assistant Superintendents of Police, Civil Surgeons, officers of the Educational Department, and others to whom these rules may be applicable, who may have been more than six months on duty, shall, and those who have been less than six months on duty may, at their option, be subjected to half-yearly departmental examinations, and shall be required to pass according to the standard or the standards of examination which may be applicable to them, respectively, in each subject, according to the rules hereinafter set forth. An officer may, on sufficient cause being shown, be exempted from appearance at any particular examination.

II.—To direct and control these half-yearly departmental examinations, there shall be a Central Examination Committee appointed by Government. The Committee shall be constituted as follows:—

Commissioner, Assam Valley Districts	President;
Judge of the Surma Valley	} Members;
Deputy Commissioner, Khasi and Jaintia Hills	...	...	...
Inspector-General of Police	...	...	...
Inspector of Schools	...	...	...
Comptroller, Assam	...	...	...
Assistant Secretary to Chief Commissioner	Member and Secretary;

with any other member or members who may, with the permission of the Chief Commissioner, be invited to give their assistance at the time of any particular examination.

III.—The examinations may be held—

- (a) for officers in the districts of the Assam Valley (except Sibsagar and Lakhimpur) and in the Garo Hills and Khasi and Jaintia Hills districts, at Gauhati;
- (b) for officers in the districts of Sibsagar and Lakhimpur and in the Naga Hills district, at Sibsagar;
- (c) for officers in the Surma Valley, at Sylhet.

IV.—The Chief Commissioner will, in communication with the Central Committee, fix the days for the half-yearly examinations, which shall be the same for every district. These will ordinarily commence on the 1st May and 1st November of every year. With the sanction of the Chief Commissioner, special examinations may be held at any other station at any time of the year.

V.—The Central Examination Committee may, on sufficient cause being shown, permit the appearance of an officer for examination at a station other than that at which, under Rule III, he would be required to present himself.

VI.—At the several stations at which examinations are to be held, Local Committees shall be formed, who shall conduct the examinations under the instructions of the Central Committee.

VII.—The Local Committees at the stations where the examinations are held shall be constituted as follows, subject to special orders by the Chief Commissioner in case any of the officers named may be unable to serve:—

<i>Gauhati and Sibsagar.</i>		<i>Sylhet.</i>
Deputy Commissioner.		Judge.
Senior Assistant Commissioner.		Deputy Commissioner.
Native Extra Assistant Commissioner.		Native Extra Assistant Commissioner (or other Native Civil Officer to be selected by the Deputy Commissioner).

VIII.—The Commissioner of the Assam Valley Districts, the Deputy Commissioners of other districts, and the Heads of the Police, Educational, Medical, and Public Works Departments shall forward to the Central Committee, at least one month before the date of examination, a list of the several officers subordinate to them liable to be examined in accordance with the provisions of Rule I. If the name of any officer liable to be examined appears to have been omitted from the list forwarded, the Central Committee should bring the fact to the notice of the Chief Commissioner.

IX.—A confidential report on the qualifications of each officer presenting himself for examination, and on the work done by him during the preceding six months, shall be forwarded to the Central Committee by the Deputy Commissioners of districts in the case of Assistant and Extra Assistant Commissioners, Tahsildars, Sub-Deputy Collectors, and Police Officers, and in the case of Medical and Educational Officers by the head of the department under whom the examinee is serving, at the same time as the list required by Rule VIII; or, in the case of a special examination, at the same time as the application for such examination. These reports should state specially whether an officer exercising judicial powers is fit for promotion to the grade of magistrate of the second or first class (as the case may be) in the event of his passing, and they shall be taken into consideration by the Central Committee and the Chief Commissioner in deciding whether a candidate shall be declared to have passed or not.

In the case of officers holding appointments in the Assam Commission, and of Extra Assistant Commissioners, until such officers shall have passed the examination by the higher standard, a certificate must also be furnished by the Deputy Commissioner of the district in which the officer has served, stating that the latter has been placed, for the purpose of training, in charge of a district

firmness, and readiness of resource. The tea industry is the mainspring of the prosperity of Assam. In 1885-86 the total exports of the Province were valued at Rs. 4,30,90,803, of which no less than Rs. 3,02,38,450 represent the value of tea exported. It is to the development and expansion of this industry that we trust for the reclamation of our vast wastes, the growth of our population, and the improvement of our communications.

Vol. VI.
Sec. I.
Sub-Sec. C.
Special features of Assam.

No. V.

No. 3, dated 16th November 1886.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

WITH reference to the Resolution of the Government of India in the Home Department, No. 34—1573-83, dated 4th October 1886, on the subject of the appointment of a Commission for the purpose of enquiring into the question of the employment of Natives of India in the public service, I am directed to request that, with the permission of the Chief Commissioner, you will be good enough to favour the Commission with full details showing the number of "charges" or offices in which Covenanted and Uncovenanted Officers engaged in the Executive and Judicial administration of the country are at present employed, together with complete information as to the apportionment of these "charges" or offices amongst members of the Covenanted and Uncovenanted Services, respectively, in Assam.

2. Columns 2—14, inclusive, of the statement embodied in paragraph 7 of the Resolution of the Government of India in the Home Department, No. 68—2024-35, dated 15th December 1881, show the nature of the statistics required, and I am to request that the return now asked for may be rendered as complete as possible so as accurately to represent existing facts. I am at the same time to enclose detailed lists of appointments upon which the figures given in the Resolution of 15th December 1881 in regard to Assam were based, and to request that corresponding details may be furnished of the figures entered under each column of the present return.

3. The Commission would also be glad to be furnished with figures showing the existing *cadre* of the Covenanted Civil Service in Assam, together with information regarding the proportion to the total strength of that service of (1) effectives, (2) officers on leave and other non-effectives, and (3) officers in training, respectively.

No. 7270, dated Shillong, the 16th December 1886.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

I AM directed to acknowledge receipt of your letter No. 3, dated the 16th November last, and, in reply to paragraphs 1 and 2 thereof, to forward a statement drawn up in the form of that contained in paragraph 7 of the Home Department Resolution of 15th December 1881, columns 3—14 inclusive, giving details of the "charges" held by officers of the Covenanted and Uncovenanted Services in this Province as they stood on the 1st instant. An explanatory memorandum accompanies the statement, which, it is hoped, will be found to supply all the information required. It has been assumed, with reference to the use of the words "Covenanted Civil Service" in the Resolution of 15th December 1881, that it was intended that the statement should show under that head both Military Civilians and Uncovenanted Civilians borne on the strength of the Commission, as well as Covenanted Civilians properly so called. If this assumption is incorrect, the details furnished in the memorandum will enable the charges held by Covenanted Civilians in the more restricted sense to be ascertained.

2. In reply to your third paragraph, I am to say that, on the assumption that only Covenanted Civilians, properly so-called, are here intended, the statement below shows the existing *cadre*, with the proportion to the total strength of (1) effectives, (2) officers on leave and other non-effectives, and (3) officers in training:—

Existing total strength of the Covenanted Civil Service.	Number of			Percentage to the total strength of		
	Effectives.	Officers on leave and other non-effectives.	Officers in training.	Effectives.	Officers on leave and other non-effectives.	Officers in training.
30	23	4	3	76.6	13.3	10.0

Vol. VI.
Sec. I.
Sub-Sec. C.

*Special
features of
Assam.*

If, however, it is intended that the whole strength of the Commission should be shown, including Military and Uncovenanted Officers, the following statement gives the facts:—

Existing total strength of the Covenanted Civil Service, including members of Commissions.	Number of			Percentage to the total strength of		
	Effectives.	Officers on leave and other non-effectives.	Officers in training.	Effectives.	Officers on leave and other non-effectives.	Officers in training.
44	31	9	4	70·4	20·4	9·1

The present strength of the Commission is 44 officers, distributed as shown below:—

Covenanted Civilians	...	...	...	...	30
Military Civilians	...	...	...	...	9
Uncovenanted Civilians	...	...	...	...	5
				Total	44

Executive and Judicial "Charges" in Assam.

COVENANTED, INCLUDING MEMBERS OF COMMISSIONS.									UNCOVENANTED.					
Executive.			Judicial.						Executive.			Judicial.		
Administration.	Districts.		High and Chief Courts and Judicial Commissioners.	Districts.		High and Chief Courts and Judicial Commissioners.	District Judges.	Subordinate Judges and Magistrates.	General.	Sub-divisional Officers.	Tahsildars and Sub-Deputies.	High and Chief Courts and Judicial Commissioners.	District Judges.	Subordinate Judges and Magistrates.
	Headships of districts and the like.	Sub-divisional Officers.		District Judges and the like.	Assistant Judges and the like.									
5	4	5	6	7	8	9	10	11	12	13	14	15	16	
4	13	11	Nd.	2	Nd.	2	11 Extra Assistant Commissioners, at sub-divisional and sub-divisional in principal charge. 13 Extra Assistant Commissioners, at sub-divisional and sub-divisional in subordinate charges.	12 Tahsildars, 14 Sub-Deputies.	Nd.	Nd.	10			

Memorandum explanatory of Statement.

This statement, as desired in paragraph 2 of Mr. Daukes's letter, is prepared upon the lines of that in paragraph 7 of Home Department Resolution No. 68—2024-35, dated 15th December 1881, columns 3—14 (column 2 is blank for Assam); and, for convenience of reference, the columns have been numbered to correspond with those of that statement. It is observed that paragraph 2 of the letter omits reference to column 15 of the statement of 1881, it is presumed intentionally; but this column is of some importance with reference to the total strength of the Uncovenanted Service.

The statement is, as in the Resolution of December 1881, divided between Covenanted and Uncovenanted Officers, including in the former all members of the Commission, whether Covenanted Civilians, Military Officers, or Uncovenanted Officers. The details given below, however, will show how these three classes are represented in the totals.

Column 3, Administration.—The total is thus made up:—

- 1 Chief Commissioner.
- 1 Secretary.
- 1 Assistant Secretary.
- 1 Personal Assistant to Chief Commissioner.

In 1881 the Personal Assistant, who is one of the Assistant Commissioners on the Provincial list, was, it is believed, shown as an officer in charge of a sub-division. Of these four officers, the first three are Covenanted Civilians, the fourth a Military Officer.

CHAPTER III.

Rules relating to the examination of Assistant Commissioners and Extra Assistant Commissioners.

Vol. VI.
Sec. I.
Sub-Sec. C.

—
*Replies of
Chief Com-
missioner,
Assam.
Appendix
B.*

XXXIII.—In the examination of Assistant and Extra Assistant Commissioners in Law and Revenue, four sets of papers will be framed: one in Civil Law, to be answered with books; one in the Criminal Codes, with books; one General Law paper, without books; and one General Law paper, for the Higher Standard only, with books. Covenanted Civilians, who have been trained in the Civil and Criminal Codes in England, will not be required to pass in the first two of these four papers.

All Assistant Commissioners and Extra Assistant Commissioners will further be required to pass, both by the Lower and the Higher Standard, in Treasury and Local Fund Accounts (including Circulars of the Accountant-General and Comptroller, Assam), and in the Departmental Revenue Accounts as set forth in the Civil Account Code, Volume I. The paper prepared for the Lower Standard will be elementary in its character, but at the Higher Standard Examination the candidate will be required to exhibit a satisfactory general acquaintance with the whole system of accounts as prevailing in the Province.

The success of candidates by either the Lower or Higher Standard will be determined by the scale of marks appended below.

XXXIV.—The examination in Civil Law will consist of one paper of twelve questions in—

- The Civil Procedure Code, Act X of 1877, and amending Acts;
- The Indian Evidence Act, I of 1872, and amending Acts;
- The Contract Act, IX of 1872;
- The Limitation Act, XV of 1877;
- The Specific Relief Act, I of 1877;
- The Transfer of Property Act, IV of 1882;

and such other Acts as may be notified from time to time.

XXXV.—The examination in the Criminal Codes will consist of one paper of twelve questions in—

- The Penal Code.
- The Criminal Procedure Code.

XXXVI.—The examination in General Law without books will consist of one paper of twelve questions in the following:—

- The Police Act, V of 1861;
- The Immigration Act, I of 1882;
- The Cattle-trespass Acts, I of 1871 and XVIII of 1883;
- The Ferries Act, XVII of 1878;
- The Landlord and Tenant Act, X of 1859; and VIII (B.C.) of 1859;
- The Act relating to breach of contract to labour, XIII of 1859;
- The Land Acquisition Act, X of 1870;
- The Municipal Act, V (B.C.) of 1876;
- The Excise Act, VII (B.C.) of 1878;
- The Opium Act, I of 1878;
- The Stamp Act, I of 1879;
- The Court-fees Act, VII of 1870;
- The Arms Act, XI of 1878;
- The Forest Act, VII of 1878;
- The Inner Lane Regulation, 1873;
- The Local rates Regulation, 1879;
- The Frontier Tracts Regulation, 1880;
- The Assam Land and Revenue Regulation, 1886;

and such other Acts as may be notified from time to time.

XXXVII.—The examination in General Law with books shall consist of one paper of twelve questions on all the unrepealed General Acts of the Government of India, all unrepealed Acts of the Governor-General in Council or of the Bengal Council relating to and in force in Assam, all unrepealed Assam Regulations issued under 33 Vic., Chapter III, Section 1, all unrepealed enactments included in the notifications published under sections 3 and 5 of the Scheduled Districts Acts, the Rules issued under the Assam Land and Revenue Regulation, all Rules and Circulars of the Chief Commissioner published in the Compilation of Circulars, and the Rules of the Bengal Board of Revenue in force in the Province.

XXXVIII.—The paper in Accounts will be separate for the Lower and Higher Standard respectively, and will for each standard consist of 12 questions to be framed by the Comptroller. In order to pass in this paper the candidate must obtain half marks. Books will be allowed.

XXXIX.—The following marks will be allotted to each subject:—

SUBJECT.	Maximum number of marks.	Minimum required to pass for each subject.	
		Lower Standard.	Higher Standard.
Civil Law paper	120	60	90
Criminal Codes paper	120	60	90
General Law paper without books	120	60	90
Ditto ditto with books	120	60	90
Accounts paper with books	120	60	90

XI.—An officer who in passing the Higher Standard examination in any of these papers obtains eight-tenths of the aggregate number of marks allotted to the entire examination, will be considered to have passed with credit, and one who obtains nine-tenths with great credit.

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Com-
missioner,
Assam.
Appendix
B.

XL†.—The examinations in any of these papers, and in the vernacular languages, may be passed at different times. An officer may pass by the Higher Standard in any of the first four papers at his first examination if he can obtain sufficient marks, even though he has not previously passed by the Lower Standard.

CHAPTER IV.

Special Rules.

XLII.—Every Assistant Superintendent or Officiating Assistant Superintendent of Police on the Bengal establishment must pass an examination by the Higher Standard in the papers in Law and Bengali set for Police Officers serving in the Province of Bengal by the Bengal Central Examination Committee. Their papers will be sent to that Committee, on whose report they will be declared by the Chief Commissioner to have passed or failed to pass, as the case may be.

Inspectors of Civil Police must pass in the papers set by the Central Examination Committee, Assam, for Police Officers, in the Higher Standard in General Law, and in a special paper in Police Procedure without books, and in the Higher Standard in General Law with books. The standard of marking will be as in Rule XXXIX. The papers in General Law will consist of questions on the following:—

Penal Code.
Criminal Procedure Code.
Evidence Acts, I of 1872 and XVIII of 1872.
Police Act, V of 1861.
Cattle-trespass Act, I of 1871.
Ferries Act, XVII of 1878.
Immigration Act, I of 1882.
Municipal Act, V (B.C.), 1876.
Excise Act, VII (B.C.), 1878 and rules made thereunder.
The Opium Act, I of 1878, " " "
The Forest Act, VII of 1878, " " "
Arms Act, XI of 1878, " " "
Inner Line Regulation, 1873.
Sylhet and Cachar Rural Police Regulation, I of 1883.

The special paper in Police Procedure will consist of questions on the Circulars of the Inspector-General of Police, and on matters relating to police routine and procedure.

XLIII.—Assistant or Extra Assistant Commissioners posted to the Garo, Khasi, or Naga Hills districts must pass an examination in the local languages peculiar to each of those districts within one year of being posted to it, subject to the penalty of obtaining no promotion, temporary or permanent, till they succeed in passing.

CHAPTER V.

Rules for the encouragement of the study of the languages of the Frontier Tribes bordering on or having connection with the Province.

XLIV.—A reward of Rs. 1,000 will be granted to any Deputy or Assistant Commissioner, Extra Assistant Commissioner, Civil Surgeon, District or Assistant Superintendent of Police, or Educational Officer (Inspectors and Deputy Inspectors of Schools) who shall pass by the prescribed standard an examination in any one language in any one of the groups of languages noted in the margin, provided that the language is spoken

within the district where the officer is at the time employed, or by tribes continuous to it with whom he has official relations. A second reward will in no case be given to an officer for proficiency in a second language of the same group.

XLV.—The districts in or on the borders of which the several groups of languages above specified will be held to be spoken are—

Group.	District.
I.—Darrang, Lakhimpur, Sibsagar.	
II.—Manipur, Naga Hills, Nowgong, Cachar, and Sibsagar.	
III.—Darrang, Lakhimpur.	
IV.—Lakhimpur.	
V.—Ditto.	
VI.—Manipur, Cachar, and Sylhet, and Naga Hills.	
VII.—Ditto ditto.	
VIII.—Garo Hills, Goalpara, Kamrup, Darrang, Nowgong, Cachar, Naga Hills.	
IX.—Lakhimpur, Sibsagar.	
X.—Khasi Hills, Jaintia Hills, Sylhet, Kamrup, Nowgong, and Cachar.	
XI.—All districts in the Brahmaputra Valley.	

Consequently, officers stationed in—

	Groups.
Goalpara may present themselves for examination in ...	VIII, XI.
Kamrup	VIII, X, XI.
Nowgong	II, VIII, X, XI.
Darrang	I, III, VIII, XI.
Sibsagar	I, II, VIII, IX, XI.
Lakhimpur	I, III, IV, V, IX, XI.
Sylhet	VI, VII, X.
Cachar	II, VI, VII, VIII, X.
Khasi and Jaintia Hills	VIII, X.
Naga Hills	II, VI, VII, VIII.
Manipur	II, VI, VII.

XLVI.—The examination shall be conducted by a Local Committee to be specially appointed by Chief Commissioner on each occasion.

- XLVII.—The tests which a candidate for the above reward must undergo are as follow:—
- (1) He must be able to converse freely with the people of the tribe in whose vernacular he may wish to qualify, to understand, and to make himself understood by them.
 - (2) He must write down in the English, Bengali, Hindi, Khampti, or Tibetan character sentences spoken in the tribal language by one of the tribe, or a conversation held between two of them, and must explain it correctly in English.
 - (3) He must translate into the tribal language (writing it either in the English, Bengali, Hindi, Khampti, or Tibetan character) without assistance; so that the translation shall be substantially correct, and shall be intelligible when read to a Native in whose language it is written.

Vol. VI.
Sec. I.
Sub-Sec. C.
—
*Replies of
Chief Com-
missioner,
Assam.
Appendix
B.*

The sentences to be translated from English, or from the candidate's mother tongue under the third requirement should be of the same description as, and not more difficult than, those under the second requirement.

XLVIII.—In the case of Natives, who by facilities of residence may have acquired proficiency in the tribal language of any district, the Chief Commissioner will determine whether the reward should be granted or not for an examination passed in any language with which from birth and education the candidate is naturally familiar.

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

No. IV.

No. 922, dated Shillong, the 23rd February 1887.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

In reply to your letter No. 104, dated the 11th February 1887, I am directed to submit a memorandum on the special features of Assam which bear upon its administration. The Chief Commissioner regrets that the short time allowed for its compilation has necessarily rendered this memorandum somewhat sketchy and incomplete; but full statistics and details regarding the history, natural features, and form of administration of the Province will be found in the permanent chapters (Part IIA) prefixed to the Provincial Administration Report for 1882-83, to which I am to solicit a reference for any further information that may be required.

*Memoran-
dum on the
special
features of
Assam.*

MEMORANDUM ON THE SPECIAL FEATURES OF ASSAM WHICH BEAR UPON ITS ADMINISTRATION.

The area of the Province of Assam, including the petty States of the Khási Hills, nineteen in number, is 45,836 square miles, of which 28,140 square miles are plain, and 17,698 square miles hilly country. The Province consists of the two great valleys of the Brahmaputra and Surma rivers, the former of which is more than three times the area of the latter, and the intervening hills known as the Assam Range. Although the two valleys differ so widely in area, their population is approximately equal. The hill districts are very thinly peopled. The following are the statistics according to the last census:—

	Area in square miles.	Popula- tion.	Density per square mile.
Surma Valley ...	6,666	2,258,434	338.79
Brahmaputra Valley ...	21,474	2,249,185	104.74
Hill districts ...	17,698	373,807	21.12
Total	45,838	4,881,426	106.49

With the exception of its western boundary, where it adjoins Bengal, the Province is completely surrounded by foreign territory, for the most part wild and hilly, and inhabited by savage tribes who have at one time or another raided upon the plains, and called for punitive expeditions to restrain them.

The mountains within the Province are also inhabited by races akin to those beyond our nominal frontier. Some of these, especially the Angámi Nágas and the Gáros, were formerly notorious for savage outrages, and our occupation of all the three hill districts (the Gáro, Khási and Jaintia, and Nága Hills) was preceded by wars of retribution for raids and murders.

2. The cultivated area, owing to the absence of statistics from the hill districts, where no means exist of obtaining them, and land measures even are generally unknown, and from the districts of Sylhet and Goálpára, which are for the most part permanently-settled, cannot be precisely stated. In the five upper districts of the Assam Valley, which cover an area of

Vol. VI. 17,048 square miles, the area under cultivation in 1885-86 is returned as 1,598,385 acres,
 Sec. I. or 2,494 square miles.
 Sub-Sec. C.

*Special
 features of
 Assam.*

3. The population is of very mixed origin. Broadly speaking, all the hill races are non-Aryan tribes, belonging (except the Khásis) to the Tibeto-Burman stock, still retaining their own languages which are very numerous and mutually unintelligible; and in the plains of both valleys there are large bodies of people of the same family of mankind, either wholly unconverted or in the process of conversion to Hinduism. These represent more than a million of the inhabitants. But besides these, the mass of the population, now known as Hindas, and speaking either Bengali or Assamese, are undoubtedly of mixed or wholly non-Aryan descent, though their special affinities are no longer recognisable. Divided according to religion, the census of 1881 exhibited them thus:—

Hindus	...	...	...	...	3,062,148
Mahomedans	...	...	...	...	1,317,022
Christians	...	...	...	...	7,093
Buddhists	...	...	...	...	6,563
Jains	...	...	...	...	158
Brahmos	...	...	...	...	177
Sikhs	...	...	...	...	14
Hill tribes	...	...	...	...	488,251
Total					4,881,426

Under "Hindus" are shown (wrongly) about half a million of Tibeto-Burmans (called Kacháris) still retaining their own religion and language. The Mahomedans are nearly all Sunnis, and 1,107,924 of them live in the Surma Valley, where they form about half of the population. Of the Christians, 1,631 are Europeans and Eurasians (chiefly tea-planters), and the remainder are mainly Christian converts in the hill districts.

4. There are no large towns in the Province. Only the following contain a population exceeding 10,000:—

Towns.	...	...	...	...	...
Sylhet	...	...	...	...	14,407
Gauháti	...	...	...	...	11,695
Barpeta	...	...	...	...	13,753

Those containing over 5,000 inhabitants are the following:—

Dibrugarh	...	...	...	...	7,153
Goálpára	...	...	...	...	6,697
Silchar	...	...	...	...	6,567
Sibságar	...	...	...	...	5,568

The remainder of the population are distributed among 21,412 villages, more than two-thirds of which contain less than 200 inhabitants.

5. For administrative purposes the Province is divided into eleven districts, each of which is under the control of a Deputy Commissioner. The six districts of the Assam Valley are administered by a Commissioner, who is also Civil and Sessions Judge. The remaining five districts are directly under the control of the Chief Commissioner. The following are their names, population, and area:—

District.	Area, square miles.	Population.
Assam Valley ... {	Goálpára ... 3,953	446,232
	Kámrúp ... 3,634	644,960
	Darrang ... 3,418	273,333
	Nowgong ... 3,417	310,579
	Sibságar ... 2,855	370,274
	Lakhimpur ... 3,724	179,893
Surma Valley ... {	Sylhet ... 5,381	1,909,009
	Cachar ... 3,750	313,858
Hill Districts ... {	Gáro Hills ... 3,149	109,548
	Khási and Jaintia Hills ... 6,157	169,360
	Nága Hills ... 6,400	94,380

The hill districts are mainly inhabited by the races whose names they bear. Shillong, the seat of the Administration, is in the centre of the Khási and Jaintia Hills. The Goálpára district is mainly peopled by the Mech or Kachári race, and the same stock

extends under the Himalayas throughout the Kámrúp and Darrang districts. In the Assam Valley Mahomedans (chiefly of non-Aryan origin) are numerous only in the Goálpára district. Kamrúp is inhabited chiefly by races professing Hinduism, and living under the spiritual domination of numerous religious communities, who hold temples and grants of revenue-free land for their support made by the last Ahom Kings. Higher up the valley in Sibságar and Lakhimpur are found, under the name of Ahoms and Khámptis, persons of Shán origin, the former nominally converted to Hinduism and speaking Assamese, the latter, who are recent immigrants, Buddhists still retaining their own language. An island in the Brahmaputra called the Májuli, which lies between the Sibságar and Lakhimpur districts, is the seat of several religious chiefs called Gosains, who are Vaishnavas by religion, and exercise a remarkable influence over the people in this region, having converted to nominal Hinduism many thousands of non-Aryan settlers in Upper Assam. The thickly-peopled district of Sylhet is divided almost equally between Hindus and Mahomedans, the latter forming generally the lower strata of the population. Cachar is peopled by an overflow from Sylhet. In the Surma Valley riots are of not unfrequent occurrence; the rest of the plains districts are inhabited by a remarkably peaceful and law-abiding community, and serious crime is almost unknown. Bengali is the language of the Surma Valley and Goálpára, and Assamese that of the remaining five districts of the Assam Valley.

6. An important element in the population is composed of immigrant labourers from Bengal and the North-Western Provinces, who are settled in tea gardens in the plains districts. The following are the latest figures of these labourers, but it must be observed that they do not represent the total immigrant population, many thousands of whom, originally tea labourers, but since settled in the Province, have taken to agriculture :—

				Number of labourers.	Number of tea gardens.
Sylhet	...	...	...	50,450	113
Cachar	...	...	...	83,921	182
Lakhimpur	...	...	...	49,896	156
Sibságar	...	...	...	66,653	238
Nowgong	...	...	...	12,470	67
Darrang	...	...	...	26,935	90
Kámrúp	...	...	...	2,934	89
Total	...	...	...	293,259	935

A good deal of the crime of the Province is due to these immigrants, removed as they are from the social sanctions which keep them moral in their native districts. And a great part of the work of the administrative officers consists in the inspection of the tea plantations, nearly all of which, except in the Kámrúp district (where there are many small gardens in Native hands), are managed by Europeans. The relations between planters and their labour force are governed by a special labour law, Act I of 1882, the provisions of which, as regards the transport, housing, and control of immigrant labourers, give constant occupation to the district staff. It will be seen that every plain district of the Province except Goálpára possesses some tea gardens, and the last-named district contains the town of Dhubri, which is the port where the immigrants for the Assam Valley are received into depôts under the supervision of a special Superintendent of Embarkation, and whence they proceed on their voyage up the river. Each one of these districts therefore demands the presence of a European officer at its head, in order to secure the smooth working of the labour system, and to avoid the friction which might be anticipated if planters were placed in subordination to Native magistrates.

7. Most of these districts are divided into sub-divisions, of which the following is a list :—

District.	Sub-division.
Goálpára	{ Dhubri. Goálpára.
Kámrúp	{ Gauhati. Barpeta.
Darrang	{ Tezpur. Mengaldai.
Nowgong	No sub-division.
Sibságar	{ Sibságar. Jorhat. Golághát.
Lakhimpur	{ Dibrugarh. North Lakhimpur. Sadiya (a political charge).

Vol. VI.
Sec. I.
Sub-Sec. C.
—
*Special
features of
Assam.*

District.	Sub-division.
Sylhet	{ North Sylhet. Karimganj. South Sylhet. Habiganj. Sunámganj.
Cachar	{ Silchar. Hailákánda. North Cachar Hills.
Gáro Hills ... ..	... No sub-division.
Khasi "	{ Shillong. Jowai.
Nága "	{ Kohima. Wokha.

Each sub-division away from head-quarters, except Sadiya, Wokha, and North Cachar, political charges which are held by officers belonging to the Bengal Police, is in charge of a resident Assistant Commissioner or Extra Assistant Commissioner, and, excluding the hill districts, North Cachar, and Goálpára, every one of these sub-divisions, except Barpeta, Sadiya, and Sunámganj, contains several tea gardens.

8. The present Province of Assam was constituted a separate Administration in 1874.

Reasons for constitution of Province. Previous to that date it formed a part of the Lower Provinces of Bengal, the five upper districts of the Brahmaputra Valley, with the Khasi, Jaintia, and Nága Hills, being the charge of a Commissioner, Goálpára and the Gáro Hills being part of the Cooch Behar Commissionership, and Sylhet and Cachar part of the Dacca Commissionership. The Sylhet district was always subject to the same Regulations and laws as the rest of Bengal; the remaining districts of the Province have from the first been administered on what is called the non-Regulation system. The reasons which dictated the constitution of the Province as a separate Chief Commissionership were its remoteness from the head-quarters of the Bengal Government at Calcutta, the necessity of pursuing a continuous policy of careful watchfulness in regard to the savage tribes by which it is surrounded, the belief that its vast uncultivated areas would make more rapid progress towards settlement and colonisation under a more direct system of administration, and the requirements of the tea industry both in respect of labour-supply and of supervision.

9. Sylhet, as already mentioned, is in almost all respects a Bengal Regulation district.

Duties of administrative officers. Though its staff are styled Deputy Commissioner, Assistant Commissioners, and Extra Assistant Commissioners, they perform exactly the same work as the Magistrate and Collector, Joint-Magistrate, Assistant Magistrates, and Deputy Magistrates and Collectors of Bengal. They exercise no powers in respect of civil justice, for which, and for rent suits (which, under Act VIII of 1869 of the Bengal Code, are here heard by the civil courts) there exists a separate judicial establishment of Civil and Sessions Judge, Subordinate Judge, and Munsifs. In Cachar the Deputy Commissioner is Civil Judge, but the Sessions Judge of Sylhet is the chief criminal authority. In other respects Cachar and the districts of the Assam Valley resemble each other, in that criminal, civil, and revenue jurisdiction are united in the same persons, Assistant Commissioners and Extra Assistant Commissioners being at once Magistrates, Revenue Officers, and Munsifs, and Deputy Commissioners Subordinate Judges as well as District Magistrates (with special powers under Section 30 of the Criminal Procedure Code) and chief executive officers. The District Civil and Sessions Judge of the Assam Valley is the Commissioner, whose head-quarters are at Gauháti, but who holds sessions at each district capital as he visits it on tour. The Commissioner controls, like a Commissioner in Bengal, all the revenue business of his six districts, but possesses no jurisdiction in respect of political matters, which are transacted by Deputy Commissioners in direct correspondence with the Chief Commissioner.

One very important part of the duties of district officers consists in their relation to the various Municipalities and Local Boards. There are six Municipalities in the Province: Gauháti, Goálpára, Dibrugarh, Dhubri, Barpeta, and Sylhet, and three stations incorporated under the Bengal Municipal Act: Shillong, Sibságar, and Silchar, which differ little but in name from the Municipalities. In several of these the Commissioners are elected by the people. Including five small towns, known as Unions, where there are no Municipal Commissioners, the income of these bodies in 1885-86 amounted to Rs. 1,22,700, and their expenditure to Rs. 1,32,476.

The Local Boards are constituted under the Assam Local Rates Regulation, 1879. Each sub-division (of which there are 19) in the eight plains districts possesses a Local Board. In three districts Kámrup, Sibságar, and Sylhet, all the members of these Boards are chosen by a system of popular election, and in all the remaining tea districts (Darrang, Nowgong, Lakhimpur, and Cachar) the representatives of the tea-planting community are chosen by election. In the last four districts and Sibságar half the non-official members of the Board are representatives of the tea interest. The district and sub-divisional officers are Chairmen of the Boards, and in the discharge of this function are often called upon to

hold the balance between the two parties whose representatives compose the Boards. The initiative in measures of material progress in all the tea districts depends largely upon the European planters, the Natives of the Assam Valley and Cachar being generally somewhat apathetic in this respect. Sylhet is a more advanced district, and the general interest in measures of improvement is greater there.

These Boards administered in 1885-86 a total income of Rs. 11,56,230, and expended Rs. 9,79,744, of which Rs. 7,37,526 were spent on Public Works, Rs. 1,41,183 on Education, Rs. 29,011 on Postal communications, and Rs. 17,693 on Medical institutions.

10. The police of the Province is under an Inspector-General, who is also Inspector-General of Jails and Registration, Superintendent of Stamps, and Commissioner of Excise for all districts except those of the Assam Valley, where the Commissioner is chief excise authority. The force is divided into two branches,—one the ordinary Civil Police, employed in the prevention and detection of crime, the guarding of treasuries and jails, and other duties usually performed by a police force: the other the Frontier Police, a body under a semi-military organisation, who hold the frontier outposts and keep the peace in those hill districts which possess a population of a warlike or turbulent disposition. The strength of the Civil (including the town) Police of all ranks at the end of 1885 was 2,007 and of the Frontier Police 2,446. The Frontier Police are divided into four battalions, the head-quarters of which are in the Lakhimpur, Cachar, Nāga Hills, and Garo Hills districts respectively, with detachments in Darrang and Sibsāgar. Each battalion is commanded by an officer, called Commandant, who, except in Cachar, is a military man. In Cachar, the Nāga and Garo Hills the Commandant unites with his military functions those of civil District Superintendent of Police: in Sylhet, Goalpara, Kāmrup, Darrang, Nowgong, Sibsāgar, and Lakhimpur there are separate District Superintendents or Assistant Superintendents of Police in charge of the district police work.

11. The military force of the Province is stationed at Shillong (one regiment of Native Infantry), Kohima (one ditto) with an outpost at Khonoma, Dibrugarh (one ditto) with a detachment at Sadiya, and (one ditto) Silchar. (At this moment a portion of the Assam military force is on field service in Burma; but the above is the normal disposition.) The Province forms a Brigade (the Eastern Frontier District) under a Brigadier-General, whose head-quarters are at Shillong.

12. Besides the peculiar character which is given to the duties of district officers by the presence of tea-planters and their large labour force, the other main special feature of the Province is its relations with frontier tribes. Commencing from its western border, where it marches with Bengal, Assam has for its neighbours the Bhutanese (Goālpāra, Kāmrup), the Bhutias of Towang, and other small separate communities (Darrang), the Akas (Darrang), the Dafflas (Darrang and Lakhimpur), the Miris, Abors, Mishmis, Khāmpis, Singphos (Lakhimpur), Nāgas of various tribes (Lakhimpur, Sibsāgar, and Nowgong), the State of Manipur, a congeries of Nāga and Kuki races (Nāga Hills and Cachar), the Lushais (South Cachar and Sylhet) and Hill Tipperah (Sylhet); with every one of these, except Manipur and Hill Tipperah, we have at one time or another been embroiled. The hillmen are accustomed to visit the plains in the cold weather, during which large parties of them roam over the district, or attend fairs at central points, as at Udalguri and Kherkheria in Darrang, and Sadiya in Lakhimpur. With few exceptions, these tribes are barbarous and superstitious savages, accustomed to take life on the slightest provocation, and eager to carry off plainmen as slaves into the hills. Their control and watching is no small anxiety in all the submontane districts, and dealings with them demand no little knowledge, firmness, and tact.

13. Besides these extra-British tribes, the Province contains within its borders the once turbulent Gāros, who were not finally brought under subjection till 1873, and the Nāgas (Angāmis, Semas, Lhotas, Rengmas, and Hatigurias) of the Nāga Hills district, who were not subdued till 1880. Both these districts are held by the strong hand of military force, without which they would undoubtedly be the scene of constant bloodshed. The Khāsi Hills have not been disturbed by warlike operations since 1835; but the neighbouring Jaintia Hills were in rebellion so late as 1860-63. In the North Cachar Hills there was an outbreak among the Cacharis, in which the Deputy Commissioner, Major Boyd, lost his life, in 1881-82. With the exception of Goālpāra and Nowgong (the hill people bordering on the latter, called Mikirs and Lalungs, being of a timid and peaceful disposition), there is no plains district in the Province which is not exposed to the danger of hostile action from the hill tribes; and even these might conceivably, as in former days, be the object of a raid by the Bhutanese or the Angāmi Nāgas. Almost every sub-division shares in this generally exposed condition of our frontier. The only exceptions (besides those named above) are North Sylhet, Sunāganj, and Habiganj in the Sylhet district. While the generally peaceable character of our plains population renders the ordinary administration of the country simple and easy, it is evident that these special conditions require also special qualities in the officers who may be called upon to deal with them.

Wild tribes within the Province.

Frontier tribes.

Military force.

Police.

Vol. VI. Administrative staff.
 Sec. I. Province is the following :—
 Sub-Sec. C.

14. The agency at the disposal of the Chief Commissioner for performing the administrative work of the

<i>Special features of Assam.</i>	Secretariat—	No.
	Secretary } General Department ...	1
	Assistant Secretary } ...	1
	Secretary and Superintending Engineer } Public Works " ...	1
	Assistant Secretary } ...	1
	Commissioner and Judge in the Assam Valley Districts	1
	Judge of Sylhet	1
	Deputy Commissioners of districts, in four grades (including the Political Agent in Manipur, who ranks as a Deputy Commissioner)	12
	Inspector-General of Police, Jails, and Registration (who ranks as a Deputy Commissioner)	1
	Assistant Commissioners (in three grades)	19 With five supernumerary officers in training.

The above (excluding the Secretariat) form the Commission, and the appointments are held by Covenanted Civilians, by Military Officers, and by Uncovenanted Officers. Including the Chief Commissioner and his General Secretariat, and also the Director of the Agricultural Department, there are 28 Covenanted Civilians on the Provincial list, 9 Military Civilians, and 5 Uncovenanted Officers, none of whom is a Native.

The subordinate service consists of the following officers :—

MIXED EXECUTIVE AND JUDICIAL FUNCTIONS.

Extra Assistant Commissioners—

Fifth grade	2
Fourth "	5
Third "	10
Second "	7
First "	5
Total	—
Total	29

Sub-Deputy Collectors and Tahsildars 27

The latter officers perform miscellaneous minor executive functions. Several Sub-Deputy Collectors are employed in connection with the cadastral survey in the Assam Valley. The Tahsildars are collectors of land revenue in divisions of the district in Kámrup, Darrang, and Cachar; elsewhere in the districts of Assam Proper revenue is paid in by contractors called mauzadars.

Of the above 29 Extra Assistant Commissioners, three are European or Eurasians, one is a Khási, three are Mahomedans, two Christian converts from Hinduism, and the remaining twenty Hindus. Of the Tahsildars and Sub-Deputies two are Mahomedans, one a Native Christian, and the remainder Hindus.

ENTIRELY JUDICIAL FUNCTIONS.

Subordinate Judge, second grade	1
Munsifs, first grade	3
" second grade	2
" third "	3
" fourth "	2
Total	—
Total	11

All these are employed in the Sylhet district, and all but one are Hindus.

15. In short, the special features of the Province from an administrative point of view, and as bearing on the enquiries instituted by the Commission, may be summed up in a few words. The Special features of the Province. Commission, may be summed up in a few words. The plains population, with the exception of that of the large district of Sylhet, where the Mahomedans are occasionally disposed to rioting and turbulence, is of a singularly peaceful and law-abiding character. The task of administration is here simple and easy; but the great extent and scanty population of the Province necessitate much activity in touring among its officers. The large areas held by European tea-planters, and the peculiar conditions under which the tea industry is worked, require the presence in all districts of European officers; and the constant presence on our borders and within our boundaries of uncivilised hill tribes demands for their control special qualities of tact,

treasury under the general supervision of the officer ordinarily in charge for a period not less than six weeks, or more than two months in each year previous to the date of his examination, and that he has, under these provisions, duly attended to and satisfactorily discharged the duties of treasury officer. This certificate shall be indispensable to the examinee being declared to have passed any departmental examination.

X.—If privilege leave is applied for by a junior officer liable to examination, and the application from such an officer is submitted to Government, it should be stated that he is liable to pass an examination, and if the next examination will be held within the period of the leave applied for, the Chief Commissioner will decide whether the leave should be granted or not.

XI.—It shall be the duty of the Central Committee to prepare, previous to each examination, sets of questions to be put to the examinees, to forward a sufficient number of copies of each of such sets to the President of each Local Committee in a sealed packet, to determine the order in which the examination in each paper and subject shall be held, and to arrange all other details for the conduct of the examination. The Central Committee, from time to time, shall lay down such rules as may appear to them best for the guidance of the Local Committees, in order to ensure a fair and uniform method of ascertaining the proficiency of the examinee in each subject.

XII.—The Local Committee shall not open the sealed packet of papers until the time of examination; they shall superintend the written examinations of the examinees only so far as may be necessary to ensure the conduct of them with proper strictness; they shall not examine the written answers, but shall forward them to the Central Committee with a statement specifying the marks which they assign to candidates for conversational proficiency in the vernacular, in which branch their decision shall be final.

XIII.—The Central Committee, after perusing the reports and the examination papers, shall report to Government the names of such officers as, in their opinion, have passed, noticing specially, in the order of their merit, those who may have passed with distinction. They will, in the case of magisterial officers, make such proposals as they think requisite for the conferment of higher powers. They shall also report the names of those officers who have succeeded in some of the subjects only, as well as of those who have failed altogether, stating the number of marks obtained in each subject.

XIV.—An Assistant Commissioner of the third grade, including a Supernumerary Assistant Commissioner, will draw Rs. 400 a month till he has passed in Law and Revenue and Accounts and in the vernacular of his district by the Lower Standard, when he will ordinarily be invested with the powers of a Magistrate of the second class, and on such investiture will get Rs. 460 a month.

On passing in these subjects by the Higher Standard and in the second language by the Lower Standard, and when he has been invested with the powers of a Magistrate of the first class, he will begin to draw the full pay of the grade, Rs. 500 a month, subject to the necessity of passing the second language by the Higher Standard within a year from the time when he is posted to any district of which it is the vernacular, and to the penalty of receiving no promotion, temporary or permanent, till he succeeds in doing so.

XV.—An Assistant Commissioner of the third grade will not receive any officiating promotion till he has begun to draw the full pay of his grade, Rs. 500, under the preceding rule, and he will not be promoted to the rank of second grade till he has passed in all the examinations to which he is compulsorily liable.

XVI.—An officer transferred from Bengal to Assam in the rank of Assistant Commissioner of the third grade, who has passed his departmental examination in Bengal in all subjects before his transfer to Assam, shall receive the full pay of the grade, Rs. 500 a month; but he will receive no substantive promotion until he passes in Assamese by the Higher Standard if posted to the Assam Valley, or by the Lower Standard if posted elsewhere.

XVII.—An Extra Assistant Commissioner failing to pass by the Lower Standard in Law and Revenue and in Accounts, and by the Higher Standard in the vernacular language of the district, within two years from the date of his appointment, will be liable to forfeit his appointment.

XVIII.—Sub-Deputy Collectors, wherever posted, and Tahsildars who, within two years of their confirmation in such posts, fail to pass in the following subjects, will be liable to forfeiture of their appointments:—

Civil Law by the Lower Standard.
Criminal Codes ditto.

General Law paper without books, all questions relating to Revenue subjects by the Lower Standard.

Vernacular language of district in which employed by the Higher Standard (provided that they have not passed in the subject previous to confirmation).

XIX.—Tahsildars and Sub-Deputy Collectors will not be capable of being promoted to the grade of Extra Assistant Commissioner until they have passed in all the subjects of examination in which Extra Assistant Commissioners are liable to pass by Rule XVI.

XX.—An Extra Assistant Commissioner will not ordinarily be promoted to any higher class until he has passed by the Higher Standard in Law and Revenue, in Accounts, and in both languages.

XXI.—An Officiating Assistant Superintendent of Police will not be confirmed in his appointment, and will receive no officiating promotion, until he has passed in the Police paper and in both Assamese and Bengali by the Higher Standard, and if he fails to pass by the Lower Standard in these languages within two years of the date of his appointment, he will be liable to forfeit his appointment.

XXII.—An Inspector of Civil Police will be required within two years to pass by the Lower Standard in the papers set by the Central Examination Committee in Law and in both Bengali and Assamese, and within four years by the Higher Standard in both languages, and also in the Police papers in Law, failing which he will be liable to forfeit his appointment. In the written examination in Hindustani the Nagri character shall be used. A European Subadar of the Frontier Police will be required within two years to pass in drill and by the Lower Standard in Hindustani and in Bengali or Assamese, whichever be the language of the district, as determined by Rule XXXII, failing which he will be liable to forfeit his appointment.

XXIII.—An Inspector or Deputy Inspector of Schools will be required, within two years of his appointment, to pass in both Bengali and Assamese by the Lower Standard, and within four years to pass in both languages by the Higher Standard, failing which he will be liable to forfeit his appointment.

XXIV.—Medical Officers in civil employ, whether covenanted or uncovenanted, will be required to pass in the language of their district by the Lower Standard, and no officiating officer will receive a permanent appointment till he does this. Any medical officer who passes in Assamese by the Higher Standard will receive a reward of Rs. 500.

Vol. VI.
Sec. I.
Sub Sec. C.

Replies of
Chief Commissioner,
Assam.
Appendix
B.

Vol. VI.
Sec. I.
Sub-Sec. C.

Replies of
Chief Com-
missioner,
Assam.
Appendix
B.

CHAPTER II.

Rules relating to Examination in the Vernacular Languages in the Province.

XXV.—There are two tests for examination in the vernacular languages, called respectively the Lower and Higher Standard.

XXVI.—The vernacular languages in which examinations will be held are three, viz., Bengali, Assamese, and Hindustani.

Of these, Assamese and Bengali are compulsory, and Hindustani is voluntary.

Officers of Assamese extraction will not be required to pass in Assamese, nor those of Bengali extraction in Bengali.

Bengal Police Officers serving in Assam will be examined in Assamese according to the rules below. In Bengali the papers will be set by the Central Examination Committee at Calcutta (*vide* Rule XLII).

XXVII.—The following are the tests for examination in the vernacular languages by the Lower Standard:—

1. Reading and transliteration:—

The examinee shall be required, within a limited time, to read aloud, and also to transliterate in the Roman character, an easy manuscript written in the vernacular, and to give an intelligible written translation thereof in English.

2. Translation from English into the vernacular:—

An English judgment or other official document of a technical character shall be translated into the vernacular without assistance.

3. Dictation from English into the vernacular:—

He should be required to dictate into the vernacular, with fair accuracy, an English report or other official paper containing technical terms used in court.

4. Conversation:—

He should be tested in conversation with Natives in such manner and to such extent as shall suffice to satisfy the Committee that he is able to understand them and make himself understood by them both in common conversation and in the usual course of office business.

The vernacular paper to be read and translated, and the two English papers to be translated, shall be selected by the Central Committee, and copies sent to the Local Committees. All the copies of the vernacular paper should be made in the same handwriting.

XXVIII.—The examination by the Higher Standard in the vernacular languages shall be similar in its nature to that for the Lower Standard, but more difficult in degree, the vernacular and English documents selected by the Central Committee being longer and more technical in character, and the conversation test made more severe. The translation, dictation, and conversation should be moderately fluent and readily intelligible, and the examinee should be tested in his power of explaining himself to Natives in the vernacular on any topic that may occur in official business.

XXIX.—The maximum marks assigned to each branch of the examination, and the time allotted for the papers, are as follows:—

	Maximum.	Time.
Reading aloud	10	1 hour for both together.
Transliteration	10	
Translation from Vernacular " English	20	1 hour.
Dictation from " "	20	1 "
Conversation	20	10 minutes.

Each candidate must obtain at least three-fifths of the aggregate number of marks allotted for the entire examination, and must obtain in each separate branch not less than one-half of the marks allotted to that branch. An officer who passes in any of the languages mentioned above and obtains three-quarters of the aggregate number of marks allotted for the entire examination will be considered to have passed with credit, and one who obtains five-sixths with great credit in that language.

XXX.—An officer of the Commission must pass by the Lower Standard of the vernacular of the district in which he is serving before he passes for the Higher Standard; but in the case of the second language he may present himself at once to be examined in the Higher Standard.

XXXI.—No officer will receive any reward for passing an examination which it is compulsory for him to pass. But any officer in the Assam Commission, or any Police officer who has been transferred to Assam from another province where he has already passed by the Higher Standard in one or two compulsory languages, will be entitled to a reward of Rs. 500 if he passes by the Higher Standard in a third compulsory language within one year of his arrival in Assam. Provided that this reward shall in no case be claimable for more than one such language.

XXXII.—The vernacular language of the district shall, for the purposes of these rules, be considered to be as follows:—

Assamese—Lakhimpur, Sibsagar, Darrang, Nowgong, Kamrup, and Naga Hills.
Bengali—Sylhet, Cachar, Goalpara, Garo Hills, and Jhansi Hills.

Column 4.—There are eleven districts (six in the Assam Valley, two in the Surma Valley, and three Hill Districts) in the Province, and one Political Agency (Manipur), the incumbent of which ranks with Deputy Commissioners, and is selected from the staff of the Commission. At present these twelve appointments are distributed as follows between the three Services represented in the Commission:—

Vol. VI.
Sec. I.
Sub-Sec. C.
Special
features of
Assam.

	Covenanted Civil Service.	Military Officers.	Uncovenanted Civil Service.
Permanent Deputy Commissioners	4	1	1
Officiating ditto	3	2	1

There are four grades of Deputy Commissioners, with three posts in each, besides one officer, at present a Covenanted Civilian, the Inspector-General of Police, who ranks as a Deputy Commissioner and rises *pari passu* with his contemporaries in the Commission.

Column 5 represents the sub-divisional charges (including the head-quarters sub-division, when there is an additional officer there besides the Deputy Commissioner) held by officers in the Commission. Two of these (the Jowai sub-division in the Khási Hills district, and the sudder sub-division in the Naga Hills district) are at present, owing to temporary arrangements, vacant; but they are shown here because the vacancy is for a short time only, and they are posts ordinarily held by officers of the Commission. Of these eleven posts, the distribution between the three Services is as follows:—

Covenanted Civil Service.	Military Officers.	Uncovenanted Civil Service.
8	1	2

Column 7.—These officers (both of the Covenanted Civil Service) are the Judge and Commissioner of the Assam Valley Districts and the Judge of Sylhet. The latter officer, when a vacancy occurs, is supplied from the Bengal list of officers who have chosen the Judicial branch of the Service.

Column 9.—The two officers entered here are the Inspector-General of Police (who is also Inspector-General of Jails, Superintendent of Stamps, and Inspector-General of Excise in the Surma Valley and Hill Districts, and, as noticed above, ranks with Deputy Commissioners), and the Director of Agriculture, an officer whose appointment was created subsequently to the Resolution of December 1881 (the second officer shown in that Resolution in this column was the officer in charge of the Census, whose appointment expired on the completion of his work). Both these officers are Covenanted Civilians.

Column 10.—Some difficulty has been experienced in filling up this column, inasmuch as the designation "Sub-divisional Officers" is not an exhaustive description of the duties on which Extra Assistant Commissioners are employed in this Province. The eleven Extra Assistant Commissioners shown as actually in charge of sub-divisions are either employed at sub-divisional head-quarters (four), or are the chief executive officers at district head-quarters (seven). But, beside these, there is at most district and sub-divisional head-quarters in the Assam Valley and Cachar (but not at all) an additional Extra Assistant Commissioner, who combines executive with judicial functions as Munsif, while in others (as in Sylhet and Kámrup, large districts) there are at head-quarters more than one additional Extra Assistant Commissioner who take different branches of work. The number shown of these additional Extra Assistant Commissioners, thirteen, might probably be enlarged; but, as already pointed out, the omission from the table of column 15 of the Resolution of December 1881 makes it impossible to show all the miscellaneous charges held by Extra Assistant Commissioners, the sanctioned scale of whom in this Province is twenty-nine.

Column 11.—Since 1881 there has been a large extension of the establishments shown in this column. The tahsildars exist in the Assam Valley (nine in all: seven in Kámrup and two in Darrang) and Cachar (three). In the former they have taken the place of the old system of collection through mauzadars. In the latter they have always existed, but their position and status have, since the recent re-settlement, been improved. Sub-Deputy Collectors have now been attached to each district in the Assam and Surma Valleys.

Column 14.—There is one Subordinate Judge in Sylhet, and nine Munsifs in the same district, which is the only one in the Province where there is a separate Judicial Service. In the Assam Valley Deputy Commissioners are Subordinate Judges, and Extra Assistant Commissioners are Munsifs, as well as executive officers.

It should be noticed here that, besides the "charges" shown above, held by officers of the Commission and the Uncovenanted Civil Service, there are three charges in the Province which are held by officers of the Bengal Police. These are the posts of Assistant Political Officer, Sadiya, held by an officer of the rank of District Superintendent of Police, and the sub-divisions of Wokha in the Naga Hills and North Cachar, held by Assistant Superintendents. Perhaps these should be added to the charges shown in column 10.

Vol. VI.
Sec. I.
Sub-Sec. C.

Information
regarding
Assam.

No. VI.

No. 89, dated Allahabad, the 5th January 1887.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

I AM directed to request that, with the permission of the Chief Commissioner, you will be good enough to favour the Public Service Commission with accurate statistics showing how many persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in Assam have (1) passed the Entrance examination, (2) passed the First Arts or other corresponding examination, and (3) taken the degree of Bachelor or Master of Arts at an Indian University.

2. I am to explain that the information is required for each class of appointments separately, and that the terms "Subordinate Judicial Service" and "Subordinate Executive Service" are intended to embrace respectively all Subordinate Executive and Judicial offices down to and including the office of Munsif or Tahsildar, or other office corresponding to that of Munsif or Tahsildar, which are not reserved for, or not ordinarily held by, members of the Covenanted Civil Service.

3. The favour of an early reply is requested.

No. 892, dated Shillong, the 22nd February 1887.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

In reply to your No. 89, dated the 5th January 1887, I am directed to furnish the following statement showing the University examinations passed by persons employed in the Subordinate Judicial and Subordinate Executive Services in this Province :—

	Extra Assistant Commissioners.	Sub-Deputy Collectors.	Tahsildars.	Sub-Judges.	Munsifs.
Passed the Entrance Examination ...	5	9	3	.....	1
„ the F.A. or other corresponding examination ...	1	3	.....	.....	.....
Taken the degree of B.A. or M.A. ...	10	1	.....	.....	8
Passed no University examination ...	13	2	9	1	1
Total number on list ..	29	15	12	1	10

No. VII.

No. 102, dated Bombay, the 22nd January 1887.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

I AM directed to request that, with the permission of the Chief Commissioner, you will be good enough to favour the Public Service Commission with a return in the annexed form showing the nationalities and castes of the several persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in Assam.

2. I am to explain that the information is required for each class of appointments separately, and that the terms "Subordinate Judicial Service" and "Subordinate Executive Service" are intended to embrace respectively all Subordinate Executive and Judicial offices down to and including the office of Munsif or Tahsildar, or other office corresponding to that of Munsif or Tahsildar, which are not reserved for, or not ordinarily held by, members of the Covenanted Civil Service.

3. The favour of an early reply is requested.

No. 900, dated Shillong, the 22nd February 1887.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

In reply to your letter No. 102, dated the 22nd ultimo, I am directed to submit, as therein requested, the annexed return showing the nationalities and castes of the several persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in Assam.

Return showing the Nationalities and Castes of the several persons at present employed in the Subordinate Judicial Service and in the Subordinate Executive Service in the Province of Assam.

Vol. VI.
Sec. I.
Sub-Sec. C.

Information regarding Assam.

Class of appointments.	Province to which the officers belong.	Europeans or Eurasians domiciled in India.	Europeans or Eurasians not domiciled in India at the time of appointment.	Mahomedans.	HINDUS.							Sikhs.	Others.
					Brahmins.	Kshatriyas.	Kayasthas.	Budhyas.	Budhyas and Vysyas.	Shudras.	Others.		
SUBORDINATE EXECUTIVE SERVICE.													
Extra Assistant Commissioners.	Assam	.....	.....	2	3	.....	2	.....	.....	.....	.....	1	.....
	Bengal	.....	.....	1	9	.....	4	1	1	.....	.....	1	.....
	Total	.....	.....	3	12	.....	6	1	1	.....	.....	2	.....
Sub-Deputy Collectors.	Assam	.....	.....	2	1	.....	5	.....	.....	.....	.....	.....	.....
	Bengal	.....	.....	.....	1	.....	1	4	.....	.....	.....	.....	.....
	Total	.....	.....	2	2	.....	6	4	.....	.....	.....	.....	.....
Tahsildars	Assam	.....	.....	.....	2	.....	6	.....	.....	.....	.....	.....	.....
	Bengal	.....	.....	.....	1	.....	.....	2	.....	.....	.....	1	.....
	Total	.....	.....	.....	3	.....	6	2	.....	.....	.....	1	.....
SUBORDINATE JUDICIAL SERVICE.													
Subordinate Judge	Bengal	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....
Munsifs	Bengal	.....	.....	1	4	.....	4	.....	1	.....	.....	.....	.....

No. VIII.

No. 131, dated Calcutta, 7th March 1887.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

I AM desired to request that, with the permission of the Chief Commissioner, you will be good enough to furnish the Public Service Commission with information showing the extent to which encouragement is offered to Natives of Assam, by means of Government scholarships or otherwise, to proceed to England for the purpose of completing their education. The Commission are aware of the fact that certain scholarships have been recently established for this purpose by the Government of India, but the present enquiry is made with a view to ascertain (1) whether any similar encouragement is offered by Local Governments and Administrations, and, if so, subject to what rules and conditions, and (2) to what extent advantage is taken of the same.

2. It would be convenient if you would be good enough at the same time to supply such information as may be available regarding scholarships, if any, which may have been established with a similar object in Assam but the cost of which is not borne by the State.

No. 2177, dated Shillong, the 20th April 1887.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

In reply to your No. 131, dated the 7th March 1887, I am directed to state that there are no scholarships, either Government or other, existing in Assam for the purpose of assisting Natives of the Province to proceed to England to complete their education.

Vol. VI.
Sec. I.
Sub-Sec. C.

Information
regarding
Assam.

No. IX.

No. 133, dated Calcutta, the 10th March 1887.

From—The Secretary to the Public Service Commission,
To—The Secretary to the Chief Commissioner of Assam.

WITH reference to No. 232* of the questions prepared in connection with the enquiries of the Public Service Commission which have been already communicated to you, I am directed to say that the Commission would be glad to receive a full and detailed reply to this particular question as applicable to the circumstances of Assam. This question has a very important bearing upon the enquiries of the Commission, and I am to forward a

copy of the reply thereto furnished by the Punjab Government, as showing generally the nature of the particulars which the Commission desire to procure. I am at the same time to request that the answer to the question may be framed on the assumption 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 the 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 Vic., cap. 3, is discontinued.

No. 2898, dated Shillong, the 24th May 1887.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Public Service Commission.

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 connection with the enquiries of the Public Service Commission.

MEMORANDUM.

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?—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 Civilians, 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 up thus:—

Civilians recruited in England	...	25-10
in India	...	7-17
Military and Uncovenanted Officers	...	10-76
		Total
		43-03

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
		44

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 the 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 Vic., 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?"

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

† Includes Lieutenant Watson, not yet joined.

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 percentage 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 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 Goalpara, requires a European officer at its head. If under any circumstances a Native officer were placed in charge of Goalpara, 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 essential should be held by officers not Natives of India," and 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.

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

Vol. VI.
Sec. I.
Sub-Sec. C.
Information
regarding
Assam.

9. Mr. Ward could give a list of sub-divisional and subordinate head-quarters appointments, similar to that given in Sir Stuart 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.

No. 2093, dated Shillong, the 24th June 1880.

From—The Secretary to the Chief Commissioner of Assam,
To—The Secretary to the Government of India, Home, Revenue, and Agricultural Department.

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, 88 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 appointments. And, in dealing

with this subject, it seems to Sir Stuart 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 Stuart 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. | |
| 21 | Total. |

7 Assistant Commissioners at the following head-quarters stations :—

Sylhet.	Darrang.
Silchar.	Kamrup.
Sibsagar.	Naga Hills (the necessity is here, per-
Lakhimpur.	haps, temporary).

Vol. VI.
Sec. I.
Sub-Sec. C.
*Information
regarding
Assam.*

8 Assistant Commissioners at the following sub-divisions :—

Jowai in the Khasi and Jaintia Hills.	North Lakhimpur.
Karimganj } in Sylhet.	Mangaldai, in Darrang.
Habiganj } in Sylhet.	Jornat } in Subsagar.
Hailakandi, in Cachar.	Golaghat. }

33 Total.

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, Daffas, Abors, Mishmis, Singphos, and Lushais. In the last ten years we have been compelled to send military expeditions against the Lushais, the Daffas, and the Garos, 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 Nagas, among whom three Deputy Commissioners and one Assistant Commissioner have lost their lives. It will be observed that every one of the sub-divisions 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 every-day 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 extravagantly strong in its executive staff.

Vol. VI.
Sec. I.
Sub-Sec. C.

Information
regarding
Assam.

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 rate of Rs. 800 a month, be 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.

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

(SITTINGS AT CALCUTTA.)

MEMBERS PRESENT ON EACH DAY.

CALCUTTA, *the 21st February 1887.*

PRESENT :

- | | |
|---|---|
| (1). The Hon'ble Sir Charles Aitchison, K.C.S.I.,
C.I.E., C.S., LL.D., <i>President.</i> | (7). T. H. Stewart, Esq., c.s. |
| (2). Sir Charles Turner, K.T., C.I.E. | (8). The Hon'ble Kazi Shahbuddin, Khan
Bahadur, C.I.E. |
| (3). The Hon'ble Romesh Chunder Mitter, B.L. | (9). M. R. Ry. Salem Ramaswami Mudaliyar, B.L. |
| (4). The Hon'ble J. W. Quinton, c.s. | (10). W. H. Ryland, Esq. |
| (5). F. B. Peacock, Esq., c.s. | (11). Rao Bahadur Krishnaji Lukshman Nulkar. |
| (6). H. J. Stokes, Esq., c.s. | (12). D. S. White, Esq. |

CALCUTTA, *22nd February 1887.*

The same as above, with the addition of the Hon'ble Sayed Ahmed, Khan Bahadur, c.s.i., and
W. B. Hudson, Esq.

CALCUTTA, *23rd February 1887.*

The same as on the 22nd February 1887.

CALCUTTA, *24th February 1887.*

The same as on the 22nd February 1887.

CALCUTTA, *25th February 1887.*

The same as on the 22nd February 1887.

CALCUTTA, *26th February 1887.*

The same as on the 22nd February 1887, with the exception of the Hon'ble Sayed Ahmed, Khan
Bahadur, c.s.i.

CALCUTTA, *28th February 1887.*

The same as on the 26th February 1887.

CALCUTTA, *1st March 1887.*

The same as on the 26th February 1887.

CALCUTTA, 2nd March 1887.

- | | |
|--|---|
| (1). The Hon'ble Sir Charles Aitchison, K.C.S.I.,
C.I.E., C.S., LL.D., <i>President</i> . | (7). The Hon'ble Sayed Ahmed, Khan Bahadur,
C.S.I. |
| (2). Sir Charles Turner, Kt., C.I.E. | (8). W. B. Hudson, Esq. |
| (3). The Hon'ble Romesh Chunder Mitter, B.L. | (9). M. R. Ky. Salem Ramaswami Mudaliyar,
B.L. |
| (4). F. B. Peacock, Esq., C.S. | (10). Rao Bahadur Krishnaji Lukshman Nulkar. |
| (5). H. J. Stokes, Esq., C.S. | (11). D. S. White, Esq. |
| (6). T. H. Stewart, Esq., C.S. | |

CALCUTTA, 3rd March 1887.

- | | |
|--|---|
| (1). The Hon'ble Sir Charles Aitchison, K.C.S.I.,
C.I.E., C.S., LL.D., <i>President</i> . | (8). W. B. Hudson, Esq. |
| (2). Charles Turner, Kt., C.I.E. | (9). The Hon'ble Kazi Shahbuddin, Khan Baha-
dur, C.I.E. |
| (3). The Hon'ble Romesh Chunder Mitter, B.L. | (10). M. R. Ky. Salem Ramaswami Mudaliyar,
B.L. |
| (4). F. B. Peacock, Esq., C.S. | (11). W. H. Ryland, Esq. |
| (5). H. J. Stokes, Esq., C.S. | (12). Rao Bahadur Krishnaji Lukshman Nulkar. |
| (6). T. H. Stewart, Esq., C.S. | (13). D. S. White, Esq. |
| (7). The Hon'ble Sayed Ahmed, Khan Bahadur,
C.S.I. | |

CALCUTTA, 4th March 1887.

The same as on the 3rd March 1887, with the addition of the Hon'ble J. W. Quinton, C.S.

PROCEEDINGS
OF THE
PUBLIC SERVICE COMMISSION.

(EVIDENCE TAKEN BY THE COMMISSION.)

SITTINGS AT CALCUTTA.

WITNESS I.—21st February 1887.

Examination of the Hon'ble H. J. REYNOLDS, C.S., C.S.I., M.A., Member of the Board of Revenue, Bengal; Member of the Legislative Council, Bengal.

Mr. Peacock.

Sir Charles Turner—continued.

1. I believe you came out to India in 1856?—I did.

2. And since that time you have held all the appointments in the executive line up to the Board of Revenue, including the Secretaryship of the Government of Bengal in the Revenue Department?—Yes.

3. I think you have never served as a Judge?—No. There are two preliminary remarks which I should like, with the leave of the Commission, to be allowed to make. The first is, that my service has been entirely in Bengal, and that I have no personal or practical knowledge of any other part of the country. Therefore in any replies I may give to the Commission, I should like it to be understood that I do not pretend to speak for any other parts of India than the Lower Provinces of Bengal. The other remark has reference to the instructions of the Secretary of State which have directed the Commission to frame a scheme possessing some element of finality. I wish to say that, in my humble opinion, any proposal of the kind would at present be premature. The country seems to me to be in a state of transition, and I think that any arrangements which may be made now will probably require to be modified—perhaps rather extensively modified—in the course of a few years. I should like, therefore, to have it understood that in any answers I give I merely speak of what may be necessary for the present time, and I do not wish my remarks to be taken as proposing a final scheme.

Sir Charles Turner.

4. Is the present system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service approved?—I think it is very generally dis-

approved, by those who have been appointed to the service and who are disappointed with it; and by those also who have not been appointed to it, who look upon it as a means of keeping them out of what they think would be a fair chance of entering the service by competition, which they consider a more regular and satisfactory mode of entrance.

5. You say it is disapproved by the men who have been appointed; is that owing to the language of the Statute which directs the Government to appoint to posts, and appears not to contemplate the admission to an organised service of the persons appointed under it?—I cannot say that I have ever heard any member of the Statutory Service absolutely express himself disappointed with it, but I am under the impression that such is the feeling among those who have been appointed, as well as among others. With regard to the conditions of the appointments, I do not think there is anything in the Statute itself that would require alteration with the exception of the words of the Act which confine its operation to persons born in India. There appears to me to be an unnecessary narrowing of the definition. I would substitute for it persons domiciled in India and the children of parents domiciled in India. The incident of place of birth ought not to exclude a person who is otherwise eligible.

6. Within your knowledge has there been an instance in this Presidency of the anomaly that while one brother is a Native of India within the definition, another brother born out of India is not?—Such a case might easily arise, though I cannot myself point to any specific instance of it.

7. Would you amend the rules by which the Statutory Service is now constituted?—I am not aware that the rules require any

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. J.
Reynolds.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
H. J.
Reynolds.

amendment in themselves. It is rather in their application that alteration seems called for.

8. What alteration would you suggest?—I believe that the present practice is to appoint some members of the Statutory Service from amongst persons who have undergone a competitive examination, but that it is not invariably the case that the one who comes out first in the competition gets the appointment; and that in other cases appointments are made by nomination entirely. Those who are selected are appointed Assistant Magistrates, and during some months or years undergo probation before they are confirmed in the service. They are afterwards promoted in the service in the ordinary way, except that they draw a lower scale of pay, and have less advantages in some other respects, than members of the Covenanted Service have. I think the appointments to the Statutory Service, which I would not by any means abolish, should be given to men of proved merit and ability, who should not necessarily enter at the bottom of the service, but in the grades for which their qualifications may fit them.

9. Would not that create some apprehension or discontent among members of the Covenanted Service?—It would of course depend how the patronage was exercised. It would be necessary to place some restriction on the number of appointments so to be made, but I do not think that if the appointments were strictly confined to Natives of India they would create dissatisfaction among members of the Covenanted Service. The appointment, for instance, of Babu Brojendro Coomar Seal as Judge of Bankoora never caused any dissatisfaction that I am aware of, among members of the Covenanted Civil Service.

10. You say it would be necessary to restrict the number of such appointments?—It might be necessary.

11. Might not the power be differently exercised by different heads of the Administration. For instance, might not one head of the Administration consider himself justified in making a liberal use of the power, while another head of the Administration might consider himself bound to exercise it within very narrow limits, and would it not therefore be better to lay down a definite rule rather than leave so wide a discretion as the Statute permits?—Most likely it would.

12. At the present time one-sixth of the appointments reserved for the Covenanted Civil Service are assigned to the Statutory Service. It is not, however, contemplated that they should be at once filled up, but that they should be filled up in the course of time; would you increase the proportion of one-sixth?—No, I consider one-sixth is a sufficient proportion.

13. Having regard to the administrative necessities of Lower Bengal, is there any class of Covenanted posts which you think might be more largely thrown open to the Statutory Service? In other words, do you think you could, with due regard for administrative efficiency, reduce the number

Sir Charles Turner—continued.

of your Covenanted Service in Lower Bengal beyond that one-sixth?—At present I should not be inclined to recommend it.

14. Do you think it essential to have a European Covenanted Civilian in charge of a district?—No. I do not think it is at all essential. I know many districts which are very well officered without there being any European Covenanted Civilian in charge.

15. Do you mean many districts in Lower Bengal?—Yes.

16. And by well officered do you mean efficiently administered?—Yes. I consider that Backergunge under Babu Romesh Chunder Dutt is as efficiently administered as a district should be.

17. Is Babu Romesh Chunder Dutt a Covenanted Civilian?—Yes.

18. Have you at present any districts in Lower Bengal which are officered by Native gentlemen who are not Covenanted Civilians?—No, I do not think we have.

19. Would you consider it inexpedient that you should have a district administered by a gentleman who was not a Covenanted Civilian?—As I understand, the Statutory Civilian should be a man at least equal in merit and ability to a Covenanted Civilian, therefore I do not see why he should not be equally fitted to have charge of a district. It would, of course, depend on the system under which the Statutory Civilians were selected.

20. It has been suggested to us that it is expedient to have at the head of each district either a European or a Native Covenanted Civilian, because in both cases you secure an English education and some knowledge of English administration?—There is no doubt a good deal in that, and probably the instances would be very rare in which any but a Covenanted Civilian would be a suitable person to be at the head of a district.

21. Have you any sub-divisions of this Presidency in charge of Natives who are not Covenanted Civilians?—Yes, the majority of them are.

22. Are there any sub-divisions of which a Native, not a Covenanted Civilian, has independent charge?—They have semi-independent charge; they are subordinate, of course, to the District Officer, but are many miles distant from him, and in their own sub-divisions they exercise what is practically an independent charge.

Mr. Fitzpatrick.

23. You say the majority of your sub-divisions are in charge of Native Uncovenanted officers?—Yes.

Sir Charles Turner.

24. How do these officers do their work?—On the whole I should say very satisfactorily. They are certainly very hard-working.

25. If the Statutory system is retained, would it be desirable to oblige the selected

Sir Charles Turner—continued.

candidates to proceed to England for training, or would you simply encourage them to go?—I see no necessity, certainly, for obliging them to go, and no great occasion for encouraging them to do so.

26. Have you considered whether there are any District Judgeships in this Presidency which might be thrown open to Uncovenanted Native officers?—Certainly, I have contemplated that among the Statutory appointments several of them would be District Judgeships—appointments which Natives are very well qualified to fill.

27. Do you think a Native District Judge might be invested with the powers of a Sessions Judge?—Certainly he might as regards criminal trials. The only thing in which I should have some doubt as to his success would be in the administration of the district—in his authority over the Subordinate Judges and Munsifs.

Mr. Fitzpatrick.

28. When you spoke of the finality desired by the Government of India as being a thing altogether unattainable, I suppose you meant finality for all time, and that you did not mean to say that it is impossible to arrive at such a settlement of the question as might admit of its resting for some years to come?—For three or four years possibly; I do not anticipate finality for a longer period.

29. But if finality for any longer period is altogether unattainable, shall we not fall very short of attaining the main object of this Commission?—It is not for me to presume to say that.

30. Assuming your view to be correct, will not the result only be that we shall have opened up the way to a constant series of discussions recurring at intervals of three or four years?—I did not mean to imply that. What I meant to imply was, that any reforms or alterations which you may recommend will not be such as to exclude reconsideration three or four years hence. But at the same time the Commission may very well come to a conclusion which will guide the direction of any alterations which may thereafter be made.

31. You spoke of Native Statutory Civilians as being, if properly selected, competent to hold charge of a district; are there not many Native Uncovenanted officers of long experience and training who would be quite equal to a Statutory Civilian or a Native Covenanted Civilian?—Yes.

Mr. Nulkar.

32. With reference to this question of finality, you know that when formerly it was the custom to renew the Company's Charter every twenty years, it was also customary at that period to reconsider all questions of further reform, including Civil Service questions. Would it be possible to arrive at some decision of the questions before the Commission which could be trusted to give reasonable satisfaction to the Government and the public for the next twenty years?—I should prefer, considering the state of

Mr. Nulkar—continued.

things and the state of public opinion, not to attempt to do so. Of course it is not for me to say that the Commission might not be able to settle the question for that period.

33. You say you deprecate the visit to England of selected candidates for the Statutory Service?—Not in the least. But I certainly would not require them to go, and I see no occasion for encouraging them to do so.

34. Then you do not attach any value to an English training as regards the public service in India?—I attach very great value to it, but I do not see how it is to be undergone when a man is advanced in life.

35. Then I suppose your previous answer did not refer to first appointments, but to promotions to the Statutory Service from the Uncovenanted Service?—I desire to be understood as stating that I thought the present system of appointing young men at the outset of their career to the Statutory Service was a mistaken one which should not be continued, and that the appointments should be given to men of proved merit and ability who would necessarily be more advanced in life, and on whom it would be unnecessary to impose the condition that they should go to England.

Sir Charles Turner.

36. In case the present system of appointing young men at the bottom of the list is retained, would you require the selected candidates, as a condition of their appointment, to proceed to England for training?—I have hardly contemplated the contingency, but I would be inclined to say that I should require them to go. I attach great importance to it.

Mr. Fitzpatrick.

37. Do I understand you to mean by men "more advanced in age" men who have served in the Uncovenanted Service?—Not necessarily. They might be outsiders altogether; members of the Bar, for instance. I cannot indicate any other class, but I would leave it open to Government to decide.

Mr. Ryland.

38. Do you think it necessary to retain the Statutory Service for that purpose, or do you think it would be possible to promote efficient officers, European and Native, by some other system?—I think it would be advantageous to retain the Statutory Service, because it would enable the Government to enlist the services of men of special ability, whom it might be desirable to employ, in the Covenanted Service without requiring them to enter at the bottom of the list.

39. I suppose you would admit in this way all classes, Native and European, who might have proved their ability?—No, I would confine the Statutory Service to Natives of India.

Sir Charles Turner.

40. With the definition amended as you suggest?—Yes.

Vol VI.
Sec. II.
Bengal.

The Hon'ble
H. J.
Reynolds.

Mr. Ramaswami Mudaliyar.

Vol. VI.
Sec. II.
Bengal.
—
The Hon'ble
H. J.
Reynolds.

41. Are there not at this moment three Natives in charge of districts?—There are or have been lately. They are all Covenanted Civilians.

42. Has any practical difficulty arisen from the fact of Natives being at the head of these districts?—I am not aware that there has, but there might be, of course, if they were appointed to districts other than those to which they have been appointed. In appointing Natives to the charge of districts it is necessary to consider what districts they may be appointed to.

43. Have they not in some instances been appointed to districts in which there were European Assistants?—Yes.

44. Has any practical difficulty arisen from that?—I am not aware of any.

45. Have any complaints been received of the way in which they administered these districts?—Not that I know of.

Mr. Stewart.

46. I suppose you have known nearly all the young men who have been appointed hitherto in Bengal to the Statutory Service?—No, I have not had personal acquaintance with more than two or three out of the twelve who have been appointed.

47. But you know the circumstances of all of them?—Yes.

48. Do you think any of them would have refused an appointment in the Uncovenanted Service say a Deputy Collectorship, as a first appointment, if it had been offered them?—Certainly the first man appointed under the Statute would not have taken an appointment in the Uncovenanted Service.

49. And as regards the others, would they have accepted a Deputy Collectorship if it had been offered them?—It is very hard to say; probably they would.

50. Are the men appointed to the Statutory Service in any way superior to the stamp of men appointed to the Uncovenanted Service in Bengal?—I will not say they are better than the best Deputy Collectors, but I think they are superior to the average Deputy Collector.

Sir Charles Turner.

51. In what respect; do you mean in intellectual capacity or in administrative ability?—Speaking generally, I should say superior in administrative capacity.

Mr. Fitzpatrick.

52. What opportunities have you had for observing their administrative capacity?—I have had very little opportunity really, but I know the character they bear, and the reports made as to their work by their Commissioners and Collectors.

Mr. Stewart.

53. Are they for the most part men who have been selected on account of high family?—I believe that was the case in the first instance I mentioned, but I do not think

Mr Stewart—continued.

the subsequent appointments were so, because for some years past the selections have been made by examination.

54. Would you extend the definition of the term 'Natives of India' so as to include in it subjects of Native States in subordinate alliance with the British Government—Gwalior, for instance?—I think not.

55. Why not?—Because I do not understand that they are subjects of Her Majesty.

56. But you are aware that those States admit many British subjects to posts in their own administration?—I believe they do.

57. And you think the British Government is under no obligation to admit subjects of those States to its service?—Certainly.

The Hon'ble Mr. Quinton.

58. You have perhaps known some of the gentlemen who have gone from this Province to England for study and other purposes?—Yes.

59. Can you tell us what has been the effect, so far as you could judge, of their residence in England on the character of those gentlemen?—Certainly those I have known have been improved by it, but it is difficult to offer an opinion on the general case.

60. Suppose you selected a young Deputy Collector with pre-eminent qualifications for appointment to the Statutory Service, do you not think it would add to his efficiency to send him to England for a period of training?—Probably it might.

61. You say the majority of the Uncovenanted Deputy Magistrates in charge of sub-divisions are Natives?—Yes.

62. Do they perform the same kind of executive and judicial work as the District Magistrates, except that they are under the supervision of the District Magistrates?—Yes: I think they perform the same duties on what may be called a somewhat smaller scale.

63. And in the matter of supervision, do they not stand in the same relation to the District Magistrates as the District Magistrates themselves do to the Commissioners?—They stand in a much closer relation to the District Magistrates. The Commissioner perhaps visits a district once a year, but the Magistrate and Collector exercises a much closer supervision over the sub-divisional officers than the Commissioner does over him. He is in closer communication with them in every way, and gives them more specific instructions for their guidance. He has them more under his hand.

64. You have said that there have been no administrative difficulties connected with the appointment of Native Civilians as District Magistrates and Collectors, but you also said there might have been such difficulties if those gentlemen had been appointed to other districts than those to which they were appointed?—Yes.

65. May I ask you to what districts you referred, and what is the nature of the administrative difficulties you apprehend from

The Hon'ble Mr. Quinton—continued.

the appointment of those gentlemen to certain districts?—There would be a difficulty no doubt if, as the law stands at present, Native Civilians were appointed to districts in which there happened to be a large number of independent European settlers.

66. What is the nature of the difficulties you apprehend in these cases?—The same difficulties as appear to have suggested themselves to the Government from the fact that no Native has hitherto been appointed to districts of the kind.

Mr. Ramaswami Mudaliyar.

67. Is not Jessore a district where there is a number of planters?—There are some planters in Jessore; not very many.

68. There is a Native Civilian at the head of that district, is there not?—I was not aware of that.

Sir Charles Turner.

69. Do you think that Native Uncovenanted officers in charge of sub-divisions would do their work as efficiently as they do it now, supposing that the supervision of a Covenanted District Magistrate, whether European or Native, was removed?—Of course they could not be expected to do their work so well, and they would not do it so well.

70. Do you think the supervision of a Covenanted District Magistrate is necessary for the efficiency of the administration?—I think so. I do not myself attach any special magic to the word Covenanted, but if the supervision of the District Magistrate were removed, you undoubtedly could not expect the sub-divisions to be so efficiently worked.

71. Would you, or would you not, require that there should be at the head of each district an officer trained as those are trained who succeed in the competition in England?—Yes, I think it is desirable that there should be such an officer.

72. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Service?—There is a great deal of dissatisfaction felt.

73. On what grounds is it felt?—There are two main grounds of dissatisfaction, viz., (1) the circumstance that the examination is only held in London, and (2) the limit of age which practically debars Native youths from taking part in the competition.

74. Would you alter the system in any way with a view to meet these objections?—It is very desirable that some alterations should be made.

75. What alterations do you suggest?—For the present, and speaking without any element of finality about the answer, I think it desirable that examinations should be held in India as well as in England. If that were done, I do not think the question of age would be a matter of so much importance; but even then I think it would be desirable to raise the age limit to, say,

Sir Charles Turner—continued.

eighteen to twenty, instead of seventeen to nineteen.

76. Do you think it would be possible to hold identical examinations in England and India?—Yes. The only difficulty would be with regard to the *visà voce* examination; but I do not attach much importance to that.

77. When you entered the Civil Service the limit of age was twenty-three?—Yes.

78. And in that year I believe there were twenty appointments?—Yes.

79. Can you tell us what number out of the twenty men appointed were University men?—I do not quite recollect, but I should say half,—possibly more.

80. Twelve out of the twenty?—Probably.

81. Do you not think it probable that we should secure more men who had received a University training if the age were raised to twenty-three?—I think we probably should.

82. Do you think you can form a better judgment of a man's intellectual capacity at the age of twenty-three than at twenty?—I do not know that you can.

83. May not the accidents of education enable a boy of eighteen to evince a superiority which he might not maintain at the age of twenty-three?—It is quite possible.

84. Would you alter the subjects of examination?—The subjects of examination have been so often changed that I am not quite certain that I know accurately what they are; but my impression is that there is a lower scale of marks for Sanskrit than for Greek and Latin, and if that is so, I would have Sanskrit placed on the same level as Latin and Greek, but on purely philological grounds.

85. Would you make the same alteration in favor of Arabic?—I would not.

86. You say you attach little importance to the *visà voce* examination?—I do not attach very much importance to it, but if it is considered to be an important element, I see no insuperable difficulty in the way of its being held out here in a manner which would make it practically equivalent to the one held in England.

87. Would it be possible to have the *visà voce* examination here and in England so conducted as to be a sufficiently accurate gauge of the merits of a candidate in the competition, where a few marks more or less might turn the scale?—On the whole, I should think it could be, but, as I said, I do not attach much importance to the *visà voce* examination.

88. Do you not think that the *visà voce* examination enables a skilful examiner to ascertain whether the written answers of a candidate represent the mere results of a highly cultivated memory or a thorough intellectual comprehension of the subjects he has studied?—That would depend very much on the examiner. In *visà voce* examinations the examiner is as often engaged in displaying his own knowledge as in testing that of the candidates.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. J.
Reynolds.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
—
The Hon'ble
H. J.
Reynolds.

89. But I have assumed that the examiner possesses experience and ability?—In that case, of course the *vivâ voce* examination has a certain use.

90. Would it not be particularly valuable in the case of Indian candidates, whose powers of memory are said to be more highly cultivated than those of Europeans?—I do not think so, because it seems to me that the *vivâ voce* examination is such a very unequal test of the capabilities of different men.

91. I believe you are yourself a University man?—I am, but we have no *vivâ voce* examinations at Cambridge.

92. You were a Fellow of King's College, Cambridge?—Yes.

93. And you won four University prizes during your college career?—Yes.

94. Would you hold your examination in India at one or more centres?—At one centre, but not necessarily always the same centre. It might be held alternately at Calcutta, Bombay, Allahabad, and so on.

95. Would you appoint the candidates according to their success as shown in one general list, or would you have a separate list of successful candidates for each examination?—That, again, is one of those matters as to which I do not think we can come to a final conclusion at present. Speaking of it as a mere abstract question, I would have only one list; but I doubt whether it would be desirable, under present circumstances, to have only one list. I would throw the English examination open to Natives who might choose to compete there, and in just the same way I would not restrict the Indian examination only to Natives of India. I suppose, however, that it may be assumed that if we have two examinations, the majority of those who pass in England will be Englishmen and the majority of those who pass in India will be Natives. I think also that it is a matter of importance that for some time to come a considerable proportion of the Civil Service should consist of Englishmen, and for that reason I would for the present retain a certain proportion of the appointments for candidates examined in England.

96. Do you think it would be an objection to holding the examinations in India, that you might attract to it a large number of candidates whose position in life would not give them, if successful, the influence among their countrymen that is essential to the efficiency of a Covenanted officer?—I do not contemplate any such difficulty as far as Bengal is concerned.

97. Do you think that in Bengal the consideration of high family or of respectable family has little to do with the influence such an officer may exercise, supposing him to be otherwise qualified to fulfil his duties?—I think so. I do not think it matters much to what family or caste an officer belongs.

98. Are there not certain parts of Bengal which are largely inhabited by Mahomedans?—Undoubtedly there are.

Sir Charles Turner—continued.

99. Are there any where the population is almost exclusively Mahomedan?—Yes, I believe that in Bogra the proportion is something like 75 to 80 per cent. of Mahomedans.

100. Would it be desirable to appoint a Hindu to take charge of that district?—I see no objection to it on account of his being a Hindu.

101. Or to appoint a man whose family was not regarded as respectable in Native society?—I do not think that would make any difference either.

102. Have you had any religious riots in the Bengal Presidency of recent years?—I do not recollect any. The Mahomedans of Eastern Bengal, where the bulk of the Bengal Mahomedans reside, are really the descendants of converted Hindus, and are very much the same as their Hindu brethren around them. They have no fanatical religious feelings, and would submit as readily to the sway of a Hindu Magistrate as they would to one of their own religion.

103. If the examination is held in India, would you require the selected candidates to proceed to England for training?—That is again one of those matters as to which I do not wish my answer to be taken as a final one; but I think that at present it is not only desirable, but highly necessary, that they should be required to proceed to England and spend at least a couple of years there.

104. If you know several of the Native gentlemen who have entered the service under the existing rules, can you say whether they are the best that could be obtained under any system?—I do not imagine they can be the best that could be obtained under any system, because the door of admission to the service is now so exceedingly narrow that hardly any Native can enter by it.

Mr. Fitzpatrick.

105. You said you would place Sanskrit on an equal footing with the classical languages of Europe in the English examination, and that you would do so on purely philological grounds: are we to understand, therefore, that you regard the successful study of philology as a means of training and a proof of culture equal to the successful study of the classical languages?—I understand Sanskrit to be a classical language.

106. Then, are we to understand that you consider the successful study of philology as a means of training and as a proof of culture equal to the study of the European classical languages?—I look upon the study of philology as valuable.

107. But do you look upon it as equal in those respects to the study of the European classical languages?—I really find it difficult to give a categorical answer to that.

108. You say your reasons for admitting Sanskrit to the same footing as Latin and

Mr. Fitzpatrick—continued.

Greek are merely philological?—Yes, on account of the value of the study of the language as a language, but of course including a study of Sanskrit literature. When I said philological, I meant philological and literary.

109. Then you consider Sanskrit literature as important as a means of culture as the literature of Latin and Greek?—I am not prepared to say that.

110. You say you do not apprehend any difficulty from Natives of the lower class getting into the Civil Service by competition, and that you think that considerations of caste and high family are of little importance. Is that merely your own individual opinion, or have you formed it after talking to Natives on the subject?—I do not offer it as more than my own individual opinion.

111. Have you talked to Natives on the subject?—I cannot positively recall to mind that I have.

Mr. Ramaswami Mudaliyar.

112. Is not the *visà voce* generally conducted after the written examination?—I believe it is.

113. Is it always conducted after the examiner has had an opportunity of examining all the papers?—I do not know.

114. What proportion of appointments would you fix to be competed for in England and India respectively?—That, again, is a matter which cannot be finally decided now. The proportion might vary from time to time. For the present I should be inclined to say that two-thirds of the appointments might be given to the candidates successful in London, and one-third to the candidates successful in India; but I do not wish to lay that down as a proportion to be permanently or definitely maintained, or even to be maintained for many years to come.

115. The competition in both places would be open to all candidates?—Yes.

116. Are there not men at present in the Uncovenanted Service who, though of humble parentage, have by their own ability and integrity risen to considerable positions?—No doubt there are.

117. As far as you are aware, are they treated by the people differently from men of high family holding the same posts?—No.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

118. Would you not place Persian on the same footing as Latin and Greek?—I think not.

119. At present there is no limit to the number of Natives who may enter the Civil Service; would you alter that and fix a limit?—I have not said so. I would put no limit to the number of Natives entering the Covenanted ranks.

120. Would not the effect of holding simultaneous examinations be that the

The Hon'ble Kazi Shahabuddin, Khán Bahádur—continued.

number of Natives entering the Civil Service would increase every year?—It would.

121. Do you imagine that any Englishmen would come out here to compete for the Indian Civil Service?—I cannot say whether they would or would not; but I should think the probability is against it.

122. Is not the number of Natives visiting England increasing every year?—Yes.

123. So that the Natives will have two chances: one in India and another in England?—The limit of age would be against them in that respect.

124. But if the age was fixed at twenty, would there be any serious difficulty in the way of Natives competing in England?—I do not imagine that Natives will go to England for the purpose of competing for the Indian Civil Service. If the examination is held out here, it would be folly in them to do so.

125. Would not the system which you advocate result in increasing the number of Natives in the Covenanted Service?—No doubt it would.

126. To an extent that would be politically undesirable?—I do not think so.

Mr. Stewart.

127. Your scheme involves competition in England and in India, both examinations being open to all classes. Is it necessary under it that the examination should be either simultaneous or identical?—It is certainly desirable that they should be identical in order that the same test should be applied to both classes of candidates.

128. It has been shown that there is no possibility of the *visà voce* tests being the same; is it necessary that the papers should be the same, the examiners the same, and the marks looked over by the same person?—I have hardly considered the question. It seems to me certainly desirable that the examinations should be, as far as possible, identical.

Mr. Peacock.

129. You have given us an instance of a district having been efficiently administered by a Native officer. Do you not know of another district which has been very inefficiently administered under a Native?—I do not know of any.

130. You are aware that Latin and Greek are not at present similarly marked?—I was not aware of that.

131. Would you assist the successful candidates at the Indian examination to go to England for training?—Certainly; I would afford them the same allowances as are now given to successful candidates, and passage-money in addition.

The Hon'ble Mr. Quinlan.

132. You were, until a recent period, Vice-Chancellor of the Calcutta University?—I was.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. J.
Reynolds.

The Hon'ble Mr. *Quinton*—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
H. J.
Reynolds.

133. Are there not colleges in various Provinces of India which are affiliated to that University?—Yes.

134. And until recently the Lahore Government College was one of them?—Yes.

135. If you have a competition in India for one-third of the appointments in the Civil Service, from what Provinces do you think the successful candidates will be likely to come?—I am not at all prepared to say.

136. Do you think the successful candidates from any one Province would preponderate?—I cannot say, as I have really so little knowledge of India outside Bengal.

137. I merely refer to your knowledge of the comparative advancement of education among the classes within the jurisdiction of the Calcutta University?—A distinction must be drawn between the best men in a particular Province and the average state of education in that Province. It does not at all follow that the best man in the North-West will not be equal to the best man in Bengal. Therefore in an examination of this kind you may very well have a fair proportion of the appointments filled by the best men of each Province, although the general level of education in one Province might be much superior to that in other Provinces.

138. Do you think it likely that that will be the result?—I should think it is very probable.

139. Looking at the time that education has been established in Lower Bengal, in the North-Western Provinces, and the Punjab, respectively?—I do not see why it should prevent the best men from either Province competing on equal terms.

140. Is it likely that you will get five or six of the best men from the North-West and Punjab to compete with five or six of the best men from Bengal?—I cannot speak confidently on the point. I do not see why we should not.

141. In case Bengal did succeed in winning the greater proportion of appointments, do you see any political disadvantage in that?—That is one of the questions which my limited acquaintance with other parts of India does not enable me to answer.

The Hon'ble Mr. Justice *Mitter*.

142. You say you would raise the maximum age limit to twenty?—I think so. I think it would ensure candidates coming out at a better age than at present; but I do not lay much stress upon it.

143. Do you know the average age at which candidates graduate here?—The limit for the Entrance examination used to be sixteen years of age, but now-a-days there is no limit of age. However, it is very rare for a boy to pass the Entrance examination below fourteen years of age, and that would mean that he would be eighteen before he took his degree. The average age is

The Hon'ble Mr. Justice *Mitter*—continued.

of course a good deal higher than that, and we find a good many candidates passing the Entrance examination at eighteen or twenty. I do not place the average age of graduating much lower than twenty-one; it may be higher.

144. Would it not be desirable to fix the maximum limit of age in such a way as to catch men who have finished their University education?—If you want to do that, it would be better to fix the age at twenty-three, so that the candidates may have finished their University career before they go in for the Civil Service examination. But that is not to my mind the best solution of the problem; I would prefer the University career to come afterwards.

145. Would there be any harm in raising the age to twenty-three?—Yes, I think in many ways. I think you would find that youths would have settled in other avocations by that age. At present if a young man fails for the Civil Service he has time to turn his attention to some other career.

146. Would there be any disadvantage as regards Indian candidates?—Yes, I think so, in this way—that it would be somewhat incompatible with sending them to England afterwards.

147. So far as Indian candidates are concerned, would it not be more prudent to send a man of more mature age than one comparatively young?—I do not think so; nineteen is quite a sufficiently mature age at which to send a youth to England.

148. Supposing the maximum age limit were raised to twenty-three for both European and Indian candidates, do you think that in a competitive examination, in which the candidates appearing in both examinations would compete with one another, there would be a likelihood of a large proportion of Indian candidates being successful, considering that in all probability among the European candidates there would be University men?—I am hardly prepared to say.

149. Does respectability and influence amongst Hindus in Bengal depend upon wealth or upon caste?—I cannot say.

Sir *Charles Turner*.

150. Would you allow to Persian the same marks as are allotted to French?—I think it might very fairly be placed on the same level as French.

151. Can you tell us whether in the competitive examination in England the same proficiency is required in Sanskrit as is required in an examination in the classical languages of Europe?—I do not know at all.

152. You were speaking irrespectively of that?—Yes.

153. Have you considered what the effect of an open competition in India would be on the educational institutions in India? That is to say, do you think that educational institutions in India could resist so shaping their course of study as to secure success at

Sir Charles Turner—continued.

such a competitive examination rather than to impart a general liberal education?—I suppose the results would be much the same as they have proved to be in England, where you have institutions which direct their energies to prepare pupils to pass the examinations.

154. Are not the conditions of England and India as regards education totally different in this respect, that there is a multiplicity of institutions for higher education in England, while there are very few in India, so that it matters less if certain of them aim at special objects?—No doubt.

155. Do you think that colleges in India could resist the temptation of endeavouring to secure a certain amount of success in the examination to the possible disregard of the educational requirements of the mass of their scholars?—I should not expect it to be done by educational institutions, but rather by private tutors.

156. The Directors of Public Instruction in some of the other Provinces have objected to the examination being held in India on the ground that, at present, it would have an injurious effect on the educational institutions in India in the direction I have indicated?—I do not share that apprehension at all.

157. You have said that you would raise the age to twenty because it would bring men out at a better age. Do you, then, think that candidates at present come out to this country at a too early age?—I think the limit seventeen to nineteen is rather low; but I said I did not attach much importance to the change.

158. Have you heard complaints of the youth and inexperience of the Covenanted Civilians when entering on their avocations?—Yes, such complaints are made; but I do not attach much weight to them.

159. As education progresses in a presidency or province, do you think that a higher standard of administration is expected by the people?—Certainly.

160. And is it not necessary, in order to secure it, that the men you entrust with important magisterial and executive duties should have attained a more advanced period of life than was formerly the case?—Yes, and it is being done now by a slower process of promotion.

161. Would it not be preferable to invest men with magisterial functions at the age of twenty-five rather than of twenty-two?—Not necessarily as regards subordinate magisterial functions.

162. At what period after his arrival in the country does a member of the Covenanted Civil Service acquire full powers?—When he has passed both the examinations, which he always takes two and sometimes three years to do.

163. What age would he be when he attained full powers?—There is, first, the two years' limit within which he may have come out—two years earlier or later; but he

Sir Charles Turner—continued.

would be some twenty-three or twenty-four years old by the time he had passed the departmental examinations.

The President.

164. It could not be less than twenty-one, I suppose?—No.

Sir Charles Turner.

165. Do you not think it would be a better training for a Magistrate if he had some experience of life in England rather than if he came out to India almost directly from a public school?—Yes.

166. Then, having regard to the public desire for increased efficiency in the magisterial service, would not twenty-three be a better age than twenty as the maximum age for entrance into the service?—When I said so, I was speaking of the competitive examination, which, I understood, would be followed by two years' study in England.

167. With the limit of age proposed by you, a Covenanted Civilian would come out at the age of twenty-two, or possibly at the age of twenty?—Possibly at the age of twenty.

168. Then you might have a Magistrate of twenty-two years of age with power to sentence to imprisonment for two years. Is not that a somewhat early age for a man to enter upon the important functions of a Magistrate?—Undoubtedly it is.

169. Do you think it desirable that he should have the full powers of a Magistrate at the age of twenty-two when he has been only two years in the country and has just passed the higher standard?—Probably not.

170. Would it not therefore be more advantageous to have the maximum age raised to twenty-three?—It might be in that respect, but there are counter-balancing considerations which seem to me to make the lower age preferable.

The President.

171. Why would you send the successful candidates at an examination held in India to England?—I do not look upon it as a course which will be always necessary, but only in the present state of India. Possibly we may some day have institutions in India to which the Indian youth could be sent after passing the competitive examination with the same advantage as they would now get by going to England.

172. But are not the studies which the successful candidates prosecute after passing the examination special rather than general studies?—Yes.

173. And cannot special studies be prosecuted equally well in India?—Possibly, but I do not attach so much importance to special training as to the English life and the general training at the University.

Mr. Fitzpatrick.

174. Do many young Civilians come out at nineteen?—No.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. J.
Reynolds.

Mr. Ryland.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
H. J.
Reynolds.

175. If the limit of age is sufficiently raised, what particular disadvantages or disabilities do you propose to remove by having competition in India for one-third of the appointments?—You of course practically exclude the youth of India by compelling them to pass the competitive examination in England. It cannot be supposed that young men will go to England to go through a severe course of study there merely on the chance of success at the examination.

176. Do not Natives go to England at present with a view to admission into other careers, and have they not the same chances and difficulties?—Not at the same age.

177. But if the age were raised to, say, twenty-three?—I think it would be very unwise to raise the age to twenty-three.

178. Say between twenty and twenty-three?—Even then I think it would very much narrow the field of selection. I think it would exclude a very great many eligible candidates whom you would get by having the examination in India.

179. But still men do go?—Yes.

180. And are they not very much more successful in their after-career in consequence?—I daresay they are. No doubt it gives them an advantage.

The Hon'ble Mr. Quinton.

181. Is there any actual exclusion at present?—Natives are at present practically excluded from the Civil Service. There have been two men this year who passed, but the number of those who compete is, I have always understood, very small.

182. Do you think the men who have got in are better men than you would get by competition here? I do not mean, necessarily, more highly educated, but more efficient public servants? Because you see your proposal to hold an examination in India will, if carried out, have the effect of depriving us of those men who might have given a proof of enterprise and moral courage by going to England to compete?—It will not deprive you of such men at all, because they will pass here. No doubt you will lose that proof of moral courage and enterprise.

Sir Charles Turner.

183. Would you recruit the Uncovenanted Service, meaning thereby Sub-Deputy and Deputy Collectors, Munsifs and Subordinate Judges, from all natural-born subjects of Her Majesty, or only from Natives of India?—(Only from Natives of India.

184. Would you recruit by competition or by nomination, or by both systems combined?—So far as Bengal is concerned, I would have no objection to making all the appointments by competition.

185. Would you have an open competition or a competition only among persons nominated by Government?—I cannot answer

Sir Charles Turner—continued.

that very positively. At present the Subordinate Judicial Service is largely filled by nomination, and I understand that the system works exceedingly well. As regards the Executive Service, I incline to the opinion that the competitive system is the best.

186. You believe that public opinion is favorable to the existing Native judiciary?—Yes, I have always heard that opinion expressed.

187. Are the Native Subordinate Magistracy regarded by the public with confidence or otherwise?—They are mostly junior men who are learning their duties, and who will exercise full powers when qualified for them. I imagine they are regarded as doing their work in a satisfactory manner, and I do not think there is any reason for believing otherwise.

188. How are they appointed?—I believe by nomination of Government.

189. Would you alter that system at all?—I think it desirable to appoint men by examination.

190. Are revenue and magisterial functions combined in one officer in the case of Subordinate Magistrates?—Yes.

191. Have you heard any complaint against that combination of functions?—No, I do not recollect any.

192. Are you aware whether there has or has not been any action taken by the educated portion of the Native community for the severance of magisterial from revenue functions?—I have not heard of any.

193. If the Statutory Service is abolished, what would you do with the proportion of posts assigned to that service?—I would give them back to the Covenanted Service.

194. What do you think of a scheme which would reduce the number of Covenanted Civilians to the lowest limit that Government may, from time to time, think necessary with regard to the due administration, and would combine the places so taken from the Covenanted Service with the higher posts now held by the Uncovenanted Service, there being a local competition instituted for appointment to a service made up of the posts so combined? For instance, the Government consider at the present moment that one-sixth of the posts reserved for the Covenanted Service might be given to a Native Service. Suppose you combined that one-sixth with the higher grades of the Uncovenanted Service, both Executive and Judicial, in one service, call it by whatever name you please, and have competition in India for that service?—I am not prepared to say off-hand what I think of that scheme. It seems to me that a question of that kind is a matter which would require careful consideration before venturing to offer an opinion either against or in favor of it.

195. Would not such a scheme produce practically much the same results as you contemplate with an examination in India for a certain proportion of posts in the

Sir Charles Turner—continued.

Covenanted Service?—I do not think it would; but I am hardly prepared to answer off-hand a question of such magnitude. It would certainly not remove the present feeling of Natives as to the injustice of their exclusion from the Covenanted Service.

196. What do you think would be the result if the Act which reserves certain posts for the Covenanted Service were repealed, if a certain proportion of the Civil Service were recruited, under the present system, in England with a guarantee of certain salaries, and not a guarantee of certain appointments, and the Government in India were left with a free hand to appoint to any post any one, either a European or a Native, whom it might consider the fittest man for such post?—It would be possible to devise a scheme on that basis that would be perfectly fair.

197. Would such a service have the advantage of obviating the objections at present entertained by the Natives to the existence of a class service?—I cannot say whether it would or would not.

Mr. Fitzpatrick.

198. Supposing that by reducing the recruitment in England by a certain proportion,—say the present proportion of one-sixth, or any other—a certain number of the higher appointments held by the Covenanted Service, or formerly held by the Covenanted Service, were set free to be disposed of otherwise than to Covenanted men who have passed in England, do you know any body of men that would have a better claim to the appointments thus set free than the Uncovenanted Service?—No, I do not know of any body of men who would have a better claim.

199. Comparing the Uncovenanted Service, as it is, with young men who have just passed with distinction out of college, which do you think have a greater claim to that proportion of appointments so set free?—I cannot say. How is it possible to compare the Uncovenanted Service with young men just passed?

200. Comparing the claims of the best men in the Uncovenanted Service with those of the young men who have just passed successfully out of college, to which would you rather give the appointments thus set free?—I would not exclude either class. I would wish to see some of the appointments given to meritorious members of the Uncovenanted Service and others to be competed for.

201. Do you not think, if the appointments thus set free were given to the Uncovenanted Service, that they would attract better men into that service and raise the standard of efficiency throughout that service?—I suppose the tendency would be in that direction; I cannot say what the effect of it would practically be.

Mr. Ryland.

202. Would you exclude sons of officers (not necessarily military men) who have served in India, educated in England, and who have come out here and qualified for the Uncovenanted Service and who yet would not be Natives in the Statutory sense?—I would confine the service to Natives in the Statutory sense.

203. Is not the class I refer to growing in numbers daily, and is it not desirable to make some provision for their employment in the public service side by side with Natives?—That is one reason why I object to the expression 'born in India.' I wish to include those of that class who are actually domiciled in India and are children of domiciled parents, but I would not carry it any further.

204. I believe the Board of Revenue have subordinate to them the Subordinate Executive Service, including Deputy Collectors. Can you state what the present proportion is of Europeans, Mahomedans and Hindus respectively in that service?—I could not say off-hand; the great majority are no doubt Hindus.

205. Is not the proportion of Europeans and Mahomedans very small as compared with the Hindus?—Undoubtedly it is.

206. The proportion of Europeans and Eurasians was 13 per cent. in 1864, in 1887 it is 7½ per cent. Is not this falling off in consequence of the orders of the Secretary of State impeding the appointment of Europeans to posts of over Rs. 200?—Very probably.

207. Have not Eurasians also suffered in consequence of the same restriction?—I am not aware that it is so.

208. Can you say if the necessity of having Europeans in the Uncovenanted Service has been felt by the Government in times of emergency?—I am not aware of any such cases having occurred.

209. Do you recollect the Indigo riots of 1860-61?—I do not. I was not in this part of India at the time.

210. Then you cannot say whether it is a fact that Europeans were placed in charge of all the more important sub-divisions where there were disturbances?—That very probably was the case.

211. Europeans I suppose work, as a rule, as efficiently as Natives?—Yes.

212. And are at present employed largely in the more difficult sub-divisions in Bengal?—I do not think so.

213. Has Serampore, for instance, ever been in charge of a Native?—It has not, that I recollect, but I am not aware that it is a particularly "difficult" sub-division.

Mr. Stewart.

214. You say you would recruit Deputy Collectors by open competition. Would you appoint the successful candidates at once to be Deputy Collectors, or would you require

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. J.
Reynolds.

Mr. Stewart—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
H. J.
Reynolds.

them to undergo any training?—The whole scheme would have to be carefully thought out and organized if you resolve to have a competitive system of entrance to the Subordinate Revenue Service. I think it should be done by making the successful candidates Sub-Deputy Collectors, or even by requiring them to take a lower post than that, a Kanungo's appointment, for instance; but that would not suit every one.

215. Would it not be a great advantage to a Deputy Collector to have served in subordinate posts?—Yes.

216. Would you leave any opening in your scheme for the promotion of the Amla and subordinate members of the service?—My experience has been that peshkars and sheristadars do not, as a rule, make satisfactory Deputy Collectors.

217. Is that on account of their having no educational qualification?—I am hardly prepared to say that.

218. How are Deputy Collectors appointed at present?—By nomination of Government, as far as I know.

219. Is any particular educational test required?—I think not.

220. Is any preference given to holders of University degrees?—I do not think so.

Mr. Stokes.

221. Are not most of the Deputy Collector men who have been peshkars?—I should say not so.

222. What is a peshkar?—A peshkar is the second Native officer in a Collector's office. He ranks next to the sheristadar.

223. And, as far as you know, most of the Deputy Collectors have not been either sheristadars or peshkars?—I should say only a small minority have.

The Hon'ble Mr. Quinton.

224. The administration of treasuries is under the Board of Revenue, is it not?—No, it is under the Accountant-General.

225. Are treasury officers appointed by the Board?—No, it is practically a different department now.

226. Are they, as a rule, Natives of India or Europeans?—Natives of India.

227. Do you find it necessary in military stations to have European Deputy Collectors in charge of treasuries?—We have only two military stations in Bengal—Barrackpore and Dum-Dum.

228. Is there a treasury at Barrackpore?—I think so.

229. Who is in charge of it?—The Cantonment Magistrate, I think. He is also Sub-divisional Officer.

The President.

230. Is there a treasury at Dum-Dum?—I suppose there is.

Sir Charles Turner.

231. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Service according as they are held by members of that branch of the Service, or by members of the Statutory or Uncovenanted branches?—That is rather a difficult question. I am rather in favor of what is called the two-thirds rule, which is that a Statutory Civilian obtains two-thirds of the pay of the Covenanted Civilian; but I have not a very positive opinion on the point.

232. On what principle would you make the distinction?—The only grounds are that one imagines the status of the Covenanted Civil Servant to be somewhat higher, and that appointments in the Statutory and Uncovenanted Services are supposed to be held almost exclusively by Natives of the country, who do not require so much pay.

233. Should any distinction be made in the furlough rules applicable to the Statutory and Uncovenanted branches of the Service according to the nationality of the officer?—Yes; I think the Native of India does not require the same furlough that may fairly be given to a European.

234. If Natives of India in any branch of the public service desire to go to England, would you give them exceptional facilities for taking furlough for that purpose?—Yes; I think, perhaps, it would be a good rule.

235. Would you give the same pension to Statutory as to Covenanted Civil Servants?—No.

Mr. Eyland.

236. Would you make the more favorable pay rules which are given to Europeans in some departments of the Uncovenanted Service applicable to Europeans in the Subordinate Executive and Judicial Service?—Those particular rules are, I believe, confined to officers appointed by the Secretary of State.

237. But do not some officers appointed here also share in those rules?—They ought not to do so.

Mr. Stewart.

238. Have you ever heard a complaint that the pay of the Statutory Civilian when he first enters on probation, Rs. 200 a month, is too small?—I am not aware that any complaint has been made; but it seems to me that it would be a reasonable complaint. Rs. 200 a month is rather low pay.

239. Is it the case that one of your Statutory Civilians never drew his pay?—Yes.

The President.

240. Would you apply the two-thirds rule to the successful candidates at your Indian examination?—No.

241. Then your scheme would be more expensive than the present Statutory Service?—Yes.

242. Is there any other point you wish to bring forward?—No.

WITNESS II.—21st February 1887.

Examination of J. G. CHARLES, Esq., c.s., Additional Judge, 24-Pergunnahs, Bengal.

Mr. Peacock.

243. You are a Covenanted Civilian of 1865?—Yes.

244. And in your various appointments I think I am right in saying you have never been Magistrate of a district for any length of time?—No; but I have been Joint-Magistrate in districts when the District Magistrate has been out on tour.

245. You have also been Presidency Police Magistrate?—Yes, for about four and a half years, half of which time I was Chief Presidency Magistrate, and for about a year and a half Deputy Commissioner of Police. I am now Additional District and Sessions Judge of the 24-Pergunnahs.

The President.

246. What is the view of the Natives of this Presidency regarding the present system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Service?—What I believe to be the Native view as represented by the more educationally advanced Bengalis is decidedly opposed to it, as they would be opposed to any system of nomination; whereas the Mahomedans are favorable to it, because they know that for many years to come they will have no chance whatever with the educated Bengali in India if a system of open competition is introduced.

247. What do you think of the system?—My own opinion with regard to the Statutory Service is that it is impossible to consider it by itself. There is a larger question behind it, namely, the recruitment of the Covenanted Service.

248. What are the grounds of disapproval of it in addition to the fact that it involves patronage?—I think both sections of the community disapprove of it, in so far as it is really a system of appointment to particular posts, and not to a service, and also, of course, because the members of the service are not so well paid as Covenanted Civilians.

249. What are the particular advantages expected from appointment to a service as distinguished from appointment to a post?—I think appointment to the service confers an additional status on the person who belongs to the service, and I think that is the feeling in the minds of those who object to the present system, and there is also the greater certainty of advancement.

250. How would you remedy the defects of the present system?—I should be inclined to consider the Statutory Service as merely supplementary to that portion of the Cov-

The President—continued.

enanted Civil Service which is recruited in England, and, as such, I would reserve to Government the right of appointing Natives to it. But the Statutory Service, as it now exists, *i.e.*, a service merely of posts to which men are appointed, I would do away with.

251. Would you authorise Government to appoint to the Civil Service instead of to posts in that service?—My idea is that, in the first place, the Civil Service ought to be clearly defined, and in the second place, that the proportion of Natives which it may be considered desirable to appoint to that service should be fixed, and in the third place, that when that is fixed, I would admit as many Natives as can pass in England up to that limit, and supplement those by appointments in this country, partly by competition among selected candidates, and partly by a system of nomination.

252. Would you make any other alterations in the Statute?—I would do away with the Statute in its present form altogether, and I would merely retain a Statutory power to enable Government to bring up the Native contingent of the Civil Service to its proper strength.

253. In what way would you secure that the nominees to that service were qualified men?—With regard to that I consider that, under our system, based as it is on a Western model, a thorough knowledge of English and English modes of thought is essential, and that, to my mind, is a real difficulty in connection with selecting Mahomedans and persons of the highest social position. Very few such persons have ever been able to attain to the educational standard which is necessary to suit them for appointments in the Covenanted Civil Service which is a guiding and controlling service.

254. If all these qualifications are essential, how would you secure that your Native candidate possessed them?—I should hope that by modifying the rules which govern the Civil Service examination in England the number required to be recruited in this country would become considerably smaller than it is at present, and I think there would be no difficulty in securing such a number of local recruits as would make up any deficiency in the number who get in through the English competition.

255. What, then, is the special advantage of appointing Natives to the Covenanted Service at all if your Covenanted Service requires special qualifications which they do not at present possess?—I think these qualifications can be secured by nomination, if sufficient care is taken in selecting suitable men.

Vol. VI.
Sec. II.
Bengal.J. G.
Charles,
Esq.

The *President*—continued.

Vol. VI.
Sec. II.
Bengal.
—
J. G.
Charles,
Esq.

256. Do you think the public would be satisfied that nomination is a sufficient guarantee that the persons nominated possess these qualifications?—I think the Mahomedan portion of the community would be satisfied. With regard to the educated Bengalis, I think there might be a modified system of competition among selected candidates to meet their case.

257. If there is very strong objection at present to the appointment by nomination to a particular post, will there not be still greater objection to the appointment by nomination to a highly paid and exclusive service?—Not if the nominations are properly made.

258. How would you secure under your system of nomination that your men possessed the qualifications you desire?—I think men might be safely selected from those who had shown great proficiency in their college or school careers.—Prem Chand Roy Chand scholars, for instance. The number required for Bengal is small, ten being, I believe, about the normal strength of recruitment, one-sixth of that number is the limit of Natives admitted under the present Statutory Rules; that is to say, less than two men a year. Surely it would not be difficult in Bengal to find two men a year.

259. Practically, then, you would leave Government a free hand?—I would leave Government a free hand to nominate whom it pleased up to a certain limit and in a certain proportion of the appointments—one-half might be selected by nomination in India, and the other half by competition amongst selected candidates. These nominations, as already stated, would be supplementary to the competition in England.

Mr. *Fitzpatrick*.

260. Do you consider that distinguished service in the Uncovenanted Service would be a good ground for selection under the system which you propose?—I think that might be one of the grounds. The objection I feel to it is, that under no system I can conceive of recruiting the higher service would any man pass such severe tests and come out to India to work if he was liable at any time to be superseded by persons who might be considered to have proved merit and ability in another service; and, on the other hand, senior men in the Subordinate Services would probably not care to begin at the bottom of the superior service. I think that scheme, as a permanent method of recruitment, is a hopeless scheme, because by attempting to satisfy those who prove merit and ability in the lower services, you would dissatisfy the whole of your higher service.

261. *Ex hypothesi*, where the recruitment to the Civil Service has been restricted, there would be no places available to which the Uncovenanted Service would have any claim?—I do not understand that it was ever intended to cut the service into two portions,—one for Covenanted Civilians and

Mr. *Fitzpatrick*—continued.

the other, a sixth, to run parallel with the other appointments. As I understand it, it was intended to have one-sixth of Natives in the Covenanted Service as a whole, and, if that is so, it is quite right to select experienced officers; but, then, I consider that they should begin at the bottom of the service, and there, of course, is the difficulty.

262. Suppose you under-recruited the service by two each year, intending to reserve two appointments; could you not put two blanks into the Civil List, and let them rise until they reached the point at which it would be worth the while of distinguished officers in the Uncovenanted Service to take them, appointing, until then, *sub pro tem*. Uncovenanted officers to do the work left unprovided for?—Any system by which the service was under-recruited would, no doubt, remove the objection I mentioned, but there is another objection—I do not think that the Subordinate Judicial and Executive Service contains a large number of men who, in my opinion, would be fit for such posts as are reserved for the higher administrative service.

263. Do you mean to say they would not even furnish one man a year?—The Government might, if they got a good batch in any year, appoint one man.

264. You mean to say you would prefer to rely on a Prem Chand Roy Chand scholar rather than on your best Subordinate Judge or Deputy Collector of many years' standing?—I would not rely more on all Prem Chand Roy Chand scholars, but I think that a Prem Chand Roy Chand scholar is a man of riper education than any Subordinate Judge in Bengal: of course the latter has the advantage of experience in the Judicial Service, but the Prem Chand Roy Chand scholar, appointed to a lower grade, would have that advantage too in due course of time.

265. In appointing your Prem Chand Roy Chand scholar, would you not have to take your chance of his turning out a good judicial officer?—Yes.

266. And taking into consideration the risk of his not turning out a good judicial officer, I would ask you whether you would prefer your Prem Chand Roy Chand scholar to your best Subordinate Judge?—I would not restrict my choice to either. I think there ought to be prizes for the Uncovenanted Service quite separate and distinct, but that members of that service ought not to be taught to look to the Covenanted Civil Service as a goal to which they should aspire as a rule.

Mr. *Nulkar*.

267. I suppose the Subordinate Judicial Service here is recruited from men who have passed certain University tests?—No doubt some of them do possess those qualifications.

268. Then, may it not happen that some of your Subordinate Judges have held a

Mr. Nalkar—continued.

Prem Chand Roy Chand scholarship?—I think those are rare exceptions, but where you have men of that high standard they might very fairly be selected.

The President.

269. Have you not at present a considerable number of men in your Uncovenanted Service who possess the educational qualification you prescribe?—I do not think so. There are some, no doubt.

Mr. Fitzpatrick.

270. Have you any men who possess sufficiently high educational qualifications?—No doubt there are some.

271. Have you not a considerable number who are able to boast academic distinction?—I think there is a fair number who can.

272. Without very much reducing the number of Covenanted appointments, are there not many appointments in non-regulation provinces held by military men, which might be set apart as rewards for men of proved merit and ability in the Uncovenanted Service?—It is impossible for me to say whether particular appointments in non-regulation provinces should or should not be given to military officers.

273. But when they can be dispensed with?—It depends upon the system of promotion. It would destroy the morale of any service whatsoever if you were to put a large number of men, whether experienced servants of Government or successful professional men, over the heads of men who have passed through a very severe training indeed and come out to India.

274. You say that a close service is necessary to induce Englishmen to come out here; but, if you can get men on the spot, is it not unfair to the Government, and therefore to the interests of the general tax-payer, to put your Indian Civil Service candidates into a close service and give them expectations and claims to promotion which it will not be possible always to meet?—I do not see why it should be so. I would still admit them to a close service.

The President.

275. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Civil Service?—I have heard dissatisfaction expressed by the educated Bengalis on the ground that a sufficient number of them cannot get in.

276. Should any, and what, change be made in the system?—I would raise the limit of age to twenty-one or twenty-two.

277. Would you alter or modify the subjects of examination?—I would have no objection to give Arabic and Sanskrit somewhat higher marks, if I did not feel that the standard in Sanskrit—(I am not acquainted with Arabic)—is very much lower, and that it is much easier to obtain marks in Sanskrit than it is in Latin and Greek.

The President—continued.

278. Would you have any alteration in the place of examination?—None whatever.

279. Do you think Natives labor under any disadvantages in competing under the present system besides those to which you have referred?—Of course the fact of their having to go to England is to a certain extent a disadvantage, and there may be others connected with caste; but I think these will disappear in course of time.

280. Would you take any special steps towards removing those disadvantages?—No. I think it is so essential to bring candidates for the higher service into contact with Western ideas and civilization that I would not dispense with their going to England, either in the case of those who have yet to pass the competition or in the case of those who have been selected in this country.

281. Do you advocate a system of selection in this country for the Civil Service?—I would have it to make up the complement of the number fixed by Government. I would have one-sixth of the appointments reserved for the Covenanted Civil Service held by Natives, and I would select as many by the open competition in England as we could get, and I hope we shall get more when the limit of age is raised; and if there happened to be a deficiency in any particular year, I would empower the Government to make up that deficiency, either by nomination or by competition amongst candidates selected in this country, and would then compel the selected candidates to go to England on the general principle that, as their functions in the higher grades of the service will be those of direction and control, it is necessary that they should be brought into contact with Western ideas and civilization.

Mr. Fitzpatrick.

282. You think the two years they would spend in England would have an important effect in that respect?—I hope it would.

Mr. White.

283. If you would restrict the number of Natives in the Civil Service to one-sixth, how would you have a strictly competitive examination?—There is no immediate prospect of a greater number than one-sixth passing; but if a greater number did pass, I certainly think that, in order to secure the supremacy of British rule in this country, it would be necessary to restrict the number of Natives in the Covenanted Civil Service to whatever proportion Government might think proper. Only the Executive Government can say what proportion is desirable, and that proportion must vary at different times and perhaps in different places.

Mr. Fitzpatrick.

284. In fact your system, as applied at this moment, would not be restricting the Native element to one-sixth, but practically

Vol. VI.
Sec. II.
Bengal.

J. G.
Charles,
Esq.

Mr. Fitzpatrick—continued.

Vol. VI.
Sec. II.
Bengal.
—
J. G.
Charles,
Esq.

enlarging it to one-sixth?—I have taken the figures since 1880, and I find that, including those who passed in this country and in England, the proportion of one-sixth is about the number selected in Bengal. Lord Ripon, in the budget statement of 1882, said that he considered one-sixth of the whole service recruited in India, plus any that might pass in England, would satisfy the legitimate aspirations of the Natives of this country. Practically speaking, no Natives at that time passed through the open competition, and I find that in twelve years only two men passed for Bengal; so that, practically speaking, it was one-sixth, and that is why I have adopted one-sixth.

Mr. Nulkar.

285. What status would you accord to those who passed in India in order to make up this one-sixth. Would you place them on the same list with the others?—I would; but I think they might reasonably be given less pay, for this reason, that the expense of their education in this country would be very small compared with the expense incurred by men who go to England to compete and the risk they run of failure. I believe that for the first seven or eight years of a boy's life in school the fees here are only some Rs. 2 a month, for the next four years from Rs. 3 to Rs. 5 or Rs. 6 a month, and the highest fee paid in the Presidency College is about Rs. 12 a month. I think it would be absurd to give the same pay to men who have been so cheaply educated as to men who have undergone the expense, anxiety, and risk involved in competing in England.

286. Then you would practically constitute them a separate class?—Only in the matter of pay. I do not think that is a matter of very great importance, and after all I hope that the number required would be very small.

287. You are aware that the law, as it at present stands, places no restriction on the number of Natives who may pass in England?—Nominally there is no restriction, but virtually there is. As a matter of fact, since the institution of open competition for the Civil Service, only some eight or ten Native gentlemen have passed into the Covenanted Service in Lower Bengal. Therefore, practically, it is very much restricted in the case of Natives.

288. But this practical restriction may disappear, may it not, if a larger number of Natives go to England to compete?—If it does disappear, then my view is that it will be in the interests of British administration to step in and place a limit. The Government has gone further in the case of Europeans, because it has ordered them to disappear from the Uncovenanted Service altogether, and this order I considered to be clearly contrary to the Queen's Proclamation of 1858, as it cannot be said that Europeans are unfit for the Subordinate Service.

The President.

289. Your view is this, that if in practice the competitive examination in England resulted in the recruitment of Natives to an extent which was regarded as inexpedient, a Statutory restriction might be imposed on it?—Yes.

Mr. Stewart.

290. How would you recruit the men whom you might locally select for the service?—By Provinces.

291. Then you would have your general recruitment from the whole of India and the supplementary recruitment Provincial?—Yes.

The Hon'ble Mr. Justice Mitter.

292. Why would you not have the competitive examination in India?—I have no objection to an examination in India for the supplementary appointments.

293. But why not for the one-sixth?—Because I do not think it would be possible to have an examination in this country on equal terms with the examination in England.

294. Why not?—I think it is impossible to have the *circa roce* examination here identical with the one in England.

295. Is that the only reason?—It is the chief reason.

296. What is the other?—I have a very strong feeling that to administer the higher posts in our service a contact with Western ideas is essential. I think it desirable, therefore, that men should be educated at English schools and colleges. Another reason is that I think the papers might be tampered with. I believe that the papers are, as a fact, very frequently tampered with in connection with University examinations here. I have heard of a whole examination being vitiated by the papers being tampered with. I have never heard of such a thing happening in England.

297. Suppose the examination is held in India and the selected candidates are sent to England for a period of two or three years, will not your object, that members of the Civil Service shall have been in contact with Western ideas, be attained?—To a certain extent.

298. Do you think that no Native of India will be able to obtain a place among the successful candidates if he goes direct from India to take part in the open competition?—I do not say that.

The President.

299. What are your reasons for fixing one-sixth?—The first is, that Government has fixed it; the second, that I think in the present state of the country it is sufficient.

The Hon'ble Mr. Justice Mitter.

300. Do you think if the proportion were enhanced that it would be open to objection?—Yes. I think it would be undesirable.

The Hon'ble Mr. Justice *Mitter*—contd.

301. Why?—It is a matter for Government to decide, but personally I think the maintenance of British supremacy in India is the paramount consideration.

The *President*.

302. How would you recruit the Uncovenanted Service?—Chiefly from Natives of India; the prohibitory orders, issued during the Viceroyalty of Lord Ripon, excluding Europeans from the Uncovenanted Service of the country, I considered to be illegal and against the Queen's Proclamation in the clearest possible terms.

303. Would you recruit by competition, nomination, or by both systems combined?—I would recruit by the same system as in the case of men selected in India for the Covenanted Service of this country, viz., by nomination for a portion and by competition, either among persons selected by Government or by an open competition.

304. Would you apply the same system to all branches of the Uncovenanted Service—to Sub-Deputy Collectors, for instance?—Yes.

305. Would you recruit Provincially?—Yes.

306. If the Statutory Service is abolished, what would you do with the proportion of Covenanted posts at present allotted to that service?—Under my system I would take the present Statutory men into the Covenanted Civil Service.

Mr. *Ryland*.

307. Will you kindly state what is the present constitution of the Subordinate Executive and Judicial Service as regards nationalities, comparing the results of the present year with those of ten years ago?—The figures I am about to give were taken by me from the Bengal Civil List of 1st January 1887, and I find that, combining the Subordinate Executive and the Subordinate Judicial Services, they show that out of 672 members belonging to those combined services, only 51 are Europeans and Eurasians, 56 Mahomedans, and 565 are Hindus. Therefore, taking the Natives altogether, there are 92 per cent. of Natives in the combined services compared to 8 per cent. of Europeans and Eurasians; and if the existing rule regarding Europeans is maintained, that 8 per cent. of Europeans and Eurasians will disappear very shortly. Now, taking the returns of twelve years ago, I find that on the 1st January 1875 the strength of the combined services was 572, 175 of whom were Europeans and Eurasians, 71 Mahomedans, and 426 were Hindus; that is, 13 per cent. were Europeans and Eurasians and 87 per cent. were Natives, of whom 12 per cent. were Mahomedans and 75 per cent. Hindus. If we go back still further to the 1st of May 1864 (I could not get the 1st January 1863 Civil List, and I must add that these figures unfortunately include Assam), the total

Mr. *Ryland*—continued.

strength of the two services was 484, of whom 90 were Europeans, 122 were Mahomedans, and 272 Hindus; that is to say, 19 per cent. of Europeans and Eurasians, 25 per cent. of Mahomedans, and 56 per cent. of Hindus. In other words, in the year 1864 the proportion of Mahomedans to Hindus was 1 to 2, in 1875 it was 1 to 6, in 1887 it is 1 to 10. When we reflect that the number of Hindus in Bengal Proper, excluding Chota Nagpore, Behar, Assam, and the Tributary States, is 48.45 per cent. of the population compared with 50.16 per cent. of Mahomedans, these figures are very significant.

308. Then the European element is fast disappearing, and the Natives, especially the Hindus, have absorbed nearly all the posts in the Subordinate Service?—With regard to the Judicial Service, the number of Natives is 99.7: only 3 per cent. of the whole are Mahomedans and nearly all the Hindus are Bengalis.

The *President*.

309. To what do you attribute that state of things?—No doubt, to a great extent, to the backwardness of Mahomedans in English education.

Mr. *Stewart*.

310. Why would you recruit strictly according to Provinces?—Because I think that by open competition, such as Bengalis would wish for, you would have not only Bengal recruited by Bengalis, but also the North-West, and I think the monopoly by any section of the community of Government service not only undesirable, but politically dangerous.

311. You think it is an advantage that those officials who are immediately connected with the people should be Natives of the Province in which they serve?—Yes.

312. But in the higher posts is it not always an advantage that the officials should not be residents of the Province?—I do not think so, because the Provinces are so enormously large that it is quite possible to keep a man away from his home influences.

313. Is there any prejudice in Bengal against inhabitants of other Provinces being placed over them?—They never get a chance with 84 per cent. of Hindus, who are nearly all Bengalis.

314. You have had a Parsi, I believe, in the Bengal service?—Yes.

315. Do you think the people of Bengal would object to a Parsi or a Punjabi being made an Assistant Magistrate or Magistrate of a district?—I do not know that they would.

Sir *Charles Turner*.

316. What is your experience of the members of the Subordinate Judiciary? Do they enjoy the confidence of the people?—Generally I think they do.

Vol. VI.
Sec. II.
Bengal.

J. G.
Charles,
Esq.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.

J. G.
Charles,
Esq.

317. Have you noticed any improvement in that class of recent years?—I think there has been an improvement.

318. To what do you attribute it?—To more careful selection and to the advance of legal education generally.

319. Higher educational qualifications are required, are they not?—Yes.

320. Do the Subordinate Magistracy possess the confidence of the people?—I think generally they do, but I do not think they are so good in their judgments as the Civil Judiciary, nor are they, as a rule, as well educated.

321. Is their standard of official morality as high?—I have sometimes heard complaints of both the Subordinate Magistracy and the Civil Judiciary, but it is impossible to say how far such complaints are true or false.

Mr. Nulkar.

322. According to your statistics, Mahomedans are becoming fewer and fewer in the Subordinate Service?—Most undoubtedly so. They are disappearing.

323. Are they then retrograding in point of education?—I think Hindus have

Mr. Nulkar—continued.

advanced more rapidly in point of education. A Hindu assimilates to himself an English education, whereas a Mahomedan seems to consider that his duty is to study his own sacred language and religion before he begins an English education.

324. Are the Mahomedans of this Province exerting themselves to overtake the Hindus in point of education?—I think there has been a very marked move in that direction within the last year or two, but it has not yet had time to take effect. I consider it is necessary, however, where you find such enormous differences as these statistics show, that Government should consider the special case of Mahomedans.

325. Is the proportion of Europeans and Eurasians in the public service, viz., 8 per cent., so very small when compared with the European population?—I have not examined the statistics to ascertain that point.

326. Is it a smaller number proportionately?—Not of course if you compare it with the proportion the class bears to the whole population.

327. Are they not adequately represented?—If you take the proportion of the

* E stands for Europeans and Eurasians.
M ditto Mahomedans.
H ditto Hindus.

1st JANUARY 1887.

Covenanted Civil Service.

Under the Lieutenant-Governor of Bengal.

E =	...	244	= 93 per cent. Europeans.
H =	...	8	} 18 = 7 " Natives.
Statutory Civilians =	...	10	
Total	...	263	[N.B.—The first Statutory Civilian was appointed in 1890.]

N.B.—There are no Mahomedans in the Covenanted Civil Service, and only two of the Statutory Civilians are Mahomedans, so that in these superior services there are 16 Hindus to 2 Mahomedans, or 8 to 1. In addition to these there are two Native Judges of the High Court, two in the Calcutta Small Cause Court, and one on Rs. 1,500 a month in charge of the principal Small Cause Courts of Nuddea and Jessore. All these are Hindus. In 1875 there was one Hindu Judge of the High Court, and one Hindu in the Small Cause Court of Calcutta only. The same in 1864. Brojender Kumar Seal is also a District Judge on Rs. 1,200.

1st MAY 1864.

Subordinate Executive Service (including probationers, &c.).

E = 72 = 34 per cent.	Europeans and Eurasians.
M = 45 = 21	"
H = 96 = 45	"
213	} 66 per cent. Natives.

The proportion of Mahomedans to Hindus was then nearly as 1 to 2.

1st MAY 1864.

Subordinate Judicial Service (including probationers).

E = 18 = 7 per cent.	Europeans and Eurasians.
M = 77 = 28	"
H = 176 = 65	"
271	} 93 per cent. Natives.

The proportion of Mahomedans to Hindus was then as 7 to 16, or as 1 to 2 $\frac{1}{2}$.

Combining both Subordinate Services.

[These figures include Assam.]	E = 90 = 19 per cent.	Europeans and Eurasians.	[These figures include Assam.]
	M = 123 = 25	"	
	H = 272 = 56	"	
	484	} 81 per cent. Natives.	
		[N.B.—Proportion of Mahomedans to Hindus = 1 to 2.]	

Mr. *Nuikar*—continued.

population consisting of Europeans in this country, most assuredly so; but if you did that, I think the Governor-General would be the only representative of Europeans.

The *President*.

328. Would you make any distinction between the pay of posts accordingly as they were held by Covenanted or by Statutory and Uncovenanted officers?—I should be inclined to do so, but it is not a point I attach much importance to.

329. Would you make any distinction in the furlough rules according to the nationality of the officer?—I think that Englishmen as foreigners in this country would naturally require more change to England.

330. But if Natives wish to take longer leave to England, would you give them the same facilities for doing so as you give to Englishmen?—I would give them as

The *President*—continued.

much of certain kinds of leave, sick leave and privilege leave, but not as much furlough.

331. Is there any other point you wish to bring forward?—There is one with regard to the supersession of Covenanted Civilians by outsiders. I wish to point out that, with the rate of promotion already so retarded, anything of that kind would tend to increase the existing discontent most materially. The Government of India, after taking an average, is said to have adopted the conclusion that the acting charge of a district should be attained after ten or twelve years' service. As a matter of fact, as a reference to the present Civil List will show, such promotion is not obtained until four or five years later owing to over-recruitment; and if promotion be still further retarded by the appointment of men from other services, it will be felt as a very great hardship indeed, not to say injustice.

Vol. VI.
Sec. II.
Bengal.

J. G.
Charles,
Esq.

1st JANUARY 1875.	1st JANUARY 1875.
<i>Subordinate Executive Service (including probationers, &c.).</i>	<i>Subordinate Judicial Service (including probationers, &c.).</i>
E = 68 = 20 per cent. Europeans and Eurasians.	E = 7 = 3 per cent. Europeans and Eurasians.
M = 38 = 11 " } 80 per cent. Natives.	M = 33 = 14 " } 97 per cent. Natives.
H = 235 = 69 " }	H = 191 = 83 " }
341	231
[The proportion of Mahomedans to Hindus was then about 1 to 6.]	[The proportion of Mahomedans to Hindus was then about 1 to 6.]

Combining both Subordinate Services.

E = 75 = 13 per cent. Europeans and Eurasians.
M = 71 = 12 " } 87 per cent. Natives.
H = 426 = 75 " }
672
[N.B.—Proportion of Mahomedans to Hindus = 1 to 6.]

1st JANUARY 1887.	1st JANUARY 1887.
<i>Subordinate Executive Service.</i>	<i>Subordinate Judicial Service.</i>
E = 50 = 13 per cent. Europeans and Eurasians.	E = 1 = 3 per cent. Europeans and Eurasians.
M = 42 = 12 " } 87 per cent. Natives.	M = 8 = 3 " } 99.7 per cent. Natives.
H = 235 = 75 " }	H = 270 = 96.7 " }
333	279
[The proportion of Mahomedans to Hindus is as 1 to 6.]	[The proportion of Mahomedans to Hindus is as 1 to 33 nearly.]

Combining both Subordinate Services.

E = 51 = 8 per cent. Europeans and Eurasians.
M = 56 = 8 " } 92 per cent. Natives.
H = 565 = 84 " }
672

[The proportion of Mahomedans to Hindus is as 1 to 10.]

Mahomedans in 1881 in Bengal Proper	... 50.16 per cent.	}	These figures are taken from the last Census Report for Lower Bengal.
Hindus ditto ditto	... 48.45 "		
Including Feudatory States { Mahomedans	... 31.21 "		
{ Hindus	... 65.36 "		
Mahomedans, including Behar, Orissa, Chota Nagpore	... 22.22 "		
Hindus, ditto ditto	... 64.84 "		

[N.B.—All the above figures refer to the Lieutenant-Governorship of Bengal only.]

WITNESS III.—21st February 1887.

Examination of C. A. SAMUELLS, Esq., c.s., Barrister-at-Law, Collector of Customs, Calcutta.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.
C. A.
Samuells,
Esq.

332. You are a member of the Covenanted Civil Service?—Yes.

333. You came to India in 1869?—Yes.

334. You are, I believe, Officiating Collector of Customs in Calcutta and Magistrate of the third grade?—Yes. I have held all the appointments from Assistant Magistrate to Magistrate of a district.

The President.

335. What is your opinion and the opinion of Natives with whom you have conversed, as regards the existing Statutory system?—I am not quite sure what the present system is. I have had experience of two Statutory Civilians in my time, and, so far as I ascertained, they were appointed under different systems. The first was appointed by nomination to the district of Bankoora. I believe that gentleman is no longer in the service. The other gentleman was a graduate of the Calcutta University, and was, I believe, selected by competition.

336. Have you heard any objection taken to the system by Natives with whom you have conversed?—I think that, as a rule, they object to the appointment of untried youths to the Covenanted Service or to anything approaching the Covenanted Service.

337. Do you think that, retaining the service substantially as a Statutory Service, the system of appointment could by any means be improved? For instance, by the establishment of competition or a limited competition?—I fancy that would still be open to the objection that junior men were being appointed to the service.

338. You would prefer a system by which men of proved merit and ability would be promoted from some other branch of the service?—Certainly, and I believe it would find most favor with the Native members of the community.

339. Suppose, for instance, you take a man from the Uncovenanted Service who has already served twenty years in that service, you would not make him an Assistant Magistrate?—No, I am considering the case of appointments of men of proved merit and ability to higher posts in the Covenanted Service.

340. Would not appointing outsiders to higher posts in the Covenanted Service occasion dissatisfaction in the service itself?—Most certainly it would, because at the present moment there appears to be no provision

The President—continued.

made for it. As I understand the Statutory Service rules, they are framed entirely with a view to the admission of candidates below twenty-five years of age. My own view is that promotions of persons of proved merit and ability should be made from a lower service out here, which might be called the Local Civil Service, or the Civil Service of India, to distinguish it from the Covenanted Service.

341. I suppose you would not require men selected for that service to proceed to England for training?—No, because they would have already proved their merit and ability, and have gone through an Indian career.

Mr. Fitzpatrick.

342. I understand you to say that, provided a means could be devised for preventing what you may call the reasonable expectations of existing members of the Covenanted Service being prejudiced, you would then approve of promoting Uncovenanted officers to higher posts?—Quite so. I understand the number of appointments at present reserved in this manner to be one-sixth, but, as far as I can see, there is nothing in the Act of 1870 which imposes on the Government any restriction as to the number of appointments it may make. The limit is provided under rules which may be changed at any time. It seems to me, therefore, that the position of the Covenanted Civil Service is an extremely perilous one. Men were first appointed under the Act of 1858, in which it was distinctly laid down that no appointments should be made to these posts except from the Covenanted Civil Service, and from gentlemen who have entered the service through a given door. After that we had the Act of 1861, which, I believe, has been taken advantage of in one case in Bengal (though I cannot exactly see how it came to be applicable) and is an Act which permits, in the exigencies of the public service, the admission of outsiders, and validates the admission of certain individuals, who had been appointed in violation of the provisions of the Act of 1858. Then we come last of all to the Act of 1870; and reading that Act by itself, one observes a complete and total change of front. In that Act there is absolutely nothing, so far as I can see, to prevent—in fact it empowers—the Government to take away from the Covenanted

Mr. Fitzpatrick—continued.

Service every single appointment. What is the exact position of a Civilian who entered the service in 1867 as compared with the position of a Civilian who entered in 1870? Under the Act of 1858 he entered the service with the distinct impression that every appointment belonging to the Covenanted Service was reserved to men who entered that service. In 1870 he finds, or perhaps he does not find—because there is an immense amount of ignorance about this—that every atom of title which he before possessed to these appointments has been completely swept away.

343. Is there any danger of Government abusing that power?—The necessity for preserving British supremacy is quite sufficient to prevent the employment of Native agency in the higher posts, but the vested interests of European candidates already admitted may be seriously affected by even a limited application of the principle, and those interests should in justice be safeguarded. I hold that men appointed prior to the Act of 1870 have a legal right to these reserved appointments, and if I object to one-sixth of them being made over to Natives, it is because I consider that taking away one-sixth is not a whit more legal than taking away the whole.

The President.

344. Is any dissatisfaction felt with the existing system of recruiting for the Covenanted Civil Service?—Not that I am aware of.

345. Do Natives, in your opinion, labor under any disadvantages in competing for the Civil Service in England?—They labor under the disadvantage which I suppose must be the lot of every one not brought up in England; and, of course, Latin and Greek not being part of the ordinary curriculum out here, they are under a disadvantage in that respect also. I would raise the limit of age not so much in the interest of Natives as in that of candidates generally. I think there is a better chance of securing men of mature experience if you raise the age.

346. Would you make any special alterations with a view to meet the disadvantages under which Natives labor in competing for this service?—I think not. I think the object of competition at home is to secure gentlemen of thoroughly English experience.

Mr. Ramaswami Mudaliyar.

347. You say the Act of 1870 takes away the rights and privileges of Civil Servants: would you not in any way help the Natives who labor under these great disadvantages?—When I made the remark with regard to the rights of Civilians being taken away by the Statute, I believe I also said that, provided some means were found by which these rights could be safeguarded, I should be perfectly willing that Natives of proved

Mr. Ramaswami Mudaliyar—contd.

merit and ability should be admitted straight to these higher posts.

348. Have you suggested any way of getting out of the difficulty?—It would be an extremely difficult thing to manage; but, considering that men came out here with hopes and expectations, and considering the possibility that those appointments may be taken away; considering also the serious stagnation of promotion which at present exists, I think Government should adopt a system of payment in proportion to length of service. Under such a system it would be immaterial to the Covenanted Civilian whether such posts were or were not given to Natives. At present any extension of that principle is bound to injure the prospects of some men; and, therefore, to avoid absolute and total loss to these men, I would recommend a system by which, after a certain period of service, a man should be entitled to a minimum salary. It is not merely its effect on the men in this country who have already joined the service that I fear, but it is the effect which it undoubtedly will have, as soon as it becomes known to the men joining at home that a very large use is to be made of this system in filling appointments in the higher grades of the service.

Vol. VI.
Sec. II.
Bengal.

C. A.
Samuel's,
Esq.

The President.

349. Looking broadly to the efficiency of the service, which is preferable—a system of having young men selected and sent to England for training, or a system of appointing men who have already proved their ability?—I would take men who had proved their ability either in some profession in India or in the Uncovenanted Service.

350. Do you think that the allotment of one-sixth of the reserved posts is enough?—I would not fix any limit, but leave it entirely to the discretion of Government, who might be trusted to make such appointments with due regard both to the efficiency of the public service and the stability of our Empire in India.

351. Would you recruit the Uncovenanted Service from all natural-born subjects of Her Majesty, or only from Natives of India?—From all natural-born subjects of Her Majesty.

352. Would you recruit by nomination or by competition, or by both systems combined?—It will be necessary to retain the system of nomination for a very considerable time, owing to the backwardness of Mahomedans, and therefore I would have both nomination and competition, and confine the examinations to Provinces.

353. Would you have a limited or an open competition?—I would nominate all my candidates first, but a portion should be nominated subject to a test examination, and a portion subject to a competitive examination.

Mr. Ramaswami Mudaliyar.

Vol. VI.
Sec. II.
Bengal.

C. A.
Samuella,
Esq.

354. What is the system of recruitment which now obtains in the Revenue department of this Presidency?—I think it is partly nomination and partly competition.

355. How does it work?—Perfectly well. I think it is necessary to leave a certain amount of discretion in the hands of the Lieutenant-Governor with a view to appointing gentlemen in consideration of their social position, and who might be unable to succeed in competition with University graduates, otherwise the whole service would be thrown into the hands of the Calcutta University.

356. Do you know anything of the Subordinate Judicial Service?—I have no personal experience of it.

Sir Charles Turner.

357. Do you know whether it enjoys the confidence of the people?—I have been a great deal in Tirhoot, and I believe the confidence on the part of Europeans is not quite so great as it might be.

358. And on the part of the Natives?—I think a Native will always prefer to have his case decided by a European.

Mr. Ramaswami Mudaliyar.

359. Which cases, civil or criminal?—Especially criminal cases.

Sir Charles Turner.

360. And as regards the civil judicial work of Natives?—That is less open to objection.

361. Which of the two Services includes the better educated men, the Civil Judicial or the Criminal Judicial Service?—The Judicial Criminal is, of course, at present entirely confined to Deputy Magistrates. I think the Munsifs are, on the whole, superior as a class. They are men of more education, and, as a rule, selected from pleaders.

The President.

362. In a system such as you describe, of promotion to high office for proved merit and ability, would you make any distinctions as regards pay?—I would retain the two-thirds rule for that also. My idea is that ultimately, when the service is entirely a local service, it will be a cheaper service. That should be the end and aim of a locally recruited service.

363. Would you make any distinction in the furlough rules applicable according to the nationality of the officer?—Not in the Uncovenanted Service, and in the Covenanted Service I would adopt the general principle that officers recruited out here should be subject to the pay and furlough rules adapted to the requirements of a Native of the country.

WITNESS IV.—21st February 1887.

Examination of Sir A. W. CROFT, K.C.I.E., M.A., Director of Public Instruction, Calcutta.

Mr. Peacock.

364. You are, I believe, head of the Education Department of this Presidency?—I am.

365. And you have been nearly twenty-one years in the service?—Yes.

366. During that time you have seen a great deal of the students who have passed through our colleges as well as of the educational system?—Yes.

The President.

367. Have you heard any opinion expressed by Natives with regard to the system of recruiting the Statutory Service, or have you any opinions of your own which you would like to bring before the Commission?—I have heard, from time to time, expressions of disapproval with regard to the Statutory Civil Service, but the evidence taken before the Commission seems to me to indicate, that dissatisfaction with the existing system is more general than I had supposed. Much of it, however, appears to be based on the mistaken notion that the present system is one of selection pure and simple, which is not the case in Bengal at any rate. The most common ground of dissatisfaction seems to be that the system is not one of competition exclusively. For my own part, if the Statutory Civil Service is to be retained, I would maintain the present mixed system of selection and competition; but I would abandon the requirement that the candidate should have aristocratic connections. That, in my opinion, is not the only test, nor is it a very certain test, of a man's capacity to govern, or to inspire respect among those whom he governs. A better plan, I should say, would be to make the selection from among Masters of Arts exclusively. That test would secure education and ability, and the other necessary points of character could be ensured by a careful selection after inquiry. But I do not think it necessary to retain the Statutory system in its present special form. It would be superseded by the general methods of recruitment which I propose.

368. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training, or should they be encouraged to do so?—If the Statutory Civil Service is retained, selected candidates should be required to proceed to England for training, and should be maintained there at the expense of the State.

The Hon'ble Kazi Shahabuddin, Khan Bahádur.

369. Considering the diversities of advancement in the matter of education among the different races and classes of the Province, would you wish to fetter the hands of Government so much?—I may explain that my own experience is confined to Bengal; and in the scheme which I have thought of, I have proposed that the Provincial Governments should make their own selection of Native candidates for these offices. I should say the plan I propose would do for all the most advanced provinces. Of course it would not do for Burmah, and it would not do for Assam; and if in any Province it was not found to be applicable, I would not wish to fetter the hands of Government by any such scheme. Let them get the best educated men of the Province they can find.

The President.

370. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service?—Yes. The dissatisfaction that is felt with the existing system of recruitment arises chiefly from the disadvantages to which Natives of India are exposed in regard to two points: the age limit, and the necessity of going to England to compete.

These disadvantages should, in my opinion, be removed by raising the limit of age for Indian candidates to twenty-three, and by selecting the candidates in India without requiring them to go to England beforehand. As to the first point, it is at or about the higher limit of age that the best educated candidates can be most easily discriminated. And as to the second point, the holding of the qualifying examination in England shuts out all but a very small proportion of the most eligible candidates. To undertake a voyage to England on the chance of success shows energy and enterprise, and a certain position of affluence—all desirable qualities; but there will be numbers of men left behind who possess the same qualities, but whose fathers do not care to expose them to the risk of failure. Such men should not, in my opinion, be excluded.

371. If an examination is held in India, should it be identical with that held in England? Should it be held at more than one centre in India? Should the candidates in England and in India compete with one another and be selected in order of merit, or should a certain number of appointments

Vol. VI.
Sec. II.
Bengal.

Sir A. W.
Croft.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
Sir A. W.
Croft.

be apportioned for competition to the candidates at the respective examinations?— I am of opinion that a certain proportion of the candidates, fixed beforehand, should be appointed in India; and in that case there is no need to assimilate the examination in India to that held in England. The object of every examination is to determine the best educated candidates; and in India there is no high education outside the University. I would therefore accept the results of the highest University examinations as supplying at any rate a preliminary test of fitness; that is to say, I would confine the competition to those who had taken the degree of M.A. I would then select out of the number those who, after careful inquiry, might be judged most likely to possess the other necessary qualifications which no examination can test; and these selected candidates I would bring together for a further competitive test of the kind now adopted for the Statutory Civil Service in Bengal, and would award the appointments to them in order of merit.

I would let the principal Governments select their own candidates and conduct their own examinations, with a common set of questions, if necessary. Every successful candidate should serve in the province in which he was appointed. Thus there would be four or more centres of examination. And I would reserve a certain fair proportion of appointments for Mahomedans, provided they had satisfied the preliminary tests.

372. If such an apportionment is made, on what principle should it be regulated?— The first regulative principle that I should adopt for apportionment of the appointments between candidates selected in India and those selected in England, is that the executive head of a district should be, in all cases without exception, an Englishman. I hold it to be a matter of the first importance to keep before the people in that way the fundamental fact of the Indian constitution, namely, that the ultimate source of power is in England and not in India. The unshaken maintenance of the British power in India is the secret and source of all her prosperity, and a visible symbol and representation of that fact has a high political value in times of trouble. The district is the administrative unit in India and the Chief Magistrate of the district should represent in his own person the foreign power which is the source of India's strength.

That is the fundamental principle I should adopt; and if that were accepted, it would be a much easier matter to settle all the rest. The Subordinate Executive and Judicial Services are a standing proof of the capacity of the educated Native of India for administrative and judicial duties of a highly responsible kind, and of his integrity in the discharge of them. Under

The President—continued.

the limitations that I have proposed, and under such further limitations in regard to the constitution of the Courts as might be suggested by the large employment of English capital in India, by the great material benefits that the people derive from its presence, and by the confidence that English capitalists have in English courts of justice, I should advocate the extended employment of Natives of India in positions of emolument and trust, in a gradual and cautious, but certainly in a liberal spirit.

373. If an examination is held in India, should the selected candidates be required, as a condition obligatory, to proceed to England to complete their training?— Every candidate appointed to the superior service should, in my opinion, be required to proceed to England for a further period of training. This I regard as an essential requirement of his education.

374. Are the young Natives obtained under the existing system of open competition in England the best as regards character and capacity who could be obtained under any system?— As I have said before, the young Natives that we obtain by open competition are among the best, but not necessarily the best, of their class.

375. How far is the existing system of education in the higher schools and colleges in India well adapted for training young men for the public service? Can you suggest any improvements? In 1834 Lord Macaulay's Committee were of opinion that the best, the most liberal, and the most finished education to be procured in England was a necessary qualification for admission to the Civil service. Do Indian schools and colleges at present supply an education of so high a standard?— There is not much fault of any remediable kind to be found with the existing system of education in Indian colleges. It is probably in most respects as good as, and in some better than, that which a pupil would receive in any of the "coaching" establishments in England, such as Wren's. It is inferior in point of mental discipline to the course pursued at Oxford and Cambridge; and this owing to causes which are inherent partly in the circumstances of English education in India, and partly in the national character. The typical Oxford course is concerned with Greek and Latin literature; the typical Cambridge course with mathematics and physics. To these courses correspond, in the Calcutta University, (a) the literature course, consisting of English, psychology, and either a second language or history; (b) the science course, consisting of English, mathematics, and some branch of physical science. Each of these courses, it is evident, covers a wider range than the corresponding course at Oxford or at Cambridge, where thoroughness and depth are preferred to extent of surface. With many members of the Calcutta Senate, on the other hand, there is a deeply-rooted

The President—continued.

conviction that the bare knowledge of facts has some educational value—that he who knows the most facts in the greatest variety of subjects is the best educated man. Members of the Senate who hold the opposite, or what may be called the “disciplinary” view of studies, found in that belief the chief obstacle they had to encounter in carrying the new and greatly-improved courses. The extent and range of the courses in either branch have now been greatly reduced; but they still compare unfavorably in some respects with those of English Universities, as instruments of mental discipline. For example, on the literary side English grammar must be studied, and studied historically; and that, in Mr. Tawney’s opinion, is a far longer and less satisfactory business than the study of Latin grammar. Again, on the scientific side, the student of mathematics and physics is seriously handicapped by having to devote a large share of his time to English. And yet, in one course as in the other, the continuous study of English is absolutely required by the conditions of the case. Further, the student of mathematics in an Indian college requires and receives from his Professor an amount of direct personal assistance in his work which is quite unknown at Cambridge. This is doubtless due to a want of intellectual robustness and independence; and the difficulty is that while, on the one hand, the aid cannot in the student’s interest be refused, on the other, a course of instruction so conducted does nothing to foster the growth of those valuable qualities.

Probably the only defect that can be justly charged against the existing courses of study is that they do not offer sufficient scope to independent and original work—that the student is almost entirely receptive. And even this charge comes to have less foundation as he advances in his University career. Certainly the M.A. student under the new regulations is in some respects an independent worker, and the limitation of the subjects of study at that stage gives him the opportunity of becoming a genuine student and of acquiring a fruitful knowledge of his subject. Consequently, the higher his education proceeds, the more fitted the student becomes for responsible duties, so far as the discharge of those duties depends not upon moral qualities, but upon intellectual capacity.

376. Do you consider that Indian schools at present develop the force of character and other qualities required for English administration?—Indian schools and colleges have very little to do with developing force of character. The force of character which an average English school-boy manifests is due partly to the superior energy of his race, and partly to the duties and responsibilities thrown upon him by membership of the little republic to which he belongs out of school hours. Out of school the

The President—continued.

Bengali school-boy has no distinct personality; he sinks back into the mass. His conduct is not governed, as that of an English school-boy is, by a set of traditional rules of binding force, which have been so constructed as to throw responsibility on those who are fitted to take it, and to develop aptitude for leadership in those who are forced into positions of prominence. The complex mass of influences, altogether outside the school-master’s sphere of action, which help to form the character of an English school-boy, are entirely wanting in the case of the Bengali. In fact, the influences to which a boy in this country is exposed out of school hours make rather for insubordination than for order. Each generation is advancing intellectually beyond its predecessor, so that the younger men view with continually increasing impatience the habits, the ideas, and the traditions of their elders. A spirit of this kind spreads from the home circle outwards, and excites a general feeling of resentment against restraint and of dislike for authority. School-boys catch the prevailing spirit of discontent and hostility, and bring with them into the class-room the lessons they have learnt outside. Once within its walls, however, a different set of influences come into play. To the social forces at work the discipline of school life opposes a constant resistance during several years of boyhood. It is in the school-room alone that habits of obedience and discipline are at the present time systematically taught. School discipline is now the one force that does not conspire with, but actively combats and counteracts, those other and far stronger influences that are apparently at work in Bengali society. The pupil acquires, by means of enforced daily practice, habits of order, diligence, and submission to authority. These are personal and social virtues of a high value; and though they may be weakened by external influences of a different tendency, or by the absence of restraint in after-life, yet within their own limited range they help to build up the temperate and solid character of an industrious and law-abiding citizen. The possession of a University degree affords a guarantee of industry, self-denial and discipline maintained through several years of pupilage; and these are moral qualities of a high order. Still, as regards the formation of character, the Bengali youth is at a serious disadvantage. With the English school-boy, all the influences to which he is exposed in early years, whether in school or out of school, make in the same direction—for discipline, obedience to orders, and promptness of action. With the Bengali school-boy they often make in opposite directions, social influences pulling one way, school influences another; and the conflict cannot be productive of solidity of character or directness of purpose.

Vol. VI.
Sec. II.
Bengal.

Sir A. W.
Cright

The *President*—continued.

Vol. VI.
Sec. II.
Bengal.
—
Sir A. W.
Croft.

On the other hand, the experience of many years has convinced me that in sobriety of judgment, in industry, in integrity,—in those practical virtues, in short, which Englishmen chiefly value—the highest class of University graduates do not fall short. For indeed, the direct moral value of an advanced intellectual education, even outside the range of daily practice and discipline, is a fact that is commonly acknowledged. It has been well observed that “honesty is one result of a sound understanding”—of an understanding enlightened enough to appreciate the direct personal value to its possessor of a character for honesty, such as can only be acquired by unflinching honesty in practice. I hold this to be true also, in its degree, of courage and even decision of character. If a man is constitutionally timid in danger or infirm of purpose, education will go some way to strengthen his character—will help him to act in emergencies with an appearance of firmness, by reason of his vivid perception of the disastrous consequences, to himself and to others, of vacillation or cowardice. The force of character which in other cases is acquired instinctively, by inherited capacity or by early training, is in these cases acquired by conscious recognition of its value, and by keeping vigilant guard over those moral defects which render its attainment difficult. At the same time, it must be admitted that the latter class of habits have nothing like the stability of the former, and may well fail in time of need.

377. Practically your service would be a separate service—an appointment to what you may call a higher service, which need not necessarily be the Covenanted Service?—The conditions of service and the general prospects open to persons admitted to this higher service in India need not be the same as those given to persons appointed by examination in England. But they would in many cases hold the same class of appointments. For instance, a Native officer appointed under my system might be a Joint-Magistrate or a District Judge, and in that case, although I shall say something presently about the question of salary, he would occupy the same position.

Mr. *Fitzpatrick*.

378. I do not quite understand how you would reconcile the two things you propose. You say that Natives should be admitted to the Covenanted Service by a particular gate open in this country, but then you say you would never make anybody but an Englishman a Magistrate and Collector. If you would admit Natives at all to the Covenanted Service, how would you prevent them becoming Magistrates and Collectors?—I was asked to state what regulative principle should be adopted to fix the number of Native officers to be admitted to the Civil Service. The last principle I suggested was to limit the

Mr. *Fitzpatrick*—continued.

number of officers by reference to the number of offices they should be eligible for, and I stated that there was a certain class of offices for which, having regard to the special constitution of India, they should be declared ineligible.

379. So that they would be admitted to a branch of the Civil Service the members of which could only be appointed to certain offices?—Yes.

Mr. *Ryland*.

380. Do you not think that a training in England affords a better guarantee of the qualities necessary for administration in this country?—Yes, and I propose that every candidate for appointment should, after appointment, go to England for two years.

381. What methods would you adopt in order to ascertain the existence of these qualities?—There are many means open to the Government of inquiry into the character of students. I should say that of all the students that take the M.A. degree in the Presidency College, the Principal of the College could in ten minutes give the Government exact information as to the possession or absence of particular qualifications which could not be decided by examination.

Mr. *Nulhar*.

382. Is your only reason for holding that Natives should not be appointed District Magistrates and Collectors, that the people may know that the Government of India is a British and not a Native Government?—Yes.

383. Might not that object be attained by placing a Native officer at the head of a district for a certain number of years, followed by a European at the head of the same district for the next few years?—I do not think that would have the effect I desire to convey to the minds of the people in the same absolute and unmistakable way.

384. Do you think it would be fair to a large class of people to exclude them from the public service simply because you want to impress the people at large with the knowledge that there is a British Government?—I think it is fair. The aspirations and desires of individuals, and even the aspirations and desires of a class, are very important, but nothing like so important as the welfare of the people and the stability of the Empire; and it is on the supposition that the welfare of the people and the stability of the Empire are promoted by having always at the head of the district an English officer, that I would consent to set aside those aspirations.

385. Is it not possible to attain that object by other means?—It might be attained in varying degrees by different methods, but that seems to me the most direct and obvious

Mr. Nulkar—continued.

way. So long as the source of power is in England, there must be certain officers, I apprehend, that are necessarily Englishmen—for example, the Viceroy, the Commander-in-Chief, the Lieutenant-Governor—and I draw the line at the district officer.

386. Supposing a rule was made that if the District Collector is a Native, the District Judge shall be a European and *vice versa*, would that have the effect you desire?—The District Judge does not seem to me to represent the British power in the same direct way as the District Magistrate does.

387. You have no other objection to a Native being appointed as a District Magistrate than the one you have mentioned?—No.

Mr. Stewart.

388. Am I right in understanding that, under your scheme, you would apportion a certain number of appointments to be competed for in India?—Yes.

389. Would you admit to that competition all natural-born subjects of Her Majesty, or confine it to Natives of India?—I would confine it to Natives of India certainly.

390. Would you continue the right of Natives to compete in England?—In regard to my scheme, it would not make much difference if you did or did not. You allow a certain number of appointments, and whether the candidates competed in England or in India, only a certain number of appointments in that year would be open to them.

391. Then of course you would not have the examination at all simultaneous with the English examination. You would have to find out how many Natives succeeded in England before you could apportion the appointments?—Very likely. I do not think this a matter of very great importance. There would be only one or two at the outside that would compete in England. Strictly speaking, those should be deducted from the number of appointments to be given away, but any excess that might be met with in one year might be adjusted in the following year.

392. Why would you make a University degree a qualifying test for entrance to the competition?—Because we want to get the best educated men. I adopt the University standard of the M.A. for the same reason that you adopt a high standard of education in the competitive examination at home. The M.A. degree is the only existing test of high education now current in India.

393. Do you not think that if you have a competitive examination in India, you will very soon have men coming to India to prepare candidates for examination?—That is precisely why I propose the M.A. degree as a preliminary test.

Mr. Peacock.

394. You have said that a number of Natives are practically excluded from competing in England because their fathers

Mr. Peacock—continued.

object to send them there. On what is this objection based?—In general, on the risk of failure; sometimes on religious and caste prejudices also, but not to anything like the same extent.

395. Do you not know that, as a matter of fact, most of those who do go to England, go there quite prepared, if they fail for the Civil Service, to take up law, medicine or agriculture or anything else?—That is so.

Sir Charles Turner.

396. How many pupils are there in the Presidency College?—200 or 250.

397. How many of these does each professor see each day?—They are divided into four classes, and the professors see sometimes two classes, and sometimes three in a day. I do not think any professor sees all four in one day.

398. Do they see the students only during lecture hours?—Only during lecture hours. Sometimes a student comes to consult a professor on different subjects outside lecture hours. These visits, carried through the whole year, would enable the professor to gain a fair knowledge of the character of students.

399. And of the students who do not consult him he can hear very little?—Yes, except that he knows they prepare their lectures with more or less industry.

400. And that he may discover from their conversation with him more or less of their disposition?—Yes.

401. We have been told by the Principal of a large college that he could form very little idea of the moral character of boys, unless they had been with him a large number of years?—My statement was made with special reference to M.A. students, who are taught tutorially by the professors.

402. The M.A. class are a very limited class of course?—Yes.

403. And necessarily very much more attention is paid to them?—Yes.

404. In this Presidency is any attention paid to physical education?—Yes.

405. Have you any society here for encouraging athletics in public schools?—There is no society for that purpose. It is done, if at all, by the initiative of this or that professor. Dacca College, for example, has had a series of professors who have taken the keenest interest in athletics.

406. Have you any regular system of bodily training in connection with your schools and colleges?—No.

407. Are you aware that such a system has been introduced into Madras for the last four or five years?—No. We have in many of our schools and colleges apparatus for physical training, gymnasia, cricket sets, and trained masters also to teach them; but it is not done under any definite system. I mean it is not an essential part of the establishment of every school or college.

Vol. VI.
Sec. II.
Bengal.
Sir A. W.
Croft.

Sir Charles Turner—continued.

Vol. VI. 408. You said just now that the service
Sec. II. you propose to constitute in India would be
Bengal: a service confined to certain posts. Did you
Sir A. W. not mean to say a service that was debarred
Croft. from certain posts?—More correctly.

409. Have you considered what would be the effect of taking from the Covenanted Service a certain proportion of posts, say one-sixth or one-fifth, or whatever number the Government may periodically determine, and throwing them in with the upper posts of the Uncovenanted Service, and so constituting an upper Civil Service in India recruited in India. Under this system you would have a Covenanted Service recruited in England, an upper grade service recruited in India, to fill the posts surrendered by the Covenanted Service as well as the higher posts in the Uncovenanted Service, and then again another grade of service in India, which would be of a very much lower character and require a less high educational qualification?—I have not considered it in that special form, but I think my proposals are quite consistent with such a scheme.

410. Have you considered whether it would be desirable to repeal those provisions of the law which reserved to the Covenanted Civil Service certain posts, and, in lieu thereof, to guarantee to the service recruited in England certain salaries, leaving the Government of India a perfectly free hand to appoint either a European or a Native to any post in the public service it thought him competent to fill?—I have not considered that.

411. Are there any gentlemen in the Educational Department who have come to this country between the ages of twenty-three and twenty-five, or later, who have taken high University honors?—Most of them have.

412. At what age do men generally enter your department?—Twenty-four would be the average age. I think there are as many above the age of twenty-five as there are below it.

413. If the age for competition in England is raised to twenty-three, do you think we should have men, not only more experienced, but possibly more able, than those we have with the maximum age at nineteen?—My impression is that the general level of capacity amongst members of the Indian Civil Service who came out when the age limit was twenty-three was higher than that of men who come out now.

414. You yourself are a member of Exeter College, Oxford, I believe?—Yes.

415. Can you say whether it is not uncommon for men who undergo University training to postpone the selection of their career till near the completion of their University course?—It is so.

Mr. Fitzpatrick.

416. Do you know whether Deputy Collectors and Subordinate Judges are generally men of considerable education?—They are.

Mr. Fitzpatrick—continued.

417. Have many distinguished students of the Universities here passed into the ranks of the Deputy Collectors and Subordinate Judges?—Many have.

418. Then you consider that there is a considerable proportion of well-educated and a certain proportion of distinguished passed students in the ranks of the lower Judicial and Executive Services?—I do.

Sir Charles Turner.

419. In which of the two services do they most prevail?—It is difficult to say, but, as a vague and general impression, I should think the highest level of education was in the Judicial Service, but that the more distinguished men were to be found in the Executive. The reason for that is that men enter the Judicial Service as soon as they have taken the two degrees of B.A. and B.L. They never or very seldom wait to take the degree of M.A.

420. The number who have entered the Executive Service with the M.A. degree is, I presume, considerably less than those who have taken the B.A.?—Much less.

421. Do you know whether men in the lower branches of the Executive Service are generally men who have taken University degrees?—A large number of men have taken the B.A. degree, but much less than in the higher branches.

422. In what branch of the service are the men whom you say you consider to be distinguished men?—(I wish to correct what I have just said. I do not think there are so many graduates among the Sub-Deputy Collectors. Some few do enter that grade.) The distinguished men are found among the Deputy Collectors.

423. Then presumably the highly successful men would not enter the Sub-Deputy Magistrate's grades?—No.

424. What salary do you think one of these men of high and distinguished education would be content to commence on?—In general he would be content with Rs. 200 a month to begin with.

The President.

425. How would you recruit the Uncovenanted Service?—I understand that the question refers to the Subordinate Executive and Judicial Services only. The system of recruiting these services prevalent in Bengal has been eminently successful, as proved by experience, and I see no ground for disturbing it.

Mr. Ryland.

426. Would you see any reason for excluding Europeans from the Subordinate Uncovenanted Service if they were capable of passing the same examinations?—No.

The President.

427. Have you any remarks to offer on the subject of pay and furlough?—So long as

The *President*—continued.

it is necessary to procure officers from England, it is necessary and right to pay them at a higher rate. The value of an appointment to its holder is not the gross but the net value, that is, the amount left after paying the expenses incident to his position. These expenses are necessarily and in all cases higher for a European officer than for a Native of India doing the same duties. The current rate of salaries in the Indian Civil Service is far higher than in any other country in the world; and the rate is justified only by the fact that the imported labour, assumed to be necessary, cannot be obtained on lower terms. But if indigenous labour were paid

The *President*—continued.

at the same rate, it would not only be a piece of indefensible extravagance, but would deprive the policy of the extended employment of Natives of India of one of its chief supports. For precisely similar reasons, the imported officer, working in a foreign and trying climate, requires, and should obtain, more and more frequent furlough than the Native officer, and should earn his pension after a shorter period of service. These are obvious deductions from the fact that, so long as imported labour is necessary, it must be offered special terms.

428. Is there any other point on which you have any suggestion to offer?—No.

Vol. VI.
Sec. II.
Bengal.

Sir A. W.
Croft.

WITNESS V.—21st February 1887.

Examination of Babu NORENDRO NATH SEN, Editor, *Indian Mirror*.

Mr. Peacock.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Norendro
Nath Sen.

429. You are, I believe, Editor of the *Indian Mirror*?—I am.

430. What is the circulation of your paper?—It is a daily paper. I cannot tell you the exact circulation. It is not more than 1,500 copies.

431. Your subscribers belong to all sections of the community, do they not?—Yes.

432. Are you a graduate of the Calcutta University?—No.

433. I believe you are an Attorney of the High Court?—I am.

Sir Charles Turner.

434. How long have you been in practice?—Since 1860.

435. Were you admitted after serving as an articled clerk?—Yes, after serving for five years.

436. With whom did you serve them?—With two English firms.

437. What were the educational qualifications for enrolment as an Attorney in those days?—There was no special qualification required. We had to serve our articles for five years. The present rules require candidates for admission as articled clerks to pass a preliminary examination, and also to have passed at least the University Entrance examination. In the case of B.A.'s only a period of three years under articles is required.

The President.

438. Is the present system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service objected to?—The existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service is wholly disapproved. It has entirely failed to give satisfaction to the public, and loud complaints against it have been heard from time to time. The Statutory Civil Service was never wanted by the people. It is a creation of the Government itself. It was started as distinct from the Covenanted Civil Service; and as a lower grade service in order that the Government might exercise its right of nomination to the service as an outlet for the aspirations of such Natives of India as are prevented by circumstances from competing for the Covenanted Civil Service. Without at all commanding the confidence of the people, and without being treated on equal terms by the members of the Covenanted Civil Service, the appointment of the members of the Statutory Civil Service has not at all satisfied the Native craving for

high employment. Instead of improving matters, the Statutory Civil Service has only retarded the cause of Native progress. It has to a certain extent put an embargo on the admission of Natives into the Covenanted Civil Service, and has thrown back the progress of the country half a century. With the limitation of age for admission into the Covenanted Civil Service, that service has practically become closed against the Indian people; and the Statutory Civil Service is retained as a sop to Cerberus. I am, therefore, strongly of opinion that the Statutory Civil Service should either be abolished altogether, or considerably improved.

439. Are the defects of the existing system (if any) susceptible of remedy—(a) by an amendment of the rules; (b) by an amendment of the Statutory provisions in that behalf; or should those provisions be repealed?—I prefer the total abolition of the Statutory Civil Service. I do not want the rules nor the Statutory provisions amended at all. The spirit of the age is quite opposed to the nomination system. The system of nomination, whether in this country or anywhere else, has always been found to be a fruitful source of jobbery. At the present time the Government has very rightly introduced the system of competitive examinations in the selection of clerks for the Secretariat offices, both under the Supreme and Local Governments. I would therefore do away with the Statutory Civil Service, which means Civil Service under the nomination system.

440. If the provisions of the Statute 33 Vic., section 6, are not repealed nor substantially amended so as to take away the power conferred on the Local Administrations, should they be amended in respect of the description of persons on whose behalf such powers may be exercised or in respect of the sanction required for re-appointments made thereunder?—As I desire the total repeal of the Statute and the rules framed thereunder, I need not answer this question.

441. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training, or should they be encouraged to do so?—For the same reason I do not answer this question. If the selected candidates be required to proceed to England at all, they may as well go and compete for the Covenanted Civil Service. They may be encouraged to go to England, but as it cannot be made compulsory that they should go, the encouragement will lead to no practical good.

The *President*—continued.

442. What are your grounds for disapproving of the Statutory Service?—I disapprove of the Statutory Civil Service—(1) because it creates an invidious distinction between the members of the Covenanted Civil Service and the members of the former service. Any thing in the shape of distinctions without any real difference in official powers and position is certainly to be deprecated. (2) Another reason is that the members of the Statutory Civil Service are not looked upon with the same respect by their countrymen, or by the members of the Covenanted Civil Service. (3) Again, the chief objects of founding the Statutory Civil Service have failed. One object was that the scions of ancient and respectable families should be provided with appointments in the higher ranks of the administration. But though the measure was good from a political point of view, the unfitness of these scions has proved it an utter failure. Repeated complaints having been made, Lord Ripon's Government called for reports as to the best means of remedying the evil. The suggestion was that competition should be combined with nomination, that is to say, that a competition should be held among a selected number of candidates, followed by a second selection out of a limited number of successful competition. Even this principle seems to have been lately abandoned, for some of the last nominations in Bengal and elsewhere have been made without any examination at all, though I have nothing to say against these particular nominations generally. An exception may rightly have been made in their favor, but no exception was provided for in the rules under the Statute. Their fixity of principle was set aside and disregarded. (4) As regards the rewarding of members of the Uncovenanted Service of proved merit and ability by offering them appointments in the Statutory Civil Service, that plan also has practically failed. Those who have the largest claims on the consideration of the Government, and those who have established their unquestioned fitness for such offices, would not under the rules framed under the Statute find sufficient inducement to accept employment in the Statutory Civil Service, as the salary offered for a Joint-Magistrateship, to which they might be eligible, is Rs. 575, or, if the appointment be an acting one, Rs. 490 including allowances, which would be much less than Rs. 600, which is the salary of a Deputy Magistrate of the 3rd grade—a grade the attainment of which would ordinarily be necessary to test the qualifications and character of an officer in the Subordinate Executive Service. The appointments that have hitherto been made from the Uncovenanted Service to the ranks of the Statutory Civil Service are generally of young men who have yet to show their fitness. There is great dissatisfaction among the senior members of the

The *President*—continued.

Subordinate Executive Service, because they are not treated with that justice which they may rightly expect from Government. Their claims to the best consideration of Government are hardly recognised. Some of the best offices which may rightfully fall to the lot of the members of the Subordinate Executive Service are hardly given to them, but rather to the people who may fairly be described as interlopers.

443. You say that neither in the distribution of offices or of State honors are they treated as they should be?—The privileges granted through the Statutory Civil Service to the people of this country are not calculated to be felt to an appreciable extent. From 1880 to 1887, or in seven years only, twelve appointments have been made in Bengal. Even out of this small number, one has resigned and another has been dismissed; so that the total number now in the service is only ten. This certainly is no great boon, especially when we remember that the largest salary which was drawn by the first Statutory Civilian, who has since resigned, namely, Kumar (now Rajah) Ramessur Sing of Durbhunga, was only Rs. 500 a month. Up to this time no one has attained the position of a substantive Joint-Magistrate. The only man who has reached that grade is holding an acting appointment, Baboo Nundo Krishna Bose, M.A., who is drawing Rs. 420, including pay and allowances. As things at present stand, the highest office that a Statutory Civilian can expect is practically a Joint-Magistrateship of the first grade on a salary of Rs. 575 per month. It is true that, subject to the sanction of the Governor-General in Council, a higher office, say that of a District Judge or District Magistrate, may be offered to a Statutory Civilian holding the appointment of a first grade Joint-Magistrate. But the post does not attract to the Statutory Civil Service such men of proved merit and ability from the members of the Subordinate Executive Service, that such special offices can be given to them. For these men are practically kept out of the Statutory Civil Service for the reasons stated above. As at present constituted, except in the matter of high-sounding official designations as Assistant Magistrate and Joint-Magistrate, the privilege is not at all appreciated. A Statutory Civilian begins with a salary of Rs. 200, as much as a Deputy Magistrate of the lowest grade. And while a Deputy Magistrate can at one time hope to receive Rs. 800 a month, when he rises to the first grade, a Statutory Civilian holding the position of a first grade Joint-Magistrate, unless his merits are specially recognised by the Government, and he is promoted to a District Judgeship or a District Magistrateship, cannot look forward to the salary of a first grade Deputy Magistrate.

Vol. VI.
Sec. II.
Bengal.

—
Babu
Norendro
Nath Sen.

The President—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Narendro
Nath Sen.

The Statutory Civil Service, even if it had offered a field for employment to some of the junior Native Barristers, of whom there are now so many, and who are really in need of employment, would have been of some good. And it is only in the present year, after the Statutory Service has been in existence for seven years, that a Native Barrister has been appointed.

Mr. Peacock.

444. You say that no Statutory Civilian has attained any higher post than that of acting Joint-Magistrate; but I suppose you admit that there is not a man in the Covenanted Service of seven years' standing who has obtained a substantive Joint-Magistracy?—Yes. (Shown to witness that the junior Joint-Magistrate in the Covenanted Service had been first appointed in 1876.)

The President.

445. How do you propose to remove the defects you have pointed out?—I would abolish the Statutory Civil Service.

446. But suppose it is not abolished, would you suggest any alteration either in the Statute or the rules framed under it?—There is nothing to object to in the Statute itself, but there is a great deal to object to in the rules, especially with regard to the scale of salaries.

447. Have you considered the Statutory definition of "Natives of India"?—Yes.

448. Do you see anything to object to in it?—No.

449. You are aware, of course, that it requires birth and domicile in India and the habitual residence of parents in India. Would you not consider it sufficient that it should include persons *bonâ fide* permanent residents in the country but not born in the country?—No.

450. Suppose a Eurasian domiciled in British India had a son born in Pondicherry, would you include that child in the definition?—Practically he would be a Native of India, and I would not object to include him. I object to the extension of the section to all natural-born subjects of Her Majesty.

451. If the Statutory Service is retained, would you encourage the selected candidates to proceed to England for training?—Most certainly, I would insist on their going.

452. Would you in any way facilitate their going?—If scholarships were founded they would be very acceptable and most gratefully acknowledged by the people.

Mr. Ramaswami Mudaliyar.

453. You do not object to the Statute itself?—No.

454. Are you for abolishing or retaining it?—I am for retaining it, but, of

Mr. Ramaswami Mudaliyar—contd.

course, only on the supposition that the Statutory Service is altered.

455. That is to say, you would retain it for the purpose of promoting men of distinguished merit and ability in the Uncovenanted Service?—Yes.

Mr. Stewart.

456. Would compelling the selected candidates to go to England have the effect of deterring many people in Bengal from accepting appointments in the Statutory Service?—Not if you increase the pay of the appointments.

The President.

457. If it was made worth a man's while to enter the Statutory Civil Service he would not be deterred by having to go to England?—No.

Mr. Stewart.

458. Do the Bengalis look upon the journey to England as a great hardship?—Not much. I believe caste prejudices are losing ground every day.

459. Has there been any case lately in which caste prejudices have resulted in the excommunication of individuals?—Yes; but Hinduism is rather tolerant, and men have been taken back into caste.

Mr. Peacock.

460. Have you known any instances of men having been received back into caste?—There have been cases of men who would have been taken back into caste if they had submitted to an expiatory ceremony, which they would not do.

461. Is exclusion from caste more in consequence of the man's own disinclination to submit to a humiliating ceremony than of a disinclination on the part of his society to receive him back?—Yes.

The Hon'ble Mr. Quinton.

462. What do you mean when you say that the Statutory system has retarded the progress of the country?—I mean that it has put an embargo on the admission of Natives to the Covenanted Civil Service. Practically the Civil Service is closed to them, and thus Statutory Service is maintained only as a sop to Cerberus.

463. Since when has the Civil Service been closed to Natives?—Since the lowering of the age limit to nineteen.

464. Have much fewer Natives passed since then?—Very few have passed.

465. But how does that justify your assertion that the Statutory Service is responsible for the mischief?—I think it has not done any good; on the contrary, it has done much harm.

The President.

466. You mean that, had there been no Statutory Service, some means would have been devised, possibly by raising the age, to admit Natives in some other way?—Yes.

467. Are you aware that since the age was reduced in 1878, twenty-five Natives have presented themselves for examination?—If that is so, then I say nearly two hundred would have presented themselves had the age been higher, and there would have been a much larger number of admissions.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

468. Do the majority of Natives object to send their children to England, or only a minority?—Those who object of course form a majority, but that is because they are not educated.

469. Among educated Natives is there still a large majority who object?—Yes, they still object, but the more highly educated and advanced would rather see their children go to England to compete. The numerical strength is of course on the side of the former.

470. Then by compelling selected candidates to proceed to England you would practically exclude the majority from this service?—Unless you make it compulsory they will never think of going.

Mr. Peacock.

471. But a very large number have gone, have they not?—Yes; I would make it compulsory in order that caste prejudices may gradually disappear, and that the British Government may silently work a social revolution for the good of India.

Mr. Nulkar.

472. Are there many in this Province who have been put out of caste because they went to England and refuse to submit to the expiatory ceremony on their return?—Yes; but they do not mind it. Orthodox Hindus do not associate with them; but they do not mind that.

The President.

473. Have they been formally excommunicated?—No; that is never done.

Mr. Nulkar.

474. Practically they are not out of caste?—No, except with the orthodox section.

The President.

475. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Service?—Fault is also found with the existing system of recruitment for the Cov-

The President—continued.

enanted Civil Service, because of the extreme youth and inexperience of the men sent out to this country as members of the service. Boy-Magistrates in India have become a standing reproach to the administration. The present members of the Covenanted Civil Service come here before their moral character is formed and their judgment mature. They come here at an age when they can scarcely be said to have completed their education; and though so young and inexperienced, on their arrival in this country they are invested with large powers which I am afraid, in many cases, turn their heads and lead to the perpetration of many vices. To remove this great defect in the present system, I would strongly urge the raising of the age of candidates for the service to at least twenty-one years. I would also suggest that the candidates for the service should, after they have successfully passed the open competitive examination, be required to complete their training in England for three instead of, as now, for two years. They should also be compelled to pass through a University training during those years. I would also recommend the obtaining of a University degree by a young member of the Covenanted Civil Service being made compulsory, if possible, before he is sent out to this country. This University education will, I believe, have a great influence on the formation of the character of the young men.

476. Do Natives of India labor under any disadvantages, and if so what, in competing for the Civil Service in England? How may these disadvantages, if any, be removed?—The great disadvantage the Natives of India labor under in competing for the Covenanted Civil Service arises primarily from the age question. The limitation of age to nineteen years has practically closed the door of admission to the Covenanted Civil Service against Natives. The other disadvantage is, that they are not allowed the same number of marks in the Oriental languages as Englishmen are allowed in the European classical languages. These I consider to be the principal disadvantages in the way of their competing for the Covenanted Civil Service. By removing these disadvantages the dissatisfaction of the Native community with the present arrangement for their admission into the Covenanted Civil Service will be very much allayed.

The establishment of scholarships and the payment of passage-money would be very acceptable indeed; and if the Government could see its way to affording any facility in these directions, such a course would be most gratefully acknowledged by the people of this country. It is gratifying to find that some of the scholarships which were founded by the late Lord Lawrence, when Viceroy of India, for the purpose of enabling Indian youths to proceed to England, have been revived by the Government.

Vol. VI.
Sec. II.
Bengal.

Babu
Narendro
Nath Sen.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
Babu
Narendro
Nath Sen.

The limit of age should be raised to twenty-one years. But I would suggest that the age of the competitors for the scholarships be lowered from twenty-one, as now, so that the candidates for the Covenanted Civil Service from this country may avail themselves of these scholarships. It is the more necessary to allow these scholarships to be utilized for this purpose, because of the practical abolition of the Gilchrist scholarships, in regard to which abolition there is a great deal of dissatisfaction among the people of this country.

477. If an examination is held in India—(1) Should it be identical with that held in England? (2) Should it be held at one or more centres in India? Should the candidates in England and in India compete with one another and be selected in order of merit, or should a certain number of appointments be apportioned for competition to the candidates at the respective examinations? (3) If such an apportionment is made, on what principle is it to be regulated? (4) Should there be an apportionment between the residents in the territories of the several Administrations respectively, or between the members of the principal religious sects?—The open competition for the Civil Service to be held in India should be identical with that held in England. I am not for the holding of any separate examination in India.

It should be held in such centres in India where Universities are founded.

I am for the apportionment of a certain number of appointments for competition to the candidates at the examinations held in England and India, respectively.

I would make the number for India much less than that for England, in the proportion of one-third.

I would make the apportionment in India on the same principle as in England, where no distinction is observed in respect to race or creed.

478. If an examination is held in India, should the successful candidates be required, as a condition obligatory, to proceed to England to complete their training?—By all means, successful candidates from India should, as an obligatory condition, be required to proceed to England.

479. To what would you raise the age limit?—To twenty-one. Personally I should prefer twenty-three as the maximum.

Mr. Peacock.

480. You say boy-Magistrates are a reproach to the administration, but does it not take a man from twelve to thirteen years to obtain an acting appointment to the charge of a district?—I refer to Assistant Magistrates.

The Hon'ble Mr. Quinton.

481. What are the powers of an Assistant Magistrate?—I think he is invested with the powers of a sixth grade Deputy Magistrate.

The President.

482. Can he, for instance, sentence to two years' imprisonment on first receiving his powers?—I do not think so.

483. Can he sentence to one year's imprisonment?—I do not know.

484. Can he sentence to six months' imprisonment?—I do not know.

485. Can he fine up to Rs. 200?—I think so.

The Hon'ble Mr. Quinlan.

486. Would you be surprised to hear that he can only fine up to Rs. 50 and sentence to imprisonment for one month?—I do not know. I do not want to be precise on that point. I have heard various complaints, and I have thought it my bounden duty to mention them. Even the Joint-Magistrates are not of very mature judgment. They come out at twenty-one years of age.

Mr. Ryland.

487. If the age limit is increased, what are the disadvantages which you propose to remove by having a simultaneous examination in India?—It will do away with the necessity for a journey to England merely on the chance of passing.

488. In spite of this disadvantage, do not Natives go to England to qualify for other careers besides the Civil Service?—They do.

489. Do you know of any instance in which Natives who have gone to England and failed for the Civil Service have not come out better men, and succeeded better in other callings than they would have done had they not gone to England?—They would be improved by it no doubt.

Mr. Ramaswami Madaliyar.

490. Do you know of any instance in which men who went to England to compete for the Civil Service and failed have returned without having qualified themselves for any other profession?—I know of some such cases; not many. But, as a rule, those who failed for the Civil Service have studied for the Bar.

Sir Charles Turner.

491. As to the general practice, are caste rules strictly observed in any Presidency?—No. I may tell you that people who go to England from the Punjab and Central Provinces are never accused of violation of caste so long as they take with them a Brahmín cook.

The Hon'ble Kazi Shahabuddin, Khan Bahádur.

492. Would you restrict the number of Natives in the Covenanted Civil Service?—No.

493. Would not the effect of not doing so be that in course of time the number of Natives

The Hon'ble Kazi *Shahabuddin*, Khán
Ránadur—continued.

entering the Civil Service would very largely increase?—It might; it is no fault of theirs if they succeed.

494. Are you prepared to advocate a scheme which in course of time would place all the higher appointments, such as Collectorships and District Judgeships, in the hands of Natives?—I think England must associate the Natives of this country largely with Englishmen in the public service.

495. If you have unlimited competition in India, will you always secure men of social position for the Covenanted Service?—They would be of the same class socially as the present University graduates.

Mr. *Fitzpatrick*.

496. Are all University graduates members of the more respectable classes?—I think so. They are considered as sons of gentlemen. Very few men of low caste receive a high education.

The Hon'ble Mr. *Quinton*.

497. If you have an open competitive examination in India, from what Province do you think the successful candidates will come as a rule?—From all the Provinces.

498. Would they all have an equal chance?—Certainly not. The chances would be regulated according to the progress in education made by each Province.

499. Which Province is the most advanced in that respect?—I should say Bengal.

500. Would there be any political objection to sending Bengalis to occupy higher posts in the administration of other Provinces?—I do not think so. Bengalis will not object to being tried by Punjabis or Parsis, and I do not think any other feeling obtains in the other Provinces. There is a feeling of natural unity springing up.

Sir *Charles Turner*.

501. Is it desirable that Asiatic officials should mix freely with European officials in the Civil Service?—Certainly.

502. Do you not think that the men who receive their education in England will be more likely to mix freely with European officials than they would if they had remained in India and been educated and selected here?—Quite so; and though I advocate the system of simultaneous examinations in both countries, I would certainly send the successful candidates in India to complete their training in England.

503. Do you think they will benefit as much by a visit to England after as they would before selection?—I do not think it will make much difference.

504. Do you know that since the limit of age has been lowered the majority of the Native candidates who have succeeded in the examination hitherto, have been educated in

Sir *Charles Turner*—continued.

England for some years?—That might be so, with the present age limit.

505. According to the returns laid before us, there were five Natives who passed under the age of nineteen, three of whom had received their education in England?—My answer is, that if simultaneous examinations are held, there will be no need for that.

506. I believe there are some Native Barristers practising in the High Court who have sent their children to England for the purpose of education?—Yes.

507. Their daughters as well as their sons?—Yes, and their wives also.

The *President*.

508. How would you recruit the Uncovenanted Civil Service?—Only from Statutory Natives of India.

509. Would you recruit by competition or by nomination, or by both combined?—By competition in all cases, except for the Judicial Service.

510. Would you have competition for both Deputy and Sub-Deputy Collectors?—I think so.

511. Have you any alteration to propose in the present system of recruiting Munsifs?—I do not feel competent to answer that question.

Mr. *Ryland*.

512. Would you allow Europeans to compete in India as well as in England?—Yes; they would stand on the same footing as Natives in that respect.

The Hon'ble Mr. Justice *Mitter*.

513. Do Native suitors prefer to have their cases tried by Europeans or by Native officers?—They have no preference either way.

Sir *Charles Turner*.

514. Do you know whether there is any law in England which excludes Natives of India from any office or posts under Government?—I am not aware of any. But England and India are quite differently circumstanced.

515. Canada is differently circumstanced also?—Yes.

516. Is there any law in Canada or Australia, or in any other English Colony, which prohibits the employment of a Native of India, being a subject of Her Majesty, in any public post there?—I cannot say.

517. Do you not consider that the subjects of an empire have an equal right to employment under the Crown with the citizens of a particular part of the empire?—Yes; but would you not make some concession to the children of the soil?

518. Do you recognize right of citizenship in an empire?—Yes, but these rights are not recognized very much in India.

Vol. VI.
Sec. II.
Bengal.

Babu
Norendro
Nath Sen.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Narendro
Nath Sen.

519. But you desire that they should be recognized?—Certainly.

520. You claim rights as a citizen of the Empire?—Certainly.

521. For instance, you conceive that a Native of India has a right to go to England and seek election to the English Parliament?—Yes.

522. Would you not allow that seats in the English Parliament belong preferably to the children of the soil of England?—I think the question is not quite a fair one.

The President.

523. You propose deliberately to exclude by law, from a particular branch of Her Majesty's service, certain subjects of Her Majesty who are otherwise qualified?—No. I only want preference to be shown to the children of the soil.

524. Have not the children of the soil their rights as members of the Empire, and ought you to exclude by law subjects of the Empire from any appointment in the Empire?—No.

Mr. Fitzpatrick.

525. How would you show a preference to the children of the soil?—By giving them a larger proportion of the appointments.

The President.

526. How do you justify the exclusion of Europeans from the Uncovenanted Service with reference to the Act of Parliament?—I only say that certain appointments, as

The President—continued.

the Secretary of State has ruled, should be reserved for Natives of India.

Sir Charles Turner.

527. Would it be desirable to open District Judgeships to appointment from the Bar, including pleaders?—I think so.

Mr. Peacock.

528. Would you make any distinction in pay between different classes of officers holding the same appointments?—Yes; I think I would hold out higher inducements to members of the Statutory Service, so that Natives of India may be induced to go to England and qualify themselves for the Covenanted Service.

529. Are you satisfied with the present proportion of two-thirds of the pay of a Covenanted Civilian?—No.

530. Would you make any distinction as regards furlough rules with reference to the nationality of the officer?—No, I would not, because now-a-days those of our countrymen who are members of the Covenanted Civil Service generally spend their furlough in England with their families.

531. Are the conditions with regard to pension which are applicable to the Covenanted Service applicable to the Statutory Service also?—I am not competent to answer that question.

The President.

532. Is there any other point which you wish to bring forward?—No.

WITNESS VI—22nd February 1887.

Examination of Babu BROJENDRA COOMAR SEAL, B.L., Uncovenanted Service,
District Judge, Bankura, and Assistant Sessions Judge, Burdwan.

Mr. Peacock.

Mr. Peacock—continued.

533. You are District Judge of Bankura?—Yes.

534. Will you kindly state your views to the Commission?—I would propose the following scheme:—

Make two grand divisions of the service, viz.,—

- 1.—Executive.
- 2.—Judicial.

Divide the Judicial into two—

- 1.—Civil, up to Civil District Judgeships.
- 2.—Criminal, up to Sessions Judgeships.

Divide the Judicial Civil and Criminal into two classes:—

- 1.—Those drawing a salary of Rs. 400 and upwards.
- 2.—Those drawing a salary of less than Rs. 400.

- (a) Employ the Natives largely in the Judicial Civil branch and sparingly in the Executive.
- (b) Employ the Europeans largely in the Executive and sparingly in the Civil.
- (c) Keep the Judicial Criminal branch open for all.

Hold examinations in England and in India simultaneously—

- (a) Those who desire to enter the Executive must pass the examination in England.
- (b) Those who completed their education in England after passing the Indian examination should have the privilege of entering the higher service at once—Judicial Civil or Criminal.
- (c) Those who did not, should be eligible for the second class and would go on rising to the highest, if found duly qualified.
- (d) In regulating promotion as between the man who has completed his education in England and the man who has not, preference to be given to the former if both be found to be equally efficient.

535. Make the B.A. degree the minimum educational qualification of the candidate entitling him to compete for the Service examination.

Make twenty-three the maximum age limit.

After passing the examination, the candidate must take the B.L. degree either in India or in England, or be a Barrister-at-Law, before he is allowed to enter the Judicial branch of the service, either Civil or Criminal.

After passing the B.L., he must learn the practical part of the work in the Civil Judge's office if he selects the Civil branch, and in the Judicial Magistrate's or Sessions Judge's office if he selects the Criminal, for a year, drawing three-fourths of the pay, before he is actually employed.

After that he should pass an examination in the High Court Rules.

With respect to those entering the Executive, the rules as they stand at present may be made applicable after they have passed the competitive examination in England in accordance with the rules laid down above.

Give the English Judicial Magistrates the option of either becoming Sessions Judges or executive heads of districts.

Make the pay of the executive head of the district, the pay of the Civil Judge, and that of the Sessions Judge, the same, giving to the European officers an additional amount by way of foreign allowance.

Give more liberal furlough to the European officers than to the Natives. In other respects, make the leave rules uniform for all.

Place the Judicial branch of the service, both Civil and Criminal, under the executive control of the High Court.

For the purpose of giving effect to the above scheme, if it be necessary to retain the Statute of 1870, retain it; otherwise repeal it altogether.

536. Practically, then, you would have no Statutory Service at all, and you would abolish the present system of appointing men to it?—Yes; I submitted a statement of my views before I came here. Since then my views have undergone some slight changes, and the more I think on the subject, the more difficult I find it to deal with, and the only satisfactory solution which seems to be available is what I have now submitted.

537. Is the existing system of appointing Natives to this service generally approved?—It is not generally approved.

Vol. VI.
Sec. II.
Bengal.

Babu
Brojendra
Coomar
Seal.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
Babu
Brajendra
Coomar
Seal.

538. What are the grounds of disapproval?—First of all, it is not necessary; secondly, the members do not belong to any organised service; and thirdly, the Statute is not open to superior Uncovenanted servants, although their education and ability are in no way inferior to men in the other service.

539. How would you remedy the defects complained of?—I would abolish it altogether. I would have two examinations: one here in India, and the other in England. Those who go in for the Executive should be required to go to England, and those who pass in India would be restricted to the Judicial line.

540. You would not compel candidates to go to England, but you would give the preference to those who did?—Yes.

541. In regard to the Civil Service, do Natives labor under any disadvantages?—They do. The disadvantages are—first, want of means; second, the religious objection; third, the low marks allotted to the Indian classics. These are disadvantages.

542. Have you been to England?—No.

543. Would you object to go?—I myself would not, but the female members of my family object.

544. Are these objections strong?—Practically they are.

545. They are diminishing?—They are: not rapidly, but slowly.

546. Are those who have gone to England and come back subject to any serious disadvantages?—Yes; they live by themselves and form a class by themselves.

547. Is it a large class?—No; not very large.

548. Is there a large class of Hindus who, without going to England, have thrown off caste rules?—Many of them have, but they are not outcasted; whereas those who have come back from England have been.

549. Would you have one centre of examination or various centres?—Only one centre for all India.

The Hon'ble Mr. Quinton.

550. In your scheme you accentuate the separation between the Judicial and Executive Services; would not this lead to some sort of antagonism between the two services?—I do not think so, because I give the heads of the different departments the same pay.

551. I mean, would not the Judicial Service be, to some extent, the critics of the Executive in any litigation before them? There is, of course, some little tendency at times towards antagonism between the two. Is there not the danger of that antagonism being accentuated?—That danger exists even at the present time.

552. But if the separation were greater, would not there be the more danger of antagonism?—I do not think so.

Sir Charles Turner.

553. You spoke of those who came from England being put out of caste; have not men been restored to caste?—Yes, after performing certain penances.

554. Yes; but even irrespective of these observances, are not they, practically, in caste? Are there not many people who have not gone to England, or given up caste, who freely associate and live with them openly?—Yes, there are; but if they did so publicly, they would from that moment be put out of caste.

555. Is it not well known?—Yes, but not formally known. I do not think they give it out publicly, as it is such a very delicate thing.

556. Why should a man be put out of caste in the one case and not in the other?—In one case it is publicly known, and in the other not.

557. Is not one of the chief causes of this anomalous state of things the fact that the bonds of caste are becoming weaker every day?—Yes.

558. Are these objections equally strong amongst all classes of Native society, or stronger in one than in another; and are there any sections of society who do not entertain them?—I only know one section of Hindus in Calcutta—and it is a very influential section—which has publicly declared its willingness to re-admit such persons to caste. They have declared that they would have no objection to receive back men who have been to England, provided they would return to their religion and observe its customs afterwards.

559. And would they dispense with the penances?—Yes.

560. When you said that the Statutory Service would not answer, were you speaking of all India?—I am speaking of Bengal only.

561. Do those who have lost caste by going to England intermarry?—Not to my knowledge.

562. Do they associate in other matters, such as caste dinners, &c.?—Not to my knowledge—publicly I mean.

Mr. Fitzpatrick.

563. I do not quite comprehend that part of your scheme in which you said that men who pass in England would be eligible for the Executive branches of the service and those who passed in India for the Judicial. Can you give me any explanation of this?—The latter commence in the second class.

564. As what?—Munsifs or Deputy Magistrates.

565. And they go on rising only in the Judicial line?—Only in the Judicial Civil or Criminal line.

566. Under your scheme would a man rise to be a District or Sessions Judge?—If he takes up the Criminal line. There would be two parallel lines—one Criminal and the other Civil. Those who start from the

Mr. Fitzpatrick—continued.

lowest grade would rise to the top of the Criminal side, and similarly with the Civil side.

Mr. Nulkar.

567. You say that Natives who have gone to England live in a society of their own; but do they associate upon equal terms with others?—They do associate, but other people do not receive them with that degree of alacrity with which they would receive persons who have not been to England.

568. Have you known any instance yourself of men who have been fully restored to caste?—I know of only one. He has been re-admitted not by doing penance himself, but the members of the family gave something to the tutelary idol by way of penance.

569. These penances are not necessarily derogatory?—Those who have returned from England consider them to be so.

570. Do you think the difficulties of getting back to caste are due more to the reluctance of the person returning from England than to the reluctance of his caste-fellows to re-admit him?—The reluctance comes from him, and it is much greater on his part than on the part of his caste-fellows.

571. You say there is a very influential section of Hindus who re-admit such men into caste without any penances. I wish to know whether there will be many candidates amongst the less liberal section of Hindus who would be likely to be successful in the competitive examination?—I do not think so, because that is a very large class, whom the late Hon'ble Kristo Dass Pal described as "our Beotian Brothers."

The Hon'ble Mr. Justice Miller.

572. You are now a District Judge?—I am.

573. When were you appointed?—In April 1881.

574. What were you at that time?—Additional Judge of Burdwan.

575. Before that you did not exercise criminal powers?—No.

576. As Subordinate Judge or Munsif?—Neither.

577. Before that you were practising in the High Court?—Yes; for about one year and a half.

578. Since you have been invested with the powers of an Assistant Sessions Judge, do you happen to remember in how many cases your judgments have been reversed?—Only in one.

579. In seven years?—In six years.

Sir Charles Turner.

580. Out of how many appeals?—I cannot remember the exact figures, but taking an average of 20 cases in the year, that gives 120.

581. You have seen a good deal of the work of second and third grade Magis-

Sir Charles Turner—continued.

trates?—No; because I do not exercise appellate functions.

582. Have you heard any opinion expressed as to efficiency of those officers?—Yes; I have heard that those who have taken the B.L. degree of the Calcutta University are doing very well, but of those who have not, I have not heard such favorable opinions.

583. In what respect were those opinions unfavorable?—They are not looked upon as very well qualified.

584. As to their official morality?—I have never heard anything against that.

585. How are the second and third grade Magistrates recruited or appointed?—Examinations are held under certain rules.

586. Are those men who you say are not qualified men who have passed examinations?—Yes, the younger men are, but formerly they were not required to pass any test.

587. Was any educational test required of the men recently appointed?—No, but on entering the service they passed the departmental examinations.

588. Then these examinations are not sufficient to secure efficient Magistrates?—Yes, I think they are.

Mr. Stewart.

589. There seems to be some little doubt about exclusion from caste. When a man is excluded, does it merely affect his eating with other people?—No, but also intermarriage.

590. Do men returning from England in any way lose the confidence of the people of this country?—In what way?

591. In respect of their official duties?—No, they do not; on the contrary.

592. The objection, then, is only respecting intercourse with them?—So far as ability is concerned, people have confidence in them; they do not lose their confidence.

593. You said "on the contrary"?—On the contrary, it is increased.

594. Men who go to England generally marry before they go?—Some do, some do not. As a rule they are all married.

595. The disadvantages under which they labor would only affect them in case they became widowers?—So far as they are concerned; but their children would also have to be taken into consideration.

Mr. Peacock.

596. How would you recruit the Uncovenanted Service—from Statutory Natives of India, or from all Her Majesty's subjects?—From all subjects of Her Majesty, without any distinction whatever.

597. Would you recruit them by competition or nomination, or by a combination of both those systems?—Competition and nomination together.

598. Would you apply this recruiting by competition to all classes down to the

Vol. VI.
Sec. II.
Bengal.

Babu
Brajendra
Coomar
Seal.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Hrojendra
Coomar
Scol.

lowest?—Yes, there is no reason why it should not be applied.

599. Would you have the examinations for these appointments provincial or general?—I would have provincial examinations.

Mr. White.

600. When you spoke of the Uncovenanted Service being recruited from all subjects of the Queen, of course you are aware that Her Majesty rules over one quarter of the total population of the globe; and that she has subjects in Australia, America, Asia, Africa and in other places?—Yes.

601. You would confine the recruiting to those who are domiciled in India?—Yes.

602. You don't mean that people from the Colonies should come in?—No, they should be confined to the Colonies.

Mr. Stewart.

603. I understand that you would make an intermediate service chosen in India?—There would be only one service divided into two branches—the upper and the lower.

604. What posts would the Uncovenanted Service fill?—I would make one service and give promotion in both to the Covenanted and Uncovenanted.

605. You would have one part recruited from England and India generally, and the other part provincially. What part would be provincially recruited?—Sub-Deputies only, because my scheme includes Deputy Magistrates.

606. Your scheme would enlarge the Civil Service and reduce what is now called the Uncovenanted Service?—Yes.

607. Would you give any promotion to the higher branch to the Sub-Deputies who would be provincially recruited?—I do not see any reason, if they are found fully qualified, why they should not be so promoted.

608. Your general competition would secure men of general education?—Amongst the men who succeeded at the provincial examination there might be found a few men who would be quite equal to the others.

609. If you would allow promotion only in exceptional cases, would it not take away the great stimulus to exertion on the

Mr. Stewart—continued.

part of the class as a whole?—On the other hand, it would give a stimulus, because they would have the ambition to enter the other service.

610. There would, perhaps, not be one officer promoted under your scheme?—That would depend upon the ability displayed by the members.

611. There would be no ordinary rule of promotion to which the men might look forward as an encouragement?—Only in the case of Sub-Deputies, whose status would remain unaltered.

612. Sub-Deputies are not an educated class of people?—Generally they are fairly educated—not highly educated.

613. We have found that there are only five graduates among them?—Some of them are good men as far as I can see, but generally they have not got University degrees.

614. Do they know English?—Yes.

615. Would Munsifs be in the upper or lower class?—In the upper.

Mr. Peacock.

616. Have you any opinion to offer with regard to the pay and furlough allowances?—I would make the initial pay of the lower service what it is now—Rs. 200, and of the upper service Rs. 400, and the only privilege which I would give those who went to England after passing the examination here, would be to allow them at once to enter the higher service. If there were two officers equally qualified, I would give promotion to the gentleman who had concluded his education in England.

617. Would you make any difference in the pay of the officers?—It should depend upon the class to which he belongs.

618. In regard to the furlough rules?—I have said that the furlough rules ought to be a little more liberal to Englishmen than to Natives.

619. On what grounds?—Because they have to go to England.

620. Have you anything more to say?—Another point is, that the Uncovenanted leave rules are not sufficiently favorable and require alteration. Uncovenanted judicial officers do not get privilege leave. The grounds upon which they do not get it is that they get vacations. But it is altogether a mistake to suppose that they get holidays.

WITNESS VII.—22nd February 1887.

Examination of H. BEVERIDGE, Esq., c.s., Additional Sessions Judge,
24-Pergunnahs.

The President.

621. When did you enter the service?—
In 1858. I have been twenty-nine years in
the service.

622. Have you risen through all the
grades, or have you been only in the judicial
line?—I have served in all the grades. I
was in the executive line for a very long
time. I entered the judicial line late in
my service (1876). My present appoint-
ment is Additional Sessions Judge of the
24-Pergunnahs and Hughli.

623. Have you given much consider-
ation to the questions which the Commission
has to deal with?—I have read all the ques-
tions and thought about them a little.

624. Is the existing system of appoint-
ing Natives to the Statutory Service approved,
or the reverse?—It is not approved.

625. By what classes?—As far as I
understand, none of the Natives approve of
it.

626. What are the grounds of dis-
approval?—One ground is, that they con-
sider these men are not appointed for proved
merit and ability, but because they belong
to good families.

627. Are they of better family than the
men in the Uncovenanted Service?—An
attempt is made to appoint to the Statutory
Service men of better family than the ordinary
run of men in the Uncovenanted Service.

628. Would you suggest any alterations
to improve the Statutory Service, or would
you abolish it?—I should be inclined to
abolish it.

629. Would you abolish the Statute, or
would you leave the Government power to
make exceptional appointments?—I think
the Government might reserve that power.

630. If you retain the Statute, would you
retain the definition of "Native of India" in
the Statute?—I think the definition is suffi-
cient.

631. It does not include subjects of
Native States. Would you object to their
being appointed?—I don't think there can be
any objection to that. I think the definition
might be extended to include them.

Mr. Nulkar.

632. You say you would reserve to the
Government power to make appointments
under the Statute. To what extent would
you retain the Statute?—I would allow the
Government to make these appointments
under the Statute.

Mr. Nulkar—continued.

633. You mean in cases of proved merit
and ability?—Yes.

The Hon'ble Kazi Shahabuddin, Khán
Bahádur.

634. Have you served in Bengal only?
—Also in Behar and Cooch Behar.

635. When you say none of the Natives
approve of the Statute, do you speak of the
whole of India, or only of the Provinces in
which you have served?—I speak only of the
Provinces in which I have served. As far as
my knowledge goes, it is not approved.

The President.

636. Coming to the Covenanted Service.
Is any disapprobation felt with the existing
system of recruitment?—Yes; I think there
is considerable dissatisfaction felt. The
lowering of the age is a source of dissatis-
faction, and also that the service can only be
entered by going to England.

637. Besides these general objections, is
there any positive disadvantage under which
the Natives labor in competing for admis-
sion to the service?—They have to go to
England at a very early age; the course of
study being alien, they have not facilities
for preparing themselves for the examination
in this country, and the subjects prescribed
are not of much use in after-life.

638. In what way would you propose to
remove these disadvantages?—I should abol-
ish the competitive examination in England
altogether.

639. How would you appoint men to the
service?—Confining my remarks to Bengal;
as regards the judicial branch of the service,
I should appoint from the Bar, as Munsifs
now are. I don't think a competitive exam-
ination necessary for these appointments.
For the executive branch there might be
competition in India.

640. What kind of competition would
you have?—Somewhat on the same lines as
any other competition, but open to all Her
Majesty's subjects.

641. Do you think the different classes
of Natives in all parts of India would have
a chance of being fairly represented in the
results of such an examination?—I don't
think they would. I am only speaking of
Bengal. I fancy Bengal would carry every-
thing before it for a time, and I suppose
that would not be good for other Provinces
of the Empire.

Vol. VI.
Sec. II.
Bengal.

H.
Beveridge,
Esq.

The *President*—continued.

Vol. VI.
Sec. II.
Bengal.
H.
Beveridge,
Esq.

642. Under these circumstances, how would you provide for the very high appointments; for Lieutenant-Governors, for instance?—For some time to come we have these provided for in the service already.

643. Would not the effect of your system be gradually to eliminate the European element almost entirely?—I think it would.

644. Do you think that such a result would be desirable for the administration of the country?—I think it is inevitable. As long as it is confined to the lower grades, I would leave the Government to select the Lieutenant-Governors and Secretaries to Government.

645. Do you think the public confidence in the stability of the policy pursued by the Government would be the same if the European element were largely eliminated? Would there be the same continuity of principle in the general policy of administration?—Yes, I think so.

646. Would you hold one examination for the whole of India, or a separate examination for the territories under each Administration?—I would have one for each Province.

647. Having obtained your successful candidates, would you compel them to go to England to complete their studies?—No; I don't know whether they would require further study. I should like them to compete at an older age. I would allow them to compete up to the age of twenty-five years.

Mr. *Fitzpatrick*.

648. I understood you to say that you would be content to accept as the result of your system that all appointments in Bengal, both executive and judicial, except the very highest appointments, should be filled by Natives?—Yes.

649. What would be the effect of that in a time of trouble?—I don't think any harm would ensue.

650. If there were to be a local insurrection, for instance, you think it would not matter if there were no European executive officers in the country—nothing but Native officers and the military?—I don't think it would matter very much. I think the district Native officers would be fairly loyal.

651. Assuming that, do you think that the position of things would be very satisfactory in times of serious trouble?—Yes, I think so.

652. Do you not think it would lead in the long run to the larger employment of physical force; that the military element would be called in more frequently?—We never have any trouble in Bengal. It might lead to the greater employment of military force.

653. Suppose a serious religious dissension between Mahomedans and Hindus were to arise, what would be the effect of having nothing but Native executive officers in the

Mr. *Fitzpatrick*—continued.

country? Would they be able to repress such disorders or to reconcile the parties as well as Europeans could?—I think they would.

654. Suppose, for instance, a serious disturbance between Hindus and Mahomedans occurred, and that the only district officer was a Hindu, would he be able to settle the disturbance as well as a European officer?—I think he would; if he was equal to a European officer in ability.

655. You think partiality has nothing to do with it?—I think he would be impartial.

656. Do you think the Mahomedans would think him impartial?—I think the enlightened men among them would.

657. Would the ignorant and the unenlightened believe in his impartiality?—I have had no experience. As far as I know, Hindus and Mahomedans live very harmoniously together; there have been scarcely any religious dissensions in Bengal. There was a slight disturbance as to cow-killing in Dinapore—very slight; I don't think it was even noticed in the papers. It was on the occasion of the Eed festival in the year 1880. I was Judge of the station when it occurred. It was not of any importance.

658. How would it do to have a large number of Native officers in districts where there are a large number of European planters?—The European planters would not like it; but I don't know why it should not answer.

659. You don't think it would matter?—It should not be allowed to over-balance other advantages. To that section of the community it would not be so pleasant. It is only one small section of the community.

660. Are there not some districts where it is an important element?—In districts in which I have been employed there has never been a large body of European planters; formerly there used to be such in Nuddea and Jessore.

661. You speak of reserving some high appointments, such as Lieutenant-Governors, Secretaries to Government, and soon. Where would you get them?—I should get them in the same way as the Government in Australia get their Ministers and Secretaries. I would not have them appointed by competition; they would be selected.

662. You have never been in any Secretariat, but you have a general idea of the duties. How do you think a Lieutenant-Governor appointed in England and aided by Secretaries and Under-Secretaries from England, would do the work?—Not at all well. I would not appoint the Secretaries and Under-Secretaries from England. I should get them in India.

663. But *ex hypothesi* there would not be any Service in India?—There would be members of the Bar and men engaged in commerce, and so on.

664. I am a Barrister myself and have great respect for Barristers. But how

Mr. Fitzpatrick—continued.

would Barristers from the local Bar succeed as Secretaries to Government?—If it is known that these appointments are to be given to outsiders, a class would spring up to answer the demand. But I don't see why Secretaries to Government should not be Natives. They should not enter in the ordinary way of competition.

665. Suppose you have nothing but Native officers in Bengal, do you think European capital would seek investment here to the extent it does now?—At first there would be some trepidation, but I don't see why it should not afterwards.

666. Meantime there would be a retardation of progress in India and in Bengal?—I think as soon as capitalists saw that things were going on well, capital would continue to be invested as it is now.

667. Would it not be a serious measure to adopt a course which would cause trepidation, even temporarily, in Bengal?—There is trepidation at every change, but I think the change must come.

668. It would send the prices of Government stock down largely?—I should not think so.

Mr. White.

669. Considering that Europeans are settling in greater numbers in the country, and that the Eurasian population is increasing, is there any chance of the administration becoming entirely Native?—I think so. I think the probabilities are that it will become, if not entirely, almost entirely Native. A Native can work so much more cheaply than a European. Already I think Natives are driving the European element out to a large extent. In small stations it will be very difficult for Europeans to live in future, because of the dreadful isolation. A solitary European Magistrate or Judge, the District Superintendent of Police, and Executive and District Engineers being all Natives, I don't think Europeans will be able to stand the isolation.

670. But why should all these officials be Natives?—Already you see a tendency to it. The country is India, and therefore Indians can stand the climate better and work cheaper.

671. I am not talking of Europeans who are imported, but of European settlers and Eurasians; they must accept the conditions of the country, and take the same salaries?—There are no Europeans settled in the plains; they may live in hill stations. I always understood that Europeans could not live permanently in the plains; they would die out in one or two generations.

672. But there is a large class living in India and accepting the conditions of the country, pay and everything else?—We have no European Munsifs and very few European Deputy Magistrates.

Mr. White—continued.

673. Is not that because they have not received any encouragement?—I don't think it is a question of encouragement.

674. When they do enter these services, do they not accept the conditions of the country, and the same salaries?—They do when they enter it.

675. Then how is it possible that the administration can become thoroughly Native?—Because Europeans and Eurasians form a very small proportion of the population. It need not become entirely Native; there would be a few Eurasians and Europeans.

676. Then you must also regard the tendency which the Native has to adopt European institutions and social habits and manners. Natives are now sending their children to England for education?—Very few do that.

Mr. Nulkar.

677. What was the limit of age when you competed for the Civil Service?—I don't remember exactly. I came out in 1858.

678. I suppose you have considered the standards of the examination papers at the different limits of age. Is the present standard very low compared to that which was applied when the age was twenty-three?—I have not compared them, but I understand the standard is higher at present.

679. Assuming it to be lower, in raising the age would you raise the standard?—In that case I would, of course.

680. If the standard were raised, how many do you think would pass from Bengal if the examination was held in Bengal?—If there was only one examination, and that in India, I think the subjects should be considerably altered. I would not give any marks for Greek, for instance. I am of opinion that simultaneous examinations in England and in India cannot possibly work.

681. Why would you not send the best candidates to England?—It would either have to be done at the expense of Government or at the individual's own expense. If at his own expense, it would be a heavy expense to him, and would tend to hamper him in after-life. If the expense was borne by Government, it would be a burden on the tax-payers.

682. You attach some importance to an English training?—I don't think it does much good.

683. Do you know any Native Covenant-ed Civilians serving in these Provinces?—I know two of them.

684. Do they do their work as well as European officers?—Yes.

685. Would they have been equally efficient if they had not been to England?—I don't think it has improved them very much. It might have given them wider ideas, and made them more pleasant

Vol. VI.
Sec. II.
Bengal.

H.
Beveridge,
Esq.

Vol. VI.
Sec. II.
Bengal.
—
II.
Beveridge,
Esq.

companions for English people, but I don't think it has materially increased their efficiency. You can widen your ideas by reading books quite as much as by traveling.

Mr. Nulkar—continued.

Mr. Ryland.

686. Are you an Englishman?—I am a Scotchman.

687. Do you not claim for your countrymen the same spirited character and energy as the men of other European nations?—Yes.

688. And do you not consider these are very desirable qualities for men to possess who come to India to govern the country?—Yes.

689. Why, then, do you propose any change which would diminish that advantage?—The one great thing is economy. Working with Native agency is much more economical.

690. Is it not the fact that all the appointments in this country, exclusive of those which are required for supervision, are held by the Natives of the country?—I think the people ought to be allowed to govern their own country as much as possible.

691. You do not think the number of Natives in Government employ is sufficient?—The great bulk of the judicial work in the country is done by Natives, and, in a smaller degree, the executive work.

692. Would there be no fear of retrogression if the European element and the Anglo-Indian and Eurasian element were eliminated or greatly reduced in this country?—There might be a fear of that, but I don't think it would take place.

693. Would you venture to try an experiment which could possibly lead to such a result?—There must always be some risk about experiments. If it were decided to give all the appointments to Natives, it would be attended with some risk, but I think it is a risk which should be run.

The President.

694. Do you think we ought to play with Government in that way?—I don't mean that.

Mr. Ryland.

695. Is it simply on the ground of economy that you make your recommendation?—Economy is one ground, but a still more important ground is to give the people a voice in the administration of their own country. Although in certain qualifications Europeans are superior to Natives, in others the Native is superior in his own country—his knowledge of the language and the manners of the people is an immense advantage.

Mr. Ryland—continued.

696. Are you aware of no European who is equal to a Native in that respect?—No; not one who is equal to a Native in that respect. I don't know of any European servant of Government who is equal in his knowledge of Bengali to a Bengali. There may be Europeans who know three or four Indian languages, and in that way are superior to Natives.

697. Do you not find that even in the Native States Europeans are largely employed in the administration?—I know only of Cooch Behar, and I think it is a pity that so many Europeans are employed in that State. The Europeans who are employed there are not employed in internal administration; I do not think they are employed for the governing of the State. I think even the Executive Engineer and the judicial officers are all Natives.

698. I was asking about the heads of departments?—I am not aware that the heads of departments generally are Europeans; there are a great many Europeans employed, I have understood, in various miscellaneous capacities.

699. Would you still retain the British army?—Yes, certainly.

700. For what purpose?—To hold the country.

701. But where is the necessity of a British army to hold the country, if you make the administration entirely Native?—We have got India and we could not give it up to anarchy. We have produced a certain state of things, and we cannot suddenly break away from it.

702. Would anarchy result if the British Government were withdrawn?—Certainly it would if it were withdrawn suddenly.

703. You would go back to the old policy of the East India Company and regard Europeans as interlopers?—No, I should be glad to see Europeans coming into the country and residing in the country; as long as they are subject to the same laws as the rest of the people, they would do good.

704. Do you think any would remain here under the state of things you contemplate?—A number used to come and trade before we obtained our sovereignty. My own countrymen have a wonderful power of adaptability.

705. Do you think they would come when the Government of the country was under Natives?—I think they would.

706. It is not, then, your decided opinion that Natives who have been to England generally come out better men all round?—Some of them do and some do not. I don't think they do as a general rule. I don't attach much importance to it.

Mr. Nulkar.

707. Suppose your scheme is not accepted, how would you modify the existing system

Mr. *Nulkar*—continued.

to enable Natives to have a fair share of the administration, if competition in England be retained?—I don't think you could do away with the inequality. I would raise the age. That would remove one cause of dissatisfaction. I don't see how a system of simultaneous examinations is to work.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur.

708. Do you not think that the functions of a District Magistrate or Collector are different from those of officers holding appointments in other countries, such as in France or England. He is more of a Governor; he has so much to do with matters of police; Government is more like a machine in England?—It is a splendid post in that way: he has very large powers.

709. You have said that you think Natives would make as good administrators as Europeans?—I think they would. There are certain qualities in which they would be deficient, but, on the other hand, they would have counterbalancing advantages. It would be more economical.

710. Would you practise economy at the expense of efficiency?—To a certain extent you must.

711. But you said you would have all the appointments filled by Natives except a few?—I said that would be the result, but I would have the examinations open to all Her Majesty's subjects.

712. Is there any probability of young Englishmen coming out to India to compete for the Civil Service?—I think quite as many would come as Natives would go to England. The pressure at home is great, and if they saw a chance of competing successfully, they would come.

713. But if your impression is well founded, that most of the appointments would fall to Natives, it would not matter in your opinion?—I don't think it would.

714. Is this opinion based on past experience, or mere speculation?—I have been a great many years in the country, and have seen the qualifications of Natives. They possess excellent judicial qualities, and many of them excellent administrative qualities. I have read the History of India, and in old times Natives held high posts and did great deeds. The Ministers who surrounded Akhbar were very capable men.

715. With regard to the Bengal Presidency, is it your experience that Natives would make as good leaders as they are subordinates?—I think they would.

716. Men possessed of courage and ready resources?—I think so.

717. Have you seen many Natives holding appointments of District Magistrates for a sufficiently long time to justify your forming this opinion?—No, I have not. I

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur—continued.

have seen no Native in high executive offices.

718. Then you have no actual knowledge or experience?—No; I don't suppose any one has.

719. With regard to the Native administration of India in former times, was not Akhbar an exceptional ruler? What was the state of the country for centuries under Native administration?—In Akhbar's time it was fairly good; in Aurungzebe's time it was also fairly good.

720. Was there not carnage and anarchy in the country?—Yes.

721. Does history justify the opinion you have expressed?—My knowledge of history tells me that men capable of holding high executive and judicial offices came forward, and I think they would be found again.

722. Do you think that if Akhbar existed now he would be able, in these times of complicated laws and revenue systems and the conflicting interest of foreigners in the country, to gain the same reputation as an administrator as he did in his own times?—The Akhbar of 1887 would be a very different sort of man from the Akhbar of 1556. He would be "the heir of all the ages." But he was an able man himself. He had a vigorous mind, and that would make him as successful now as he was three centuries ago.

723. The Mahomedans reigned about eight centuries in India. How many men like Akhbar and Aurungzebe can you point out?—I think Ali Verdi Khan was a capable ruler.

724. You have said that India must be ruled by Natives. You are aware of their being many Native States. Do you know how most of them are administered?—I know nothing of my own knowledge. I have heard that the administration of many of them is very bad.

725. And if any improvement is effected, is it not by British influence?—I believe it is, but I cannot speak from my own knowledge. I have no Secretariat experience.

726. You would not care if all the posts in the Civil Service were filled by Natives except Secretaries to Government and Lieutenant-Governors. Why would you exclude Natives from these appointments?—I do not necessarily exclude them. I said expressly that I do not see why they might not be appointed Secretaries to Government, but I would have the Government to select the men.

727. Would you even appoint them Lieutenant-Governors, because most of these high officers have risen from the Covenanted Civil Service; and some have even been Governors?—Yes, if they were capable of holding the posts. I don't see why the fact of their being Natives should stand in their way when they are found fit.

Vol. VI.
Sec. II.
Bengal
—
H.
Beveridge,
Esq.

Mr. Hudson.

Vol. VI.
Sec. II.
Bengal.
H.
Beveridge,
Esq.

728. Don't you think the influence of the English in India is advantageous to the development of the country?—Highly advantageous.

729. Then, would not the exclusion of Europeans from all offices in India very much tend to diminish the influence of English ideas in India?—I don't think it would. The influence of English ideas is largely the result of the English language and literature.

730. You don't think that the English spirit of our administration is important?—I don't think so. I admit that failures might result, but I think the balance of advantage is in favor of my proposals on the ground of economy.

Sir Charles Turner.

731. You said you considered that very shortly Europeans would voluntarily leave the country because of the isolation they would feel in the small stations?—I think the isolation is decidedly on the increase: I have felt it myself very much.

732. You have also said that Native gentlemen who have been to Europe, although as a whole they do not come out improved, have certainly returned with wider ideas which made them more agreeable companions to Europeans. Would not the isolation, of which you complain, diminish if the Native officials received their education in England?—To some little extent it would. But I don't know whether English ladies and Native ladies would mix very much together.

733. Do you know any Native ladies who have received an English education?—Yes.

734. When so educated, do not they mix freely with English ladies?—I don't think you meet them much in general society.

735. You know that some do mix in English society, and that a very distinct advance has been made in that direction?—Undoubtedly.

736. Much complaint has been made by Native writers in English reviews respecting the position of women in India. Do you think it has been ameliorated of late years?—Decidedly.

737. Has not that amelioration been the result of a certain progress in European habits and ideas?—I think that is so to a great extent.

738. Would it be desirable to check that progress?—Certainly not.

739. You propose not only to hold the examination in India, but also to alter the subjects of examination?—Yes, I would Orientalize it to a considerable extent.

740. Would not that tend rather to retrogression than to progress in India?—I should prefer that all the candidates were imbued with classical literature, but I do

Sir Charles Turner—continued.

not think it would be prejudicial if they were not.

741. Acquaintance with the classical languages of Europe subserves the acquisition not only of philology and history, but of philosophy. It shows the student that centuries ago intellects existed not less powerful than those of to-day, and that there then existed similarly divergent tendencies of thought. Does not this inculcate in him humble-mindedness?—Yes. The scholar should be, and I believe generally is, a humble-minded man.

742. When a nation like India at present is but imperfectly educated, is it not desirable to encourage this intellectual virtue?—It would be most desirable that newly-educated and half-educated Natives should have humility along with their zeal for progress, but I am afraid that it is not in human nature that a rising nation should also be humble-minded.

743. Has it not been made a subject of special complaint against the Bengalis that they lack the virtue you recognize as desirable?—Yes, it has.

744. Do you think there is any ground for the suggestion which has been made to us by one or two witnesses, that the influence of so-called theosophy has revived Hindu superstition and prejudice?—As far as I know anything about it, I think that theosophy is mere quackery, and I am not aware that it has had any influence in India.

745. You know that a considerable number of educated men in India profess themselves its followers?—I am not aware that there are many in Bengal.

746. Are there not in Madras and Bombay?—I cannot say.

747. Is there any foundation for the opinion that there has been of late years, to a certain extent, a religious revival which has intensified the prejudices of Hindus and Mahomedans against one another?—I think there is an attempt at re-action by the followers of the old schools.

748. And this re-action is the possible revival of religious feeling?—Yes.

749. Is it not likely to disturb the tranquillity even of Bengal?—It may; but I hope not.

750. With regard to the actual efficiency of Native officers, have you seen much of the work of the lower grade Magistrates—those of the second and third class. Is that work good?—A great deal of it is not good.

751. Is the work of the higher grade Magistrates better?—The only Native officers with whose criminal work I am acquainted are the Deputy Magistrates. When Sub-Deputy Magistrates were appointed, I was a Judge, and appeals from their decisions do not come before the Judge; they lie to the Magistrate.

752. Then you do not think the work of the Deputy Magistrates very satisfactory?—

Sir Charles Turner—continued.

I think the European Magistrate's work is often very bad. I did not know you were referring to Native Deputy Magistrates. The European Magistrates have so much to do that their criminal work is much neglected.

753. Is the Native Magistrate's work good or bad?—I think that, on the whole, the work of the Deputy Magistrates is superior to that of the Assistant Magistrates and Joint-Magistrates.

754. Even of officers who have been some years in the country?—I think it is.

755. With regard to the Munsifs, what is your opinion?—They all work hard, and many of them are men of ability. But we do not by any means get the best men. The appointments are not sought after by the leaders of the Bar, and owing to the pension rules the Government is forced to take men at the age of twenty-one or twenty-two, and my opinion is that the judicial faculty is of very slow growth. The admissible age may be higher, but as a matter of fact they are appointed at twenty-two or twenty-three.

756. You think it desirable that a Munsif should not only possess educational qualifications, both of a general and technical character, but also some experience at the Bar?—Yes; therefore I said I would not appoint Munsifs by competition, but from experienced men at the Bar.

757. Although they enter at this early age, comparing them with the Native Magistrates, which is the better class of officer?—I think they are about equal. I don't think there is much difference between them.

758. Comparing the work of the European and Native Magistrate, you say the work of the former is no better because they have no time. Is there any trace of haste in the work of the Native Magistrates also?—Yes, I think there is. In the European it is inexperience in some cases and carelessness in other cases. The European would improve if he was older. A great many of the mistakes made by them are the mistakes of youth—impulsiveness.

759. Have you noticed in the work of the Native Magistracy a tendency to rely on out-of-door opinion as to guilt or innocence, or on circumstances which are within the Magistrate's own knowledge, but which have not a direct or material bearing on the case?—No, I don't remember to have done so.

Sir Charles Turner—continued.

760. With regard to District Judges, would you allow the Bar of the High Court and of the various District Courts to be eligible for appointment to Subordinate Judgeships?—Yes, I would. But I should prefer that the appointments should go to the Service. Munsifs should become Subordinate and District Judges.

761. Is there not a danger when you have a graded judiciary that it may almost unconsciously be influenced in favor of the dispenser of patronage?—There would be a small danger of that, but I don't think it would be serious.

762. It is an objection which is taken to a graded system of judicial appointments?—I was not aware of that objection.

763. Have you observed any timidity of judgment at times amongst the Munsifs whose work has come before you?—I have never seen any timidity amongst Munsifs.

764. Do you from time to time visit the subordinate Courts and inspect them?—Yes.

765. Do you consider that an important portion of your duty?—I don't attach much importance to it. It is done under an order of the High Court.

766. Have you found any evil result from the omission to do it?—I do not think so. If there is anything wrong in a subordinate Court, there is sure to be a complaint.

767. Have not irregularities been detected by Judges who have visited Munsifs' Courts?—I should not be surprised to hear it, because the Munsifs have far more to do than they can manage, and their subordinates are very badly paid.

768. Have you heard that in Munsifs' Courts a great deal of irregular expenditure is required before business is disposed of?—I fancy there is a great deal of speed money given.

769. Do you know whether it is customary in Bengal for Munsifs to bring in a great many of their own caste people into the ministerial offices of the Courts?—I don't think they can do that. The District Court has a veto on all ministerial appointments.

770. Did you ever exercise a veto on such appointments?—I don't think I have exercised it, but I believe it is done.

771. Have you ever observed that men of the same caste have been brought in freely?—No.

772. Has it not been objected that irregularities cannot so easily be brought to light when the ministerial officers are all men of the same caste?—I think so.

Vol. VI.
Sec. II.
Bengal.

H.
Beveridge,
Esq.

WITNESS VIII.—22nd February 1887.

Examination of J. BEAMES, Esq., c.s., Commissioner of Burdwan.

Mr. Fitzpatrick.

Vol. VI.
Sec II.
Bengal.
—
J. Beames,
Esq.

773. How long have you been in the Covenanted Civil Service of this Presidency?—I came out in March 1858, and since that time I have served in all the appointments up to my present appointment of Commissioner of the Burdwan Division. I began as an Assistant Commissioner in the Punjab, where I served for three years. I was a Judge for two years in Chittagong. I have never been a Judge anywhere else. I came to Bengal in December 1861. I have served nearly everywhere in Bengal—fifteen years as Collector and ten years as Commissioner.

774. Is the existing system of appointing Natives to the Statutory Service approved?—I strongly disapprove of it, and I think all Natives disapprove of it.

775. What are the grounds of disapprobation?—That the men who got up the agitation to obtain the appointments are not the men that were put into the Service: that the men who clamoured for the appointments did not get them. The men who did not want the appointments were put in, and they would not do the work. Several were sons of rich men, and only served because compelled to do so by their fathers. The graduates who pass out from the colleges in large numbers every year are the men who wanted the appointments, and they were disappointed. As Commissioner, I was dissatisfied because the men who were sent to me were not an efficient class of men. Again, the men who were appointed thought they were getting into the Covenanted Civil Service, and were dissatisfied when they found they were not. The system fails to satisfy any class.

776. Are the defects of the existing system susceptible of remedy by an amendment of the rules or of the Statutory provisions?—I do not see what can be done except to repeal the Statute, nor that any good can result from a modification of the rules. Precisely the same class of men will be obtained.

777. You think no amendment of the rules or of the Statute will make the system satisfactory?—I have not been able to discover any way out of the difficulty after thinking the matter over, nor has any been suggested to me. It is an experiment which has failed.

778. If the provisions of the Statute 33 Vic., Cap. 6, are not repealed or substantially amended, &c., would you require the men who are appointed to proceed to England for training?—I would repeal the section.

Mr. Fitzpatrick—continued.

779. But if the Statutory Service is retained, should the selected candidates be required to proceed to England for training?—I would get rid of the whole system. I would rather not discuss the subject.

780. What would you think of filling the appointments reserved for the Statutory Service by men carefully selected from the Uncovenanted Service, assuming that we are to reserve these appointments and desire to put Natives into them in addition to those who get in by competition?—If you insist on prolonging an experiment which has failed, then perhaps men of the Uncovenanted Service would be the least objectionable that you could put in.

Mr. Ramaswami Mudaliyar.

781. Have you read the history of the Statute of 1870?—Yes, I have looked into it casually.

782. Is it your opinion that the Statute of 1870 was passed because there was an outcry by men who could not get appointed?—Seeing that I have lived twenty-five years in Bengal, and that our colleges are turning out great numbers of men who cannot get employment under Government, and who cannot find other employment, and who write seditious articles in the Native press and get up agitations of all sorts, and think that they are fit for any and every class of appointment, I think I am justified in saying that these men expected to get appointed under the Statute.

783. You say that the present system does not enable you to get the right sort of men. What is your idea of the right sort of men?—I will tell you what is the *wrong* sort of men. The brother of a Native Raja, who thinks it beneath him to work at all, and who gets appointed only to please his brother or father. That is one class. And the other is the class of men for whom the Uncovenanted Service provides sufficient employment. There have been only ten men appointed in Bengal under the Statute, and they have all been appointed from these two wrong classes. I think there ought not to be any Statutory Service at all, and I cannot suggest any class who would be suitable for appointment under the Statute. My opinion is that no Native should be appointed to the Covenanted Civil Service.

784. As a Judge, have you had to revise the judgments of Subordinate Judges?—Yes, I have had to hear appeals.

Mr. Ramaswami Mudaliyar—contd.

785. I want your opinion as to whether, as a class, they do or do not do their work well?—Yes; they do.

786. Does it compare unfavorably with the work of District Judges?—A District Judge has more experience, and naturally does his work better.

787. In his knowledge of law he is the superior of the Subordinate Judge?—I decidedly think the District Judges hold their own.

788. Do you think there are any Subordinate Judges who would do the work of a District Judge well?—I have not met them.

The Hon'ble Kazi Shahabuddin, Khán Bihádúr.

789. You said you would repeal the Statute. Do you not consider that there might be an occasion on which the Government of India or the Local Government, considering the varying circumstances of the different provinces, should exercise powers similar to the powers given to them by the Statute? For instance, you might find in a frontier district work for a man, such as a Pathan, who was not in the Covenanted Service: would you not employ him in one of the higher posts and send him there with the prestige of an officer of high position?—It is twenty-five years since I left the Punjab, and I prefer not to give an opinion. I am not competent to do so.

Mr. Stewart.

790. Of the ten men appointed Statutory Civilians in Bengal, how many would have accepted a Deputy Collectorship?—A large proportion of them. One was under me as a Deputy Collector, when he was appointed to the Statutory Service.

791. Was he put in on account of proved merit and ability?—Not particularly; there was nothing remarkable in him. He was not better than the average of men in the Uncovenanted Service by any means. The generality of the more recently appointed men are not of high birth. One of them is a man of very inferior social position.

792. Then the Service does not consist of men of high family?—Not exclusively so.

The Hon'ble Mr. Justice Mitter.

793. Did not the agitation you refer to take place after the passing of the Act? There has been agitation ever since I have been in the country. I don't know when there has not been agitation.

794. Did you refer only to some memorial sent to the Government?—I think there has been a steady pressure put on the Government by the Natives.

Sir Charles Turner.

795. You said that the educated classes who aspire to office are constantly communicating to the press seditious matter. In that case it would be a very dangerous class to enlist in the public service. But is not a great deal of this seditious writing mere hyperbole? Is it not the language of men who have been imperfectly educated and who express themselves in a manner they do not intend by the use of words they do not understand?—I think so; and of course we know that a Bengali will not go further than words. It is mere froth with him. The editor of a paper who had written some very offensive articles against me came to me once and asked me to give his son an appointment; and he said that if I gave him the appointment he would cease to write articles against me. I asked him why he had written those articles. He said it was necessary to write something offensive either against the Government or the local officers if he would make his paper sell. That was a type of the class.

796. That is to say, he made charges which he did not believe to be true? What I wanted to know was whether expressions are not sometimes used without a knowledge of their full import?—If the object of your question is to elicit a reply that the men do not intend to be so seditious as their words would seem to imply, I admit that. But if you mean that they are not intended to stir up discontent, I cannot admit that.

797. I desired to know whether it is your opinion that the majority of the educated youth of the day are given to seditious writing?—Not the majority of them, but a considerable number.

798. During our enquiries it has more than once happened that a witness has used English terms of which he did not understand the injurious sense; for instance, he used the word "favoritism" when only ronaage was meant, and I have found that uneducated Natives frequently use terms without knowing that they bear an injurious sense?—I refer more to the tone of the articles than to the actual words used. You cannot read them without seeing that they far exceed the bounds of fair criticism. It is not that there is a want of education in the writers to whom I am alluding. The editors of some of them know English as well as you or I do.

799. Do you think generally that the youth who aspire to the higher offices of the State are at heart disloyal?—That is not quite my opinion, though that is precisely the inference that might be drawn from the articles. I said that these men being disappointed in not getting on as they expected, become discontented and write in the Native papers what is disloyal, and exceed the fair bounds of criticism; and I think that a great number of the young men of the present day indulge in that sort of writing. How far they mean to be disloyal is another thing.

Vol. VI.
Sec. II.
Bengal.
J. Beames,
Esq.

Vol. VI.
Sec. II.
Bengal.
J. Beames,
Esq.

Mr. Ryland.

800. Do you think the stimulus given to high education has increased the class who are discontented?—Undoubtedly.

Sir Charles Turner.

801. Has it also increased the class of men on whose loyalty we may fairly depend?—I do not know about that.

Mr. Fitzpatrick.

802. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service?—Apparently there is, because this Commission has been appointed to inquire into the matter.

803. Should any change be made in that system?—Not in my opinion, certainly. Absolutely none; unless it be in the direction of preventing more effectually the admission of Natives.

804. Do the Natives of India labor under any, and if any what, disadvantages in competing for the Covenanted Civil Service?—Yes; I suppose they do in having to go to England to pass the examination, and so on.

805. By what changes may these disadvantages be minimised or removed?—I do not think they should be minimised or removed. I think the progress India has made in the last hundred years is solely due to the fact that the administration of the country has been conducted by Englishmen, and if that progress is to be maintained, the country must continue to be governed by Englishmen, and admission to the Covenanted Civil Service must be absolutely restricted to Europeans, i.e., Natives of the British Isles generally, and that Natives of this country should not be admitted to it.

806. You are aware that that would require Parliamentary legislation?—Quite so, but there is a Parliament to legislate. There is one thing I would like to say. A small minority of the educated people clamour for admission to the Service, but the masses of the country very much prefer to be governed by Englishmen. That is why I would not allow any alteration in the system of recruitment for the Covenanted Service.

807. I suppose it is superfluous to ask you the remaining questions under this head, because you would prefer not to answer them hypothetically?—They all depend upon the answers I have given to the previous questions.

Mr. Ramaswami Mudaliyar.

808. Your opinion is that the Covenanted Civil Service should be closed to Natives altogether?—Yes.

809. Have you served with any Native gentlemen who have been appointed to the Covenanted Service?—Yes, I have had two

Mr. Ramaswami Mudaliyar—contd.

of them under me, and one is under me still.

810. Have you had any reason to be dissatisfied with them?—None at all.

811. Can you say whether the people who are governed by Native Civilians are dissatisfied with them?—I have only had two of them under me, and they are too few to enable me to form any general idea. The people are probably not dissatisfied with these two Native gentlemen individually.

812. Why would you close the Covenanted Service to Natives?—I say that mere book learning is not sufficient to qualify an officer for the higher posts in the administration of British India. If you take a Native and teach him English, he does not thereby acquire the qualities of an Englishman—courage, determination, vigour and other qualities which an Englishman possesses. In the course of my long experience I have constantly found Natives deficient in courage, shirking responsibility, careless and indolent. From what I have seen of the large number of Natives who have served under me during the last twenty-nine years, I do not think they possess the qualifications which fit them to be admitted into the Covenanted Civil Service.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

813. You speak of the progress the British rule has made in the country during the last hundred years; is not that a strong reason for admitting Natives into the administration of the country? You are giving them high education and facilities for going to England by scholarships, &c. For what purpose is this high education given?—That is not for me to say. I did not introduce high education into the country.

814. Suppose you do not admit them into the Civil Service, and you at the same time abolish the Statutory Service as you propose, then you do not give them any opportunity to prove themselves fit for office?—Not in the immediate future. As far as the present generation is concerned, I should certainly not try the experiment.

815. Do not the deficiencies in the Native character of which you complain arise from the fact that there is no sphere in which these qualities can be displayed?—I do not see that that has anything to do with it.

816. Suppose you lay down a standard of fitness, physical courage, moral courage, and book learning, and the Natives pass these standards and prove themselves qualified?—The qualities which make Englishmen fit to govern have been inherited by them as the result of 800 years of civilization. Nothing you could do with any individual man in this country would make an Englishman of him.

The Hon'ble Kazi *Shahabuddin*, Khán
Bahádur—continued.

817. Take a Pathan. If he was properly educated, I think he would come up to an Englishman in horsemanship, courage, self-reliance and self-respect?—How about faith and truth? I don't wish to speak of the English exclusively, but speaking generally, it has taken a great many hundred years to make Europeans what they are, and you cannot bring up a Native of India to that standard in a hundred years. It is not education alone. That is all very well to secure certain qualities, but not those which are required for the most efficient practical administration.

818. Do you not think, once having educated the Natives, that you should provide a sufficient sphere for them?—Yes, provided you place the government in the hands of Englishmen and never let the Native rise beyond second in command.

819. If you close the Covenanted Service to them entirely, you would not admit them even to the second place?—No, they might go as high as Assistant Magistrate. But the Natives would not like to get into the Service to stop there. I should like to have two Services: an upper Service of Europeans and a lower Service of Natives. I would not reduce the number of the upper Service; it is dangerously low as it is. It happens now that in many districts you have only two Europeans, sometimes only one, and if a disturbance occurs, what is to happen?

The Hon'ble Mr. Justice *Mitter*.

820. You are for closing the door of the Covenanted Service to the Natives of the country. Do you know that this question was considered as far back as 1833?—I was not born then.

821. Then your opinion is formed without considering all the arguments *pro* and *con* which were discussed by Parliament in 1833?—I have seen the arguments in another shape, but I am not sure whether I have seen the debates you refer to.

822. You say the reason why you would shut the door to Natives is that a Native may not be the commander, but only rise to second in command. Is that a reason why they should not be appointed District Judges?—A District Judge has certain administrative functions. He has to inspect the courts of the lower Judges and exercise executive control over them. On the whole, I think the District Judge should be a Covenanted Civilian.

823. Admitting, for the sake of argument, that the Natives of the country are not fit to exercise supervising control, and that Judges are limited to the exercise of purely judicial functions, would there then be any objection to the appointment of Natives as District Judges?—I would rather keep District Judgships for Englishmen. There are a good number of Englishmen who

The Hon'ble Mr. Justice *Mitter*—contd.

want employment, and I would rather give these offices to Englishmen than to Natives. I prefer my countrymen as you may prefer yours.

824. Do you not think that in the Judicial Service a knowledge of the language and of the manners and customs of the people is essential?—Not so much so as in magisterial work.

825. Have you had long judicial experience?—Quite long enough to enable me to judge. Every pleader talks English, and the whole of the proceedings are in English, except Sessions work.

826. Do you think an officer unacquainted with the language and manners and customs of the suitors can appreciate the value of evidence?—I am bound to say he can, under pain of being disrespectful to the High Court. Barrister-Judges are perfect strangers to the country, and they do justice every day equally well and even better than officers who are acquainted with the language, the manners, and the customs of the people.

Sir *Charles Turner*.

827. You say the wishes of the masses should be regarded as well as of the educated classes, and you say, speaking from experience of the Natives who have served under you, that they do not possess the confidence of the people when they occupy responsible posts?—I have found it so in many instances.

828. You say you had two Covenanted Native Civilians who worked under you; have you any reason to think that they did not possess the confidence of the people?—I have no reason to suppose that they have failed to secure it.

829. These gentlemen have had an English training; they went to England for two or three years. May not that constitute an important difference between them and the men who, you believe, do not possess the confidence of the people?—I do not think it makes much difference. I believe they spent the whole of their time in working hard for examinations and rarely mixed in English society. The time was too short.

830. Have you known Natives of talent and ability who possessed the entire confidence of the people?—Yes; I hope I have said nothing to lead any one to suppose that I meant anything but that Natives do not possess that confidence to the same extent as Englishmen. I am speaking of a class, not of individuals. I don't say there is no Native who possesses the confidence of the people; but that a competitive examination is no test of the possession of such qualities as will secure the confidence of the people; and if the person you obtain by the competition turns out to be unsuitable for the purpose for which you require him, what is to be done with him.

Vol. VI.
Sec. II.
Bengal.

J. Hoopes,
Esq.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
J. Beames,
Esq.

831. If a man comes to this country and it is found by experience that he is not fit for administrative work, has the Government any means of placing him in a position where he can do no harm?—You can only do so by paying him for doing nothing.

832. Are there not several appointments in which a man, wanting in such administrative ability as would be requisite if he were brought into direct contact with the people, might still be employed; for instance, Stationery and Accounts?—Such appointments are very few, and possibly the Finance Committee will reduce their number.

833. In this Presidency there have been instances, happily rare, of failure amongst Europeans and Natives who have passed in England. With regard to those instances, can you say that the men were not fit for any office?—I have not said that. I say that the Deputy Magistrate and Deputy Collector class, as a rule, are not liked so much as a governing class as Englishmen are.

834. In consequence of that you would prevent their entering into the Covenanted Service?—If they have not succeeded in the lower service, you could not expect them to succeed in the higher.

835. In the case of the Covenanted Natives of whom you have had experience, you say you have no reason to suppose they have not the confidence of the people?—These special cases would not remove my general objection.

836. Are you aware that a Statute was passed in 1833, that no one by reason of birth or descent was to be held incapable of any office or employment if otherwise fit. Your views would be in direct contravention of that policy?—Yes. Let it be so.

The President.

837. You would alter the Queen's Proclamation?—No; I would not alter it. I say that they are unqualified. I fall back on the expression "so far as may be;" that means "as far as may be expedient."

838. Have you read the speech made by Macaulay when the Act of 1833 was debated? It is published among his Essays?—I have read them, but I don't remember them well enough to say whether my views are inconsistent with the principles he advocated.

Mr. Fitzpatrick.

839. Should the Uncovenanted Service be recruited only from Statutory Natives, or from all Her Majesty's natural-born subjects?—There are some difficulties about East Indians. I should make it primarily a Service for Natives. There are East Indian gentlemen who go to England and are thoroughly European in their habits. There is a considerable number of them in the Uncovenanted Service, and I should

Mr. Fitzpatrick—continued.

like to see them in the Covenanted Service. Then, again, there is a larger class of Eurasians which is not fit for the Covenanted Service. The higher class of Eurasians differ immensely from the lower class.

840. Should the recruitment be by competition or by nomination?—I think, on the whole, that competition is not altogether satisfactory, but it is better than nomination. I don't understand how it is proposed to combine competition and nomination. I would not nominate a few men for competition. I prefer competition, pure and simple.

841. Whatever system is adopted, should the recruitment be provincial or general?—I am prepared to say that it should only be from people living in the province. I don't think it advisable to put a Punjabi into Bengal or a Bengali into the Punjab.

842. If the existing Statutory Service is abolished, should the proportion of offices assigned to that service be allotted to the Uncovenanted Service?—I have said that I would abolish the service, and I would re-allot the appointments to the Covenanted Service.

843. When you advocate competition, pure and simple—open competition—does it not occur to you that some Natives might get in who would not make desirable public servants. Men, for instance, not of a loyal tribe, or of low family who would not command respect?—No; because I don't propose to extend the functions of the Uncovenanted Service.

844. Then you think whether they are loyal subjects or not, or men of low family, would not matter?—I do not think it would matter about family. I do not say that the men I have talked about are disloyal at heart: their disloyalty is only "from the teeth outwards." It amuses them to talk sedition, but they do not mean it really. They are all loyal at heart.

845. Have you not found that the Natives attach importance to respectability?—They do, but I know men who are Munsifs who are of exceedingly low origin, but yet are respected. It can always be arranged to post such men to districts far from their native place.

Mr. Ryland.

846. If the European element is desirable in the Covenanted Service, do you not consider it an advantage, if not an actual necessity, to have Europeans in the Uncovenanted Service?—No; because I think we ought to give some career to the Natives. Europeans are numerous, but Natives are still more numerous. Here is their opening.

847. It is one thing to allow a man to compete and enter if he can, and another thing not to allow him to compete at all?—If you keep the higher service for one class, you are bound to give the other service to the other class.

Mr. Ryland—continued.

848. Do you think the Covenanted Service alone is large enough to provide a sufficiency of men in the event of times of disturbance?—I believe the Local Governments send home indents every year for the number of men they require for the Covenanted Service. If more men were wanted, the men should be indented for.

849. Have you any recollection of the time when the indigo riots prevailed in Bengal?—I was not then in a bad district—I mean in one where the disturbances were very serious. I was in Purneah, in the neighbourhood of such disturbances.

850. Is it not a fact that all the sub-divisions were manned by European Deputy Magistrates in consequence of the riots?—Yes; they were.

Mr. Ramaswami Mudaliyar.

851. You do not advocate the employment of Natives in the Uncovenanted Service exclusively on the ground that they would do the work better than Europeans?—No, of course not; but as a career for them.

852. In your opinion, as far as Deputy Magistrates in charge of sub-divisions are concerned, Europeans would do the work more effectively than Natives?—Yes.

853. Then, if you look merely to efficiency of the service, you ought to have only Europeans in sub-divisions?—If A does a thing as well as you want it done, there is no reason to put in B because he would do it better. If Native gentlemen were not so anxious to get into the service, I should have Europeans only.

854. And Subordinate Judges should be Europeans?—Yes, on that principle.

855. And you think that the service as a whole would be much more efficient if all the offices were manned by Europeans?—Yes.

The Hon'ble Kazi Shahabuddin, Khán Bahádúr.

856. You are for pure and simple competition, as against selection, for the Uncovenanted Service?—Yes, because I think selection tends in the long run to discontent and dissatisfaction. Everybody's chances are not fairly considered perhaps.

857. Considering the nomination lies in the hands of Covenanted Civilians in whom you have the highest confidence, why should you fear jobbery?—They are all human—many may give way to weakness and prefer their friends or the sons of their friends.

858. You said that book learning alone is not sufficient. Would not a system of competitive examination secure that and nothing else?—These men have not got to govern. They have merely to carry out details of administrative work—trying cases and so forth.

859. You are no doubt aware of the functions of Tahsildars. Do you think they

The Hon'ble Kazi Shahabuddin, Khán Bahádúr—continued.

are not very important so far as the district is concerned? I am speaking of the North-Western Provinces, Central Provinces, and the Punjab?—I am acquainted with the work of Tahsildars in the North-Western Provinces and the Punjab. Their duties are very important, but not more important than could be done by men whose qualities were tested by competition.

860. The Tahsildar, as a rule, is a second grade Magistrate; and is not the District Magistrate too far away for supervision when the Tahsildar has a disturbance to deal with?—Possibly. But the Magistrate, if he were worth his salt, would be there in a very short time. The first brunt would fall on the Tahsildar, of course.

861. Have you anything more to say in explanation of this apparent inconsistency? You say that mere book learning is not sufficient, and that other qualifications are necessary than can be secured by competitive examination, and yet you advocate competition in preference to selection?—There is no inconsistency at all. Those functions which rise above mere routine would only be called into action rarely, and therefore for the general run of the service, men selected by competition would be fairly qualified.

Mr. Stewart.

862. When you advocate open competition for this branch of the service, do you mean for entrance into the service?—I mean competition for admission to the service.

863. Are not Sub-Deputy Magistrates sometimes appointed upon the nomination of the Magistrate?—If so, the appointment must be made by Government.

864. Don't you think it would very much improve the efficiency of the Amla if promotion to higher posts were open to them?—Yes, and I much regret that by recent practice the door has been shut to them. I think it is a great mistake. I would examine candidates for magisterial appointments in law and the practice of the courts, not mere book learning. I would rather have an examination of that sort than leave the door open to nomination. But I think it very desirable to have men of the Amla kind in the Uncovenanted Service.

865. With regard to the Judicial Service, would you have the same system?—I would commence at the Munsif. A ministerial officer would have to compete before he became Munsif. I am speaking only of Bengal.

866. Have you had any experience of famines in Bengal?—Yes, I have been surprised occasionally in times of famine to see the way in which Native Deputy Magistrates would display activity and go about. But they cannot stand it for long. As a general rule, the European stands it better. My famine experience goes back to 1866.

Vol. VI.
Sec. II.
Bengal.
J. Beames,
Esq.

Mr. Stewart—continued.

Vol. VI.
Sec. II.
Bengal.
—
J. Beames,
Esq.

867. Was there any necessity of superseding Natives by Europeans?—Not where I was. I was a Collector, and my attention was entirely concentrated on my own district. I know Native Deputy Collectors who got knocked up. They were, as a class, rather apt to be careless and to neglect details: they could not organize. They tried to do their best and broke down.

Mr. Stokes.

868. If you have open competition for the Uncovenanted Service, would there not be a risk of the undue preponderance of one class?—You would have a large preponderance of Hindus, chiefly Brahmans and Kyasts. An immense majority of the present men are Brahmans and Kyasts.

Mr. Peacock.

869. Do you think that Native gentlemen are more fitted for executive or for judicial work?—For Judicial work decidedly.

The Hon'ble Mr. Quinton.

870. Do you think it advantageous to have a service composed of the particular classes you have named?—They are highly intelligent classes of men. You could not keep them out.

871. Are they deficient in any respects?—Certainly not.

Sir Charles Turner.

872. You say there was considerable agitation before the passing of the Statute of 1870. Would not that agitation be greatly increased if your scheme is adopted. Do you think it would be practicable under existing conditions to adopt your views?—It is not my business to give an opinion on that point. I only say what I think is right. Whether it be practicable or not is for others to consider.

873. Are you aware what is the object of the appointment of this Commission—to devise a scheme which may reasonably be hoped to possess the element of finality and to provide for the larger admission of Natives to the higher posts in the public service?—Yes.

Mr. Fitzpatrick.

874. Should any distinction of pay be made according as similar offices are held by members of different Services?—I think if a post is reserved for the Covenanted Service, it is not fair to give it to a man not in that service.

Mr. Stokes.

875. Do you think from your experience that cases may arise in which it would be advisable to pension an officer before his time; for instance, an officer who has two or three years' service yet to complete, and you find him to be inefficient but do not like to get rid of him in a way which would forfeit his pension?—I do not remember a case of that kind.

WITNESS IX.—22nd February 1887.

Examination of C. H. TAWNEY, Esq., M.A., Principal of the Presidency College, Calcutta.

Mr. Peacock.

876. You are, I believe, a member of the Educational Service?—Yes; I came out in 1864. I am now Principal of the Presidency College.

877. You have had considerable experience as a Professor?—My experience as a Professor has been entirely in Calcutta.

878. Will you tell us your experience with reference to the Statutory Service?—My knowledge is confined to the examinations. I was President of the Examination Committee when I was officiating as Director of Public Instruction. I know nothing about the working of the service.

879. Have you heard any opinion expressed as to whether it is satisfactory or not?—I have read the opinions given before the Commission.

880. As regards the Covenanted Service, do you think the present system is objected to, or that the Natives are placed by it under any unfair disadvantage?—The Natives of India are placed under the disadvantage of having to go to England to be examined. I am myself of opinion that the examination, as at present constituted, is not as unfavorable to them as appears to be generally supposed. For instance, 500 marks are assigned to Sanskrit and 600 to Greek. I have examined the Greek and the Sanskrit papers for 1874, 1875, 1876 and 1877. I find that the Greek papers are much more difficult than the Sanskrit papers. As the educational value of Greek is much greater than that of Sanskrit, I presume that the papers and the marks in these subjects have been so arranged with the deliberate object of giving an advantage to Natives of India. At any rate, it seems to me that such must be the result of the present arrangement. Against this must be set off the fact that Natives of India are compelled to write their answer papers in English, which is to them a foreign language. I find that in the examination in English certain books are selected by the candidates. These books could be got up by an Indian as easily as by an English candidate. From what I have seen of the papers set, I do not think that Indian students would be at a disadvantage in any branch of this subject; except, of course, composition. I see that at present Logic and Political Economy form part of the examination. This would probably give an advantage to candidates from India, as against boys from the English public schools. In Mathematics

Mr. Peacock—continued.

and Physics they would, of course, be on an equality with the natives of Europe. But I do not advocate the appointment of Natives of India to the Covenanted Civil Service by competition, as I consider that a competitive examination is no test of character.

881. Do you think there is any disadvantage with regard to the age limit?—I don't approve of appointing Natives by competition; but if they are to be so appointed, I think, in order to put them on an equality with Europeans, you would have to give them two years more than Europeans. The European may be under nineteen and the Native under twenty-one; but I don't think it possible to adjust the examination so as to make it suitable for Europeans and Natives at the same time, but if the attempt is to be made, I think the Natives should have the advantage in age.

882. Then how would you admit Natives into the Civil Service?—A certain number have been admitted already. If it is desirable to introduce more, I would select from the M.A.s of the local Universities: the fact of having passed the M.A. examination is a sufficient educational test.

883. Do you know personally any members of the Native Covenanted Service?—I know only two.

884. Do you think that under your system we should get, as a rule, better men than we have got?—No. The two I know are very superior men. I know very little of their work.

885. From what you hear, do you think that the objection against proceeding to England on account of religious and caste grounds is still very strong, or is it decreasing?—I think it is decreasing. But I would insist on a voyage to England after the men are chosen. I would force them to break with that prejudice of not going to England.

886. Should they go there for the purpose of training?—After they are appointed they must be subjected to the same training as the English candidates.

Mr. Ryland.

887. You say you would give the Native two years more as an advantage?—Yes. Then I should raise the marks for Greek from 600 to 800.

Vol. VI.
Sec. II.
Bengal.C. H.
Tawney,
Esq.

Vol. VI.
Sec. II.
Bengal.
C. H.
Tawney,
Esq.

Mr. Ryland—continued.

888. Would not that put Native boys at a still greater disadvantage?—I have before said that it would hardly be possible to set both Europeans and Natives on an equality.

889. Do you not think that Native boys arrive earlier at maturity? Yes, but their education is not so perfect.

890. If you raise the age to twenty-three, where would be the inequality?—The objection would be that men who come young into the country are less likely to be dissatisfied, and would more easily gain a colloquial knowledge of the Indian languages. I therefore select nineteen in preference to twenty-three. I hold that a man who gets dissatisfied with the country, and finds a difficulty in learning the languages, is not the better man.

891. Do you not think that raising the age to twenty-three would enable a man who had been through a University to compete?—Yes, of course, it would.

Mr. Nalkar.

892. You know Sanskrit, and you know the educational value of Sanskrit as compared to Greek?—I know a little Sanskrit. The papers in that language are very much easier than the examination in Greek. But you may make it more difficult. The educational value of Sanskrit is very much inferior to that of Greek.

893. Do you think Greek superior to Latin from an educational point of view?—I think Greek is superior, and I would raise Greek to the value of Latin. I prefer Greek as an educational instrument, but it is more difficult to learn.

894. Should not therefore the marks for Greek be higher than for Latin?—I should have no objection to it.

895. Are not Latin and Greek read together in Europe?—Yes.

896. So that those who take up both might get 1,400 marks for classical languages?—Yes.

897. Whereas a man who takes up Sanskrit would only secure a portion of 500 marks?—Yes, but I think he could secure the whole of them.

898. You would select the men out of the M.A. class. How would the Government know their qualifications?—In the same way as at present. There would be certificates of character. I would leave the selection from the M.A.s to Government. I presume the Government would endeavour to select the best men.

899. Competition is not a test of character?—It would secure the educational qualification. It does not test character.

900. Then why do you prefer selection from M.A.s?—You could test not only educational qualifications, but character and birth. I learn from *Reis and Rayet* that Natives attach great importance to birth.

The Hon'ble Mr. Quinton.

901. Up to what standard is Sanskrit taught in the Presidency College? Anything like the same standard as Greek at home?—The M.A. papers in Sanskrit are unquestionably more difficult than those set in the Civil Service examinations.

902. Do a large number of students take up Sanskrit here?—A very large number for the lower standards; very few for the M.A. degree.

The Hon'ble Mr. Justice Miller.

903. You would not raise the age for English candidates, because at the lower age they are less disgusted when they come out to this country, and learn the languages more readily. I suppose you know some Civilians who came out when the age was twenty-three and some when the age was lower. Did you find, as a rule, that the one class was less disgusted with the country than the other, and also that they learned the vernacular languages more readily?—It is a difficult question to answer. I know very little about the Native languages myself. I know one man who came out before 1864 and has learned the languages very well. The older you get, the more difficult it is to learn a language colloquially. I have had no opportunities of testing their knowledge of languages. Men who come out late, as far as I have observed, are always hankering to get back to England.

904. Greek in your opinion has a greater educational value than Sanskrit. Looking at their respective values from a service point of view, do you think Sanskrit is less useful?—I think Sanskrit would help a man to acquire a colloquial knowledge of Bengali and Hindi.

Sir Charles Turner.

905. You said you knew some men who came out to this country late in life and became disgusted with it?—I was thinking partly of men in the Civil Service, and partly of men in the Educational Service.

906. Can you tell when the men in the Civil Service were selected?—I think they were selected before 1864. I cannot say how long before.

907. Were they men who suffered from the excessive recruitment in 1862 and 1863?—I cannot say. I did not know that there was an excessive recruitment in these years.

908. Do you think there is a substantial difference in the intellectual capacity of a man at the age of twenty and at the age of twenty-three?—A most substantial difference.

909. Do you know any of the men who were appointed when the maximum age was twenty-three? Did more of them express disgust to you than of those who came out at twenty-one?—My opinion is only a

Sir Charles Turner—continued.

general opinion and grounded on what I have myself observed.

910. With regard to M.A.s, they pass at twenty-three or twenty-four?—M.A.s pass at twenty-three on a rough average of three years.

911. Then twenty-four would be a better maximum age than twenty-three, as far as the Indian student is concerned. At what time do you think we get the very best Indian student?—I think twenty-four would do as well as twenty-three; a clever boy sometimes passes before.

912. Comparing English boys at nineteen and twenty-three with Indian students nearly at those ages, can you tell me whether the inequality of which you have spoken would be greater at the later age or at the earlier?—It would depend upon what they studied. Taking a concrete case, there would not be much difference between nineteen and twenty-three; the papers in Latin and Greek would not be difficult enough for a man of twenty-three to show his ability.

913. Is it not a fact that since the maximum age was lowered, the standard of examination has been reduced?—It has been lowered compared to what it was when the maximum age was twenty-three.

914. Do you think the training in India of boys under nineteen is as good as that obtainable in England?—It is of a different kind.

915. Do you think an Indian boy in his home-life has as many advantages as an English boy. The advantage of being brought up in a home where matters of literature, history and politics are discussed daily by English people?—An English boy has certainly greater advantages; I mean educational advantages.

916. At nineteen an Indian boy passes from school to the college classes generally?—I would rather say seventeen.

917. He then receives instruction of a very superior quality to that which he received before?—Yes, when he joins a college.

918. He would make more rapid progress in education in those years than he would before?—Yes.

919. Therefore the later the age at which a Native boy presented himself at the competitive examination, the less would be the disproportion of his advantages as compared with those of an English boy?—I have before said you would have to give two years in favor of the Native.

920. Have you had any experience of English schools within the last twenty years?—I have to a certain extent watched the curriculum of Clifton College.

921. Is it not the fact that schools may be selected in England which, as regards the quality of the instruction they impart, are much in advance of schools in this country?—Of course.

922. Then, is there not force in the observation made by a witness that Eng-

Sir Charles Turner—continued.

lish boys and Native boys would compete on much fairer terms at a more advanced age. Would they not be brought together more by raising the age?—It is one of those speculative points on which I could scarcely make up my mind.

923. The Native boy makes more rapid progress between nineteen and twenty-two than an English boy does?—I should be inclined to think that is right.

924. Can you say how many Native boys would probably succeed at the age of nineteen if we had examinations in this country identical with those in England, all the candidates being placed in one list?—I cannot say.

Mr. Nulkar.

925. Do you know any Native Covenanted Civilian serving in these Provinces who has passed in England?—Yes, I know one who passed the competitive examination in England.

926. Is there any difference between him and his colleagues with regard to character and efficiency?—I have not seen his work, and if I did see it, I should probably not be in a position to say.

927. Then intellectually the European is not necessarily superior to the Native who has passed the competitive examination in England?—No; certainly not.

Sir Charles Turner.

928. You know several of the gentlemen who came out to the Educational Department having attained high honors at the Universities. At what age did they generally come out?—One came out about the age of twenty-seven; another at about thirty-two.

929. Have most of them come out between the ages of twenty-four and thirty?—It is a matter which could be ascertained from published statistics.

930. Have any of them expressed discontent?—Nearly all of them.

931. Is it due to the fact that the prospects of the Educational Department are not such as they expected?—I do not suppose they very closely scrutinised any written offers that were made to them; but I can say that they are almost all discontented with the country.

932. On what grounds?—I fancy they have got accustomed to English ways and habits of life and English methods of thought. My opinion is that you had better enlist English boys at the age of nineteen for the Civil Service.

933. For the Educational Department also?—No; you must enlist men who have taken honors.

934. Is not ascertained talent as much required in the Executive and Judicial departments of the administration as in the Educational?—The question seems to me to make an attempt at exposing a contradiction which does not exist.

Vol. VI.
Sec. II.
Bengal.
—
C. H.
Tawney,
Esq.

Sir Charles Turner—continued.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.
C. H.
Tawney,
Esq.

935. You say you prefer to take boys at nineteen, because they are less disgusted with the country; that the educational officers are all disgusted. You have said that disgust with the country renders a man less qualified to discharge his duties. I ask whether you would choose boys of nineteen for the Educational Department?—You must ascertain whether they possess the special knowledge required.

936. Then I ask whether you would not require a high standard of general knowledge for the Civil Service?—Certainly not. I think what you want to obtain for the Civil Service is general ability, and that you can give a special training afterwards.

937. Cannot you ascertain general ability better at twenty-three than at nineteen?—No.

938. Would you make any distinction in the pay of particular offices, as those offices are held by officers of different Services. Take the case of a District Judgeship on Rs. 2,000 a month. The District Judge of the 24-Pergunnahs is a Covenanted officer; the District Judge of Nuddea a Statutory Civilian; and the District Judge of Hughli an Uncovenanted servant. Would you put them all on the same pay, or would you pay the Statutory Civilian and the Uncovenanted servant less than the Covenanted officer?—I know nothing about District Judges. The rule of two-thirds pay for Native officers has not worked well in our Department: I would therefore give the same initial pay to Natives as to Europeans in the Higher Educational Service.

WITNESS X.—22nd February 1887.

Examination of the Hon'ble KALINATH MITTER, Member of the Bengal Legislative Council, and Attorney, High Court, Calcutta.

The President.

Mr. White.

939. When were you enrolled?—In 1868.

940. Do you know whether the Statutory Service is approved in this part of the country?—No, it is not approved. The selections have not been happy, and they do not commend themselves to the people.

941. Do you think any alteration in the Statute is necessary?—I think the Statute an excellent one, and no alteration in it is necessary.

942. Do you think any alteration in the rules necessary?—In my opinion the rules are not at all in accordance with the spirit of the Statute.

943. In what respect are they unsatisfactory?—The Statute contemplates persons of proved ability and merit being appointed under it, whereas, under the rules, young men of twenty-five years of age are appointed without reference to the fact of proved merit and ability.

944. Then I suppose you would amend the rules?—Yes, restricting the appointment to persons of proved merit and ability in the service of Government or in some profession.

945. Have you considered the definition of the term "Natives of India"?—No, I have not.

946. Would you include the Natives of Feudatory States in the term?—I would include all persons who are resident and domiciled in India.

947. Would you restrict the operation of the rules to deserving men of the Uncovenanted Service and distinguished practitioners at the Bar and other professions?—Yes.

948. Would you compel selected candidates to go to England for training?—Certainly not.

949. Would you encourage them to go?—I would leave it optional with them to go or not. I would regulate the system of training so as to ensure that the successful candidates have a practical knowledge of the work which they have to perform; and I would do this by requiring them either to have practised at the Bar or to have worked under Attorneys or Vakils for a certain number of years; I would then give them an appointment. I would not give it to them until they had passed an examination.

950. If I understand your meaning aright, you would restrict the operation of the rules to deserving men of the Uncovenanted Service and distinguished practitioners at the Bar. But are you aware that only one-sixth of the whole number of appointments reserved by Statute to the Civil Service is allotted to the Statutory Service?—No, I am not.

951. Do you think it a sufficient proportion?—I have not considered the question.

The President.

952. Are you aware of any feeling of dissatisfaction with the recruitment of the Covenanted Service?—Yes, there is a considerable feeling of dissatisfaction with regard to the system of recruitment. It is considered that in many respects it places Natives of India at a disadvantage. The chief objections are—firstly, young boys are sent away unprotected to a distant land where the manners and customs are different, this is a serious objection; then the caste system prevails to a very large extent and deters some from proceeding to England; and thirdly, many are kept away by the risk of failure.

953. Can you suggest anything which would remedy these defects?—My opinion is that there should be simultaneous examinations in India and in England, according to the results of which successful candidates should be selected. The examinations should be identical. I would not have one Service for the whole of India, but successful candidates should be appointed to their own Presidencies and Provinces. I object to young men being compelled to go to England for their training. No doubt a training in England is a decided advantage, and to Europeans suitable, and in the case of Hindus desirable; but it is to a great extent impracticable. It seems to me that the appointments should be made in the way I have indicated, so that a Bengali might not be sent away to a place where there are numbers of Mahomedans, or to the Punjab. But there would be no objection to his appointment to Orissa.

954. Would you hold the examination at one centre in India, or would you have more than one centre?—I think it would be sufficient to have one centre.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Kalinath
Mitter.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
Kalinath
Mitter.

955. How would you prepare your lists?—I would prepare a list of successful candidates for Madras, Bombay, Bengal and the North-Western Provinces.

956. Would you have different examinations?—No, only one examination, the subjects being precisely the same.

957. Would the candidates compete on their merits, or would you have qualifying minimum marks?—I would have a qualifying minimum. I do not advocate having one general competition amongst all the different nationalities in India.

958. Would you allot a certain proportion of appointments to the several Presidencies?—Yes.

959. Would you admit to these examinations all Her Majesty's subjects?—Yes.

Mr. Stewart.

960. How would you arrange the candidates who are not resident in the Presidencies?—If they come up from the neighbourhood of Bengal, I would class them in that Presidency, and so on.

961. Suppose they come from England, Scotland, Canada or elsewhere?—I suppose they would pass their examination in England.

962. With regard to executive posts, what technical training would you propose for these posts?—That is a difficult question to answer. I would reserve most of the executive posts for Europeans; of course I would reserve a certain percentage for Natives, and gradually extend that percentage if the system worked well.

963. I am speaking of executive appointments—District Magistracies and so on?—But there are certain other appointments which have to be filled up, such as those of Judges, Joint-Magistrates, Deputy Collectors and Sub-Deputies. I would not recommend that all these should be thrown open at once to everybody, but would gradually extend the employment of Natives.

964. If Natives went to England to pass, would you allow them to enter these reserved appointments?—Yes.

965. As regards these passing in this country, would you impose any restrictions at first?—Yes.

The President.

966. You have spoken of the disadvantages under which Natives labor. Can you suggest any remedies to meet these objections?—I would increase the limit of age to twenty-two or twenty-three, as I think this a fair age at which men can be expected to compete upon equal terms.

967. Would you compel selected candidates to go to England for training?—I would not, I would leave it optional; but those who went to England would be eligible for executive appointments.

The President—continued.

968. The examination you propose in India is only for admission to the Judicial branch?—For all appointments.

969. How low would you carry it?—I would not include Sub-Deputies or Tahsildarships.

The Hon'ble Mr. Quinton.

970. You said that you would reserve the majority of executive appointments for Europeans?—Yes, in the first instance.

971. Will you state why you think it necessary to have a majority of Europeans?—My reason is, that we have not tried the Natives of this country in executive appointments, and we have no experience of them. We have experience of European officers, and I would not therefore at once alter that system and bring in persons who had not hitherto been trained to fill them.

Mr. White.

972. Assuming that the majority of these appointments would be filled by Europeans, what would you think of filling the remainder by carefully selecting men from the best Uncovenanted executive officers?—I have said that in the Statutory Service men of proved merit and ability should be selected. One of the classes from which such men should be selected is the Uncovenanted Service.

973. Turning to the Uncovenanted Service, including the subordinate executive and judicial branches, how would you recruit this service?—I would restrict it to Natives and to persons domiciled and resident in this country.

974. That is, speaking generally, Natives as described in the Statute?—Yes.

The President.

975. Would you recruit the Uncovenanted Service by competition or nomination, or by combination of both those systems?—By competition purely.

976. You know the present system of recruiting?—I am not thoroughly acquainted with it.

977. It is by nomination, certain educational or other qualifications being required for certain appointments. Have you heard any complaints regarding the present mode of recruitment?—Very serious complaints.

978. How would you recruit the Subordinate Judicial and Executive Services?—Also by open competition.

979. Absolutely open competition?—Yes.

980. Provincial or general?—I should say provincial.

Mr. Fitzpatrick.

981. Do the Natives of this country attach great importance to official positions being held by men of high rank?—Yes, there is such a feeling.

982. Do you think that that is a right feeling?—It is a real feeling.

983. Is there not the risk that if you have an absolutely open competition, men of very low social position or caste would enter for whom the people would have no respect?—I think that, on the whole, a system of competition would be infinitely better than the system of nomination. If there is to be nomination it must be left to somebody to nominate. Favoritism must be suspected, and owing to the apprehension of it, nomination will not be popular. No doubt under a system of open competition persons of low caste may come in; but I suppose that when an examination takes place, persons will have to produce certificates that they are persons of some respectability.

984. Could you ask for a certificate of respectability?—I think that a certificate of moral character would be all that would be required.

985. Suppose a man of the sweeper caste came in?—I believe that persons of very low origin have proved excellent officers.

986. Even with such drawbacks you would have an open competition?—Yes.

987. I am not asking you whether you prefer pure nomination to pure competition, but I am asking you whether you would not prefer a modified competition amongst a number of selected persons to competition pure and simple. Would not the Service be thereby safeguarded against favoritism?—In one sense there would be a safeguard, but in another sense a very large number would be kept out. Therefore my opinion is that, on the whole, the Government would gain more by having an open competition than by one of a restricted character. You might say that Brahmans and Kyasts only will be eligible for these examinations; but there are, we know, deserving men amongst other classes who have fallen from high positions, and men for whom we have the highest respect. In that case they would be excluded.

988. Besides respect, there is another consideration to which I would draw your attention—that of loyalty. If you have an open competition, might you not have men getting in who write those very rabid attacks upon the Government in the Native newspapers?—I think the moment they were placed in good positions they would improve. I think these attacks proceed from ignorance or from men not knowing all the circumstances of the case. It is almost a truism; but it has been seen that, as a

Mr. Fitzpatrick—continued.

nation, all classes in India are fond of the English rule, and that they do not wish that rule to be subverted. Their contentions are with the individual acts of the Government. But as to British supremacy, I do not know that there is a single instance of a man who would like to see it subverted.

989. Are not the majority of graduates members of respectable castes?—Yes, to a very large extent.

990. Low class men, sweepers and others, form an almost infinitesimal proportion?—Yes.

991. Probably there is not a man of the sweeper class amongst graduates?—No.

992. And Kalals and Chamars?—I am not aware of a single graduate of either of those castes.

993. Under any circumstances, would it be justifiable to adopt any system which would prevent these men from coming in?—Individually I would not have restrictions placed upon these persons; I think there would be a danger of preventing a large number of persons, who are otherwise deserving, from entering the service of Government.

994. By excluding them?—Yes, that is my view.

The President.

995. Have you anything to say in regard to the pay and furlough rules?—I have had no time to study these rules. In my opinion there should be no distinction made in the pay of any appointments, whether held by Natives or Europeans.

996. I suppose you are aware that very large numbers of Native gentlemen are in favor of what is called the two-thirds rule, because they think it would tend to the appointment of a larger number of Natives. Don't you think upon that ground there is something to be said in favor of that rule?—No doubt there would be a saving in one sense, but a sacrifice in another; but the moment there is a distinction in pay, there is a distinction in position. If a European officer held a District Magistracy on Rs. 2,500 and a Hindu officer held the same post on two-thirds of the pay, he would be looked upon as holding an inferior position.

997. You are aware that the pay of district officers is graded, and you don't suppose that such an officer drawing Rs. 800 is looked upon as inferior to another drawing Rs. 1,000?—That is quite a different thing, and would depend upon his standing: there would therefore be no complaint in that case.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
Kabinath
Mitter.

WITNESS XI.—22nd February 1887.

Examination of BRIJONATH DE, Esq., c.s., Joint-Magistrate, Hughli.

Mr. Peacock.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.Brijonath
De, Esq.

998. You are a member of the Covenanted Civil Service?—Yes, I entered the service in 1875.

999. You are now a Joint-Magistrate of Hughli?—Yes. I am a Native of Bengal, but I was educated in the Canning College at Lucknow, and I was in England three years. I went to England in September 1872, and passed the Indian Civil Service examination in April 1873. I was 17th in a list of 35. I was then 21. I am an M.A. of the Calcutta University, and took my degree in English literature. I know Sanskrit, but did not take it up for my degree. I was Boden scholar of the Oxford University.

1000. Do you know what marks you then got in Sanskrit?—260 out of 625.

1001. Is the Statutory Service approved?—It is not approved at all.

1002. Will you explain on what grounds it is disapproved?—I have classified the grounds under different categories. It is supposed, correctly I think, that the separation of the Services indicates that the Government believes that Natives of India are not fully competent to enter the Civil Service. Moreover, the Government is assumed to have a certain amount of disinclination to admit Natives of India into the Covenanted Service. The Natives of India having arrived at these conclusions, feel a galling sense of inferiority at not being allowed to enter the Covenanted Service, and being relegated to a subordinate Service. These two objections go to the very root of the question.

Then, again, the position of the Service is somewhat vague and undefined, and the pay also is very low. To use a homely expression, the members of the Service are considered to be neither fish, fowl, nor good red herring. They are looked upon as being in status very far below members of the Covenanted Service, and it is not quite certain whether they are in any way superior to Deputy Magistrates. As a matter of fact, there are some Deputy Magistrates who are much abler men than some of the Statutory Civil Servants.

Another ground of dissatisfaction is that the nominations which were first made to the Service were extremely injudicious, and although a great improvement has taken place in this respect, and latterly men of ability and intelligence have been appointed, yet it is not certain that this will continue,

and that the old system of patronage and nomination will not be reverted to.

I think that the Statute should be repealed altogether, and that Natives of India will be perfectly satisfied if they are allowed to compete with English candidates for entrance into the Covenanted Civil Service on terms of equality. What I, and those whom I think I have the honor of representing to a certain extent, namely, the educated and advanced members of the middle classes, ask for is only a fair field and no favor. We do not ask for any special facilities for entering the Covenanted Civil Service; we only claim to be placed on the same footing in this respect as English candidates.

1003. How far do you share in the objections made?—I fully agree with all.

1004. Can you suggest anything which would remedy the defects you allude to?—I would do away with the service altogether, but on the supposition that it is not done away with, I would suggest that the appointments be made by competition, pure and simple, and that the only preliminary qualifications required be those of good moral character, physical fitness and ability to perform the duties of the appointment, and that the age limit be twenty-two or twenty-three.

1005. Would you abolish the Statute?—If Natives of India have greater facilities afforded of entering the Covenanted Service, then there would be no necessity for retaining the Statutory Service.

1006. If the Service is retained, would you insist on selected candidates being compelled to go to England?—I would encourage them, but not force them to go. I wish it to be distinctly understood that I advocate its being done away with.

Mr. Fitzpatrick.

1007. Do you think that young men selected by competition in this country would have a claim to be appointed to the Statutory Service which would at all admit of comparison with the claims of the more distinguished Uncovenanted officers. Do you not think that the most distinguished men of the Uncovenanted Service would have a superior claim?—At present the claims of the Uncovenanted officers are superior, but under a system of competitive examinations for each service, such as I advocate, this superiority would cease.

Mr. Fitzpatrick—continued.

1008. Assuming that the present Statutory system continues, would it not be best to fill up the appointments from meritorious officers of the Uncovenanted Service?—No doubt it would if you could guard against favoritism.

1009. May we not presume that the Local Government would select men for important positions, not on the opinion of one single Magistrate or Judge, but on the opinion of several Magistrates or Judges under whom they had served?—Perhaps it would be so.

Mr. White.

1010. Was it not the intention of the framers of the Act of 1870 that exceptional merit should be rewarded?—That might have been the intention, but it has not been carried out.

1011. Is it not the fact that the omission to carry out that intention has resulted in a considerable amount of dissatisfaction amongst meritorious officers?—Yes, certainly. They say their claims have been entirely overlooked.

Mr. Ryland.

1012. Would not the Uncovenanted Service recruited by competition such as you advocate afford the best field for the selection of proved merit and ability?—It would. But if with a choice of three services a man deliberately enters the Uncovenanted Service, he has no right afterwards to say that he has just as good a claim to enter the Covenanted Service as others: he has made his choice. If a man thought he was fit for the Covenanted Service he would try for it.

1013. Would a competitive examination prove as much as a long course of distinguished and approved service under Government?—It is held in all countries now that the best way to get men of the best character and education is by a competitive examination. Taking the advantages and disadvantages, it is certainly the best way of securing the best men.

Mr. Ramaswami Mudaliyar.

1014. Is there any country in which the members of the Judicial Service are selected by competitive examination?—No.

1015. But it is so in the Covenanted Service?—It is said that the Subordinate Judges are better Civil Judges than the District Judges. That is because District Judges have not sufficient training in judicial work. That deficiency would be easily obviated by giving them a certain amount of training in civil work before appointing them District Judges. A few years ago Assistant Magistrates were vested with the powers of Munsifs, but that practice has fallen into disuse. It might be easily done again.

Mr. Peacock.

1016. You said that one objection to the Statutory Service was, that it was looked upon as a device for keeping Natives out of the Covenanted Service. What has given rise to that idea? Is not the service just as open to Natives now as it ever was?—The idea is founded on a despatch of Lord Lytton to the Secretary of State at the time these rules were issued.

1017. But as a matter of fact there has been no change, notwithstanding the constitution of the Statutory Service. On what ground do you say the Government intended to keep Natives out of the Covenanted Service?—It was thought that if they got appointments here, Natives would not try to enter the Covenanted Service.

The President.

1018. Were the rules and the publication of the despatch connected together?—Yes, I think that was one of the reasons which gave rise to the idea that it was deliberately intended to exclude Natives from the Covenanted Service.

1019. When you went to England, did you go with the express object of competing for the Covenanted Service?—I went with that express object. I am also a member of the Bar. I entered the Middle Temple, so that in case I failed to enter the service I might have a profession.

The Hon'ble Mr. Quinton.

1020. Did you not receive a scholarship from the Canning College?—Yes, it was tenable in England, but only for six months.

Mr. Peacock.

1021. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service?—There is a great deal of dissatisfaction which is owing to the fact that the door of entrance into that Service is all but closed to Natives of India.

1022. Should any, and if any what, change be made in that system?—If it be thought necessary and practicable to remove the causes of dissatisfaction altogether, and to satisfy the just aspiration of the Natives of the country, then simultaneous examinations should be held in England and India. But if this should be considered too radical a measure, I would advocate the raising of the present age limit to twenty-three and the placing of Arabic and Sanskrit on the same footing as to marks with Latin and Greek.

1023. Do Natives of India labor under any, and if any what, disadvantages in competing for employment in this branch of the service?—Natives of India labor under very great disadvantages. There is the difficulty and expense of going to England to compete for the Civil Service with the

Vol. VI.
Sec. II.
Bengal.
Brijonath
Esq.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
Brijonath
De, Esq.

risk of not passing which renders the difficulty and expense at least tenfold what it would otherwise be. I believe that there is also to a certain extent the religious difficulty; but among the classes with which I am connected this difficulty is of very minor importance now, and will be of no importance at all in a few years. I am also of opinion that this difficulty should not be taken into account, and that no sort of encouragement should be given to it. It is necessary that every one who aspires to become a member of this service should have independence of character and breadth of views, and should be entirely free from superstitious views and feelings. It would be different, of course, if any one who was sufficiently well educated to have any chance of entering the Covenanted Civil Service should sincerely believe that he would render himself liable to any spiritual danger or evil by crossing the seas and going to England; but, as far as I am aware, this is not the case.

1024. By what changes may those disadvantages be minimised or removed?—The disadvantages would be altogether removed by holding simultaneous examinations in India and England, and, if this is done, nothing else would be necessary, though of course, in the interests of justice, Sanskrit and Arabic should be placed on the same footing as Latin and Greek.

1025. Would you recommend the establishment of scholarships and allowance of passage-money to Native candidates?—No simultaneous examinations cannot be held in England and India. In that case something of this kind may be done to facilitate the entrance of Natives of India into the Civil Service. The matter, however, is not free from difficulties. There is no guarantee that those who receive the scholarships would pass the examination, or would even spend their time to the best advantage. Of course those who misbehave themselves would be dealt with by being deprived of their scholarships; but there may be many who would not do anything specially good without at the same time rendering themselves liable to the forfeiture of their scholarships. The difficulty would, to a great extent, be removed, if the maximum limit of age were raised to twenty-three. If that is done, men may be selected for these scholarships who would have received a sufficiently high education in this country, and whose characters would have been already sufficiently formed to make it very improbable that they would waste their own time and the public money. If, however, the present low age be retained, then I would object to the granting of scholarships, for there is no guarantee that young men of seventeen or eighteen would be able to appreciate their responsibilities. Nothing else would be required if simultaneous

Mr. Peacock—continued.

examinations are held in England and India, and, as between English and Indian candidates, there would be no difference, whether the maximum age remained what it is now or was raised to twenty-three. It would, however, be necessary to raise the age to twenty-three to raise the attainments and qualifications of the members of the Service generally.

1026. If an examination is held in India, should it be identical with that held in England? Would you have one or more centres of examination in India?—Yes. I think the examination in India should be held at four centres: Calcutta, Bombay, Madras and Allahabad, but I think Agra would be a better centre than Allahabad.

1027. Suppose a *civâ roce* test formed a part of examination, would the candidates be placed on an equal footing if the examiners were different?—The examiners here might be told what the general tenor of the examination was to be; there might be a slight difference in the way of putting the questions, but the general tenor would then be the same.

1028. Should the candidates in England and in India compete with one another and be selected in order of merit, or should a certain number of appointments be apportioned for competition to the candidates at the respective examinations?—I think the candidates in England and India should compete with one another and be selected in order of merit. No apportionment of appointments should be made amongst candidates at certain centres, or amongst the residents of any particular Province, or the members of any particular religious sect. I think that in selecting candidates for any particular service the first and most important thing to consider is how to get the best men, and not how to advance the interests of any particular class or section of the community. As regards helping backward sections of the community, that should be done by providing them with facilities for education; but the public service should not be sacrificed or injured by any sentimental considerations about fostering their growing talents and energies.

1029. If an examination is held in India, should the successful candidates be required, as a condition obligatory, to proceed to England to complete their training?—Candidates who pass the open competition in India should be compelled to go to England to complete their training. To go to England after passing the open competition here and to go before passing at all and with the risk of failing in it, are two very different things. I do not think that any of those who would pass the examination in India would be deterred by any considerations from going to England if required to do so.

Mr. Fitzpatrick.

1030. You advocate placing Sanskrit and Arabic on the same footing as Latin and Greek. Do you make that proposal merely on the ground that it would tend to the admission of a larger number of Natives, or on the ground that Sanskrit and Arabic are as good educational tests as Latin and Greek?—The first reason is, that Natives should have the same chance as English candidates; and secondly, I do not see why if Sanskrit and Arabic are properly taught, they should have less educational value than Latin and Greek.

1031. How do the men who go to England from India usually behave? Are they studious, or do they generally get into dissipated habits?—They generally get into dissipated habits. I find that those from Calcutta generally get into bad habits, but the men from Eastern Bengal (Dacca and Bikrampore) are very different: they are very studious.

1032. If you did not attempt to apportion the appointments between the successful candidates at these separate examinations in England and India, would not the result be that an immense number of appointments (leaving out Madras and Bombay) in Upper India would fall to Bengalis, and you would have to send them into the North-Western Provinces and the Punjab?—For a few years it may be so.

1033. Do you see any objection to that?—I have been for seven years in Behar and I did not find that the people there objected to my being their officer simply because I was a Bengali, and I do not think Bengalis would be objected to by the people of other Provinces.

The President.

1034. Suppose the majority of the appointments for ten years were filled by Bengalis, do you think the people in Behar would be satisfied?—Nearly all the Deputy Magistrates in Behar are Bengalis. Only three Behari men are Deputy Magistrates.

Mr. Ramaswami Mudaliyar.

1035. If the age is raised to twenty-three and identical examinations are held in England and in India, the standard being also raised, how many Bengalis do you think would, on the average, be successful?—Bengalis would probably get one-fifth of the whole number. That is my opinion, but it is entirely a guess.

1036. What was the age limit when you passed?—Twenty-one.

1037. Are you the only Native of your year?—I was the only one who passed. There were ten or eleven Natives of different Provinces as candidates: three from Bombay, one from Madras, and one from Assam. The young man from Assam came out as a Cooper's Hill man, and most of the others as Barristers.

Mr. Ramaswami Mudaliyar—contd.

1038. Do you find any social or official difficulties from having been to England?—I find no difficulty in official matters, but very considerable difficulties in social matters.

1039. Are Natives who go to England readily received back into their castes?—In Bengal people do not generally attempt to get back into their caste. It entirely depends upon where they come from. In Calcutta there is no difficulty whatever among Kyasts and educated people. There has been a difficulty among other castes and people not advanced in education. In other districts there is great difficulty. Men who come from Burdwan and Beerbhoom are not readily re-admitted. There are also peculiarities in the men; some are not so anxious to get back into caste as others.

1040. Taking them as a class, do they find it difficult to form marriage alliances with the people to whose caste they belong?—It depends upon the life they have adopted. If they have become entirely anglicised there is some difficulty. If not, there is considerable difficulty in marrying into very orthodox families. But the number of such families in Calcutta and its neighbourhood is very small.

1041. I presume there would be do difficulty in their marrying into castes which are sufficiently advanced?—There are many families which are sufficiently advanced to make no objection.

Mr. Ryland.

1042. Do you know of any instance in which Natives who have been to England and failed to get into the service have come out and succeeded better than if they had done so?—Yes, there are many who have done well, but not all of them.

Mr. Nulkar.

1043. Are there not some who have returned to India without entering into any other profession?—There may be some, but very few.

1044. Have you been received back into your caste?—I have not tried. But I have been received by my family into all the intimate relations of family life except as to one or two points.

The Hon'ble Kazi Shahabuddin,
Khán Bahádur.

1045. You spoke of Arabic being put on the same footing as the European classics. Do you not think Persian would be more useful?—Theoretically, Arabic has a higher value, but for practical purposes both are equally useless as far as Bengal is concerned.

1046. Do you know that Urdu is spoken by all good families who are half Persians? Would not Persian be more useful than Arabic?—The open competition is intended

Vol. VI.
Sec. II.
Bengal.
Brijonath
De, Esq.

The Hon'ble Kazi Shahabuddin, Khán
Bábádúr—continued.

Vol VI.
Soc. II.
Bengal.
Brijonath
De, Esq.

more for testing a liberal education, and in that respect Arabic would be better than Persian. But from the point of view you take, if a man knew Arabic, Persian would be easier to him than otherwise.

1047. You said that mere sentiment ought not to guide the selection or appointment of men. Do you think that those who advocate limited competition or selection are guided by sentiment or by political considerations?—I said I thought that in selecting candidates for any particular service, the first consideration should be how to get the best men; the public service should not be sacrificed or injured by any sentimental considerations regarding the fostering of growing talents and energies.

1048. Considering the different state of education in different Provinces, some being backward and others more advanced, and considering the different interests involved, do you not think importance should be given to political considerations?—I say you should improve their educational means, and let them in course of time enter the service. I should not damage the service by introducing half-educated men into it. I should have the best men we could get. Take, for instance, the Statutory Service; at first, only men of high families were appointed, but it was subsequently found that the only means of getting good men was by open competition.

1049. Then fitness which is tested by open competition is the only standard you advocate for the selection of officers in all Provinces?—Yes, not only for the Provinces of India, but for all countries.

The Hon'ble Mr. Quinton.

1050. Have you found or do you anticipate having any difficulty in obtaining suitable matches for your children?—I do not think there will be any difficulty. One of my brothers was married after I returned from England: although objections were raised, there was no difficulty.

Mr. Peacock.

1051. Should the Uncovenanted Service be recruited only from Natives of India as described in Statute 33 Vic., Cap. 3, section 6. or from all natural-born subjects of Her Majesty?—I have no objection to the recruitment of the Uncovenanted Service from all natural-born subjects of Her Majesty on the distinct proviso that no special favor be shown to any particular community, and that all branches of the Uncovenanted Service be equally accessible to all sections of Her Majesty's natural-born subjects. Let the tests be made as hard as may be considered necessary; let there be tests to ascertain the physical and moral qualities of candidates; tests to judge whether they possess physical and moral strength, endur-

Mr. Peacock—continued.

ance and fortitude; but when you have done this, let all branches of the Uncovenanted Service be opened to all classes of Her Majesty's natural-born subjects. But if it be considered necessary for political reasons, or on the assumption that Natives of India are incompetent on account of being wanting in physical or moral strength and in stamina, to exclude Natives of India from certain classes of appointments, then all natural-born subjects of the Queen, other than those who are included in the definition given in Statute 33 Vic., Cap. 3, should be excluded from such appointments as are now reserved for this latter class. Let me illustrate my meaning. Up to the present time very few Natives of India have been appointed to the higher branches of the Police department or of the Opium department. With regard to the former, it is alleged that Natives of India do not possess the required strength of body and mind; in other words, they are said not to possess the faculty of being able to command. As regards the Opium department, I do not know what the particular objection is; but, for some reason or other, this branch of the public service is also all but closed to Natives of India. If they are to remain so, then the Uncovenanted judicial service for which Natives of India have shown special and remarkable aptitude, and also the Uncovenanted executive service, in which they have done very fairly, should be specially reserved for them. On the other hand—and this is what I would urge—if all branches of the public service, including the Opium and the Police departments, be open to the Natives of India, then the Subordinate Executive and Judicial Services may likewise be open to all sections of Her Majesty's natural-born subjects. As I have already said, let the tests be made as hard and difficult as necessary, and let every precaution be taken that the best men, considered from every point view, are selected, but do not let the nationality or creed or color of any particular man be construed into a disqualification.

1052. What should be the system of recruitment for Munsifs and Subordinate Judges?—The recruitment of the Judicial Service should remain as it is now.

The Hon'ble Mr. Quinton.

1053. Why would you have the Executive Service recruited by open competition and the Judicial Service by selection from a limited area?—For the Judicial Service you have a class of men who make fairly good officers. But with regard to the Executive Service, unless you take M.A.s and make a selection, there is no other satisfactory way except by or competitive examination.

1054. You think that as an agency of selection the High Court is superior to the

The Hon'ble Mr. Quinton—continued.

Local Government?—It is now admitted by the Local Government that the men who were selected for the Executive Service are not the best that could have been obtained, and they have now resorted to open competition.

The Hon'ble Mr. Justice Mitter.

1055. The High Court has the best means of making selections because they do not select without the test of experience?—Yes.

Mr. Peacock.

1056. Whatever system be adopted, should the recruitment be made by the several Administrations only from persons resident in the territories under such Administrations respectively, or with a preference for such residents?—It is possible to look at this matter from two different stand-points, and consequently to give two different replies to it. If the efficiency of the service alone is the principal object aimed at, then the appointments should be made entirely by open competition, and should not be confined to the residents of a Province, nor should any preference be shown to them over others. On the other hand, if it is thought desirable to encourage the rising men of a backward Province, then the opposite course should be followed. Personally I am in favor of perfectly open competition. It has occurred to me very often that the solicitude shown to benefit a particular class at the expense of others has its root in a desire to benefit a particular individual who may have ingratiated himself in some way or other with, and oftener still in a desire to injure a particular class who may have become the subject of the displeasure of, the person who has the power of giving the appointments away. I think a great deal too much is made of the dislike which inhabitants of one Province are said to feel at being placed under the administration of officers who belong to another Province. I think people look more generally to the personal qualities of a particular officer than to his nationality or place of birth, and provided a man does his duty rightly or conscientiously, and is kind and considerate to those with whom he comes into contact, it makes very little difference whether he belongs to the Province where he is employed or to any other. I think I can say this with some little authority, because some of my school and the whole of my college years were passed in Lucknow, and nearly seven years of my service in Behar. I invariably found that men who did their work conscientiously, and were kind and accessible, were liked and appreciated, while those who were rude and overbearing were disliked, and it did not matter in the least whether they belonged to one Province or to another.

Mr. Peacock—continued.

1057. If the existing Statutory Service is abolished, should the proportion of offices assigned to that service be allotted to the Uncovenanted Service?—I think that they should be assigned to the Uncovenanted Service for a few years, *i.e.*, till the system of simultaneous examinations shall have been in force for about ten years, after which they should be re-transferred to the Covenanted Service.

1058. Why would you allow this interval of ten years?—During that time men will pass into the Uncovenanted Service who have deliberately selected that branch of the service, and so would not have the chance of saying that they had no option. If they tried they might have entered the Covenanted Service by competition. If they did not, it would be their own fault.

The President.

1059. I think you mean that it would enable the Government to provide for men now whom they would have no opportunity of providing for afterwards?—Yes.

Sir Charles Turner.

1060. Do you think that the Government or the High Court has the better opportunity of forming an opinion of the character of the persons whom they select?—I do not say that every selection which has been made by the Court has been good, but the generality of selections have been very good.

1061. How could you guard against the possibility of bad selections?—I do not think there is any method of guarding against such errors.

1062. Do you know of any instance in which a man whose character or reputation has been notoriously bad has been appointed?—I have heard of appointments having been made which have not been approved by the public.

1063. Do you think a Board might be constituted to advise the Government in such cases?—That would be one way, but open competition would be better. Candidates are required to produce certificates of good moral character from respectable men.

1064. Is there any reluctance on the part of Native officials to bring to the notice of their superiors misconduct on the part of other officials?—If that particular officer is a favorite of the higher authorities then there is a reluctance, otherwise not.

1065. Is there any similar reluctance on the part of the public to complain against a man who is guilty of malpractices?—They do not come forward readily unless the man is known to be not liked by his superiors.

1066. Owing to that, does it not happen that the appointing authority is occasionally misled?—Yes; but would there be any

Vol. VI.
Sec. II.
Bengal.
Brijonath
De, Esq.

Sir Charles Turner—continued.

The Hon'ble Mr. Quinton—continued.

Vol. VI.
Sec. II.
Bengal.

Brijonath
De, Esq.

better guarantee if a Board were to advise the Government?

1067. Would it be possible, if there was a Board to advise the Government, to obtain fairly accurate information respecting the character of a candidate for office?—Sometimes they might not be willing to say anything against a particular nomination, or they might be misinformed.

1068. What do you think of the work of the second and third class Magistrates?—Some of them who are not well educated have not done satisfactorily. Others who are well educated do their work well.

1069. Is there any complaint on the part of the public that their cases are not disposed of with sufficient promptitude?—There is a quarterly report made to the High Court, and they call for explanations.

1070. Have second and third class Magistrates any duties which require them to go round their sub-divisions?—If they had any particular work to do they would go; and if they are in charge of sub-divisions, they would occasionally go out in the cold weather.

1071. Does that cause inconvenience to the administration of criminal justice?—If an officer goes to out-of-the-way places, or if he is particularly fond of *shikar* and goes into jungly parts, then there is discontent. But second and third class Magistrates do not care much about *shikar*.

1072. Have you heard complaints about first class Magistrates with higher powers?—As a matter of fact, District Magistrates try very few cases. There was a complaint about me once. I had gone out with my camp to an out-of-the-way place, and I was told I should not have taken my cases with me.

The Hon'ble Mr. Quinton.

1073. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service according as the posts are held by members of that branch of the service, or by members of the Statutory or Uncovenanted branches?—Yes; the pay of an appointment when it is held by a member of the Statutory or the Uncovenanted Service should be three-fourths of what it would be if held by a member of the Covenanted Service. It might even be two-thirds, or 64 per cent. as it is now; but I do not think that this reduced scale of pay should be adopted till a man's pay has risen to Rs. 700 a month. Before that, the same pay should be given to men of the two classes holding similar appointments, because I think the pay now given to men of the Statutory Service is not sufficient to enable them to live in the proper style. After Rs. 700 has been reached, however, I think that even the men who pass in the simultaneous examination in India should get a smaller salary than those who pass in England.

I have arrived at this conclusion after considerable hesitation, and I do not make such a proposal because the men who would pass in India would be in any way inferior to those who would pass in England, or would do less or less valuable work. I make the proposal simply in the interests of the tax-payers. We all know that India has an enormously expensive administration, and I do not know how the expenses of the administration can be reduced if the salaries now drawn by men high up in the Civil Service are to be drawn by Natives of India who may enter the service on easier terms. I do not think that such a proposal will be liked by the majority of my countrymen, and it may be construed as constituting a very invidious distinction; but I have thought it necessary, in the interests of this country, to make it. I would accordingly propose that men belonging to the Uncovenanted or Statutory Services who may hold appointments hitherto held by members of the Covenanted Civil Service which carry with them a salary of Rs. 700 or upwards, should get 64 per cent. of the salary now paid to members of the Covenanted Civil Service holding the same appointments; and members of the Covenanted Civil Service who may pass into it by successful competition at an examination held in India should get, after their salaries had risen to Rs. 700, only three-fourths of what the other members of the Service who enter into it by passing the English examination will get.

1074. Should any distinction be made in the furlough rules applicable to the Statutory and Uncovenanted branches of the Service according to the nationality of the officer, or on any other, and what ground?—I do not quite understand the drift of this question. If the Statutory and Uncovenanted Services are maintained on their present lines, then, as far as I am aware, there is no reason why any distinction should be made in the furlough rules according to the nationality of the members of the services. I do not, however, know whether the present furlough rules cause special hardship to any particular class of members of the Uncovenanted or Statutory Services, and I am accordingly not prepared to say whether any distinction should or should not be made in the furlough rules in favor of any particular class of officers.

1075. Are the privileges in regard to pay, promotion, and retiring annuity, and the general conditions of office belonging to the Covenanted Civil Service suitable to Natives obtaining office under the Statutory rules?—I have already discussed the question of pay. I do not think that the question of promotion is susceptible of any abstract discussion. When a man has been appointed to any particular appointment, provided he does his work well, he should receive the same promotion as others holding similar

The Hon'ble Mr. *Quinton*—continued.

appointments, no matter to what class or service he should have belonged to begin with. I do not think that it would at all do to appoint men in the Uncovenanted or Statutory Service to appointments hitherto reserved for Covenanted Civil Servants, and then to leave them in the same position for years, and let men, their juniors in years, and perhaps also their inferiors in ability, supersede them. Such a state of things would be extremely anomalous, and would produce much disappointment and heart-burning.

The Hon'ble Mr. *Quinton*—continued.

The retiring annuity would be settled on the same principle as the pay.

Mr. *Ramaswami Mudaliyar*.

1076. Have you formed any reliable estimate of the saving which would be effected by the salaries you propose?—It would entirely depend on the number of English and Native officers. It would make a considerable saving, but I have not worked it out.

Vol. VI.
Sec. II.
Bengal.

*Brijonath
De, Esq.*

WITNESS XII.—22nd February 1887.

Examination of Babu SURENDRO NATH BANERJI, Editor of the *Bengali* Newspaper, Calcutta.

Mr. Peacock.

The President—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Surendro
Nath
Banerji.

1077. You are the Editor of the *Bengali* newspaper?—I am.

1078. What is the circulation of your paper?—About 1,500 copies; it is published weekly.

1079. Do you think that the existing system of recruiting the Statutory Service is objectionable or the reverse?—It is objected to, first, in regard to the circumstances connected with its creation; next, as to the manner of selection, which is by nomination as opposed to competition; also on the ground of the difference of pay and status between it and the higher Covenanted Service. In the popular opinion, rightly or wrongly formed, it is regarded as inferior to the higher service.

1080. Will you describe fully your first ground of objection—as to its creation?—At the time when the service was created there was considerable agitation throughout the country for greater facilities for entering the higher service, and in response to that agitation the Statutory Service was created; and at that time the Native press, rightly or wrongly, said—“We cried for bread and we got a stone in return;” and then the despatch by which effect was given to the service has also to be taken into consideration. That despatch in one sense created a service: in another sense that despatch proposed, while creating a service, that the higher Covenanted Service should be closed to the Natives of the country if the Secretary of State so agreed. You may imagine whether it was not likely that a service created under such circumstances would be received with some amount of disapprobation.

The President.

1081. Was it not proposed that the exclusion from the Covenanted Service should be accompanied by the creation of a service of another kind to which Natives were to be exclusively admitted; that is to say, was it not proposed to create a branch of the service for Europeans and another for Natives only?—My countrymen were at that moment trying to get admission into the higher Covenanted Service, and in response came this despatch by which the higher Covenanted appointments were to be closed to the Natives, and that created dissatisfaction.

1082. That ground of dissatisfaction, was surely removed when it was found that the

despatch did not bear the interpretation that was put upon it?—The rules provide that each Local Government “may” fill with members of the Statutory Service not less than one-sixth of the appointments reserved for the Covenanted Service. Naturally people called to mind that the Statute of 1870 had long remained a dead letter. The rules gave power to the Government to make appointments, and only two or three appointments were made. The rule was permissive and not compulsory. It was this circumstance, taken together with the fact that the appointments were to be made by nomination and not by competition, which gave dissatisfaction.

1083. How would you remove these grounds of dissatisfaction?—It would depend upon the system of recruitment adopted for the Covenanted Service. If you have simultaneous examinations in England and in India, I would close the Statutory Service as regards first appointments; but if the existing system of examination in England only is continued, I would keep the Statutory Service open and have an open competition for the Statutory Service, as between Province and Province for a certain number of appointments reserved for that service.

1084. You would have an allotment of appointments for the service, and a re-allotment made afterwards among the different Provinces?—Exactly. Bengal would not be allowed to compete for an appointment in the Punjab, and *vice versa*. The competition would be confined to the Natives of the Province.

1085. Have you considered the definition of the term “Native of India” in the Statute?—I have considered it. I have no objection to it.

1086. You are aware that if a European or Eurasian who is permanently settled in the country, afterwards had a child born to him while his wife was temporarily absent from British India, the child would not come within the definition?—I am aware that the definition would not apply to the child; but if you make any alteration it might lead to complications.

1087. If the Statutory Service were retained, would you compel those appointed to go to England for training?—No, I would encourage them to go by holding out prospects of promotion in the service or something of that kind; but I would leave that for the Government to determine.

Mr. Fitzpatrick.

1088. You dwelt on the use of the word "may." Have you read the section of the Act under which the rules were made? Did it not occur to you that that is the only form in which the rule could be properly made?—The rules were made in accordance with the Act, and the Act itself is permissive.

1089. Would it not have been *ultra vires* for the Secretary of State to say that each Local Government shall appoint?—The Act says the Secretary of State may authorize the Government of India to appoint.

1090. The Local Government has to exercise the power subject to the rules passed by the Governor-General in Council. Was it not the business of the Governor-General in Council to make rules to regulate the power and to compel the Local Governments to appoint?—The rules made should be consistent with the Act.

1091. Was not that the proper form in which to make the rules, having regard to the wording of the Act?—I am speaking not only on behalf of myself, but of the great mass of the people. The objection was that this is a permissive power, and it was just possible it might not be exercised generally. The rules give no greater security that these appointments will be made than the Statute itself.

1092. Are you and other Native gentlemen not aware that these rules having the force of law, being made under the Statute, were supplemented by executive orders which practically compel the Local Governments to fill up the appointments in the way prescribed by the rules?—I am not aware that any order was passed by the Government to supplement the rules.

1093. Do you not know that the way these appointments are managed is this: that the Government of India intimates to a Local Government "you are to appoint a Statutory servant this year, please name him"?—No; I was not aware of that.

1094. Then you would not be surprised to hear that within the last month I was called upon, as Chief Commissioner of the Central Provinces, to nominate a person?—As a matter of fact the objection was taken to the permissive character of the rules. I was not aware that executive orders were passed in addition to the rules.

1095. Are you not aware that the proportion of Statutory servants is fixed for each Province?—The public cannot be blamed for being ignorant of things which are not made known to them.

Sir Charles Turner.

1096. Power is given to choose a man of approved merit and ability if a Local Government can find a man who in its judgment possesses the prescribed qualifications. How can it be compulsorily required to appoint a man?—The fact is that there are so many men who, according to public estimation, are

Sir Charles Turner—continued.

known to be men of proved merit and ability, that the public would naturally expect that there would be no practical difficulty.

Mr. Fitzpatrick.

1097. Have appointments under the Statute ever been left vacant in Bengal?—I think the full number has been filled up.

Mr. Stewart.

1098. Do you consider that those appointed by competition in India under the Statute should be appointed to the Covenanted Service or merely to posts in that service?—They should be appointed only to certain posts reserved for them, such as those of Assistant Magistrates and Judges, and District Judges. I would not appoint them to the Covenanted Service.

Mr. Peacock.

1099. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service?—Yes; first, as regards the place of examination; and secondly, as regards the limit of age. The marking of the subjects of examination is also objected to; but the first two objections occupy a preponderating place. I would raise the age to the former limits of nineteen to twenty-three, and I would have simultaneous examinations in England and India.

1100. Would you have the Indian examinations at one centre or at more than one centre?—I would have it at one centre to minimise the objections and the difficulties which have been raised as to conducting it.

1101. Would you have one list prepared of the successful candidates in order of merit?—I would have one classified list of the candidates at both places, and give the appointments to those occupying the highest places. I would take the successful candidates in both examinations and put them into one list.

1102. Have you considered the question as to the difficulty arising out of the *cirā roce* examinations?—I have considered it very carefully.

1103. Do you think it possible to hold perfectly similar examinations in two places by different examiners?—There are difficulties, but they do not seem to me to be insuperable. Those who pass the *cirā roce* examination in India would really be placed at a disadvantage in comparison with those Natives who go to England. In England the Natives of India make a better impression on the examiners than they do here. The examiners in England make allowances for Natives of India on the ground of their being examined in a foreign tongue, and they are more considerate towards them. There is a latent sympathy for them which enables them to

Vol. VI.
Sec. II.
Bengal.

Babu
Surendro
Nath
Banerji.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Surendro
Nath
Banerji.

make a better impression, and practically the Natives would lose that advantage if the *vivâ voce* examinations were held here.

1104. I mean, whether you could have a perfectly fair examination for all parties?—The *vivâ voce* examinations count about one-sixth or one-seventh marks; and if instructions are sent out from England as to the principles on which the *vivâ voce* examinations are to be conducted—and they are conducted by men of eminent ability belonging to the Educational department—there would perhaps be some difficulty, but not of any material consequence.

1105. You think that if the general lines of the *vivâ voce* examinations are laid down a sufficiently similar examination will be obtained?—Precisely.

1106. With regard to the number of marks to be assigned to the subjects of examination, what changes would you propose?—Greater consideration should be given to Sanskrit and Arabic than at present. The marks assigned at present are 500 each, and by a recent change Greek has 600 marks and Latin 800. I would remark that the Sanskrit examination papers have hitherto been very easy: make them as difficult as the Greek and Latin papers, but award them the same number of marks. I cannot speak of Arabic from personal knowledge.

1107. Is there any other change in subjects or in marking which you would suggest?—I have no other suggestion to make.

1108. If the examination were held in India, would you compel the successful men to go to England for training?—Most undoubtedly, but opinion differs in Bengal with reference to this matter.

1109. Do you think there is any really very strong feeling still existing against going to England?—The feeling is disappearing from year to year. It is not to-day what it was ten years ago, and ten years hence it will disappear. With regard to Kyasts there is no difficulty and there is less difficulty now as regards the higher caste Brahmans even in the mufasal, where caste feeling is very strong.

1110. Do you know any instance of a person who has been to England being re-admitted into caste?—I know one instance of a very high caste man who has been re-admitted into the full privileges of his caste.

1111. By whom is the objection entertained—is it on the part of the returned man, who is unwilling to perform the expiatory ceremonies, or on the part of his caste people?—Objections are entertained by both parties.

1112. But which is stronger?—I believe the objections are stronger on the part of the community, but they are dying out. They are satisfied with the performance of expiatory rites now which they would not have been five years ago.

1113. Is there not a strong objection to perform these ceremonies?—Most decidedly,

Mr. Peacock—continued.

and with a good deal of justice. Those who have visited England have done nothing wrong, and why should they undergo a ceremony of expiation, however mild? It is a confession that something wrong has been done. Even the less advanced party are coming to the opinion of dispensing with even a nominal form of expiation.

1114. Do you think a man who goes to England and comes back in an official position thereby puts himself out of touch with the community?—I do not think so.

Mr. Fitzpatrick.

1115. You have been to England?—Yes.

1116. Do you think from your experience that there is considerable risk of a young Native falling into dissipated habits and neglecting his studies in England?—There is some risk, and some have gone wrong. But on the whole I think the experiment has been a success. Men have come back with their character and intellect improved, and in every way worthy members of society.

1117. When you recommend that Sanskrit and Arabic should be marked as the European classical languages are, is it simply to facilitate the entrance of Natives to the Service, or have you considered the relative merits of those languages as a means of education or a test of culture?—I think the study of Sanskrit is as efficient a test of the cultivation of the intellect as Latin or Greek.

Mr. Ryland.

1118. What are the particular disadvantages which would be removed by holding an examination in India, and by raising the limit of age and compelling Natives to go to England after passing the examination?—There is a Native gentleman who took honours in three subjects last year in the Calcutta University, and if he went to England I am sure he would pass. But his means do not permit him to go. He is a high caste Brahman, and with his intellectual attainments I think he is a man who should be in the service. If we have an examination here he would present himself, and if he succeeded there would be no difficulty in the way of his going to England.

1119. Is not the obstacle really the expense?—Not only that; there is also the uncertainty of success. He might fall ill, or something might occur to interfere with his success. But if he had a certain prospect of entering the greatest service in the world, he would go to England.

Mr. Stewart.

1120. You insist on selection from one list; why?—For the simple reason that we want the best men. If the best men are not Natives of the country, we do not object. The object of the Natives is to prove their fitness. They do not ask to be allowed

Mr. Stewart—continued.

to enter the Covenanted Service until they have proved their absolute fitness.

1121. Do you think it necessary for the Government to concede this request?—The Government has already conceded it by the Statutes of 1833 and 1870: their ability has only to be proved.

1122. If the Government decided to offer a certain proportion of the appointments for competition in India, why would you object?—Because those who passed the examination in England would be considered superior men.

1123. The standard of examination in India might be kept at the same level or even may be made higher?—Is that practically possible, or is it likely to be the case?

1124. If the standard is made lower in India, people might come from England to compete in India?—I do not think so, because practically the same difficulties stand in the way of the English candidates: the expense and the climate and other difficulties. The objection is that it would not be considered the same examination. The idea is to give facilities to enter the Covenanted Service which is the governing service. You may say that the successful competitors in India would enter on the same footing as those who were successful in England, but still there would be a lurking feeling that the examination was not the same examination.

1125. The subjects and standards would be the same exactly?—There would be separately classified lists.

1126. Do you not think it possible that in the course of time a larger number of Natives might be successful than would be desirable in the interests of the administration?—Then a number of appointments might be reserved for Europeans.

1127. Would it not be better to obviate the risk and at once fix the number of appointments to be given to Natives of India?—You would then be working on uncertain ground. It is not necessary to provide now for an event which may never occur.

1128. Then you do anticipate the necessity at some future time of limiting the number of Natives entering the Covenanted Service?—The scheme must first work for some time. If the result you suggest occurs, I would provide against it then.

Mr. Fitzpatrick.

1129. You admit that there should be a certain proportion of Europeans in the Covenanted Service?—I have not the slightest objection.

The Hon'ble Mr. Quinton.

1130. In your system of simultaneous examinations, do you think any Native would go to England to compete there?—Natives have now begun to send their families to England for the education of their children,

The Hon'ble Mr. Quinton—continued.

and these children might compete in England.

1131. Do you think that those men would be better men than the men we could get out here?—They would be better men in one sense and worse men in another. They would lose touch with the people of India.

The President.

1132. What is your idea of the object of a *civâ voce* examination?—To find out the general intelligence of the candidates.

1133. You said the general scope of the examination might be sent out. Could that be done if the object was to decide the general intelligence of the candidates?—There are very many eminent men in the Educational department who have better knowledge than any examiner in England could have of a Native candidate's intelligence, and they might work on instructions sent out.

1134. An examiner must have the candidate's paper before him to find out his intelligence by a *civâ voce* examination, so that he must act independently of instructions from England?—I mean general instructions not as to details.

1135. You are not an educationalist?—I am; I have been a teacher, not an examiner.

1136. You have no experience of examinations?—Not of general examinations, but only of one class.

1137. Have you observed examiners conducting *civâ voce* examinations?—Yes, pretty often.

1138. So that you would be able to say that one man was more capable than another to conduct such an examination?—Yes, there certainly are differences.

Mr. Peacock.

1139. Coming to the Uncovenanted Service, by which we mean the Subordinate Executive and Judicial Services, would you recruit from all natural-born subjects of Her Majesty, or from Natives of India only?—I would recruit from natural-born subjects habitually resident in India and by means of a competitive examination.

1140. Would you make Munsifs compete?—They are now appointed from among those who have passed the B.L.; but there are many others who have received the highest course of legal training, and these men ought to have a chance. I would have competitive examinations both for the Executive and Judicial Services. I would have Provincial examinations.

1141. Suppose the Statutory Service were abolished, would you re-attach to the Covenanted Service the appointments which were taken away from them and given to the Statutory Service, or would you give these as prize appointments to the Uncovenanted Service?—I would give them as prize appointments to the Uncovenanted Service.

Vol VI.
Sec. II.
Bengal.

Babu
Surendro
Nath
Banerji.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Surendro
Nath
Banerji.

Mr. *Pencock*—continued.

1142. Should any distinction be made in the pay of Covenanted appointment accordingly as it is held by a member of the Covenanted, the Statutory or the Uncovenanted Services?—I would not make any distinction; I would attach the pay to the office and not to the individuals.

1143. On what ground?—The great ground for reduction of pay is the financial ground. If a large number of these appointments were held by Natives, I would make a distinction in pay for financial reasons. But if there are only a few of such appointments, the financial saving would be very small. At the same time a difference of pay would mean a badge of inferiority, and an officer who drew the reduced pay would not command the same respect as if he drew full pay.

1144. Do you think as a matter of principle that it is correct to pay an indigenous element and a foreign element at the same rate?—As a matter of principle perhaps it is not. Foreign labor ought to be paid higher if native labor is inadequate; but if the native labor is adequate for your purposes, and if foreign labor is put to the same work, then I see no reason why they should not be paid alike.

1145. Have you anything to say on the question of furlough?—I do not know much about it.

1146. Do you wish to say anything on any other point?—I wish to say, with the utmost deference to the Commission, that there is a strong feeling in the Native community about this question of simultaneous examinations, and it strikes me it is one of those concessions which the Government will have to make to the country sooner or later, and it is strongly hoped that some finality may be given to the labors of the Commission by the grant of this concession. The question is likely to come up again and again until this concession is made. We attach much greater importance to it than to any other question connected with the administration of the country.

Sir *Charles Turner*.

1147. Are you aware that a large section of the Native community is opposed to having simultaneous examinations in England and in India?—Yes, and I know the ground of their opposition to be that one class of the community would be likely to win an undue share of the appointments.

The Hon'ble Mr. *Quinton*.

1148. On what ground is the claim for an examination in India urged?—On the ground of justice to the people of this country; justice on the part of the British Government.

1149. Is not the British Government bound to provide the most efficient administration it can?—Precisely.

The Hon'ble Mr. *Quinton*—continued.

1150. If it considers that the most efficient administration is secured by having a large proportion of European officers in the Covenanted Civil Service, is it not bound to take care that there shall be that proportion of European officers in the service?—Precisely.

1151. If it considers that the most efficient officers are to be obtained by holding the examinations in England, is it not bound to hold the examinations in England?—The people of this country have some right to urge on the Commission the grounds which they have to urge for holding examinations here. It seems to me that by holding examinations only in England you exclude a large number of candidates, who are not able to appear at the examinations in London, and who are likely to prove as efficient as the average of the men you get from England.

Mr. *Fitzpatrick*.

1152. In connection with the question of pay, I wish to ask your attention to one consideration to which many Native gentlemen attach considerable weight, and that is, whether the recognition of the validity or reasonableness of a difference in pay between Europeans and Natives will not tend very much to promote the employment of Natives?—I perfectly admit that principle, and if you appoint a large number of Natives to the higher classes of appointments and reduce the pay, there will be no objection. But if you have only a few such appointments and lower the pay, you make an inconsiderable saving and place them on an unfair footing.

Sir *Charles Turner*.

1153. What do you think would be a sufficient salary for a Statutory Civilian to begin upon?—A Native gentleman has a large number of poor dependants to support, and if young Natives entering the Covenanted Service are to live according to their position, I would give them the same pay as Europeans in the same position, which is only Rs. 375 a month.

1154. Then as to posts bearing salaries of less than Rs. 1,000 a month, would you give the Native less pay than the European?—I would give the Native the same pay as the European, in posts of which the salary does not exceed Rs. 1,000 a month.

1155. At what point would it be justifiable to reduce the salary?—I would keep it the same up to Rs. 1,500, and then I would reduce the salary.

The Hon'ble Kazi *Shatabuddin*, Khán Bahádur.

1156. You speak of the Covenanted Service in the name of the people, and you appeal to justice. Do you speak for your

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr—continued.

own people, the Hindus?—I speak for the Bengal Mahomedans also.

1157. What classes among the population of Bengal take any thought of the question of the Covenanted Service or the question of pay?—The educated portions of the Hindu and Mahomedan communities.

1158. What proportion of the population do they represent?—I cannot say. I have not got the statistics.

1159. Are you justified in speaking in the name of the people?—I am certainly

The Hon'ble Kazi *Shahabuddin*,
Khán Báhádúr—continued.

justified because I am speaking for the advantage of the whole people. As far as Hindus are concerned, I have consulted many of them. Public meetings have been held in many places, and opinions have been expressed by them on this subject.

1160. Is not that a very small class of the people?—Yes.

1161. When you speak of justice in the name of the people, you mean in the name of this small class?—I mean the people who are concerned in these matters.

Vol. VI.
Sec. II.
Bengal.

—
Babu
Surendro
Nahá
Banerji.

WITNESS XIII.—22nd February 1877.

Examination of Syad HUSAIN BILGRAMI, B. A., Motama Jung Bahádur, Secretary to the Council of State, His Highness the Nizam of Hyderabad.

The President.

Vol. VI.
Sec. II.
Bengal.
—
Syad
Husain
Bilgrami.

1162. Is the existing system of appointing to the Statutory Service approved?—It is approved by those who benefit by it, but those who take an intelligent interest in these matters do not approve of it. It was intended to start a new service, but there were brought into the same service two classes of men: one obtained by a very high test and possessing very high qualifications, the other by mere selection without any regard to ability or merit—a class of men who are left to prove their ability afterwards. My own opinion is that the best thing would be to make the Statutory Service a sort of prize for the Uncovenanted Service, and not to admit new men into it. I would also admit professional men.

1163. You would not then repeal the Statute?—No. The first and simplest plan is to tack the Statutory Service on to the Uncovenanted, and instead of recruiting the former by nomination, which is under the best of circumstances open to the suspicion of favoritism, to let it be recruited from the ranks of the Uncovenanted Service. I would select so many every year, or every two or three years, as the case may be, in each Province, and raise them to Statutory rank, but I would let the selection be guided by certain definite principles. Length of service, for example, should not count for much, but I would have no men that did not come up to a certain standard of social respectability. I would rigidly exclude men of low caste. I would, as a rule, look with suspicion on men who have risen from what in Bengal is called the "Amlah" or "Ministerial" ranks; but in exceptional cases I would not taboo them altogether, for some brilliant careers have been hewn out by office and court subordinates, although they live in an atmosphere not very favorable to the growth of clean official characters.

Premising thus I would be guided solely by proved merit. I do not think it is much use having old and superannuated men about to retire under the fifty-five years' rule. That would simply make a "happy hunting ground" of the Statutory Service. I would take the younger men in the hope of making something out of them. Then as to the prospects, I would have the pay a little higher than in the Uncovenanted Service, but, other things being equal, a little lower than that of the Covenanted Civilians. I think three-fourths is a good

The President—continued.

proportion, or even two-thirds. I would make them eligible for some of the appointments in the Customs, Salt, Opium, Postal, Accounts and Registration departments hitherto reserved for Europeans.

It will be seen that my remarks bear mainly on the Executive branch of the service, for on the Judicial side the Uncovenanted Service has excellent openings and cannot fairly ask for more, although for the sake of uniformity it would be expedient, no doubt, to dovetail both branches of the Uncovenanted into the Statutory Service, and classify all the higher judicial functionaries of the Subordinate Service, such as Small Cause Court Judges and others, under the latter.

With regard to the recruitment of the Uncovenanted Service, I believe in the old days custom varied in the various Provinces. In Bengal, the Lieutenant-Governor appointed Deputy Magistrates and Deputy Collectors direct. The selections were, I believe, on the whole satisfactory. It was not customary in Bengal, as far as I know, except in rare instances, to raise men from the ministerial ranks. In Oudh on the contrary, and in the North-West Provinces I believe, this was long the rule, and direct appointment the exception. I believe this led to some very impure and objectionable men getting in. In my humble opinion the system is a mischievous one, and tends to lower the status of what is and ought to be a most honorable Service. My personal impression is that in my time official opinion on this subject in Oudh was divided, but the best men were, I think, for direct appointments. I would recruit this and every other service of equal or higher rank by a combination of the two systems—nomination and competition. I think each Administration might keep a list of applicants, and make a selection out of them. The men thus selected should be allowed to compete for the vacancies in the service every year, or every two or three years as the case may be. The details of the selection and the competition can be easily worked out, but I think it would be expedient to have the examining body organized at Calcutta, either under the auspices of the University or one of the Secretariats.

The alternative plan that I have to suggest is the total abolition of the Statutory system, coupled with the throwing open of

The *President*—continued.

Some of the higher appointments in the Departments mentioned to such members of the Uncovenanted Service as are of good social standing and proved merit. The question, whether or not under either system the nominees shall be subjected to some sort of test, is of secondary importance, and may safely be left to regulate itself by departmental rules and requirements. A recruit from the subordinate service who has passed the usual departmental tests of that service, and has been promoted to Statutory rank on evincing administrative ability, need not be subjected to a fresh test, unless the duties assigned to him involve familiarity with special subjects not embraced in the tests through which he has already passed.

As to the question of race, I am afraid it looks very odd that we should in the same breath plead for a complete elimination of it in our interest when it threatens to exclude us from one service, and seek its reinstatement in the same interest when it threatens to include people of mixed blood in another service which we wish to reserve to ourselves. To be consistent we must either accept the principle in both cases or reject it altogether. It would, however, be unjust to the pure Natives of the country if this service were thrown open to Eurasians and domiciled Europeans, unless they chose to accept the name and position of "Native," and abided by it for better or for worse. There is no hardship in granting them rights co-extensive with those of pure Natives, but it is hard on the Natives, and unfair, to allow them the rights and privileges of both Natives and Europeans.

Our Eurasian and Anglo-Indian friends should not act the part of the ostrich in the Arab story that refused to carry burdens because he was not a beast, and refused to fly because he was not a bird. They should choose one rôle and abide by it.

Between eighteen and twenty-one years is a fair limit of age for admission to the Subordinate Service, but I would relax the rule in the case of professional men whom it may be desirable to encourage to enter the service. The literary test ought to include a fair knowledge of at least one Oriental classic and of English, and a thorough familiarity with the vernacular of the Province. I would rigidly exclude men of weak or rickety physique, and I would insist on a fair record of previous moral character. I think the custom of enforcing a short probation between nomination and substantive appointment has a very wholesome influence on the recruits, and I would retain it except, perhaps, in the case of professional men, whose merits and capacity may be presumed to be well known to the local authorities. Of course under my system there would be no probationers in the Statutory Service. Two hundred rupees per

The *President*—continued.

month during probation is not excessive for probationers of the Subordinate Service. I certainly would not offer them less.

I would leave the different Administrations free to recruit their Subordinate and Statutory Service from the people living within their jurisdiction, reserving, however, for the Imperial Government at head-quarters the right of making direct appointments in exceptional cases. We may safely trust the high character of our officials and the vigilance of the public press to prevent jobberies, although for that matter jobberies will occur now and then under the best regulated Governments.

I maintain that it would be unwise and inexpedient on political grounds—

- (1) to open the competition to all comers;
- (2) or to admit Native Civilians to any position in the service whatsoever in regular course of promotion.
- (3) I also hold that a mere literary test is insufficient to secure us the best men.

We are not yet prepared to abide by the results of an unreserved competition. India is essentially a conservative country where privileged classes have for centuries held dominant sway, where the institution of caste has as yet lost little of its vitality, and where respect and reverence are important elements in the people's submission to political authority. A low caste Native raised to power can never command the willing allegiance of those over whom he is set to rule, because he can never command their respect or reverence; and if his position is backed by the power and prestige of our Government, he will be hated if obeyed, but loved or respected never. The conditions which this state of society indicates are, it must be remembered, favorable to the existence of a strong Government, and no wise ruler will violently disturb them if he can help it. Circumstances may change; time may, and perhaps will, sweep away these old landmarks—the growth of centuries of placid life; but until the change has taken place, and the old footholds of Indian life are swept away, statesmen will have to adjust their combinations out of the existing elements which none may disturb except at his peril.

But an unreserved competition is sure to lead to another difficulty. Under its operation the whole service would be swamped by men from one or two favored Provinces. Very few of the robust races of India, on whom the Empire relies to a great extent for its defences, would have a chance. The Nizam and Scindhia and Holkar and the proud old Chieftains of Rajputana and the Punjab would have to bow their coroneted heads down before any lettered upstart who might happen to rise to power.

Vol. VI.
Sec. II.
Bengal.

Syad
Husain
Bilgrami.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
Syad
Husain
Bilgrami.

As for unimpeded promotion, I think it would be far from expedient to allow the promotion of Native Civilians to take its course with that of English Civilians without let or hindrance. For if the principle of equality in this respect were carried to its logical issue, there would be nothing to prevent our seeing a Bengali Civilian at the head of the Punjab Government, or a Bombay competition-wallah ruling our new acquisition in Burmah. In fact, with free competition and free promotion, Englishmen would be crowded out of the majority of positions in a very short time, and this, it will be conceded, is not expedient, however desirable it may be from the educated Native's point of view.

1164. Would you compel the selected candidates to go to England for training?—It is sometimes alleged that the necessity of a visit to England will operate unfavorably in the case of certain classes of Hindus who may not cross the "black waters" without loss of caste. I think this cannot be helped. People must submit to disabilities imposed upon them by their own society. It is hard on them, no doubt, and hard perhaps on the service that is thus possibly deprived of some bright ornaments; but I say it cannot be helped. All honour, however, to those brave men who would rather forego great worldly advantages than alienate themselves from their countrymen by a disregard of what their consciences have for centuries been taught to regard as binding. It would be a great point gained if some method could be devised of enabling high caste Hindus to sojourn in England without loss of caste.

1165. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service?—There is some dissatisfaction felt generally on account of the limit of age and the subjects of examination; for example, Indian classics not being marked as high as the European classics.

1166. Should any, and if any what, change be introduced into the system of recruitment?—Although some of us complain that the age is very low, I think we Natives are older at that age than English boys.

As regards the present limit of age, I think it is a shade too narrow in the interests of the service itself, though I do not know why it should be felt a hardship by us when it is the same for all competitors. The fact is that, other things being equal, Native youths of nineteen are much more mature in intellect and physique than English youths of the same age. I would raise the limit of age, however, to twenty, and make a couple of years' residence either at Oxford or Cambridge compulsory as now. But I would draw the line there, for if a young man does not begin practical life at twenty-two, he is apt to get too old and case-hardened to have the malleability necessary for the ready

The President—continued.

assimilation of fresh experiences and practical lessons of life. Good officials are not born but made, and it is the first few years of novitiate that moulds them for their future careers.

With reference to the expediency or otherwise of granting scholarships and passage-money to Natives of India proceeding to the competition in England, I am opposed to all eleemosynary favors to individuals in this connection; they derogate from the dignity of the service. A few exhibitions may, however, be founded for open competition among the candidates-elect of the Provinces. Perhaps some of our patriots will put their hands in their pockets and contribute towards a fund for this purpose. The great Native Chiefs, if approached in a proper manner, may also be induced to render valuable help and contribute materially towards the political elevation, perhaps, of some of their own subjects. If bitten by the scheme, the more advanced rulers among them may even see fit to make use of the examining machinery in England in order to get recruits for their own services. The late Sir Salar Jung was in favor of some such method for the Hyderabad Government. He was prepared to content himself with men figuring low down in the columns of the competition list provided they were of good family and unexceptionable moral repute.

1167. Would you alter the subjects of examination?—I would not alter the subjects, but I would equalize the marks for the Indian and English classics. I would also introduce Persian, because although it is not so good an agent for the cultivation of the mind, it is a very cultivated language. I would put it on the same footing as French or German.

1168. Would you hold simultaneous examinations in England and in India?—Certainly not. I am opposed to the competition being transferred to India, or even a simultaneous competition in India and in England. For a long time to come the number of appointments allotted to Natives of India will be too small to make it worthwhile holding an examination in this country. The advantages, moreover, of a lengthened residence in England for Natives of India destined for the higher service are overwhelming. Then, again, no two examinations held at centres so far apart could be uniform, and this would lead to unfairness in the results and consequent heartburnings. We are not asked to help towards the creation of another Statutory Service—one holding a position midway between the higher and the subordinate services. Yet this is virtually what a competition in India would effect. We are called upon to point out the best way according to our lights of admitting Natives of India to the higher service.

A lengthened sojourn in England is of incalculable benefit to Native youths, whether

The President—continued.

they aspire to places in the Covenanted Service, or merely seek to finish their education. English life, character, and manners cannot be studied except in England and amongst Englishmen. It is a common remark that Englishmen who have never been abroad are more insular and less cosmopolitan in their views of things in general than their travelled fellow-countrymen. The youth of India, however, need to a much greater degree than Europeans the polish that contact with the outside world alone can give. Indians are very domestic in their habits. An ordinary Native, in comparison with other Asiatics, is more shy and self-conscious. Take a Persian or an Arab for example. He is in nine cases out of ten more self-possessed and self-reliant, and betrays a greater knowledge of the world than nine out of ten Natives of the same or even a superior class. It is in the enervating influence of domesticity, and the seclusion of women in India, that we must seek for the causes of this difference, which contact with the European world in early youth, when character is yet forming, will assuredly rub off. It is important that our youths should enter the struggle of life well accoutred and clear of impediments.

If this is true of all Indian youths, how much truer still it must be of those who are to take part in the higher administration of their country, side by side with Englishmen? Without going so far as to say that "honesty, diligence, sense of duty, firmness of temper, perseverance, sense of honour, and independence of thought," are characteristics of Englishmen, and are not to be found in any other race, it must be conceded that the Indian, who is to be associated with Englishmen on equal terms in the administration of his own country, must needs acquire English habits of thought, and the power of viewing things from the point of view of an English administrator. He must get rid of the *Eidola* which his domestic life and his environment impose on him, and this is impossible except by a long residence in a European country, by preference in England, and by association with Englishmen of the right kind.

It must not be assumed, however, that residence in England will turn out good men whatever the material we send up, and in whatever way it is handled. Instances are not wanting of young men who have gone to England for their education and have returned no better than they went, if anything, perhaps a little worse: for those who are unaccustomed to the restraint and discipline of good manners and high breeding under their own roofs in their own country, do not take kindly to the greater refinement and higher breeding of English society.

There is a word or two to be said with regard to the efficiency of the method by which Civilians are selected. We select

The President—continued.

them purely by an intellectual test, forgetting that there is something like heredity in the attributes that go to the making of a ruler. It is not intellect alone that tells; it is intellect and the indefinable something that marks out the gentleman in a crowd, and manifests itself in practical life by tact, by courtesy to inferiors, by coolness and self-possession in the face of difficulties, by honorable conduct, in the absence of motives of fear or favor, by pluck in danger, by the disregard of personal considerations in the discharge of public or private duty, and by a hundred other phases of character all bearing on the conduct of life. Far be it from me to arrogate this as the birthright of any one caste or order. Human nature, cast after the image of our Maker, is the birthright of all. But it is in the fashioning of it afterwards that we stamp it with our particular trade-mark, which it takes generations of a different handling to alter or efface.

And competition, such as we are familiar with, is after all simply a literary test, and appraises those that submit to it only in terms of the intellect. Man, be it remembered, is a three-cornered being, and intellect is the least influential of the three corners in his relation to his fellowmen. Is a man strong of arm? Then let us seek his protection or beware how we provoke his resentment. Is he truthful in his dealings and just? Then let us rely on him to deal justly with us and render us what is ours. Is he learned? What then? He may teach us the secrets of nature, and thus yield us pleasure, or confer on us power that may be converted into bread. But manhood is not nourished by bread alone. Knowledge, classical or scientific, does not afford us guidance in our conduct towards each other, or towards the State, as citizens or subjects. And yet what does competition test but the power of assimilating knowledge,—nay, perhaps of only storing it up for reproduction on the application of the proper stimulus. Capacity for physical endurance, power of muscle and sinew, moral capability, force of character,—these are not meted by a literary test.

It would be all the better for British rule in India if competition was made less unreserved even for Englishmen, and a little more credit was given for *morale* and *physique* in casting its final balance sheet. But an English Civilian, in the very circumstance of his race, bears a hall mark for the people of India which will cover a multitude of defects. Not so the Native Civilian. No mere mark will suffice him. He must be real sound metal to be able to hold his own. For him the competition, such as we have it now, is not enough. It is not competent by itself to single him out for us. It will sometimes make grievous mistakes and give us the wrong man. If the experiment of admitting Natives of India to the higher

Vol. VI.
Sec. II.
Bengal.
—
Syad
Husain
Bilgrami.

The President—continued.

Vol. VI.
Sec. II.
Bengal.

Syad
Husain
Bilgrami.

service is to be tried, it ought not to be vitiated at the very outset by such an obvious error.

Until such time, therefore, as the test can be rendered more exhaustive and less one-sided, I venture to suggest the adoption of the following plan. Let it first be decided what proportion of appointments every year is to be given to Native youths—say a fourth or a fifth of the total number. Let us suppose the total number of vacancies any year to be twenty, and let us suppose that five out of the twenty are to be given to the Indian subjects of Her Majesty. I would in this case select the five most populous Provinces, though for that matter we might take in as many Provinces as we like. I would then request the heads of the five or more Provinces to register the names of applicants, and make a careful selection out of each batch, and give them the option of proceeding to England to compete for the appointments. The local selection of candidates in the case of each Province should be guided with strict reference to the principles I have hereinbefore ventured to point out. The results of the competition in England must govern our future proceedings with regard to these youths. If exactly five out of the fifteen, or twenty or twenty-five as the case may be, obtain places among the first twenty-five, well and good. If more than five get in, the first five should get appointments and the rest wait till the next year, when they should be let in without a fresh examination. If less than five, say only three, score the number of marks necessary to place them among the fortunate twenty-five, then the other two places should be given to the 24th and 25th on the list, whatever their nationality.

It would not be necessary, of course, under this scheme for each Province to select an equal number of candidates. Bengal, for example, would perhaps send a larger number to the competition than the Punjab. That is a matter of no great importance.

The Hon'ble Mr. Quinton.

1169. Why would you not hold simultaneous examinations in England and India?—First, because I would not weaken the service on any account, and it is most important that its efficiency and high character should be retained both for its own good and the good of the country. You would not secure the same standard of examination. The standard would be lower.

The President.

1170. Would you make the recruitment for the Uncovenanted Service provincial or general for all India?—I should make it provincial. I do not say that there should

The President—continued.

be any hard-and-fast rule. In exceptional cases the Government ought to be at liberty to appoint a good man from another Province; but the general rule should be that the men should be taken from the Province.

1171. If the existing Statutory Service is abolished, would you allot to the Uncovenanted Service the proportion of Covenanted posts at present assigned to the Statutory Service, or would you give them back to the Covenanted Service?—To the Uncovenanted Service certainly as prizes.

Sir Charles Turner.

1172. You said that Native boys are more advanced than English boys at a given age?—So they are.

1173. Are you able to say that they are better educated than English boys?—I think that Native boys at sixteen are better book men than English boys at that age. I speak from actual knowledge and experience. I have many European friends, and I have seen letters written by their sons. Native boys show more thought and have more book knowledge; while English boys have more spirit.

1174. But have you had much opportunity of forming an opinion?—I have seen European boys in this country, and I have met some in England, and that is the general opinion I have formed.

1175. You have stated that you objected to the recruitment of the Uncovenanted Service from men of certain classes if the higher appointments are to be open to them. Would you recruit Tahsildars from the ministerial officers of the tahsil?—I spoke only of graded appointments. It is well known that ministerial officers who draw small pay are, as a rule, untrustworthy; that is my experience. I was in my time a great deal in Bengal and Behar and Oudh; that was about 20 years ago.

1176. Have you any more recent information?—Yes, I understand it to be the general impression of the people.

1177. How long have you been in Hyderabad?—Fourteen years. I was a short time in Lucknow as a Professor of Arabic.

The President.

1178. Have you any suggestion to make in regard to the question of furlough?—I have not studied it much, but I think Statutory Civilians and others ought to be encouraged to go to Europe on furlough; otherwise I think the rules are sufficient.

Mr. White.

1179. You are an M.A. of the Calcutta University?—I am a graduate. I am a B.A.

1180. Do you think the education given at Indian colleges is of a character to fit men

Mr. White—continued.

for their public service?—It is a difficult question to answer, but my opinion is that the education given in this country is defective. In this country boys have not the benefit of home influences, and during the time they spend in schools and colleges they only come into contact with their teachers during their lessons. The teachers cannot influence their character and cannot mould their minds. For that reason the education given does a great deal of harm. It takes them away from the class in which they are born, and gives them aspirations which cannot be satisfied, and since it is cheap, it is a luxury which every one can enjoy. And by reason of that, and by reason of its inability to form the character, it cannot be said that Indian boys become men of the same stamp as are produced by the systems of education in vogue in Europe.

1181. Do you suggest any remedy for these defects?—The remedy I would suggest would be rather drastic. My idea is that State aid ought to be withdrawn from education altogether, and that the Government should organize a large college in each Province in which boys may be trained for the public service.

The President.

1182. Is it your opinion that there should be identical pay for similar appointments held by members of different services?—If I were asked categorically to say what should be done, I should say make the pay of the Native a little lower, say three-fourths. I accept the principle of lower pay.

The pay question in its connection with the Covenanted Service is a rather sore point with me. I cannot make up my mind to recommend any difference being made between Native and European Civilians in this respect, not on account of the money value of the difference—for that I consider paltry in view of the issues at stake—but because the distinction introduces an element of disparity between two members of the same service and of the same rank, which will operate to the prejudice of the status and official importance of the Native members in the popular mind. Yet, I must confess I do not see how we can justly claim perfect equality of pay, when we know that Englishmen in India are handicapped in the matter of expenditure to the extent of their "home charges" at the prevailing rate of exchange, and by the expensive appliances they have to resort to in order to make the Indian climate endurable to themselves and their families. In a memorandum I drew up in October 1881, at the request of my esteemed friend Mr. Syed Mahmood, I expressed myself very strongly in favor of equality of pay. I have since then, however, seen reason to modify some of my views. But I still

The President—continued.

maintain that the modern mode of life which every Native Civilian will have to adopt is a very expensive one, and equality of pay, if conceded, would give him but a very slight advantage over his English colleague.

The demand for equal emoluments should not be pressed for another reason. It is our interest to introduce the element of economy into the question of the employment of Natives. We shall be thereby furnishing Government with a very powerful motive for conceding our claims. Let it once be demonstrated that Government can get the greater part of their work done as efficiently as now by a cheaper agency, and we shall find that Government will not be slow to avail themselves of it. This is no new idea, but it is well worth the consideration of my countrymen.

Sir Charles Turner.

1183. Would you have lower pay on entrance into the service?—It is a question of difficulty, but at the beginning a young man should have good pay, otherwise he gets into difficulties. Up to Rs. 1,000 or so I would have the pay alike; afterwards you may make a difference.

The President.

1184. Have you any other views to bring before us?—I would add that I think the time is not yet ripe for the appointment of Natives to the charge of districts or divisions, especially in Provinces in which warlike races predominate or the population of which consists of mixed nationalities whose interests are not always identical. It is questionable whether even in the agrarian districts of Lower Bengal, where the inflammable elements are of a very mild character, a Native Civilian can always be trusted to hold the leading post of the administration. No doubt some will be found quite up to the mark, especially among the drafts from the robust races of the North, but measures affecting such wide interests cannot be shaped upon exceptions. This limitation, however, does not tie us down too much, and we need not be discouraged. The avenues of the Judicial and Revenue departments, the higher grades of the Police, Finance, Registration and other Civil departments remain open for us. In this connection I wish to say a few words with reference to another important service—I mean the Political. I do not see that there is any political obstacle in the way of able Native Civilians being employed as first or second Assistants to Residents in Native States, or even as Agents in the minor Principalities. Consulships in the Persian Gulf ought also to be opened to them. My own impression is that Natives of the proper calibre will

Vol. VI.
Sec. II.
Bengal.

Syed
Husain
Bilgrami.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
Syad
Husain
Bilgrami.

rather distinguish themselves in this particular line. It may be found useful at times to have Native Attachés to some of our foreign Embassies. At any rate, the idea is worth consideration. I am under the impression that two or three tentative appointments were at one time made by the Imperial Government in the Political department, but I have not followed the career of the men, and am not aware how they prospered. I do not, however, believe much in empiricism. I should like to see the experiment tried with due exactness and in the presence of the necessary conditions. I mean that I should like to see the experiment tried with the proper quality of men, with a sufficient previous training. I have great respect for the scions of noble and princely families, but for such work they must qualify. The qualification being present, I would have the scions of noble and princely families by preference, but not till then. I venture to say that Mahomedans will be found better suited for this kind of work than men of other Indian nationalities.

I will conclude this memorandum with a few general remarks. The demand that Natives should receive their fair share of State patronage is not an unreasonable one, and every willingness has been shown on the part of the Government to concede it. But are all the demands that are being made in our name equally reasonable? Are they even *our* demands? When some of our platform orators talk of our national aspirations, who are they prepared to answer for? Will the Punjabis be satisfied if they have a jury to perpetrate miscarriages of justice? Will the Mahomedans rejoice in an Indian Parliament? Do the great Princes and Chieftains of India insist on sending a Mr. Lal Mohan Ghose to the English Parliament, in order that he may abuse the House of Lords and the privileged classes in choice English, and undertake to cart them to the British Museum to be laid on its shelves as relics of an effete past?

The President—continued.

Are the Goorkhas and the Sikhs, and the Purbyas content to see the defences of the Empire mutilated, and will the Afghan Amir remain as willing an ally of ours as he is now, once our strength is reduced? If we are given all the representative institutions which England has carved out for herself after centuries of a stirring history, and with them all the freedom that an Englishman enjoys in his own fatherland, is it considered what India is to do with these institutions and this freedom? Why some of the simplest humanitarian principles which would be welcomed by one section of the people cannot yet be applied by the Legislature, because they would goad another section of the people even in the same Province to the verge of rebellion. Mr. Malabari's noble efforts on behalf of the Hindu widow have yet to be crowned with success. One Province will not have strict discipline introduced into its schools, another will have nothing to say to compulsory vaccination. Mahomedans look with abhorrence on any legislative interference with their right to seek domestic happiness in a plurality of wives, the Hindus of Coorg resent any legal check on the privileges of polyandry. How then are these varied interests to be focused? If we are to be governed by the representatives of a few favored nationalities, will not the more numerous but less favored nationalities have a right to demand that their safety shall be guaranteed and their susceptibilities spared? There are, it is true, the stock answers to these objections based upon theoretic platitudes, but no practical outlet is suggested from the bewildering labyrinth which they present. We have to trust to the lapse of time, and the slow process of evolution, helped and guided by the controlling power that now happily rules our destinies, for the true solution. In the meantime, agitation and the outpourings of a free Press have perhaps their uses in the economy of progress. They are at any rate endured by a righteous Government conscious of its strength.

WITNESS XIV.—23rd February 1887.

Examination of H. J. S. Cotton, Esq., c.s., Secretary, Board of Revenue, Calcutta.

Mr. Peacock.

1185. You are a member of the Covenanted Service and came out in 1867?—Yes.

1186. Since that time you have held all the usual appointments in the Judicial and Revenue branches of the service? You have acted twice for short periods as a Commissioner and are now Secretary to the Board of Revenue?—Yes. I think I may fairly say that my service has been more varied than usual. I was about three years Sub-divisional Officer. Then I was Small Cause Court Judge. I then served for four and a half years in the Bengal Secretariat, and I was one year Registrar of the High Court, Calcutta. I have also been a district officer for a considerable period.

The President.

1187. You have given a good deal of consideration to questions of public interest, as well as to those with which the Commission has to deal?—Yes. I should like, if I may be permitted to do so, to make a preliminary statement on points to which I attach considerable importance. If I am travelling beyond the functions of this Commission in doing so, I beg you will let me know.

1188. You may make any statement you wish so long as it relates to the appointment of Natives to Government posts, and to their more extended employment in the administration of the country.—What I wish to say is this, that I think the time has arrived when it is necessary not only to consider this question of the admission of Indian gentlemen more largely into the ranks of the Civil Service, but also to consider the wider question of the organisation of the Civil Service itself. That service was organised about one hundred years ago, principally by Warren Hastings and Lord Cornwallis, and it has always seemed to me that it was a machinery wonderfully devised in regard to the conditions of the country at that time, and also for a very long number of years afterwards. The essence of that system is the concentration of all power and authority in the hands of the District Officer, who is the hand and the eye of Government, as it were, and who guides and controls all departments. Not only are the subordinate officers engaged in the collection of the revenue and the ordinary administration of justice placed under him, but the Civil Surgeon, the Police, even the Public Works department, are subordinate to him.

The President—continued.

This, I think, was an excellent system of administration in such a country as India was at the time when Warren Hastings and Lord Cornwallis were Governors-General, and I think it is extremely well fitted to large parts of India at the present time. But it seems to me that portions of the country are now ripe for radical modifications in that system. The system is, I think, only adapted to what may be called "autocratic Government," and, I may add, only adapted to an alien Government. I do not think that any popular Government, or any Government which aims in any way to be representative, would administer a country under such a system. I would gladly see this system modified in what I may call the advanced districts in the most advanced provinces by a complete abolition of our centralized organisation and by the substitution, in its place, of a body of representative officials chosen in each locality. These men would exercise, of course, very different functions from those now exercised by Magistrates and Collectors. This, I think, is the most radical and most important change that I have to suggest to this Commission. To lay it before you in detail would be a very arduous task. But I am prepared to say that in certain districts the scheme which I propose could be carried out without, I believe, any practical difficulties. I am the last to say that the constitution of the present Civil Service should be modified over the greater part of this country. I believe that for the greater part of the country it is still very well adapted. But the country varies so widely that I am quite certain that the same system of administration is not suited to all portions of it. There are places near Calcutta, such as Hughly, Nuddea, Burdwan, and the 24-Pergunnahs, and some districts in Bombay and Madras to which the suggestions I have made are applicable. I think that the most important and the most useful way of enabling the people of this country to participate in the administration, would be by placing the administration of these advanced districts in their hands, on the changed system to which I have referred. I do not propose that Government servants should be elected by the people in any way. The Government itself should nominate the most representative persons it could find, of proved capacity, integrity and position, and, for the most part, such persons, if chosen from the locality in

Vol. VI.
Sec. II.
Bengal.H. J. S.
Cotton, Esq.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
H. J. S.
Cotton, Esq.

which they reside could be obtained on a mere honorarium or very low salary. In the Criminal department, Benches of Magistrates could be organised on that principle. In the Revenue department I think you will also obtain men of proved capacity and ability on the spot without any general service such as we have now. In fact I would adopt the same system which prevails in our own country.

1189. That would be for advanced districts?—Near Presidency towns.

1190. In the rest of the country you would have very much the existing system?—I think the present a wonderfully well organised system for India generally.

1191. Let us consider what modifications you would make in the existing system. In regard to outlying districts where you would maintain substantially the present organisation, would you maintain it without material change?—No.

1192. What are your objections?—I object to any distinctions of race. I am now discussing the question, assuming the present system is retained intact. I object to the law empowering the appointment of Statutory Civilians, because it does not place Indians on the same level as Europeans. I do not see any adequate reason whatever why there should be any distinction between Indians and Europeans in the method by which they are to be selected.

1193. Would you abolish the Statutory Service?—Altogether.

1194. Would you reserve power which the Statute gives to the Government to employ Natives by direct appointment in exceptional cases?—That is a difficult question. I think it would be desirable to reserve a very small proportion of appointments for that purpose in order to provide for the promotion of deserving members of the Uncovenanted Service.

1195. Supposing your views were not accepted, and that Government determined to maintain the Statutory Service, would you supplement the training of the men appointed to it by sending them to England?—Certainly I would compel them to go. I attach the greatest possible importance to that provision.

1196. What special advantages would be thereby secured in their training?—I think the position they would occupy in this country would be much higher; their position not only in regard to their own countrymen, but also in regard to Europeans. I believe that Civilians who have not been to England have great difficulty in asserting their independence and authoritative position.

1197. You don't think that religious and social objections would impair the influence in the country of those who had visited England?—I don't think so; I admit there are caste difficulties now, but my observation enables me to say that these objections are diminishing in force.

The President—continued.

1198. You have exceptional opportunities of gauging Native opinion on the point?—I have as good opportunities as most Europeans have.

Mr. White.

1199. You said that you would promote men of capacity in the Uncovenanted Service to appointments in the Civil Service, and you have just said that you would compel those who were selected to go to England. Would not difficulties arise in regard to men of proved capacity who were rather advanced in age?—I do not propose that these men should be compelled to go to England. Circumstances would be very different in their case. I was referring to men newly appointed direct to the Statutory Service.

Mr. Stewart.

1200. With regard to proceeding to England, would you insist on that in the case of officials appointed to the more advanced districts?—No.

1201. You attach the greatest value to a residence in England?—I do, looking to the position which Civilians occupy at present and will continue to occupy.

1202. Would not a residence in England be more important in the case of officials appointed to the more advanced districts?—No, their position would be wholly different.

Mr. Peacock.

1203. You stated that one of your principal objections to the Statutory Service was that it made a distinction between Europeans and Natives. I do not quite understand you, because the Statutory Service was only designed for the employment of Natives of this country who could not go to England to compete for the Covenanted Service. It does not debar men from going to England?—The point is this: Section 6 of the Statute empowers the Government to nominate Natives of India for appointment to the Civil Service, and there is no similar Statute empowering the Government to nominate Europeans.

1204. If there is any distinction then, it is entirely in favor of Natives?—That may be so, but I object to the Statute upon the ground that it recognises race distinctions. There should be no special favor shown to any class.

1205. The Statutory Service is only an offshoot, so to speak, of the regular service. Natives can go home and compete now in the same way as they did previously to the Act of 1870?—I am quite prepared to base my objection to the Statute upon the ground that it gives undue facilities to Natives. I wish to have the principle of "a fair field and no favor" laid down absolutely; that is the broad principle I am advocating.

The Hon'ble Mr. Justice Mitter.

1206. Supposing this Service was limited to the appointment only of deserving men from the Uncovenanted Service and distinguished practitioners in other professions, would you still compel these men to go to England for training?—I should not say so. It would depend very much upon the age of the persons appointed.

1207. Such candidates must be somewhat advanced in age, because when they are appointed from these professions they must have proved their merit and ability in them?—No doubt that is the case. I presume that the persons who would be nominated would be men whom the Government thought well qualified to exercise the most responsible functions.

Mr. Stewart.

1208. In reference to the plan about advanced districts, is it your own plan or a scheme you have heard suggested?—It is my own.

Mr. Hudson.

1209. Under what restricted conditions would you select special persons for special appointments?—I am not prepared to make any suggestions upon that head. I think it might be left to the Local Government, subject to the sanction of the Supreme Government.

Sir Charles Turner.

1210. With regard to the preliminary observations you have favored us with, may I ask whether we are not already, in India, working much on the lines you have suggested in the direction of local self-government by the constitution of Local Fund Boards?—I do not deny that some slight advance has been made, but at present very little.

1211. Do you know whether the Collector has been relieved of a sensible portion of his work by the creation of these Boards in Bengal which have, for instance, taken over the management of roads and bridges?—Practically the action of these Boards has not affected the Collector's work.

1212. Has not the management of schools also been transferred to the Local Boards?—It has to a certain extent, but it depends much upon the Magistrate, and also upon the intelligence he may find in any district.

1213. Then with regard to securing the assistance of competent persons to discharge magisterial functions. I presume you have Benches of Honorary Magistrates in Bengal?—Yes, there are at head-quarters, but I should like to decentralize them very much more.

The President.

1214. With regard to recruiting for the Covenanted Service, have you heard any dissatisfaction expressed?—Yes, certainly.

The President—continued.

1215. Do the Indian candidates labor under any special disadvantages?—They labor under great disadvantages.

1216. What are the general objections?—One common objection is upon the ground of age; the reduction of the age limit has been very injurious to the interests of the people of this country, rendering it very difficult for them to go to England and pass successfully. The chances of failure are very great, but it is not so much the risk of failure to which objection is taken as the difficulty of competing at all.

1217. Are the subjects of examination and the proportion of marks generally considered fair?—I have heard objections raised upon these grounds also, but my own view is that there is not much to complain of.

1218. What would you suggest in the way of changes with a view to remove the objections which press heavily upon Natives?—It is commonly said that more marks ought to be allotted to Sanskrit and Arabic, but for my own part I am not disposed to agree with that criticism.

1219. You would at any rate raise the age limit?—Yes.

1220. To what limit?—Twenty-three is, I think, a reasonable maximum.

1221. Do you advocate a system of examinations in India?—I advocate identical and simultaneous examinations in England and India, but in India it would be necessary to abandon the *visà voce* examination.

1222. Would you limit the examination in England to Englishmen, and in India to Natives, or would you admit both classes to either?—I would admit all classes equally to either examination.

1223. And should the names of successful candidates appear in one list?—Yes.

1224. Would you send successful candidates in India to England for a special or a general training?—For a special training.

1225. Would not a special training be better obtained in India?—I think not.

1226. Not in the Indian languages and law?—I think not. I think it can be obtained far better in England.

1227. Do you not think that difficulties would arise under such a system from the possibility of the more advanced classes monopolising the appointments offered for competition at these examinations?—I see no great risk of that. My own belief is that Englishmen would still distance people from this country in the examinations. If they do not, and if it is found that the Natives from the more advanced Provinces of India beat Englishmen, then I should say that they have shown their fitness and their superiority, and that they should be allowed to enter the service. I should regard this with no feelings of dismay. I assume, of course, that the present standards of examination are maintained.

Vol. VI.
Sec. II.
Bengal.

H. J. S.
Colton, Esq.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
H. J. S.
Cotton, Esq.

1228. Do you see no possibility that pressure may be brought to bear upon the Government to Orientalize these examinations?—No doubt that is possible. I can only say that it seems to me that the present standards are fair, and I think the marks now given for Sanskrit and Arabic reasonable.

1229. Apart from the question of the Indian classics, would not there be a general tendency to alter the present system of examinations to suit the Indian candidates?—I do not think so. Looking to the University examinations in this country, and to the standards established by the Universities, I think that qualified candidates would have no objection to the present standards of examination for the Civil Service being maintained.

1230. Then that would be your plan for the Empire generally?—Yes. I would like all candidates to be equally tested, as far as that is possible, by examination.

1231. And for the special districts you have mentioned, how would you proceed? It would be necessary to specify them?—Yes.

1232. How would you proceed to organise the administration?—The chief feature would be the localisation of all officials. One of the greatest drawbacks to the present system is that officials are never localised; that is to say, they are liable at any moment, at the will of the Government, to be transferred from one end of a Province to another. That, I think, is a very great evil, for it is not only extremely inconvenient to the officers concerned; it not only compels Government to pay higher salaries by way of compensation for the inconvenience and risk run, but the constant changes lead to inefficiency in the administration itself. These difficulties now exist equally in regard to what is known as the Uncovenanted Service as in the Covenanted Service proper. An Indian Deputy Collector stationed, say, at Katak, may be transferred to Chumparin just as a Collector may be. I look on this as a great defect in our present system. It may be necessary in special exigencies, but if the evil can be remedied, I think it most desirable that it should be. In these advanced districts I would choose my officials from among experienced and capable men on the spot. In choosing Magistrates I would look to experience, to character, to wealth, and to social position. I would select local men to form some ten or twenty Benches in carefully selected localities. To each of these Benches I would appoint three or four men and allow a small honorarium in each case, but in many cases I think the Magistrates would be found willing to serve without any salary at all. I would allow these Benches to exercise magisterial powers up to six months' imprisonment only. Cases in which a punishment of six months' imprisonment would be inadequate would have to be committed to the Sessions Court. I ought to have said that so far as the

The President—continued.

Judges, are concerned, I think that the present system is a very good one and does not need much modification. I would have our Judges highly paid officials, and the lower Civil Court Judges paid at least as much as they are now.

In the Revenue department it would be a matter of some difficulty to effect the changes which are necessary; but I see no reason why there should not be a localised excise, the officials of which would be retained on suitable salaries. By this means it would be possible to secure the service of respectable persons on the spot; these men would probably be petty landholders who would accept office on a very small emolument; on the one hand they would raise themselves in social estimation by their position in Government service; on the other hand their own independent position in society would enable the Government to depend upon their integrity.

The principle of a localised administration should be given effect to as far as possible in all Revenue departments. It will be less easy to give effect to it in the case of the land revenue collections; but in the case of local cesses and assessed taxes, localisation presents no practical difficulties. In reference to the land revenue, it might be more expedient to adhere to a central treasury. Even in that case it is obvious that a low salary would be sufficient for our land revenue collectors.

In making these appointments I would distinctly recognise the strong feeling which prevails in this country in favor of an aristocratic form of administration, as opposed to a democratic. I would accept the feeling which prevails in all these districts, that the persons representing old families, landed interests, and high caste should be the persons whom a wise Government would select to take up these appointments.

1233. Would you provide any machinery for supervision?—I would have inspection, and it would be necessary to pay them high salaries in order to obtain first rate men.

1234. Where would your Inspector substantially differ from the existing district officer?—He would inspect work and correct errors where he found them. District officers do much more than that. They are absolutely supreme in their districts. They are head of, and responsible for the working of all departments. The Inspector would merely see that the rules were observed; he would point out errors, write his inspection memoranda, and insist on his orders being carried out.

1235. He would be, necessarily, a highly paid officer?—Yes, but the position of an Inspector would be very different from that of a district officer.

1236. Would you lay down any particular lines for the guidance of Government in making selections, or leave it a free hand?—I would fetter the discretion of Government as little as possible.

Mr. Nulkar.

1237. Would you support the allowance of a larger number of marks for Sanskrit and Arabic in the competitive examination?—No, not if the present standard of examination in those languages remains as it is. If the standard were raised to the same level as Greek and Latin, then of course the question might arise. I think in that case it would be reasonable to give the same number of marks. I am not aware that there is any difference in the general standard of the examinations as they are now held and in the standard which obtained some years ago.

1238. Do you expect boys of eighteen and nineteen to attain the same standard as formerly existed?—I am not aware that the papers now set are easier than those which used to be set. I have seen some of the papers and I do not think there is any material difference.

The President.

1239. The marks are very much higher?—I am not aware of that, but I can give no special information on these points.

Mr. Nulkar.

1240. With regard to the possible danger that if the examinations were held both in India and in England pressure might be brought to bear upon the Government to Orientalise the character of the examinations in order to adapt it more and more to Natives, would not you deprecate such a change?—I certainly would, very strongly. I would object to any changes or any modifications being made with a view to favor one race more than another.

1241. You have spoken of the evil consequences resulting from Government servants being sent from one end of a Province to another. Does that evil refer more particularly to the backward parts of a Province?—No: it is equally an evil anywhere; but it cannot be helped in the backward parts, because there is, comparatively speaking, no local talent there.

1242. With regard to respect paid to people of aristocratic origin; is that to be found more in advanced districts and less in the backward ones?—I believe it exists absolutely in all parts of India, whether advanced or not. This feeling is as strong amongst educated as it is amongst uneducated persons.

Mr. Ryland.

1243. Would you admit Natives equally to both executive and judicial posts?—I would make no distinctions.

1244. You think they are as well qualified for the charge of districts as they are for holding Judgeships?—I am bound to say that my opinion at present is that Indians are at present more fitted for judicial than for executive appointments, but the

Mr. Ryland—continued.

reason is that they have had so much more experience in the former direction. You cannot expect persons to be all at once fit for charges for which they have not been trained. I have not the slightest doubt that when the Natives of India are trained for executive functions as carefully as they now are for judicial duties, they will discharge the former functions quite as satisfactorily as they now do the latter.

1245. Have they not been trained in subordinate executive appointments?—Very imperfectly in comparison. It is the exercise of responsibility which brings out the faculties of men. Inferior men, when an opportunity is afforded them, are found to display latent capacities which were not suspected before, and even in regard to the best men that is the case. Opportunity and responsibility are needed to develop talent.

1246. Up to the grade of Joint-Magistrate, do they not enjoy equal opportunities of exercising these qualities?—No doubt they do; but these are very subordinate posts.

Mr. Ramaswami Mudaliyar.

1247. Are you speaking of backward districts or of the more advanced districts?—I refer to both. I am specially referring to Bengal, but my remarks are applicable to other Provinces too. I was myself Collector in a backward district; I mean Chittagong, which I call a backward district as compared with Hughly.

1248. Would you have different systems working in the same Province?—Yes, certainly, the extension of my system would depend on the degree of intelligence and education which might obtain.

1249. Of course endeavours should be made to advance the position of backward districts?—Certainly.

1250. Do you think you would further the cause of progress in the less advanced districts by drawing this distinction between the more advanced and less advanced districts in the same Province?—Yes. There is a vast gap between different districts in the same Province. The same gap now exists between certain backward districts in Bengal and the more advanced ones, as exists between the condition of things which obtained in those advanced districts a hundred years ago and that which prevails now.

1251. Was it by introducing a system similar to that which you advocate that those districts became advanced?—No; I cannot say it was.

1252. Is it not the fact that the efforts of officials have raised these districts?—I think it is more attributable to the fact that they are in the neighbourhood of the metropolis.

1253.—Those districts which adjoin the metropolis have more or less imbibed a spirit of liberality?—I find that these advanced

Vol. VI.
Sec. II.
Bengal.

H. J. S.
Cotton, Esq.

Mr. Ramaswami Mudaliyar—contd.

Vol. VI.
Sec. II.
Bengal.
H. J. S.
Cotton, Esq.

districts are every whit as conservative in their tendencies as the most backward.

1254. I suppose you are aware that in many districts men of very humble birth occupy very responsible posts?—Yes.

1255. Have they given any dissatisfaction to the people?—I am not quite clear what you mean by men of "very humble birth."

1256. Men of humble origin?—Humble origin, but probably of high caste.

1257. Have you any experience of officials belonging to very low caste?—Very little; not one in a hundred of the officials in this country belongs to a very low caste.

1258. Does such an official lose respect?—No, but he has greater difficulties to contend against.

1259. Your system would increase the difficulties in the way of men of humble birth rising to high positions. If you distribute your patronage so as to admit men of high birth only, don't you think you would be retarding the progress of men whose birth is humble?—Not retarding it certainly. I see no reason why because a man is poor and because he is of ignoble birth, he should not be promoted. But if a man of high extraction is equally well qualified, I would certainly, having regard to the conditions of the country, prefer him to the other.

1260. Why would you handicap the man of humble birth?—I would make allowances for the social conditions of the country.

1261. You have read the Queen's Proclamation, and the references to birth, and you knew that in respect to appointment to office birth is no disqualification?—I think we should look to social position. I apprehend that if this is not done there would be great risk of social disorder.

1262. Would you always select men of good birth?—You will find that 99 per cent. of the graduates at the present time are men of good birth.

The President.

1263. Under the present circumstances of this country a man whose birth is better than another makes the better administrator?—Yes, he does; other qualifications being equal.

1264. Is not great respect shown to birth in England?—Yes, profound respect.

1265. Why should you not have the same rule here?—If a man possesses pre-eminent abilities, he will attain to high position irrespective of any birth qualification. The late Kristo Das Pal was of comparatively humble birth, yet his pre-eminent abilities raised him to a very high position in this country.

Mr. Ramaswami Mudaliyar.

1266. All I wish to know is why should your system stand in the way of encouraging these men?—It would not; there will always be plenty of encouragement for such men. I look on my own scheme

Mr. Ramaswami Mudaliyar—contd.

as a logical development of Lord Ripon's scheme of local self-government. I would deal with the administration of justice, the collection of revenue, excise, opium, public works, and education on similar principles. I would extend the principle of localisation generally; but I would begin very cautiously at first by trying the change as an experiment in only one or two districts.

The Hon'ble Kazi Shahabuddin, Khán Bahádúr.

1267. With regard to Oriental languages, which are optional subjects in the open competitive examination, would you add Persian?—I am not prepared to answer that question. I see difficulties and also advantages.

1268. If you have French and German, why not Persian?—Indeed, why not Chinese, as one of the witnesses before you has suggested.

1269. Would you put Persian and Chinese on the same footing as a qualification?—I am disposed to think that with reference to our wide eastern frontier a knowledge of Chinese would be a very valuable qualification.

1270. What is your particular objection to Persian?—I have no particular objection to the addition of Persian.

1271. Is it not desirable?—It seems to me that as a test of general qualifications Persian is of less importance than French or German.

1272. Suppose you were transferred to the Punjab, do you think your German would be much more useful?—I do not think you should consider the subjects of this examination with special reference to the service the candidate may have to render. The object of the open competitive examination is to test the qualifications of a candidate in the ordinary subjects which are included in a young man's education. From this point of view is it wise to introduce Persian at the first examination? This examination is not intended to be an Oriental test in any way. If a young man goes up and fails, what is the use of Persian to him? Persian is not a language which forms part of the ordinary course of study of an educated Englishman.

1273. Would you make Persian a compulsory subject in the second or final examination?—I would make it compulsory for a Punjab Civilian. The selected candidates choose the Province in India in which they will serve after they pass.

1274. For advanced tracts of country you have advocated an entirely new form of Government. Do I understand you to say that the Executive and the Judicial administration of such tracts would be placed in the hands of Natives or Europeans?—Wholly in the hands of Natives.

1275. That is to say, you would have the District Magistrates, Collectors, and Judges

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr—continued

all Natives?—Officers with these designations and powers (Judges excepted) would not serve in the advanced districts.

1276. What powers would you confer on Magistrates?—I would give them much lower powers than those now exercised by first-class Magistrates.

1277. Supposing you found a man qualified to exercise larger powers, would you not give him those powers?—I think not; I think it open to great objection. I think a Magistrate's powers should be cut down. Six months is the limit in England, and I would not give more here.

1278. What class of persons would exercise higher powers?—Cases should be committed to and tried in the Sessions Courts. I would not interfere with, but on the contrary would maintain, the existing system of District and Sessions Judges. The officers employed as Magistrates and in the Revenue departments should occupy a lower official status than Judges. I attach the greatest importance to placing the Judicial authorities in this country in a high position—a position above the Executive.

1279. Would you recruit the Judicial Service pretty much in the same way as the general Civil Service?—That is another question. I see no reason why people should not be admitted to that service from the Bar.

1280. What powers would you give Magistrates?—All cases requiring a heavier penalty than six months should be committed to the Sessions Courts.

1281. Would you have no Europeans in the Revenue department?—Not in the advanced districts, except those Europeans who might settle in those districts. Many of these would be found to be excellent men. If they were resident in the locality, I think they would make most useful members of local Benches and Boards. I would not import them from Europe for the purpose.

1282. Are you aware that in certain districts Magistrates have the power to call out the military? Would you give that power also to your local Benches?—That question did not occur to me.

1283. It might be important?—There is no military to call out in most of the districts in Bengal. I have never heard of the Magistrate calling out the military in these Provinces.

Sir Charles Turner.

1284. Supposing the North-Western Provinces had otherwise advanced sufficiently and were sufficiently ripe for your system, how would it work there in districts where riots occur owing to religious animosity between rival creeds?—That does seem to me a matter of the greatest importance. If there be a risk of serious disturbances in such districts, I should think it very necessary to

Sir Charles Turner—continued.

retain executive power in the hands of one man. But this certainly is not the case in the districts to which I am alluding.

1285. Would you lay down any qualifications for the offices which would be constituted under your proposals?—The responsibility of selection would have to rest upon the Government—upon the executive head.

The President.

1286. With regard to Public Works, how would you regulate that?—The general control over the Public Works department would of course be exercised by some central authority. As regards local works in a particular district, I conceive that local Engineers would probably be secured much more cheaply than Engineers from England or from some other district. For instance, in Hughly, a Hughly man would probably be found to carry on the work of the District Engineer more cheaply than a Dakka man.

1287. The system you suggest for local public works exists now, and there is nothing new in it except as regards large works between one district and another. Tanks, wells, public buildings and the like are in the hands of Local Boards. Canals are in the hands of the Government?—It may be quite correct to say that wells and tanks are in the hands of Local Boards, but I doubt whether the Boards have exercised their powers in that direction. No doubt they have powers.

1288. Has not the entire responsibility for the construction of public works (subject to certain broad rules which have been laid down) been made over to Local Boards in some parts of the country?—Yes, roads have been.

1289. Buildings?—No.

1290. Bridges?—Bridges go with the roads.

1291. Is it not a fact that in some parts where these works have been made over to the Local Boards, the Public Works department have been unable to abolish the public works officials in those districts?—I believe they have modified these things in many cases. District Boards have their own engineers. The principle I suggest has already been carried out to a considerable extent in the Public Works department.

1292. In some districts of the Punjab matters have been so decentralised that the money spent upon official establishments has been made over to the credit of the Local Boards?—I do not wish to be understood to depreciate anything which has been done in this direction. Such decentralisation is quite in accordance with my own views.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr.

1293. You said the excise and other sources of revenue should be localised and

Vol. VI.
Sec. II.
Bengal.

H. J. S.
Cotton, Esq.

The Hon'ble Kazi *Shahabuddin*, Khán
Bahádur—continued.

Vol. VI.
Sec. II.
Bengal.
H. J. S.
Cotton, Esq.

entrusted to zemindars and talukdars. Are you aware that these departments, being revenue-yielding departments, are engines of great oppression in the hands of petty officials?—Yes.

1294. As a district officer you have information on this subject?—I do not see how the system I propose would result in any greater oppression than that which prevails at present. On the contrary, I think it would tend to minimise it.

1295. Do you think powerful zemindars would consent to exercise the powers of an Inspector of Abkari?—I do not propose to place a powerful zemindar in that position. He would not accept such an appointment. The man I would select for it would be a respectable resident of the locality.

1296. Even a small zemindar would not accept the office, and if he did, the men he would employ would be without discipline, and not under the same control as the men now employed under the Collector. Do you think the control would be the same?—As far as the control of the Collector now goes, it is too often purely mechanical.

1297. You are aware that there are special penalties for breaches of the excise and abkari laws which are not to be found in the Penal Code. For instance, even two tolahs of opium may be seized in a shop which holds no permit?—That is a function of the police.

1298. You also hear occasionally of cases of bribery in connection with this branch of the public service?—No doubt.

1299. I am speaking from experience, but it may be different on this side of India. To minimise this oppression it may be necessary to sacrifice revenue. Is not, therefore, the present control of the Government better than the control of a petty zemindar?—But the control of the Government would remain the same in any case. The Excise Collectors would be placed under the control of the Head of the Excise department, and all would be Government officials alike. But instead of a Deputy Collector, who is probably a foreigner, doing the work, I would employ gentlemen selected from the locality, and, if possible, of some social status. I cannot admit that what is found practicable in other countries is absolutely impracticable in India. I would at first choose the most civilised parts of the country, and as others became equally fit for emancipation from the present system, I would gradually place them on same footing in regard to the details of administration.

1300. Over these excise men there will be Inspectors. From what classes would you draw them?—It is somewhat difficult to say, but I suppose they would come from the highest ranks of the Uncovenanted Service.

1301. Where would you apply your scheme?—Only in certain districts at present.

The Hon'ble Kazi *Shahabuddin*, Khán
Bahádur—continued.

The scheme would apply to a very small area in this Province, say to Hughly, Burdwan, and the 24-Pergunnahs. I would try any experiment most cautiously. It may fail. It is a very large question, and if I were to discuss the details of its application in all departments, I should, I fear, occupy your time for hours.

1302. What about the Police?—I think the Police is a department which the Government ought not to attempt to decentralise. It should be the most centralised of all administrative departments.

1303. About Jails?—Much the same.

1304. The Medical department?—Much as it is now.

1305. From what classes would you select Secretaries to Government?—They must be chosen by the Government. I would allow the Government to choose anywhere the most competent persons they can find.

1306. Would you have the Chief Secretary to the Local Government a man from Bombay?—I know that one of the ablest Secretaries we ever had in Bengal was chosen from the Central Provinces. But I think that, as a rule, the Lieutenant-Governor would be wise to choose a Secretary from his own Province.

Mr. *Hudson*.

1307. I do not quite understand from which classes you would choose the administrators of justice?—There is less doubt about that than about any other point. I think they should be chosen from the most respectable inhabitants of the locality.

1308. The same classes as Honorary Magistrates?—I should say much the same.

1309. Have you had any experience of Honorary Magistrates' work?—Yes, I have.

1310. Do you think that it is really efficient work?—I do not think that Honorary Magistrates, so far, have been allowed a fair chance, because, as a rule, they have been required to sit with stipendiaries. Where they have sat alone they have done well; where they have sat with stipendiaries, they have looked upon their work as superfluous.

1311. How is their work reported on?—They can only be reported on through their own-records.

1312. You can only judge by their own reports; you cannot judge of what others think?—No.

Mr. *Stewart*.

1313. Have you ever had any experience of the ryotwari system?—Yes, in Chittagong where I have served both as Collector and Commissioner. The system there is called talukdari, but it is really ryotwari. On taking an average, the rental paid by each talukdar does not exceed two rupees.

Mr. Stewart—continued.

1314. Have you ever had experience of a district where there have been land troubles?—I have.

1315. Some of these advanced districts may be found in Bombay and Madras too?—I think so. I have discussed this question with Indian gentlemen, and I gather from the opinions they gave me that the system would be equally applicable to advanced districts in Bombay and Madras.

1316. Do you know that a district in the immediate neighbourhood of Bombay is one of the most difficult to manage?—No, I do not. But as regards difficulty of management, I may say that it will often be found that an officer of inferior ability will manage a backward district well enough, but it requires a first-rate man to administer an advanced district successfully.

1317. Now, the fundamental principle of your system is the selection of officials from the locality?—It is.

1318. Do you think that such a selection of the higher officials is to be always recommended?—I can conceive conditions under which it would be open to objection.

1319. In the present state of society in Bengal, would it be always advisable to take a Native and place him in the position of, say, a Collector?—You mean to say to put him in charge of the collection of the land revenues. I see no harm in it, provided you are careful in the selection of your man.

1320. Your Collector would not be the officer who would actually make revenue collections?—No.

1321. Who would have the appointment of village officials?—Our Collectors do not appoint village officials.

1322. Revenue Collectors discharge other duties?—I should have a separate man for every duty.

1323. Would you not increase the staff?—There would be a very large staff.

1324. The highest official would be the Inspector?—Yes, or he might be called Commissioner, which is a more dignified title.

1325. He would have no magisterial functions?—No.

1326. I suppose Bengal is not free from the invasion of famine and other catastrophes?—It is almost or very nearly free from famines.

1327. There are many parts of Bengal particularly liable to famines?—I should not admit that.

1328. In the case of a famine, who would take the initiative in relief measures?—When you come to relief measures, it is necessary to provide a special organisation for the purpose.

1329. Then your organisation would fail in that case?—I would apply special measures to meet special emergencies; this is perfectly reasonable, and not inconsistent with a representative and national form of administration.

Mr. Stewart—continued.

1330. I wish to know your reason for having one list only if the examinations for the Covenanted Service are held both in England and in India. Why not have separate lists for India and England?—I don't understand the drift of the question, but I see no objection to preparing two lists—one Indian and one English.

1331. Would you throw them together and then select?—The first fifty men, say, would be held to have passed.

1332. Why should you not allow candidates from England to compete among themselves, supposing there was a certain fixed number to be selected in England and India respectively?—I think it is open to grave objection to have any proportion laid down as to the number of English and the number of Indian appointments. It is a very retrograde proposal, and seems to me to go behind the law which has been laid down by Parliament on the subject.

1333. What would be the advantage of pitting the youth of India against the youth of England?—I have objections to any system which provides for a fixed proportion of Indian and English appointments. The proposal is objectionable also on the ground that it would not ensure the maintenance of the standard of the examination, nor the selection of the ablest candidates.

1334. Might you not have a higher standard in India?—It is a difficult matter, but it seems to me to resolve itself into the question whether we are or are not to give effect to the Parliamentary declarations of 1833 and of 1853. I wish to draw attention to certain answers sent by the Poona Sarvajanic Sabha to your Commission on this point. The answer I refer to quotes a reply by Mr. Robert Low in a speech he made in the House of Commons, he representing the Government, at the time an amendment on an Indian Bill, suggesting the introduction of proportionate allocation of appointments was proposed. The Government of Lord Aberdeen objected to that amendment; Sir Charles Wood opposed it, and Mr. Low, the then Secretary to the Indian Board of Control, spoke as follows:—"The hon'ble gentleman proposed also that one-third, more or less, of the Civil Servants should be drawn from the Natives. Why did he make that limitation? If it was possible to find, according to the hon'ble gentleman's proposal, one-third, why not extend it to one-half or two-thirds of the offices? Why should they stop at one-third? When he took up a principle, he liked to carry it out to its utmost extent. The principle of the Bill was that if Natives could be found to enter into competition, and to undergo the test of examination with the educated youth of Haileybury, they were to be allowed to do so. But the express object of the clause proposed by the Hon'ble Member for Richmond was to vitiate that competition.

Vol. VI.
Sec. II.
Bengal.

H. J. S.
Cotton, Esq.

Mr. Stewart—continued.

Vol. VI.
Sec. II.
Bengal.
H. J. S.
Cotton, Esq.

That was not the intention of the Government. What the Government proposed was to throw open the whole of the Service to every Hindu, to place him in a position to compete with the other subjects of Her Majesty, whatever his religion, his color, or his race. In doing this they were only acting in accordance with the true spirit of the 87th section of the Act of 1833. By this clause the Government had for the first time broken down the monopoly, and rendered it possible for the Natives of India to obtain as much power, as much influence, and as much employment as their own merits enabled them to deserve." (*Vide* Hansard's Parliamentary Debates, third series, Vol. CXXIX, p. 787.) The apportionment of appointments between the two examinations would practically decrease the result contemplated by the amendment proposed in 1853, for in England ninety-nine out of every hundred of the successful candidates will always be English, and in India ninety-nine out of every hundred will be Indian.

The amendment proposed in 1853 was rejected: Parliament would not have it.

1335. The object of the Bengalis is to have a certain number of appointments given to them in the higher Covenanted Service, is it not?—I would not like to put it in that way. Their desire is to be allowed to enter into a fair, equal, and free competition for these posts—to be put upon a position of equality; a fair field and no favor is what they ask for: the practical fulfilment of the principles of the Charter Act and of the Queen's Proclamation. It may be that I am not in a position to represent Indian feeling, but this I know, that there is no feeling on any question within the province of the Commission more sustained than this—that there should be a fair field for all and no favor to any. They desire only that the Commission should work out some practical scheme based upon that principle.

Mr. Peacock.

1336. You referred to the difficulties which existed in regard to holding the *civis roce* examination in India; do you think they could be sufficiently met by having the general lines of this examination laid down in England and sent out by the Board of Examiners there for the guidance of the examiners here?—I doubt whether the *civis roce* examination can be properly conducted here. There is no remedy but its omission.

1337. With regard to your scheme for advanced districts, do you contemplate its immediate introduction anywhere? Would you, for instance, introduce the scheme which you have sketched into the 24-Pergunnahs at once?—I would not introduce it into a portion of a district, but into the whole. I do not see how else it could be started. I should like to try it.

Mr. Peacock—continued.

1338. You spoke just now of the Hughly district; do you think it would be sufficient to have less than twenty places selected for the sitting of Magistrates' Benches? Supposing at the present time you constituted some twenty benches, do you think you would find sixty or a hundred qualified men to exercise the powers you would confer on them?—I believe in Hughly you would.

1339. I am prepared to say you would not in the 24-Pergunnahs even now?—Hughly is decidedly in advance of the 24-Pergunnahs.

1340. It seems to me that you could not do it there. We had the greatest difficulty in getting Benches for places which it was thought were large enough to provide an adequate number of qualified men. That, I take it, would be the very great difficulty you would have to contend with in other places. You could not do it in Nuddea, Jessore, and other advanced districts. I do not mean to say that you would not find very many excellent men in different places, but not a sufficient number willing to attend constantly. There is another point on which I should like to ask you a question. You propose to localise the excise, for instance, and the land revenue, &c., and, as I understand you, the controlling power and the police would be in the hands of an Inspector, who would discharge pretty much the same duties as the present Commissioners of Divisions. Do you think it would be safe to have a number of different centres for the collection of the revenue and for the administration of the various revenue establishments?—In the Excise, certainly, but not in the Land Revenue department. Even there I would decentralise, but not to any marked extent.

1341. How would you get together, as a whole, the results of the district excise management?—Returns would be sent in by each of the local officers.

1342. How would they be dealt with when they got to their destination?—In the same way as returns are dealt with now.

1343. Returns now go to the Commissioner through the Collector? You have in your scheme got nothing intermediate between the Local Board and the Inspector?—It will be a great advantage to eliminate one of those numerous links which now exist. Administratively I think it would be a practical advantage. I would have the Inspector or Commissioner deal directly with the Local Government on the one side, and the different Local Boards on the other. He would require some establishment for this purpose.

1344. It would require a large establishment. In ordinary districts there are now some four or five sets of returns, and instead of having five, you are going to have twenty or thirty?—I do not say that; probably the number would be about the same as now. As

Mr. Peacock—continued.

regards the criminal benches, I suggested that there might be twenty, but I do not see why we should have the same number in the other departments. Perhaps four or five excise collectors would be sufficient for the ordinary work.

1345. With reference to the Police, you say that the police is one of the departments which should continue centralised? Under whom should they be directly placed?—The present system is a very reasonable system; only it is not centralised enough.

1346. You have done away with the Magistrate; would you leave the police entirely under the District Superintendent without any power of interference on the part of the different local bodies?—I would allow Local Boards no authority over the police.

1347. Would not the result of that be that before a month had elapsed you would have them at variance on all kinds of questions?—I do not think so.

The Hon'ble Mr. Justice Mitter.

1348. You would abolish the *civâ voce* examination?—Yes.

1349. Do you know if the system of holding *civâ voce* examinations is followed in the University of Oxford?—It is.

1350. Do the examiners take into account the marks assigned thereto?—They do, and great importance is attached to it.

1351. I understand you to say you would send the candidates who passed in India to England for training, and that that training would be special and not general—in law and languages?—The training would be mainly in law.

1352. In no other studies?—I think the present curriculum is a very fair one.

1353. It is said that young men who go to England from this country are not unlikely to fall into evil ways. To obviate this, would you compel them to enter some educational institution, or would you leave them to themselves?—I do not think it much matters. In any case there must be a long period of vacation when the students must be left mostly to themselves.

1354. With reference to your scheme for advanced districts, there are certain *quasi-judicial* functions exercised by Collectors—for instance, the partition of estates; how would you provide for these?—In districts where there are many partitions you would have to appoint a special officer as is now done in Tirlut and elsewhere.

1355. As for your Inspectors or Commissioners, would you draw them from the organised Service, or would you appoint persons who might be found in the locality?—I am so much in favor of leaving these matters to the discretion of the Government that I do not wish to say one thing or the other.

Sir Charles Turner.

1356. The system of local self-government is better adapted to a wealthy than to a poor country?—No doubt.

1357. You must have men of leisure who can devote their time to the public service?—Yes.

1358. The circumstances of India generally are not such?—I am prepared to say that there are large numbers of intelligent men who are only too anxious to devote their leisure to the discharge of public duties, both in Calcutta and in the mufasal.

1359. Are you aware that no scheme of local self-government has as yet been devised in England which is regarded with complete satisfaction?—I have heard that said.

1360. With regard to the dispensation of justice by unpaid Magistrates, I suppose you are aware that the system is very much criticised by reformers in England?—I am aware of that also.

1361. Do you not apprehend that somewhat the same defects may appear in the administration of justice by Benches of Magistrates in this country as in England?—Possibly.

1362. I think you observed just now that you proposed to remedy some of these defects by raising the age of the Magistrates. In your opinion do Magistrates at present enter upon their duties at too early an age?—Yes.

1363. Does that afford a substantial ground for complaint on the part of the public?—It does.

1364. With regard to examinations in India, do you consider that holding examinations in India would exercise any prejudicial effect upon the educational institutions of the country. Do you think that the colleges here would frame their system of education with a view to secure the success of a few of their pupils at these examinations, rather than to give a general education to the people?—I should be sorry to draw any distinction between the subjects of general education and the subjects taken up at these special examinations.

1365. The youths the competitive service would require would be highly educated men. For the ordinary youth of India you would have to provide an education which would not be so high. Would not there be the risk that the colleges would attempt to secure a standard of education which would conform to that of the examination and be appropriate for the few candidates who would present themselves for examination, while the needs of the majority of the pupils for whom such high training would be unnecessary would be neglected?—It is possible no doubt.

1366. The majority of those who enter college classes aspire only to be "pass" men. Now, if you introduce into one of these colleges lectures suited for the students who

Vol. VI.
Sec. II.
Bengal.

H. J. S.
Cotton, Esq.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
H. J. S.
Cotton, Esq.

aim at success in the examination for the Civil Service, would the result be the best possible education for the whole body of students?—No doubt the risk you point out exists, but it is a danger which must be incurred everywhere that the best boy should receive most attention and the dull boy should be neglected.

1367. In England we have so many educational institutions that some may devote themselves to the training of candidates for special examinations without injury to the general education of the majority?—I think the same result will be obtained here.

Mr. Peacock.

1368. Do you know that, as a matter of fact, the difficulty of securing the attendance of Honorary Magistrates is a subject of complaint?—No.

1369. Have you heard it mentioned as a complaint on the part of district officers that they find it difficult to get members of local Committees to attend with anything like regularity?—I am bound to say that, in my judgment, the difficulty or otherwise of attracting gentlemen to these Boards depends very largely upon the district officers themselves.

1370. As a matter of fact, do not most district officers make frequent complaints on this score?—This is a question my answer to which might convey a censure upon certain members of my own service which I wish to avoid. I will only say that those Magistrates who encourage Local Boards find no difficulty as a rule. I found no difficulty when I was a Magistrate.

Mr. Nulkar.

1371. One feature of your scheme is that you would entrust the executive administration of the most advanced districts to amateurs and unpaid officials?—I trust the Local Government would exercise a better judgment than to appoint amateurs. The success of the scheme would depend very much upon whom the Government would select.

1372. It would be necessarily confined in its selection to private individuals?—I would not call them amateurs.

1373. Have you any experience of the success of such a scheme as this, whereby the executive administration of the more advanced districts is entrusted to amateurs, in any part of the world?—It is universal.

1374. Even in the Civil Service in England?—I wish, as far as possible, to assimilate our system to what prevails there.

1375. I am talking of entrusting the work to private individuals?—I would make them members of a regular local service.

The President.

1376. Would you recruit the Uncovenanted Service from Natives of India as defined

The President—continued.

in the Statute, or from all natural-born subjects of Her Majesty?—I think it would be best to limit recruitment to the Statutory Natives of India.

1377. Would you recruit the system by open competition, or by nomination, or by a limited competition?—My own observation has taught me that competition is a very useful system; but I would not altogether eliminate a certain power of nomination. I would very much prefer competition for the great majority of appointments. Still I can recognise the advantage of the Local Government retaining in its hands some power to nominate.

1378. Would you recruit provincially or for the whole of India?—Provincially.

1379. Suppose the Statutory Service were abolished, would you give the one-sixth of the Covenanted appointments allotted to that Service to the Uncovenanted Service, or would you absorb these appointments into the higher service?—I would absorb them, and I would not in any case give so large a proportion to the Uncovenanted Service.

The Hon'ble Kazi Shahabuddin, Khán Bahádúr.

1380. Do you think one-sixth of the whole too large a proportion to give to men of the Uncovenanted Service?—I think so, considering the superior qualifications which are secured in the case of those Civilians who have passed the open competitive examination.

1381. Do you not consider that before long there will be a sufficiently large number of really distinguished men in the Uncovenanted Service, and would you then think that proportion too large?—I would not allow so large a proportion.

1382. Do you not think that by allowing this proportion the standard of that service would be very much raised, and that you would get better men?—That might be so. I am quite willing to allow a certain proportion from the Uncovenanted Service to be elevated into the Covenanted Service, but at the same time I think one-sixth is too large a proportion.

1383. We have heard that Subordinate Judges are very highly qualified. Do you think one-sixth of the District Judgeships would be too much for them?—One-sixth seems a large proportion. I should like to select District Judges entirely from the Subordinate Judicial Service, from pleaders, and from the Bar.

Mr. Ryland.

1384. Do you think it necessary to retain the European element in the Uncovenanted Service?—Scarcely.

1385. To some extent?—It might be advisable in some cases, but I am not in favor of it.

Mr. Ryland—continued.

1386. I suppose you have a vivid recollection of the Indigo disturbances?—Yes.

1387. You were in charge of one of the worst districts?—I was in charge of a sub-division which had been a principal centre of disturbance.

1388. Were not the sub-divisions always officered by Europeans?—Yes.

1389. Were not the duties in them of an arduous and trying nature?—Yes.

1390. And such as called for the highest qualities of an Uncovenanted officer?—Yes.

1391. Do you think that Natives would have done the work equally well, and also to the satisfaction of the people?—That is an extremely difficult question to answer. Although, as a rule, the local Europeans who were in charge did extremely well, there were occasions on which they failed. I do not think that at the time of the Indigo troubles there was a sufficient number of Native Deputy Magistrates who would have been found to discharge their duties equally well. But whether that was so or not, I believe that since then the standard of Native Deputy Magistrates has greatly improved, and that in a crisis they would now be found fit for any similar emergency if it were to arise, but they would have to be carefully selected. They are very unequal.

1392. Looking to the very strong feeling which existed, the officering of the sub-divisions with Native Magistrates might have been attended with other results?—I do not think that at that time Native Deputy Magistrates were equal to the emergency; I believe that Europeans were then the best men to be in charge. At the present time, in a similar crisis I am not prepared to admit that Indian Deputy Magistrates would not be found equally fit.

1393. You think they would give equal satisfaction to both parties?—I am not prepared to say they would give equal satisfaction to both parties, but I believe they would administer justice with equal integrity and efficiency.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

1394. In what year was this?—In 1870.

1395. What has made the change in the Native character of to-day as compared with the Native character at that time?—Education and experience: for every one educated man then, there are fifty now.

1396. Do you find that education has brought about any material change in their moral character?—It has unquestionably.

Mr. Hudson.

1397. Is the Subordinate Service as good as it ought to be—I mean Munsifs and Deputy Magistrates?—I think the standard of Munsifs is very much superior to that of Native Deputy Magistrates in Bengal, and

Mr. Hudson—continued.

that as a body they are more efficient, owing to their being chosen from a more highly educated class.

1398. Don't you think you ought to get the same class of men for Deputy Magistrates?—Yes, but I think that an improvement is being effected, and that those who have been recently selected are abler men.

1399. Do you think the present pay is sufficient to secure the best men?—Yes, I think so.

The Hon'ble Mr. Justice Mitter.

1400. During the Indigo disturbances the officers who were in charge did their duty well. Did you hear any complaints?—I was not in India during the time of the disturbances, but I was in charge of an indigo tract of country shortly afterwards, and am well acquainted with what took place.

1401. Did you hear any complaints or see them in the newspapers that justice was not administered?—Very often indeed.

Sir Charles Turner.

1402. You were in a position to ascertain whether the charges were true or not?—It is a difficult task to ascertain that.

1403. What is the opinion of the public as to the efficiency of second and third grade Magistrates?—I do not think it is very favorable to them. As a rule, they are no better than young Englishmen. They are appointed much too young. I have known Deputy Magistrates appointed at the age of twenty-one without any previous training at all, and very soon they are vested with large powers. They learn their experience at the cost of the public.

1404. When do they receive larger powers?—After they pass examinations.

1405. Do they become efficient Magistrates?—They vary very much. It takes a long time before they acquire ripe experience. Strong complaints have frequently been brought to me of the inefficiency of many Deputies.

1406. Is their official morality good?—I believe it is.

1407. As to Munsifs, what is the public opinion?—Munsifs, no doubt, are of a better class. All Munsifs now are both B.A.s and B.L.s and have practised for some time at the Bar.

1408. Do you think it would be desirable to secure the same qualifications in Native Magistrates as are required of Civilians?—I do. But I wish to avoid the appointment of too young men as Magistrates.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

1409. Do you think that if all Native Magistrates were selected from one class they would be equally reliable in their work as Europeans; for instance, if there were a

Vol. VI.
Sec. II.
Bengal.

H. J. S.
Cotton, Esq.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhadur—continued.

Vol. VI. crisis in the district between Hindus and
Sec. II. Mahomedans?—This question is one I have
Bengal. great difficulty in answering. So far as the
religious question goes, it would depend
H. J. S. to a great extent on whether the Magis-
Cotton, Esq. trate was a Gallo or not—an Akhbar or an
Aurangzebe.

The *President*.

1410. In the same appointment held by a Covenanted Civilian, a Statutory Civilian, and an Uncovenanted officer, should they be paid alike?—They should be paid alike.

1411. In regard to the furlough rules and retiring annuities, &c., would you make them applicable to Europeans and Natives alike?—I would make no distinction.

Mr. *Peacock*.

1412. Did you say that you had considered the Statutory definition of the term "Native of India"?—I said it was a good definition.

1413. Would you include men who were not born in this country? At present men might be found who for all practical purposes are permanently settled in the country, and because they were not born here would you exclude them?—That is a diffi-

Mr. *Peacock*—continued.

culty no doubt, but to furnish a more satisfactory definition is almost impossible.

The *President*.

1414. Is there any other point upon which you would wish to make any remarks?—With regard to the question of salary, I should like to expand my answer. There are many who say that the people of this country should get lower salaries. No doubt there is a good deal to be said on this side of the question, but in answer to it I wish to bring to the notice of the Commission that the class of Natives we attract and desire to attract into the public service are first class men among their own countrymen. In England the men who compete for the Indian appointments are but second or third class men among Englishmen. I think that first class Indians should get the same pay and privileges as we ourselves get. This is necessary if we are to have first rate men.

Mr. *Fitzpatrick*.

1415. I wish to ask a personal question. Is it not your view that a civilised country or a civilised people is best left to develop itself from within without much interference from without?—It is.

WITNESS XV.—23rd February 1887.

Examination of C. B. GARRETT, Esq., c.s., District and Sessions Judge, 24-Pergunnahs.

The President.

1416. How long have you been in the Covenanted Service?—Twenty-eight years.

1417. You are a Haileybury man?—Yes, and am now Judge of the 24-Pergunnahs.

1418. You have had experience both in the Judicial and Revenue branches?—I have been in the Judicial branch fourteen years.

1419. Do you think that the existing system of recruiting for the Statutory Service is approved?—It is generally disapproved. The present system does not afford opportunities for the selection of the best qualified or best educated men.

1420. How would you remedy the defects, if any, in the present system?—I do not think you can remedy them except by sweeping away the system altogether.

1421. Would you abolish the Statute, and leave the Government no power to appoint men to posts reserved for the Covenanted Service?—You might for a very few exceptional cases retain the power.

I can suggest no amendment except abolishing the Statutory Service altogether. I am not averse to make it possible for Government in a very exceptional case to raise a man from the Uncovenanted to the Covenanted Service, and therefore if it were necessary for this purpose to retain the Statute, I would retain it. I am wholly averse to the reservation of a certain number of appointments in the Civil Service as rewards for ordinary good service in the Uncovenanted ranks.

1422. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training, or should they be encouraged to do so?—Every person admitted to the Covenanted Civil Service should be required to proceed to England. This does not apply to individuals promoted from the Uncovenanted Service at an advanced age.

1423. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service? Should any, and if any what, change be made in that system?—I think a change ought to be made. I think that although the Civil Service is open to free competition, that Indians are handicapped by extraneous circumstances. The change ought to be, I think, in the direction of re-adjusting the conditions of the competition, so that all may start fair in the race.

1424. Do Natives of India labor under any, and if any what, disadvantages in

The President—continued.

competing for employment in this branch of the Service?—Natives certainly labor under the disadvantage of having to learn all the subjects they take up in a foreign language; they have to study those subjects in India, where they cannot procure as good tuition as in England. They labor also under the disadvantage of having to go to England to appear at the first examination. This involves, *1st*, a certain disturbance of the candidate's course of life which must be injurious to his studies at a critical period; *2nd*, great expense; *3rd*, a great wrench of social and family ties—a wrench which I suppose is harder, because it is not certain whether the candidate will be successful. He must feel that he may make all these sacrifices and yet fail and have to return to India a disappointed man, crippled perhaps pecuniarily, and to some extent thrown out of touch with his own circle of friends and relatives.

1425. By what changes may those disadvantages be minimised or removed?—I believe that at present we must limit the number of appointments given to Indians in the Covenanted Civil Service, so that they may not exceed a certain proportion of the whole service; what the proportion should be is a point which I cannot attempt to determine. The appointments thus allotted should, I think, be reserved for Natives of India only, and I think they should be apportioned to Bengal, Bombay, Hindustan and the Punjab, Madras and the Mahomedan community generally. The appointments should be awarded by free and open competition and in no other way. Of course candidates must produce the necessary health certificates.

I advocate the first examination for Indian candidates being held in India. Indian candidates should not have exceeded eighteen years of age on the day of examination. The examination should be in the same subjects as the examination at home, the standard being adapted to the capacity which young men of eighteen educated in India could attain without injurious cramming. I think the examination should be held at one centre.

Their appointments in the Civil Service should be secured to the successful candidates, liable only to being forfeited for their own fault. The successful candidates should then be required to proceed to England to study there for a period of four years.

Vol. VI.
Sec. II.
Bengal.
C. B.
Garrett,
Esq.

The *President*—continued.

Vol. VI.
Sec. II.
Bengal.
—
C. B.
Garrett,
Esq.

For the first two years their studies should be in the subjects which they had taken up in India, and at the end of the second year they should be required to appear at the Civil Service examination of that year, and to pass an examination in the subjects which they had been studying. Their retaining the appointments of course should depend, not on an open competition between them and the English candidates of that year, but on their attaining a certain minimum of proficiency: the minimum of course must be fixed high so as to be a real test of the way in which they have applied themselves to their studies, because if a high minimum of proficiency were not maintained, the scheme would fail. By being examined along with a batch of English candidates, a comparison of the attainments of the two classes would be more easily made. If a boy failed at this examination, he should lose his appointment; as a matter of detail, of course allowances would have to be made for a case in which the failure was due to other causes than the demerit of the candidate.

Those who passed should then be placed in exactly the same position as the successful English candidates of that year. They should take up the curriculum now prescribed for those who have passed the first Civil Service examination. They would get the same advantages in the way of allowances, and would of course have to appear at and pass the second examination in the same manner.

As a rule, I would give Indian candidates no allowances except such as are allowed at present to those who pass in England. But with a view to give young men of great merits and no means the chance of entering the service, I would grant every year a limited number of scholarships to be awarded only for greater excellence in the examination combined with strict proof that the assistance was required. If a certain number of appointments were reserved for Indians, Indian candidates should no longer be eligible for the English appointments. The advantages I claim for my scheme are—

- 1st.—It would be a reasonable concession to legitimate demands of the Indians within such limits as political exigencies permit.
- 2nd.—It would make admission to the Covenanted Civil Service open to all Indians by merit, without either birth or favor.
- 3rd.—It would secure to young Indians their appointments by means of an examination held in India without any risk of losing them except for their own demerit, and this would be a sufficient compensation for the social wrench which in my opinion every Indian

The *President*—continued.

who desires to enter the Covenanted Service must be called on to endure, viz., a journey to England and a tolerably long residence there.

4th.—It would open a way to the lower classes and castes to rise—an object which I believe ought always to be prominently before all Englishmen in India. By lower castes I mean not such castes as sweepers, Domes and the like, who are not likely at present to rise; but castes below the Brahmans and Kyesthas, such as Telis, Goalas, Kumars, Kamars, &c.

5th.—As Indians would never be brought into direct competition with Englishmen, it would do away with all necessity for raising the limit of age. I think it most desirable that Englishmen entering the Indian Service should enter it young.

Mr. *Fitzpatrick*.

1426. Do you not think that the claims of the best men in the Civil Service should be recognised in making appointments to the Statutory Service?—I certainly would not be in favor of it as a general rule.

1427. You are in favor of having a higher and a lower Service?—Yes.

1428. You are in favor of an open competition because it would give you a larger field to select from, and would also enable men of lower classes to compete. Do you think that men from the lower classes, if appointed to the higher appointments, would command proper respect?—I do not see why they should not.

1429. But as a matter of fact, do you think that men of the lower classes, if appointed to the higher posts, would command respect?—Yes. If they were men of talent and ability, they would.

1430. Have you ever talked with Natives on the subject?—Yes, and I confess Native opinion is rather against my own views.

1431. Under your scheme would Natives be allowed to appear and compete at the examination in England?—No.

1432. Are you aware that at present several Natives from these Provinces and other Provinces are being educated in England, and that under your scheme, these men would be debarred from competing? How would you justify that?—I confess I never thought of that contingency.

1433. What have you to say to that question? It might arise at once: the number of Native boys who are being educated in England is increasing year by year?—If they are sent to England as

Mr. Fitzpatrick—continued.

English boys are now—quite children—and educated there throughout, I would permit them to appear at the English competition, but I would preclude boys sent at the age of 14 or 15.

1434. Suppose you have a boy, A, aged 10, B aged 12, C aged 14, and another aged 16, would you make any distinction between them?—Yes, I should have a certain age fixed.

1435. Upon what principle would you justify this?—I confess I have not thought of this question. I came here more prepared to give evidence on the points before the Commission. I only know of one such instance in my own experience.

Mr. Ryland.

1436. In order to make provision for examination in this country, do you contemplate reductions in the Civil Service as it is now?—Necessarily.

Mr. Ramaswami Mudaliyar.

1437. What reduction in your opinion could be made?—That would be for the Government to decide.

Mr. Stewart.

1438. You say you would limit the competition in India to Natives of India in the ordinary sense of the term; do you mean by that pure Asiatics?—I mean to say Hindus, Parsis, Mahomedans; not Eurasians.

1439. Why do you exclude Eurasians?—There are two very distinct classes of Eurasians—the upper and the lower. The upper class differs little from Europeans. Their only difficulty in sending their children to Europe would probably be a pecuniary one, yet, probably, they would always be able to send a son who promised well to England to be educated, and he could appear at the English examination. On the other hand, the lower class of Eurasians is on quite a different level, and though I am entirely opposed to the policy of excluding them from any service into which they can win their way, I am not disposed to facilitate their entering the Covenanted Service. I am willing to do something to facilitate this in the case of Indians; they have a just claim, and they have also special difficulties, arising from social and religious causes, to contend with.

Mr. Hudson.

1440. Would you apportion the appointments, or have one list for the whole of India?—I would have so many appointments for each Presidency.

1441. There would be no general list for all India?—No.

Mr. Peacock.

1442. Cannot you indicate generally what proportion of the Covenanted posts you would give to Natives?—I do not think I can.

1443. You said that Natives labor under difficulties in going to England. Do you not think, as a general rule, that a Native goes with more than one string to his bow—the Bar or some other profession?—Many of them do, but the Bar has got so crowded that it offers no prospects.

The Hon'ble Mr. Quinton.

1444. Do you think that in a competitive examination in Bengal candidates would be numerous?—Yes.

1445. Suppose there were eight appointments, how many candidates would there be for them?—About one hundred.

1446. And of these only eight would get in?—Yes.

1447. Suppose there were four appointments, would there be 100 candidates for them?—I think so.

1448. I suppose a far larger number of Natives would compete in an Indian examination than would have gone to England to compete had there been no examination in India?—Yes, but the disappointed men would lose nothing.

1449. Do you not know that at the present moment among the educated classes there is a great demand for Government employment, and that those who do not get it are a discontented class?—They all seek Government appointments, and they all seem discontented when they do not obtain it. How can you remedy that?

1450. Would you not have ten times the number of discontented men compared to what you have now, holding the examination under its present conditions?—I do not see why men should be very discontented if unsuccessful out here. They would neither have lost time nor money.

The President.

1451. You mean, perhaps, that the disappointment would in the one case extend perhaps to a greater number of persons, but in the other case it would be more bitter and intense?—Yes.

The Hon'ble Mr. Quinton.

1452. Under your scheme do you think that men of the lower classes will succeed?—Yes.

Sir Charles Turner.

1453. In your experience have you observed whether officers of humble birth are treated with as much respect as men of higher caste and family?—I do not think there is much difference.

1454. Is there any difference?—Of course there is some difference.

Vol. VI.
Sec. II.
Bengal.

C. B.
Garrett,
Esq.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
C. B.
Garrett,
Esq.

1455. When you talk of "low caste," do you include in that term poor men of good caste?—I am speaking as much from a caste point of view as from any other.

1456. Do you think that men of low caste, if they are wealthy, enjoy as much respect as high caste men who are poor?—No.

Mr. White.

1457. What classes do you term "low classes"?—Those who are spoken of as not being of good caste.

1458. Do you consider Kyesthas of low caste?—I believe they are Sudras. Yes, I mean by high caste only Brahmans. I would include Khetrys and Kyesthas and Baidis.

1459. Are there not several Kyesthas in the public service?—Yes.

1460. Have you observed any difference in the respect paid to a Kyestha Deputy Collector and a Brahman holding the same office?—No; I do not think I have noticed it myself. I believe a Brahman would not return the *salaam* of a Kyestha.

1461. In this Presidency can you say if you have yourself noticed any difference in the respect paid to an officer of high or low caste?—I have not noticed any myself.

1462. What difference in the matter of respect would the agricultural population exhibit towards them?—I think they treat them all as *Hakims*, and when they are Brahmans they treat them as such.

The Hon'ble Kazi *Shahabuddin*, Khán
Bahádur.

1463. Do the more advanced people pay much attention to caste distinctions?—Yes, I think so. I had a case before me the other day in which a Brahman tore off the sacred thread which a man of lower caste had assumed, because he said it was presumption in him to wear it.

The President.

1464. Should the Uncovenanted Service be recruited only from Natives of India, or from all natural-born subjects of Her Majesty?—From all natural-born subjects of Her Majesty in India, including people settled in India, whose children have been brought up in India and educated in Indian schools.

1465. How would you recruit that service?—Generally by competition.

1466. You would not employ the same system of recruitment for all branches of the service?—I am very well satisfied with the present system of recruitment for the Judicial Service, though I think it would be better if the standard for the pleaders' examination were somewhat higher.

1467. How would you recruit for this service?—Provincially, if possible. In practice it might be difficult in some districts

The President—continued.

to find good men; but, if possible, I would confine the recruitment to the Province.

1468. Are there any North-Western Provinces men holding Government appointments in the Bengal Provinces?—I have known a Kashmiri deputy magistrate.

1469. Supposing the Statutory Service was abolished, should the proportion of Covenanted posts assigned to that service be allotted to the Uncovenanted Service or be re-absorbed in the higher service?—As a rule, I would re-absorb them into the Covenanted Service, but I would retain power in special cases to reward deserving Uncovenanted men by promoting them.

Mr. Ryland.

1470. Would you allow an Uncovenanted man so promoted to rise in his new Service?—I think that when once you put a man into a Service you should allow him to rise.

1471. You would have an open competition for this service?—Yes.

1472. Would you require a very high educational test?—As good an educational test as the best Indian schools can be expected to fit him for.

1473. A matriculation test or a degree test?—A matriculation test would not be sufficient.

Mr. Peacock.

1474. Do you think that Natives are generally more fitted for judicial than for executive duties?—I think they are better judicial officers. I have seen more good judicial than executive officers amongst Natives. They have had very few opportunities for showing their ability in executive work.

Sir Charles Turner.

1475. What do you think of the Native Magistracy?—I am very desirous of seeing the judicial and executive powers of Native Deputy Magistrates separated.

1476. For what reasons?—I think it would be better for the Deputy Magistrate. When both these powers are combined in one officer it is very possible that he may be a very indifferent judicial officer.

1477. Have you had any complaints made to you with regard to the efficiency of Magistrates of the second and third class?—They are not sufficiently experienced; many of them are very crude indeed. Many of the young men are very credulous, and inclined to convict.

1478. Have many of their cases come before you on appeal?—I only get appeals from officers with first grade powers.

1479. What is your position?—District Judge.

1480. Do you supervise the calendars of Subordinate Magistrates?—No.

1481. Who supervises them?—Nobody; you only see a Magistrate's work when it comes up on appeal, or revision.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur.

1482. Who supervises the general work of Subordinate Magistrates?—The Magistrate of the district.

The *President*.

1483. Is it part of the regular work of a District Magistrate to satisfy himself that the Subordinate Magistrates have been doing their work?—I do not know.

1484. How do you know when a Magistrate imposes too heavy sentences?—When people appeal or apply to have the cases heard on revision by the High Court.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur.

1485. Does the District Magistrate review monthly or quarterly returns?—Yes, he reviews and considers them.

1486. Does the High Court revise the calendars of Sessions Judges?—Yes, they do occasionally.

1487. Do you regularly send them?—Yes.

1488. Do not the judgments of first grade Magistrates go up also?—Yes, on revision.

1489. The Court may exercise this power of its own motion?—Yes.

The *President*.

1490. Should any distinction be made in the salaries attached to posts reserved for the Civil Service according as the posts are

The *President*—continued.

held by Covenanted, Statutory or Uncovenanted Civilians?—I would pay all alike.

1491. Would you make any distinction in regard to the furlough rules?—You might fairly make some distinctions on the ground of nationality.

1492. Would you apply the same principles in regard to the pay, promotion, and retiring annuities to Statutory as to Covenanted men?—I would have the same rules for all.

The Hon'ble Mr. *Quinton*.

1493. Would you pay Native Civilians at the same rate as you pay Europeans?—Yes, because if you make the Civil Service as it is now, a prize Service, I do not see why you shall reduce the value of the prize. A Native of India who entered the Service would have to break away from many family ties. I do not think the saving would be worth considering.

1494. The question is with reference to Statutory men?—These men would be of very exceptional merit; why then should you reduce the value of the prize?

Mr. *Hudson*.

1495. Your scheme, generally, is framed to increase the efficiency of the service. Would it meet at the same time the aspirations of the Natives of this country?—I believe that it is possible to admit a certain proportion of Indians to the Covenanted Civil Service without impairing the efficiency of the service.

Vol. VI.
Sec. II.
Bengal.

C. B.
Garrett,
Esq.

WITNESS XVI.—23rd February 1887.

Examination of K. G. GUPTA, Esq., c.s., Barrister-at-Law, Joint-Magistrate and Deputy Collector, Nuddea.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.

K. G.
Gupta,
Esq.

1496. You are a member of the Covenanted Civil Service and came out in 1873?—Yes.

1497. Since then you have held the usual appointments and are now acting Magistrate and Collector of Jessore?—Yes.

1498. Have you acted as a District Judge?—No; I have not chosen the Judicial branch.

1499. Will you state whether the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Service is approved?—I do not think that it is. The general ground of objection is the system of nomination. But personally I am opposed to the Statute itself, because I do not think it is fair to the Covenanted Service that Government should have the power to bring in outsiders whenever they choose to do so. Further, I think that when the Statute becomes more widely known, it will affect the recruitment of the Covenanted Service, because I do not think men will willingly come forward to compete for a Service when they knew that their prospects of promotion are liable to be interfered with. I do not think I should have anything to say against it if its operation were limited merely to the rewarding of exceptional merit or exceptional ability; but so long as the Covenanted Service is a close service, we ought not to have a Statute of this kind giving so large discretionary powers to the Government.

1500. How would you exercise the power to reward men of merit and ability in the Uncovenanted Service?—I would do it as the Statute suggests. I would reserve certain appointments as rewards for such meritorious officers, but the number ought to be fixed by Statute, so that the position and future prospects of Covenanted men might be definitely known.

The Hon'ble Mr. Quinton.

1501. If you retain the present system by which appointments are made to the bottom of the list, it can hardly be said that the Statute injures the prospects of the men who are appointed to the service?—Those who come afterwards will suffer. I have also a general objection as regards the system of nomination. I think we do not get the best men in that way.

1502. Where is the defect—in the nominations or examinations?—In the pure nominations.

The Hon'ble Mr. Quinton—continued.

1503. Has there not recently been a change in the system of appointment in this Presidency?—Only the other day a man was appointed to the Statutory Service without any examination at all.

1504. Are the men who are appointed to the Statutory Service at all superior to the men who are in the Uncovenanted Service?—No; because out of some ten men appointed, seven are ex-Deputy Magistrates, two Agricultural scholars, and one a Barrister-at-Law. So practically you get men who are no better than the members of the existing Uncovenanted Service.

1505. Do you know these men?—I know one or two.

1506. As a class, do you think they are superior in intellect or experience to the men who are now in the Uncovenanted Service?—I have said the majority of them already belonged to that service.

1507. What amendments would you make in the system of appointment if it is found desirable to retain the service?—I would suggest that there should be an open competition, and that the men selected should be made to go to England.

1508. Do you consider that in Bengal much regard should be paid to the social rank of the candidates?—I think in Bengal people are very utilitarian in that way; that they only look for efficiency, and that they would not be satisfied with an inefficient man, however respectable his social status. As far as my knowledge goes, they would prefer an efficient low caste man to an inefficient high caste man.

I do not think "family" need at all be considered, because there are very few families of wealth and influence the members of which would be qualified to accept service in the Uncovenanted ranks. Even amongst Statutory Civilians it has not been found possible to retain in the service a single man who was appointed simply on account of high family.

1509. Would it be necessary to have regard for caste in prescribing the qualifications for the Statutory Service?—No. As it has not been found necessary in the Judicial or Subordinate Service generally, I do not see why you should regard it in recruiting the Statutory Service. If you once begin to frame rules with reference to caste, I do not see where it will end.

1510. In public estimation is more consideration paid to wealth or to caste in Bengal?—That is a very difficult question to

The Hon'ble Mr. *Quinton*—continued.

answer. I think in purely social matters regard is generally had to caste, but in ordinary affairs I think wealth is respected as it is in all countries.

Sir *Charles Turner*.

1511. In another Presidency we have been told that a family which has enjoyed wealth for three generations is considered respectable. Is that the opinion which prevails in Bengal?—Yes, it would be a respectable family undoubtedly.

1512. Do you consider that people here prefer good manners to good family, in officials?—They prefer good manners certainly.

Mr. *Fitzpatrick*.

1513. You have said that you do not believe that better men could be got for the Statutory Service than are in the Uncovenanted Service, and you gave an illustration to the effect that seven out of the ten men who had been appointed to this Service were Deputy Magistrates. But were they not picked men?—Not in every case.

1514. You mean they appointed some inferior men?—The first they appointed were all nominees, and they had no means of judging whether they were really better than other Deputy Collectors. As far as my knowledge of these men goes, I do not think they were any better than some of the good Deputy Collectors.

Mr. *Ryland*.

1515. You would abolish the Statutory Service?—Yes.

The Hon'ble Mr. Justice *Mitter*.

1516. Are you aware that out of the ten men you have alluded to, three are persons who obtained the highest University degrees?—That may be, but they were Deputy Magistrates. The Uncovenanted Service recruits the very best men that can be got.

Mr. *Fitzpatrick*.

1517. As a rule, you have a very high opinion of men in the Uncovenanted Service?—Of those who are obtained at present.

Sir *Charles Turner*.

1518. Does this opinion apply to the whole service, or only to the upper grade?—I am talking of the upper grade.

Mr. *Peacock*.

1519. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service?—In regard to the competition in England, there is a great deal of dissatisfaction.

1520. Are you dissatisfied with it?—Yes.

1521. Upon what grounds?—The grounds are, first, the limit of age. The reduction of

Mr. *Peacock*—continued.

the age was a great disadvantage to all, but especially the Native candidates. As a matter of fact, since the age has been lowered only one Native of Bengal has obtained admittance—Mr. Chuckerbutty.

1522. Where was he born?—He was a British-born subject all the same. Then there is the disadvantage in respect to the subjects. They have been chosen mainly in view of the course of instruction pursued in England which differs essentially from that pursued in India. The only two subjects in which Native boys may have the advantage are Sanskrit and Arabic; whereas, on the other hand, the English boys have the advantage not only in European classics, but in all the modern European languages which are taught in most English schools, and hardly ever in Indian schools. From the commencement of the system of open competition, down to 1878, there was one system of marking; and then suddenly and simultaneously with the lowering of the age the marking of some of the subjects was altered. Down to 1877, there were assigned to English Composition, Literature and History, 500 marks each; of course there was a deduction of 125, which left 375 marks in each subject. That enabled the candidate to obtain in these subjects 1125. He can now obtain only 300 in each, although there is no deduction. Again, for Mathematics the marks were 1200; they are now 1000. These are subjects which are almost always taken up by Native candidates, so that, on the whole, Native candidates were placed at a disadvantage by the change.

1523. Has the standard of the examination been lowered?—Yes, but I have no accurate knowledge to what extent.

1524. What marks did you obtain in Sanskrit?—This can be ascertained from the Blue Book. I obtained a fair number.

1525. What changes do you propose?—I think the least that should be done is to restore the old system of marking. I would assist Native candidates by an allowance of passage-money. I do not think we shall have so many Indian candidates as to burden the tax-payers of India to any appreciable extent. Practically, however, this only touches the outside of the question by allowing a very limited advantage; but I would certainly advocate it. I would raise the age from nineteen to twenty-three. I would make the marks for Sanskrit the same as for Arabic and German, and add Persian. Then I would hold simultaneous examinations in England and India. I should say they should not be identical because there are a great many practical difficulties in the way of their being so. First, there is the difficulty of the *vidua voce*; and secondly, there is the risk of the questions being tampered with. Questions would have to be sent out some time before, whereas now the questions are printed just

Vol. VI.
Sec. II.
Bengal.

K. G.
Gupta,
Esq.

Mr. Peacock—continued.

Vol. VI.
Sec. II,
Bengal.
K. G.
Gupta,
Esq.

before the examination and brought into the examination room. There is another thing too. Between India and London there is a difference in time of six hours; so that if the questions were published here six hours earlier, it would not be difficult to telegraph them to London. In order to obviate that, the Indian examinations would have to be held at 4 P.M., and then we could not have more than one examination during that day. I also think that the subjects selected for the English examinations are suited to the course of instruction given in English schools, and not so well adapted to the instruction given in Indian schools; so that holding the examination in these subjects is not the best way to select the best men available in India. I think the object of both examinations ought to be to secure the best men.

1526. So that the character of the Indian examination ought to be modified?—The considerations I have mentioned lead me to conclude that it would not be either desirable or practical to have identical examinations in England and India. I should have examinations in one centre for both India and England. It will be understood that I advocate that the examinations to be held in India or in England should be open to all candidates; if by having an examination in India we shut ourselves out of the London examination, I would rather have one only.

1527. In London?—Yes.

1528. Do you consider that there are advantages in the present system of holding the examination in London?—There are the advantages of a visit to England and the training there and the advantage of foreign travel.

Sir Charles Turner.

1529. You yourself were in England for some time?—I was there for four years.

1530. You had several friends there from this country?—Yes.

1531. Did you observe whether any particular steps were taken to protect Native youths from temptations in London?—I cannot say that in my case any particular steps were taken.

1532. Did the other Indian students in London behave as well as the young students who were working with you?—I have no reason to say they did not.

1533. They did not succumb to temptations to any greater extent?—No.

1534. Generally how many students were working with you?—There must have been a dozen, probably more.

1535. There were many reading for the Bar at the Inns of Court?—Yes.

1536. Were these young men as well conducted as any other students?—I think so, certainly.

1537. At what age did you go to England?—I was about eighteen.

Sir Charles Turner—continued.

1538. You had to work very hard?—I had for a short time prior to the examinations.

1539. Who were the gentlemen you read with?—The lecturers at University College and private tutors.

1540. Had you any time to be idle?—No, because the first time I appeared I had only five months to prepare for the examination.

1541. Do you think that if you send Indian youths to England before the examination their efforts to prepare themselves will keep them out of temptation?—I have not thought over this question, but I think men of nineteen or twenty, who have their future careers before them, would not misconduct themselves. Young men of twenty-one now come out to the service, and are doing responsible work.

1542. Do you think the age at which they come out is too low?—Yes.

1543. Have you heard any complaints about the youth of Magistrates?—I cannot say I have heard any distinct complaints, but people generally do complain of having too young officers. I cannot call to mind any particular instance in which this was done.

1544. Do you consider that it is desirable that the age should be somewhat increased?—I think so, because now very often a young Civilian comes out at nineteen, and in the course of a year or two he may be placed in charge of an important subdivision, and it is neither fair to him nor to the people to place him in that responsible position.

1545. You propose to hold two examinations: one in England and one in India, and would send selected candidates to England for training?—The essence of my plan is to select the best men to be obtained in the two Empires, but once selected, they ought not to have a separate training: after selection there should be no difference of any kind between the two classes of candidates.

1546. Would you allot a proportion of appointments to England and a proportion to India?—Yes.

1547. Have you considered what these proportions should be?—In a matter like this it must be to a great extent guess work and individual opinion. I think if two-thirds of the appointments were English and one-third Indian, it would be fair.

1548. Do you think that the expense to Indian candidates who go to England to compete for the Civil Service is greater than the expense to English candidates?—I think in many cases the expenses are greater because of the cost of living, going there, and coming back.

1549. Several of the English and Colonial candidates had to study and present themselves for examination at a distance from their homes?—Even then the Indian candidates were put to greater expense.

Sir Charles Turner—continued.

1550. Do you not think an English or Indian candidate could live on £150 a year?—That will be hardly enough.

1551. £200 a year?—Over and above that; there are also the tutor's charges.

1552. Are there not persons in England who by reason of their poverty are precluded from sending their sons to compete?—Quite so.

1553. So that it is only a question of degree as regards the disadvantage under which Indian candidates labor in this respect?—If the English youth and the Indian youth have in other respects equal expenses, the additional cost of having to go to England is a heavy burden upon the Indian candidate which does not ordinarily fall on English candidates, especially in the case of the Indian candidate who fails.

1554. What become of the men who fail?—Some come out as Barristers; some do nothing at all.

Mr. Ryland.

1555. You say that the poverty of the people is a disadvantage in having to go to England?—It is not merely the poverty, but also the uncertainty.

1556. How many have come back to India who have competed and failed?—I can think of three or four, and these were studying for the Bar.

1557. Have they all found other vocations?—No; I cannot say that all have found satisfactory vocations; but most of them are doing something.

1558. Are the worst doing anything?—Yes, but their habits have changed, and their wants increased without any sufficient means of satisfying them. There is also the consideration of their not having been received back into caste.

1559. Did you find in your case any difficulty in getting back into caste?—In my case the difficulty did not arise because my parents had given up caste.

1560. Then that is not an insuperable difficulty?—I do not think it is insuperable, because I find men belonging to the highest families in Bengal going to England.

Mr. Ramaswami Mudaliyar.

1561. How is the *viva voce* examination conducted now?—I cannot say.

1562. Are separate marks allowed for it?—Yes.

1563. Supposing a candidate got 300 out of 400 for paper work, and answered very badly in the *viva voce* , would the 300 be reduced?—No.

1564. Talking of the disadvantages under which Natives labor, is it not a disadvantage to have the rules constantly changed?—The rules are liable to change at 12 months' notice, and this has very often upset the arrangements of Native candidates.

Mr. Stewart.

1565. You have advocated one-third of the appointments being given to Native candidates. In that case, would any considerable number of Europeans appear at the competition in India?—I cannot say I am in a position to answer that question. I think some of the best students at the Christian Colleges would compete.

1566. Would men appear from Australia or elsewhere?—I would place all on a footing of absolute equality.

1567. You have noticed that in the discussions on the subject great stress is put upon the competition between the youths of India and England? Why do Natives ask that selections should be made from one list?—Because otherwise there might be a sort of close service from which Natives would be excluded.

1568. If the same goal were being gained?—Even in the Civil Service there are appointments and appointments.

1569. What is the reason why the Natives of India are so anxious that selections should be made from one list?—Because they are very anxious that there should be no kind of close service from which they might be excluded.

Mr. Peacock.

1570. As I understand your scheme, you would reserve one-third of the appointments for candidates in India?—Yes, both examinations being open to all British-born subjects.

1571. The remaining two-thirds to be competed for in England?—Yes.

1572. Should the Uncovenanted Service be recruited only from Natives of India as described in the Statute, or from all natural-born subjects of Her Majesty?—I would make it open to everybody, with this condition, that there should be competition and not nomination.

1573. You advocate free competition?—Yes, with a certain minimum test.

1574. Would you apply that to all departments of the service?—Yes, and I would also have a physical test.

1575. With the qualification of moral character also?—Yes.

Mr. Fitzpatrick.

1576. Then you do not think it desirable to qualify unlimited competition with a view to secure persons of undoubted loyalty?—I do not think it necessary to do so. People in India are generally very loyal, and I do not think there is any reason to doubt their loyalty.

1577. Would you like to have in the service men who employ themselves in writing those very rabid and disloyal articles that appear in the Native papers?—Those are special cases, which might be met by passing special orders.

Vol. VI.
Sec. II.
Bengal.

K. G.
Gupta,
Esq.

Vol. VI.
Sec. II.
Bengal.
A. G.
Gupta,
Esq.

Mr. Fitzpatrick—continued.

1578. Do you think these would be the proper men to have in the public service? If there was an open competition, would you not exclude men of that stamp?—Why?

1579. I am talking of a man who before passing the examination eked out his living by writing in that style?—If Government thinks he is not fit, I do not think the Government can be blamed for excluding him.

1580. If he once passed, would it be possible to turn him out?—If it was found that he was a man of that character, it would be quite open to the Government to turn him out.

Mr. Nulkar.

1581. Does not the Indian law punish seditious writing?—Yes.

1582. Would it be proper to exclude men who were only suspected of disloyalty?—It is impossible to express an opinion upon a hypothetical case. If a case like this arose, I think the Government are quite free to dispose of it in any way they like.

The Hon'ble Kazi Shahabuddin, Khán
Bahádur.

1583. Do you think that in a free competition the agricultural classes would have a chance?—I do not think so, because they have not got the necessary qualifications.

1584. Would not the system you propose keep out these classes for very many years?—If it had that effect, the only way of escape would be by improving their education. You cannot place a man into a position which he is not fit to hold.

1585. The practical effect of recruiting by your system of open competition would be to exclude people who are otherwise deserving?—If they are unfit for the appointments. How can a mere mechanic do work which requires brain power? If the agricultural classes do not educate themselves, I do not see why they should be entrusted with the administration of the

The Hon'ble Kazi Shahabuddin, Khán
Bahádur—continued.

country. They would not have the necessary qualifications.

1586. Is the class which would get in, in complete sympathy with the other classes?—Yes; I have no reason to think to the contrary.

1587. Do you not think those classes who get in do believe that this field is peculiarly their own? and would not they regard with jealousy the admission of any other class?—No, I do not think men of education would condescend to any such feeling. As soon as the agricultural classes were sufficiently educated, the competition would be open to them too.

1588. Would you be surprised to hear that in a certain Province when men got into power they always filled appointments with men of their own caste?—If that is so, it is very much to be regretted, and they are clearly unfit to hold office, and ought to be turned out.

1589. Have any such instances come under your observation?—No, not in Bengal.

Mr. Fitzpatrick.

1590. Would not there be under your scheme the danger of a preponderance of one particular class in the public service?—I do not think there is any danger in that; if one is to restrict appointments in reference to classes and castes, where is it all to end.

1591. Apart from any danger, do you not think that the result, in Bengal at least, would be that too many Hindus would get in?—It may follow, and I am quite prepared to accept the consequences.

Mr. Peacock.

1592. Should any distinction be made in the salaries attached to posts in the Covenanted Service according as they are held by members of that service or the Statutory or Uncovenanted Service?—No, because if my scheme were adopted these questions would not arise.

WITNESS XVII.—23rd February 1887.

Examination of the Revd. LALL BEHARY DE, Educational Department; Professor, Hugly College.

The President.

1593. Is the existing system of appointing Natives as Statutory Civilians approved?—I don't approve of it for several reasons. I think the original intention of those who recommended the opening of the service was to exclude Natives of India from the open competition to the Covenanted Service. It is abundantly manifest that that was the original object. The Government at that time wanted to tell the Natives—Some of you are already admitted to the Civil Service; what is the use of your competing for the same thing in England. And I disapprove of that object. Secondly, I think the men who were appointed to the Statutory Service have not the capacity for discharging the duties of the offices assigned to them. They are generally the sons and cousins of Rajahs and Nawabs, and have not received the benefit of a good education. Of course there are exceptions; but generally I think they are incompetent men. Thirdly, the Statutory Servants are called Civil Servants, and yet they do not get the pay of Civil Servants, and this tends to demoralize them. They get diminished pay, and consequently their self-respect is diminished, and the members of the Covenanted Service look upon them with something like contempt; they look upon them as members of the *Kala* Civil Service. The Statutory Service has also a tendency to demoralize the members of the Covenanted Service—I mean they look down on the Statutory Servants with contempt, and consequently pride is engendered in them. Fourthly, I do not think the people have confidence in the Statutory Servants. They look upon the Covenanted Servants as highly educated: as members of a sort of heaven-born Service of which every member in their opinion is perfectly competent to discharge the duties of his office. Members of the Uncovenanted Service who rise to high posts also enjoy the confidence of the people, because they are men of experience. For these reasons I disapprove of the Statutory Civil Service, and I would abolish it.

Mr. Fitzpatrick.

1594. You said that the men appointed were generally the sons and grandsons of Rajahs and Nawabs, and that the men of the Uncovenanted Service were respected by the people, and the people placed confidence in

Mr. Fitzpatrick—continued.

them. Is it not the case that out of ten men appointed in Bengal, seven were experienced men of the Uncovenanted Service, and only one was a relation of a Rajah?—I have an impression that, taking all parts of the country, the Statutory Civilians generally are related to Rajahs and Nawabs. I derived that impression from the newspapers, but I do not mean to say that I adopt the opinions there given.

1595. You speak of the *Kala* Civil Service. Do the people call them that, or is it a name which occurs to you?—I cannot say that it is a term which is in general use, but I have heard one or two people use it respecting the Statutory Service.

Mr. White.

1596. Would you not retain the Statute for the promotion of men of proved ability in the Uncovenanted Service or for the appointment of distinguished men from the Bar?—I would keep the two services quite distinct from each other. I would not promote any member of the Uncovenanted Service to the Covenanted Service: the door of admission to the two services should be distinct.

1597. But as a matter of fact, the Act of 1870 provides only for appointment to posts and not to a service. Would you promote men of proved merit and ability to these posts?—I would promote them to posts, but they would remain members of the Uncovenanted Service still.

Mr. Ryland.

1598. Do you think it necessary to preserve the distinction between Covenanted and Uncovenanted?—I don't understand why they are called Covenanted and Uncovenanted.

The Hon'ble Syad Ahmad, Khán Bahádúr.

1599. You say that the Statutory Servants are called *kala* Civilians; why is that considered a term of contempt? Are they not black or dark men?—By *kals* I mean inferior. Some members of this Statutory Service may be fair in complexion. The point is that it is an inferior service.

1600. Are Natives who pass the competitive examination in England also called

Vol. VI.
Sec. II.
Bengal.

Revd. Lall
Behari De.

The Hon'ble *Syad Ahmad*, Khán
Báhádúr—continued.

Vol. VI.
Sec. II.
Bengal.
—
Rev. Lall
Behari De.

kala?—They are not called so, because they are members of the Covenanted Service, which is looked upon as heaven-born. Although they themselves may be *kala*, they belong to a *gora* service.

Mr. *Peacock*.

1601. You said that these Statutory Civilians are, as a rule, the sons and cousins of Rajahs and Nawabs. If you had looked at the list you would have become aware of the fact that seven of them distinctly belong to what is called the middle classes?—I had that impression, but perhaps I may be mistaken.

1602. You also said that these men are generally very deficient in education; are you aware that out of ten men, five are M.A.s, three B.A.s, and one a Prem Chand scholar?—I know there are some well-educated men amongst them.

Sir *Charles Turner*.

1603. You spoke of the families from which these men were taken with reference to the whole of India and not to this Presidency only?—Yes, I spoke of the whole of India.

The Hon'ble Mr. *Quinton*.

1604. From what sources is your information as to the other Provinces derived?—Only from reports in the newspapers.

The *President*.

1605. Is there any disapprobation felt in reference to the existing system of recruitment in the Covenanted Service?—I think there is dissatisfaction with regard to present limit of age. The selected candidates are far too young, and as a natural consequence they do not receive a natural and healthy development of the intellect: they are forced to become ripe sooner than they would naturally do so. I am referring to the whole of the candidates, both Native and European. I have no other objection.

1606. Do Natives of India labor under any, and if any what, disadvantages in competing for the Covenanted Service?—They think that the age of nineteen is too early, and in my opinion it ought to be fixed at twenty-three, as it was at first. Another ground of dissatisfaction is that examinations are not held in India. I think that they should be held in India, the same papers being set and the answers being sent to England.

1607. Would you have the examination in India for Natives only or for Europeans also?—I would leave both the examinations open to all Her Majesty's subjects.

1608. Having selected the candidates in India, would you send them to England for training?—It is not necessary. I would

The *President*—continued.

recommend the establishment of a Civil Service College in Calcutta for training for two years after selection, just as there was formerly a Fort William College.

1609. Where would you hold the examination?—I would hold it only in one place—in Calcutta or Allahabad.

1610. Would you put all the successful candidates in both examinations into one list in order of merit?—I would have only one list in order of merit.

Mr. *Fitzpatrick*.

1611. Do you think it desirable that a large proportion of the Covenanted Service should be Europeans?—Yes, I do.

Mr. *Ryland*.

1612. Do you not consider that training and residence in England would afford far greater advantages than could be attained at a college in India? Would there not be a greater enlargement of the mind?—I admit that, but there are also disadvantages. London is a place of great temptation, and young men may be corrupted. In India there are not so many temptations as in England. That is my principal objection. I myself have no other objections, but orthodox Hindu gentlemen would object to go to England on religious grounds.

1613. Do they not go now?—Orthodox Hindus do not go now.

1614. Do you not find the sons of orthodox Hindus going to England?—If they do, they are socially excommunicated.

1615. Have you heard of any instance of a Hindu who on his return from England has been reinstated in his caste?—I know of one instance of a member of the banker caste. The caste people held a meeting and passed a resolution that if on a man's return he said he had not forsaken the religion of his fathers he would be re-admitted. One medical gentleman has been so re-admitted, but that was only in the banker caste—not amongst Brahmans and Kyasthas.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr.

1616. You said that there should be a large preponderance of Europeans in the Covenanted Service. When you advocate open competition without restriction as to numbers, do you not think that that object would be frustrated in the course of time?—I do not think so; I think there would be a larger number of successful European candidates.

1617. What are your grounds for thinking that that would be so fifteen or twenty years hence. Practically the Indian examination would be closed to Englishmen, and the number of Natives who go to England is increasing every year, so that Natives would

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr—continued.

have two chances to one?—Europeans would also have two chances: there are resident Europeans and Anglo-Indians and Eurasians, and their sons might go up and compete.

1618. Have they obtained University degrees in large numbers?—There are some, but certainly the number is very small.

1619. Is it not so small that we may leave them out of consideration?—You must also remember that only a few Natives go to England to compete.

1620. Is not the desire growing up amongst Natives to send their children to England for education?—That desire is confined only to a limited number, although it may be increasing. I know parents who have means but will not allow their sons to go to England.

1621. I was speaking of people who have no social objections—Parsis and Mahomedans, for instance?—Yes, but that does not affect my judgment that the examinations should be held in two places and be open to all classes. If we were about to come to such a crisis, then measures should be taken. For political reasons I think the majority of the members of the Covenanted Service should be Europeans.

1622. Would there not be great discontent amongst the Natives when the time came to restrict their numbers?—No, I do not propose to exclude Natives altogether.

The *President*.

1623. If you saw Natives swamping the Europeans in the competitions, you would apply a remedy, but you see no probability of that?—No.

Sir *Charles Turner*.

1624. You spoke about the temptations to which young men are exposed in London. The classes who would go to compete would be the best of our Indian students; those who have shown themselves intelligent and industrious. Is that class of boys likely to succumb to temptation?—If they had not sufficient moral stamina, they would succumb to temptation. Mere intellectual stamina would not keep them from temptation. I have seen one or two clever young men go to ruin by going to England.

1625. But as a class, would you not say that the most industrious students are the most moral?—I am not sure of that: cleverness does not necessarily carry with it moral strength.

The Hon'ble *Syad Ahmad*, Khán Báhádúr.

1626. What would be the difference between your proposed College in Calcutta and the existing educational institutions in India?—The proposed College would be for selected candidates for the Civil Service, and

The Hon'ble *Syad Ahmad*, Khán
Báhádúr—continued.

they would get such a training as would fit them for actual work; it would be a college for special training: not a college for general education.

1627. What studies would constitute the special training you propose?—On the spur of the moment I am not able to say. I suppose all matters connected with the administration of the country, civil and fiscal, and the general principles of political economy. I don't think the economic sciences are sufficiently studied in our colleges at present. The instruction would embrace the practical working of all branches of the Civil Service.

1628. What effect would the holding of the examination in India have on its educational institutions?—I don't think it would affect them at all. I would make it a condition that no person who did not hold a degree of any University should be allowed to compete, and I would do so in order to prevent these examinations from producing any injurious effect on the colleges of India, and perhaps it would be well if a similar condition were imposed in England.

The *President*.

1629. Should the Uncovenanted Service be recruited only from Statutory Natives, or from all natural-born subjects of Her Majesty?—I would not confine it to Natives: I would throw it open to all. I think the present system of recruiting is very good.

1630. Do you think it is good for both the Executive and Judicial Services?—I would keep up the present system; it is practically a system of Provincial recruitment.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr.

1631. You of course know what is meant by all natural-born subjects of Her Majesty?—Yes, I would not exclude Europeans.

1632. Would you exclude Canadians?—If a Canadian family lived here and a member of it presented himself at the examination, I would not exclude him: he would be one of Her Majesty's subjects.

1633. But you would attach the condition of being domiciled in India?—Yes, I think so.

1634. You would qualify your answer to that extent?—It would not be necessary to be domiciled before competing, but after appointment he must live here.

Mr. *Fitzpatrick*.

1635. Do you not apprehend that if European British subjects were admissible to the Uncovenanted Service there would be a great deal of jobbery? Would you not fear that European officers in high position would put their sons in?—I don't think

Vol. VI.
Sec. II.
Bengal.

Revd. *Lall Behari De*.

Mr. Fitzpatrick—continued.

Vol. VI. that likely. I have great confidence in
 Sec. II. English gentlemen and their sense of honor
 Bengal. and justice.

—
 Revd. Lall
 Behari De.

Mr. Nulkar.

1636. Have you not heard that such complaints are already very common?—I have not heard any complaints in Bengal. If there are any complaints they have not made any impression on me.

The President.

1637. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service according as the posts are held by members of that branch of the service or by members of the Statutory or Uncovenanted branches?—In my opinion there should be no distinction in salaries. I may bring one fact to the notice of the Commission. Certain gentlemen are now being admitted into the higher Educational Service on two-thirds pay. Mr. Percival of the Presidency College, who is a graduate of the London University,

The President—continued.

does not get the full pay, but only two-thirds because he was born in Asia. He passed the matriculation examination here and went to the London University. Native gentlemen have also been admitted and get only two-thirds pay. I think that is wrong in principle.

The Hon'ble Mr. Quinton.

1638. You are in the Educational Service?—I am. The rule of two-thirds pay does not apply to me. I was admitted before the rule was passed.

1639. You get the full pay of the appointment which an Englishman holding the post would get? What is your pay?—Rs. 1,000 a month.

The President.

1640. Would you make any distinction in the furlough rules?—In my opinion the pay, furlough and pension rules should be the same for all officers holding similar appointments.

WITNESS XVIII.—23rd February 1887.

Examination of E. W. CHAMBERS, Esq., L.M.S., L.S.A., Physician and Coroner; Delegate of the Eurasian and Anglo-Indian Association, Calcutta.

Mr. Peacock.

1641. You are a medical practitioner in Calcutta, and have been practising for many years?—Yes, for the last twenty years in Calcutta, and I am also a graduate of the Calcutta University and of the Medical College.

1642. Have you lived all your life in Calcutta?—Yes, except during the time I went to England.

1643. Have you considered the question before the Commission?—Yes.

The Hon'ble Mr. Quinton.

1644. Is the existing system of appointing Natives to the Statutory Service approved?—I do not think it has been satisfactory, not that the selections are confined to any specific class, but the manner in which they have been made is not so generous as was expected. I think it was originally intended that selections should be made outside the services and from the Uncovenanted ranks.

1645. Do you appear on your own behalf, or as a delegate of the Eurasian and Anglo-Indian Association?—I come as a delegate.

1646. And are these the views of the Association or your own?—I have been President of the Association for six years, and we have discussed these questions over and over again.

1647. Are the defects in the existing system susceptible of remedy?—As far as the rules stand, they are very good, but they require judicious application. There is a very strong feeling abroad that Eurasians and Anglo-Indians are excluded, no selections having been made from their ranks.

1648. Would you make any alteration in the rules?—None.

1649. If the service is retained, should the selected candidates be required to proceed to England for training?—They should.

1650. Why?—Because intercourse with the people of a more advanced civilisation than what we see here—inter-communication with people of different nationalities and other reasons—will enlarge their minds. I also believe that the education obtainable in England is better than that to be had here.

Mr. Ryland.

1651. You say that the power of appointing to this service has been mis-used?—I say that it has not been judiciously

Mr. Ryland—continued.

exercised; that is to say, an impression has got abroad that Europeans and East Indians were to be excluded from certain branches of the service, such as Rurki, the Opium department, and others. Certain circulars issued by the Home Department led these classes to understand that they were not the favored subjects of the Government, and that it was useless for them to ask for anything—that is the reason why there have been so few applications.

1652. You approve of both the Statute and the rules. How would you secure these rules operating in favor of the classes you represent?—If the service is to be retained, I would certainly allow the rules to stand as they now are. The definition of "Statutory Native" is sufficiently comprehensive, but I deprecate the provisions of the section and would abolish it, and have one Native Service.

Mr. Peacock.

1653. You only object to the way in which the rules have been worked?—Yes, but at the same time I say there should be no Statutory Service.

The Hon'ble Mr. Quinton.

1654. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service, and if any, what changes should be made in that system?—I do not think there is any dissatisfaction with the present system. No changes should be made at all, as the recruitment for that service under the present system is very good, and all who are ambitious to enter it can go to England to compete for admission.

1655. Do the Natives of India labor under any disadvantages in competing for employment in this service?—Well, I have heard a good deal of sentimental objection to their being required to go to England; but these objections are now dying out. As far as I know, there is nothing in these objections. It is only the middle class men who are ambitious, and have not the means to send their sons to England, who object to it.

1656. Do Native gentlemen of your acquaintance go to England for other purposes than competition for the Civil Service?—Yes, to study for the medical profession especially. Of course there is reason for this. The visit to England carries with it a sort of prestige, though the medical examinations here are harder to pass than those

Vol. VI.
Sec. II.
Bengal.

E. W.
Chambers.
Esq.

The Hon'ble Mr. *Quinton*—continued.

Vol. VI.
Sec. II.
Bengal.
E. W.
Chambers,
Esq.

in England. It has always been so, and it has been intended they should be.

1657. Notwithstanding this, Native gentlemen go to England in order to occupy a better position and secure a better practice?—Yes.

1658. Would you make any change in the present system?—None at all, though I think recruitment for the Statutory Service, if it be retained, should be from among the ranks of the Uncovenanted.

1659. You say you would abolish that service altogether? Do we understand that it is your opinion that the only gate for admission to the Covenanted Service should be through competition in England?—Yes.

Mr. *Ryland*.

1660. Would you make any alteration in the age limit?—I would raise it to twenty-one, because I think the present age operates as a great strain upon the young men.

Mr. *Peacock*.

1661. Would you make the change for English and Native candidates alike?—Yes.

The Hon'ble Kazi *Shahabuddin*, Khán
Bábádúr.

1662. You say that you are not aware of any dissatisfaction being felt by Natives against the present mode of recruitment for the Covenanted Service. Do you read the Native papers?—These papers contain the ideas of the Editors and other Native writers, but they do not convey the feeling of the masses.

1663. Are you aware of meetings having been held from time to time—notably the late National Congress?—I have not noticed them. As far as I know from my inquiries from Native gentlemen, I do not believe they are dissatisfied.

The *President*.

1664. You have not heard any general expression of dissatisfaction as far as you know?—No.

The Hon'ble Mr. *Quinton*.

1665. Should the Uncovenanted Service, by which I mean Deputy Collectors and Magistrates and Subordinate Judges, be recruited only from Natives of India?—I think I would let the Statutory definition stand, and recruit only from Natives without any distinction or favor.

1666. Should the recruitment be by competition or by nomination, or by both systems combined?—By both systems combined.

1667. Should one system be applied to all classes of offices or be varied with the

The Hon'ble Mr. *Quinton*—continued.

class of offices?—I can scarcely answer that question, as I have had no experience.

1668. Whatever system be adopted, should the recruitment be made provincially or otherwise?—I would not restrict it to any Province, and would rather have it interchangeable.

1669. If the Statutory Service be abolished, should the proportion of offices assigned to that service be allotted to the Uncovenanted Service?—My idea is that Uncovenanted servants of the highest position should be allowed to enter the Covenanted Service.

Mr. *Ryland*.

1670. You say you would exclude Europeans?—No.

1671. I suppose you are aware that the proportion of Europeans and East Indians in the Subordinate Judicial and Executive Services has very much fallen off?—Yes.

1672. I may say that in 1864 it was 7½ per cent. : it is now 3; in the Subordinate Judicial it was 34 : it is now 13; can you give me any reasons for this falling off in the number of Europeans and East Indians in these services?—There were certain notifications issued by the Home Department excluding these classes from certain Departments and giving the preference to pure Asiatics. This caused a good deal of heart-burning among Europeans and East Indians, who finding that they were not to have a chance, took to other callings.

1673. You say they have taken to other callings, and have not endeavoured to qualify for these services?—Yes; that they are qualified for admission I can say from my own personal experience. Numbers of these men pass the Arts examination and take their degrees every year, and many have gone to England to study.

The Hon'ble Mr. *Quinton*.

1674. Have you considered the question of the pay and furlough rules?—No, I have not; but I know a smaller pay is given to Indians.

1675. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service according as the posts are held by members of that branch of the Service, or by members of the Statutory or Uncovenanted branches?—If you once draft a man into the other service, there should be no difference in the pay; but if you retain the Statutory Service, there must be a difference.

Mr. *Peacock*.

1676. If you were to train him in England, should there be any difference in his pay?—No.

WITNESS XIX.—24th February 1887.

Examination of Maulvi Syad MUAZZAM HUSAIN, Presidency Magistrate, Calcutta.

Mr. Peacock.

1677. You were a member of the Subordinate Judicial Service. Were you not?—Yes, I entered the Service in 1853 and retired in 1884. I was then Principal Judge of the Small Cause Court of Narail and Jhenidah.

1678. You are also, I believe, a landed proprietor in the district of Backergunge?—Yes.

1679. Have you any reason for thinking that the Statutory Service is objected to, generally, by the Natives of this Presidency?—Yes, and particularly by the young men who have taken University degrees. They object to the Statute itself and also to the system of nomination.

1680. On what grounds?—On the ground that the nominees do not occupy the same status in the eyes of the people with Covenanted Civilians; also because they are not sufficiently paid. Personally I entertain a different opinion. I think the Statutory Service is at any rate better than nothing.

1681. Is the general feeling in favor of the abolition of the Statute?—No, but the majority of Natives are in favor of abolishing it.

1682. Do you yourself propose to abolish it?—No.

1683. Would you amend it in any way?—Yes, so as to provide that greater care should be taken in making nominations.

The President.

1684. What precautions would you take?—I would require the candidate to have some knowledge of English, and also local knowledge and respectability.

1685. I understand you would require certain preliminary qualifications for nomination and that your nominees should compete?—Yes, and two-thirds of the nominees should be members of the Uncovenanted Service of proved merit and ability, and men selected from the legal profession.

Mr. Peacock.

1686. How would you recruit the remaining one-third?—By limited competition among nominated candidates; for instance, Mahomedans should be tested with Mahomedans, because their backwardness in education would make it unfair that they should be pitted against Bengalis.

1687. Have you considered the definition of "Natives of India"?—Yes, and I would amend it by striking out the words "born

Mr. Peacock—continued.

in India." It should be sufficient that the parents of the candidate have been habitually resident in India.

1688. If the Statutory Service is retained, would you compel the candidates selected to proceed to England for training?—No; I would leave it entirely to their option, but I think it desirable that they should go, as it would better qualify them for service.

1689. You attach importance to their going?—I do.

1690. Would you encourage them to go?—I would, by giving passage-money, because that appears to be the general wish in the matter. Personally I am not in favor of giving encouragement of that kind.

The Hon'ble Syad Ahmad, Khán Bahádúr.

1691. Would you include Europeans born in England as Natives of India?—If their parents are habitually resident in India, I would.

Mr. Peacock.

1692. Is any objection felt to the present system of recruiting the Covenanted Civil Service by competition in England?—Yes, on account of the age limit being too low. I would raise it to twenty-three or twenty-four as the maximum limit.

1693. Would you make any change in the subjects of examination?—I would allot the same marks to Arabic as to Greek, and the same marks to Sanskrit as to Latin. I would add Persian to the subjects on the same footing as French, and also some of the more important Indian vernaculars. I am not sufficiently well acquainted with the marking of the present subjects to say what marks should be given to these vernacular languages.

1694. Would you allow a candidate to take up any number of these vernacular languages, or would you restrict him to a certain number?—I would restrict him to a certain number.

1695. Is there any other objection to the present system?—I do not call to mind any. Caste objections are dying out.

1696. Then you are in favor of holding the competition in England?—Yes.

1697. Would you have any apportionment of appointments between the residents of different Administrations or between different religious sects?—If it is possible, I would allot one-half of the total of appointments to Natives of India, and

Vol. VI.
Sec. II.
Bengal.Maulvi Syad
Muazzam
Husain.

Vol. VI.
Sec. II.
Bengal.
Maulvi Syad
Muazzam
Husain.

Mr. Peacock—continued.

apportion them between the residents of different Administrations and the different religious sects.

1698. Is any religious objection entertained by Mahomedans to going to England?—None at all.

1699. I believe you had a nephew in England?—I had, and my son also.

1700. Do you know any Native members of the Covenanted Service who entered the Service by the door of competition in India?—Yes.

1701. And do you think they are as good men as can be obtained by any other system?—Yes.

1702. Do you think there ought to be a larger proportion of Englishmen than of Natives in the Service?—Certainly I do.

1703. Do you think that, as a rule, Natives are more fitted by their habits of life and modes of thought for service in the Judicial line than for Executive appointments?—I think so.

1704. Could you tell us what proportion of appointments should in your opinion be held by Europeans and what proportion should be held by Natives?—Natives should hold at least one-fourth of the appointments.

Mr. Fitzpatrick.

1705. You say your son has been to England. You have heard something therefore of the mode of life of Native gentlemen in England?—Yes.

1706. Do you think that they are exposed to considerable risk in respect of their morals or steadiness there?—Not at all.

Mr. Nulkar.

1707. At what age did your nephew go to England?—He was thirty or thirty-one when he went. He is now in the Subordinate Executive Service.

The Hon'ble Mr. Justice Mitter.

1708. Do you see any political danger to having more than one-fourth of District Judgeships held by Natives?—No; it has been tried already, and Native Judges have been found to give great satisfaction to the people.

1709. Do you think it a *sine qua non* that three-fourths of the Judicial Service should be filled by Europeans?—So long as the Native community have not given up their prejudices, they will prefer to see Europeans in the Judicial Service.

Mr. Rameswami Mudaliyar.

1710. Did your nephew marry in England?—Yes, and he brought out an English wife.

1711. Has your community received him and his wife freely into society?—I cannot say that they have.

The Hon'ble Kazi Shahabuddin, Khan Bahádur.

1712. Are not intermarriages between Mahomedans and Christians allowed by Mahomedan law?—Yes.

1713. And between Mahomedans and Jews also?—Yes.

1714. Even when the Christian or the Jew retains his own religion?—Yes.

Mr. Peacock.

1715. Your son went to England, I believe, to study for the Bar?—Yes.

Mr. Nulkar.

1716. At what age did he go?—He was about twenty-three.

1717. Is he now in India?—Yes.

1718. How long did he stay in England?—Only one year.

1719. Was he married before he went?—Yes.

1720. Had he children?—He had one child.

1721. And he returned because the climate did not suit him?—Yes.

Sir Charles Turner.

1722. In which branch of the Service are Mahomedans principally employed—the Judicial or the Executive?—They are employed in both branches, but principally in the Executive.

1723. How do they do their work?—Very fairly.

1724. Do you think they make better judicial than executive officers?—I cannot say that they do.

1725. Which do you consider Mahomedans generally best fitted for?—For both, I think.

1726. And Hindus?—The better class of officers do well in both.

1727. But which are the other classes least suited for?—The Executive. The fear of their superior officers and their own timidity prevents them doing work as it ought to be done.

1728. And makes them worse executive officers?—Yes.

Mr. Peacock.

1729. How would you recruit the Uncovenanted Service?—The Uncovenanted Service should be recruited only from Natives of India as described in 33 Vic. chapter 3, section 6. The recruitment should be made either by nomination or by a combined system of competition and nomination. It is not, however, necessary to apply the same system to all offices. The recruitment should be made by the several Administrations from persons resident within the territories under such Administrations, so far as it is practicable to

Mr. Peacock—continued.

do so, without detriment to the public service. If the existing Statutory Service is abolished, it would certainly be more economical, and therefore more advisable in the present state of financial pressure, to allot the portion of offices assigned to that Service to the Uncovenanted Service.

1730. Have you any suggestion to make as regards the pay and furlough rules?—Members of the Statutory Service should be satisfied with less pay because they serve their own country and in their own

Mr. Peacock—continued.

country, and for the same reason they should also be satisfied with less furlough.

When a post reserved for the Covenanted Civil Service is held by a member of the Statutory or Uncovenanted branch of the Service, I would give the latter two-thirds of the pay of the post; in other cases I would make no distinction between the Statutory and Covenanted Service.

1731. Is there any other point on which you have evidence to offer?—No.

Vol. VI.
Sec. II.
Bengal.

Maulvi Syad
Muazzam
Husain.

WITNESS XX.—24th February 1887.

Examination of Babu MOHENDRONATH BOSE, Judge, Small Cause Court,
Nuddea and Jessore.

Mr. Peacock.

Vol. VI. 1732. You are a member of the Subor-
Sec. II. dinate Judicial Service?—Yes.
Bengal. 1733. And you are now Principal Judge
of the Small Cause Court of Nuddea and
Babu Jessore. When did you enter the service?—
Mohendro- In 1859.
nath Bose.

1734. And you have served both as a
Munsif and Subordinate Judge in a great
many districts?—Yes, nearly all over
Bengal and Behar, but not in Orissa.

The President.

1735. Is the existing system of appointing
Natives as Statutory Civilians to posts re-
served for the Covenanted Civil Service ap-
proved?—I cannot say that it is. The
Uncovenanted Service in particular think
that it constitutes a distinction without a
difference.

1736. Kindly enumerate all the objec-
tions that you know to be taken to the present
system?—The principal objection is that
the same men enter the Statutory Service
who, if that Service did not exist, would enter
the Uncovenanted Service.

1737. Do you think the system capable
of improvement?—I think it can be improved
by altering the rules.

1738. Would you retain the system?—
Yes, but I would rather confine it to my
own line—the Subordinate Judicial Service.
That Service should, I think, be put on the
footing of the Statutory Service, and some
higher appointments also might be placed
within its reach.

1739. You would not have the Statutory
Service include executive appointments?—
No.

1740. Supposing young men were appoint-
ed to the Statutory Service so constituted,
would you send them to England for train-
ing?—No, I do not think an English training
necessary for judicial work in this country.

1741. Would you give them facilities
for going if they chose to go?—No.

Mr. Fitzpatrick.

1742. I understand you to say that you
would be glad to see the whole or a portion
of the appointments at present reserved for
the Statutory Service in the judicial line
given to the best members of the Judicial
Uncovenanted Service, but that you would
not extend the same system to the Executive
Service. Why this distinction?—Because I
have never been in the Uncovenanted Service
and do not know much about that Service.

Mr. Fitzpatrick—continued.

1743. But having lived in the country,
and having had a good deal to do with
the administration of the country, do you
see any objection to the best Uncoven-
anted officers in the Executive Branch being
promoted to these appointments?—No.
There are some very deserving men in the
Uncovenanted Executive, but I cannot say as
much for the whole Service. Some of them
have been appointed to their present posts
from ministerial offices.

1744. My question only referred to the
best men?—In that case I have not the
slightest objection. I personally know some
Uncovenanted executive officers, whom I
think fully competent to discharge the
duties of a District Magistrate.

Mr. Ramaswami Mudaliyar.

1745. You think that the Statutory
Service should be retained merely for reward-
ing meritorious service in the Uncovenanted
branch?—Yes.

1746. Would you exclude from it men
who have distinguished themselves at the
Bar?—After a certain age I think no one
should be put into the Service from the Bar.

1747. What age do you refer to?—Say
twenty-five. I think a longer stay in the
Bar taints a man to a certain extent.

1748. You think, that is, that to have
been a long time at the Bar unfits a man
for the duties of a Judge?—Yes.

1749. Is that your opinion of the High
Court Bar also?—Oh no. I am speaking
of district courts generally.

1750. Would you exclude men who had
distinguished themselves in the High Court,
whether as Barristers or Vakils?—When
our High Court Judges are recruited from
pleaders, it would be absurd to say that
no member of the High Court Bar would not
be fit to fill a District Judgeship.

The Hon'ble Kazi Shahabuddin, Khan
Bahadur.

1751. Do you know any members of the
Subordinate Service who were appointed
originally from the anlah class and who
have distinguished themselves for merit and
probity in their present posts?—I have no
knowledge of any.

1752. Would you be surprised to hear
that such has been the case?—In this
nineteenth century no one need feel sur-
prised at anything. Everything is possible
now-a-days.

The Hon'ble Mr. Justice Mitter.

1753. Is it your opinion of the members of District Court Bars that they are, as a rule, of an objectionable character?—That would be going too far. My experience is that practice at these Bars is confined to a very few, say five or six in each district, and that the remainder make the best shift they can for a scanty subsistence.

1754. Do you think that after a certain time spent at the Bar their character deteriorates?—My experience is that chill penury has a benumbing influence on both head and heart. If a man cannot honestly make two ends meet, there is no knowing how far he will not go in the other direction.

1755. Do you hold the same opinion as regards those members of the Bar who are in good practice?—No, but such men would not accept appointments.

1756. Do you think they would decline a District Judgeship?—Some might not.

1757. Would the majority of them?—My opinion is that the majority would accept a District Judgeship. So far as my experience goes, the earnings of the most successful pleaders at the district Bars do not exceed Rs. 1,000 or Rs. 1,200.

1758. And you think that the pleaders in good practice are honourable men?—Yes.

1759. What is your opinion of their ability and attainments?—Of course if they are B.As. and B.Ls. there is nothing to be said against them, but otherwise I do not think they are so honourable as they might be.

1760. When you said you would exclude members of the Bar, did you mean you would exclude those in good practice?—I should like with all my heart to see the men in good practice appointed, who are B.As. and B.Ls. to boot.

1761. Then you to that extent modify the opinion you at first expressed?—I have not sufficient experience of them to say so positively.

Sir Charles Turner.

1762. Is it desirable that a B.A. and B.L. should have had some training at the Bar before he is appointed a Judge?—I myself had very little training at the Bar, and I think a long stay at the Bar would not improve a B.A. and B.L. I understand that there is a rule which requires that B.As. and B.Ls. shall have attended the courts for three years before they can be appointed Judges. My experience is that when they do attend and do nothing they become soured within a very short time.

1763. You are speaking of men with no fortune and no practice?—Yes.

1764. Do you think practice at the Bar is not a good training for judicial work?—It is impossible for any one to get a good practice on commencing in our courts.

1765. But he might get some practice?—No, I do not think so.

Sir Charles Turner—continued.

1766. You say there are some men in the courts who make incomes of from Rs. 1,000 to Rs. 1,200 a month, and that these men are, you consider, of high character and good ability?—Yes.

1767. Must there not have been a time when they were earning little or nothing, possibly for some years?—They must have risen gradually of course.

1768. But at any rate their character was not contaminated by the necessary delay in acquiring a practice?—No.

1769. How do you reconcile that with your previous opinion that a man must necessarily lose his probity by waiting three years for practice?—A man must wade through filth and dirt to attain a position of eminence.

1770. Have you not spoken much too generally?—Of course there may be honourable exceptions.

1771. You say that pleaders making Rs. 1,000 to Rs. 1,200 would not accept a Munsif's appointment?—Yes.

1772. How many pleaders do you suppose make Rs. 1,000 or Rs. 1,200 in a District Court?—About two.

1773. And how much do the next successful men make?—Rs. 600 to Rs. 800.

1774. Would a man who makes Rs. 600 to Rs. 800 accept a Munsifship?—He would not.

1775. Would a man who makes from Rs. 400 to Rs. 600, if he had a chance of promotion to a District Judgeship?—No.

1776. Do your remarks only refer to the districts round Calcutta?—I speak of the whole of the Bengal districts.

1777. Do you mean to say that no pleader who makes Rs. 400 would take a Munsifship?—Yes.

1778. Would you be surprised to hear that in the Madras Presidency many pleaders whose professional incomes are between Rs. 300 to Rs. 500 a year are willing to take Munsifships?—It may be so in other Presidencies, but it is not so in Bengal as far as my experience goes.

1779. Why do you object to the appointment of ministerial officers?—In the first place they are not well educated, and defective education of course makes defective work.

1780. And as regards their moral education?—I have not much experience of the Uncovenanted Executive Service, and therefore I am not prepared to offer an opinion.

1781. Are there any Munsifs in this Presidency who have been appointed from the amlah?—No.

1782. Have none of the older men?—Not within the last thirty years.

1783. What promotion do the Chief Clerks in the Judge's office get?—None at all.

1784. And what sort of men do you get for these appointments?—Of late years some B.As. have betaken themselves to ministerial services, and I believe there are at present

Vol. VI.
Sec. II.
Bengal.
Babu
Mohendro-
nath Bose.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Mohendro-
nath Bose.

Sir Charles Turner—continued.
seven or eight of them serving as sheriffs' takers.

1785. Are they young men?—Yes.

1786. And have they no hope of promotion?—No.

1787. Is that a desirable state of things?—Of course it is not. Sometimes they get into the Executive Service by nomination. That is their only means of rising.

The President.

1788. Apart from the question of character, are pleaders who for a number of years have been hanging about the courts with very little to do, the class among which you would look for men qualified for Judgeships?—I would not take a pleader who was over thirty-five years.

1789. Do you think a man who has spent his time from twenty-five to thirty-five in the courts without much to do is not likely to make an efficient Judge?—Yes.

Sir Charles Turner.

1790. Do you know whether there is a rule prohibiting the appointment of pleaders who are above the age of thirty years?—I do not.

1791. Is it not the practice when pleaders are appointed to Munsifees from the District Courts to nominate them on the recommendation of the District Judges?—In Bengal the practice is for the District Judge only to give a certificate that the pleader has attended the courts for three years.

1792. Is no certificate of character given?—No.

1793. Is no certificate of ability as well as good character required in the case of candidates for Munsifees?—No, the B.A. qualification is considered sufficient. To obtain that degree it is necessary that a man should be of good character.

1794. Is no certificate of the character and ability of a candidate required from the District Judge?—Character it may be, and the length of time the B.A. has practised in the District Court: that is all the District Judge certifies.

Mr. Fitzpatrick.

1795. Is it not generally the case that a pleader is found willing to sacrifice something of his income for the sake of the comparative ease and dignity of a judicial appointment?—I think that is the case sometimes.

Mr. Nulkar.

1796. Do you approve of the rule that in addition to other qualifications, such as a University degree, a candidate for a

Mr. Nulkar—continued.

Sub-Judgeship shall have served in a ministerial office in one of the District Courts, or have practised there as a pleader for three years. Taking the age at which the candidate takes his University degree to be twenty-five, after three years' practice he would be twenty-eight, and say two years' waiting for a vacancy would bring him up to thirty. Would you object to his appointment?—I believe the three years required at the Bar is not so much for the sake of practice as to see how business is conducted. As for practice he would get little or none. Three or four cases in three years would, I think, be about the average.

1797. The question is, would you object to such an appointment?—I have not the slightest objection to it. After that sort of training, B.Ls. have proved the best judicial servants in Bengal.

Mr. Peacock.

1798. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service?—Much dissatisfaction is felt by Bengalis, who are practically excluded from the competition on account of religious and social prejudices.

1799. Is the risk of failure an objection also?—Yes.

1800. Do they object to it on account of the examination being conducted in a foreign language?—No.

1801. Do they object to it on the ground that some of the subjects of examination do not form part of the curriculum of an Indian education?—Yes. They think Sanskrit and Arabic should be placed on a level with Latin and Greek.

1802. Is the present age limit objected to?—Yes; it is too low.

1803. Are these the only objections?—Yes.

1804. What alterations would you make with a view to remove these objections?—I would raise the age limit to not less than twenty-one or more than twenty-three. I would place Sanskrit on an equal footing with Latin, and Arabic on a par with Greek.

1805. Would you have an examination in India simultaneously with the examination in England?—At present the feeling of Hindus is very much opposed to going to England. No doubt there has been a slight change in this respect within the last ten years in Calcutta, but beyond the limits of Calcutta, the feeling is as strong as ever it was. Personally I prefer that there should not be an examination in India.

Mr. Ramaswami Mudaljar.

1806. Why?—Because you cannot dispense with the training or probation in England, and therefore what reason is there for holding an examination here. I think

Mr. Ramaswami Mudaliyar—continued.

if Government arranges for the payment of a candidate's passage-money, that is all that is required. Let Government select a certain number of B.As. and M.As. and pay their passage-money.

1807. And if they failed, would you have Government pay for their passage back?—Yes.

1808. If you have an examination in India, do you think it essential that the successful candidates should undergo subsequent training in England?—I think so. Without such a training they will not make efficient servants.

1809. And suppose Government does not see its way to paying candidates' passage-money?—We will in that case subscribe the amount among ourselves.

1810. Has that experiment been tried here yet?—No, but it is something which is devoutly to be wished.

1811. What makes you think it will be done?—I believe the Government will not grudge a few rupees for sending our children to England on the recommendation of the Universities.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

1812. Do you consider the longer the candidate's training in England, the better?—I should think so, from what I have seen of the effect of such training on men who have undergone it.

The President.

1813. You think that the training in England is essential?—Yes.

1814. And that it is better to have a good deal of it than a little?—Yes.

The Hon'ble Mr. Justice Mitter.

1815. Do you not think that if you enlarge your area of selection by having an examination in India you have a better chance of obtaining the best men?—No doubt.

The Hon'ble Mr. Quinton.

1816. You mean you would get more highly-educated men?—Yes.

Sir Charles Turner.

1817. Do you mean that Government should pay the passage-money for all persons who might choose to go to England and compete, or only in the case of certain selected candidates?—Only in the case of candidates selected by the Universities.

1818. Would it be a good thing to institute scholarships for youths who desire to compete in England?—Yes.

1819. Would twenty scholarships be sufficient for that purpose?—I think twenty would be sufficient for Bengal.

Sir Charles Turner—continued.

1820. Would it not be too large a number for Bengal alone?—If you look into the University Calendar, you will find that our B.As. and M.As. count by hundreds.

1821. Do you think you will find in Bengal Native gentlemen willing to establish such scholarships if Government encourages them to do so?—Yes.

The President.

1822. Is it the province of Government to found scholarships for the benefit of individuals when there is so much qualified material to be obtained without special expenditure? Why, for instance, should you establish scholarships in order to enable poor Natives of India to compete any more than to enable poor Englishmen to compete?—Well, the Native boy has to go to a foreign land and to pass in a foreign language, and if any advantages are to be given, it is only fair that they should be given to him.

1823. Then you would establish scholarships as a concession to Natives, and not because Government without scholarships would be unable to obtain the requisite qualified men?—Yes, for the present.

Mr. Peacock.

1824. From what class of people would you recruit the Uncovenanted Service?—From B.As. and M.As.

1825. Would you recruit only from Natives of India as defined in the Statute?—Yes.

1826. Would you recruit by nomination or by competition, or how?—By nomination from M.As. and B.As. and from young men of good family among the backward class, who should undergo a two years' training in some college here to fit them for service.

1827. You would have two systems then, that is, you would have selection partly from University graduates and partly from young men of good family who would be specially trained for service after nomination?—Yes.

Mr. Fitzpatrick.

1828. Do Natives of this part of India think it important that an official should be a man of decent family?—I think they do.

Mr. Ryland.

1829. As a means of showing how the service has been hitherto recruited, and whether it has produced men of some distinction, will you kindly tell us how you commenced your career?—I was educated in the Presidency College here, and, after passing my law examination in that College, I was enrolled as a pleader of the late Sudder Court. I was subsequently appointed

Vol. VI.
Sec. II.
Bengal.
Babu
Mohendro-
nath Bose.

Munsif on Rs. 100, being the first Presidency College man to enter that service.

1830. How long had you practised as a pleader?—I had little or no practice. I attended the courts for a year.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur.

1831. Is the Executive Service as at present recruited efficient or inefficient?—I am not in a position to offer an opinion as regards that Service.

1832. Then why would you alter the present system?—Because I am of opinion that the boys whose abilities are the best are unable to undergo the system of cram which is so prevalent now-a-days, and their services, therefore, are lost to Government. But if you establish a system by which they can be taken at the age of sixteen or seventeen and trained for five years, Government will be able to utilise their abilities.

Mr. *Hudson*.

1833. Do you not think it desirable, in order to increase the efficiency of the lower grade magistracy and judiciary that better men should, if possible, be got to fill those appointments?—Yes, those appointments are the backbone of our Service as it were.

1834. If the initial pay of a Munsif and a Deputy Magistrate is raised, and those services are exclusively recruited from able men at the Bar, and a wide door for promotion to the upper branch of the Service is left open to them, do you not think it will do more good, as far as administration is concerned, than any other measure of reform?—I am entirely of that opinion.

Sir *Charles Turner*.

1835. Do you see anything of the working of the present Munsifs?—Yes.

1836. Is it pretty fair?—Yes.

1837. Are the public satisfied with it?—Yes.

1838. Do you see anything of the working of the present Subordinate Magistracy?—Not much.

1839. Have you heard any opinion expressed about the Subordinate Magistracy?—I have not seen their work, but I have seen the present Subordinate Magistrates in charge of subdivisions at work,

Mr. *Ryland*—continued.

Sir *Charles Turner*—continued.

and they perform their duties very satisfactorily and without any friction.

1840. What sort of men are the Sub-Deputy Magistrates as a class?—I cannot say. I really do not know any of them.

Mr. *Peacock*.

1841. Have you any suggestion to make as to pay and furlough?—I think European officers should be allowed a little longer furlough than is given to Natives.

1842. If you promoted a Native gentleman to a Covenanted post, would you give him the same pay as a Covenanted officer who obtained his appointment by examination in England?—I think Native officers should get 25 per cent. less pay than is given to Europeans.

1843. Would you make any difference in the pay of a Covenanted post accordingly as it was held by a Statutory and an Uncovenanted officer?—No.

Sir *Charles Turner*.

1844. Do you think the initial pay of the Judicial Service, Rs. 200 a month, is too small to induce good men to accept the appointment?—I think it is. Under the present system men on first appointment to Munsif fees have jurisdiction up to Rs. 1,000. I would prefer that a Munsif on first appointment should undergo probation as Assistant Munsif with jurisdiction up to, say, Rs. 50 for the first year.

1845. As a matter of fact, are there not as difficult points of law to be decided in suits for Rs. 20 as in suits for Rs. 1,000?—No doubt.

1846. You say a Munsif should go through a sort of judicial apprenticeship?—Yes.

The Hon'ble Mr. *Quinton*.

1847. How long is it before a Munsif beginning on Rs. 200 gets an increase of pay?—He would get Rs. 250 after three years, Rs. 300 after seven years, and Rs. 400 after 14 years.

The *President*.

1848. Is there any other point which you wish to bring forward?—No.

WITNESS XXI.—24th February 1887.

Examination of W. H. GRIMLEY, Esq., B.A., c.s., Magistrate and Collector; Commissioner of Income Tax, Bengal.

Mr. Peacock.

1849. You are a member of the Covenanted Civil Service?—Yes.

1850. I believe you came to India in 1863?—Yes.

1851. And you have held all the usual appointments in the Executive line?—I have.

1852. And you have been Secretary to the Board of Revenue and Inspector of Schools and have held several special duty appointments, such as member of the Salaries Commission, Superintendent of Survey and Settlement, Collector of Customs, and Income Tax Commissioner, and I may add Superintendent of Native Civil Service examinations?—Yes.

Mr. Fitzpatrick.

1853. Is the present system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Service approved?—It is not generally approved. It is not approved by educated Natives, because they consider that it keeps them out of the Service; nor is it approved by men in the Covenanted Civil Service, whose feeling is one of uneasiness that, although the appointments have hitherto been restricted to the bottom of the Service, the day may come when gentlemen who have not gone through the necessary training may be appointed to higher posts.

1854. Have they any grounds for supposing that?—Not at present, but there is a general feeling to that effect.

1855. Are the defects of the existing system susceptible of remedy?—I think that the provisions of the Act might be amended by the adoption of such a scheme as I have drawn up.*

The President.

1856. As I understand your scheme, you would have no Statutory Service at all?—No; but I would have two Services—one corresponding with the present Civil Service and called the Civil Service, and another which should be called the Public Service.

1857. How would you admit to your Civil Service?—Precisely in the same manner as at present.

Mr. Fitzpatrick.

1858. Should any, and if any what, change be made in the present system of recruiting for the Covenanted Civil Service?

—I would raise the limit of age which is now fixed at from seventeen to nineteen to from eighteen to twenty-two, and I would fence the recruitment round with such safeguards as would insure a flow of promotion much more rapid than it has been within the last fifteen or twenty years.

1859. You would regulate the recruitment so as to secure a regular flow of promotion?—Yes, a more regular and rapid flow of promotion. To maintain any Service in a high state of efficiency there must be a steady flow of promotion, and unless this principle is kept in view, the inducements offered will be altogether insufficient to attract the best men available, whether European or Native.

1860. How would you secure this?—By reducing the number of admissions.

1861. And how would you admit those you would retain?—By examination conducted only in England.

1862. In the same subjects as at present?—Yes.

1863. And with the same relative weight given to Oriental classics as at present?—At present I consider too high marks are given to English literature.

1864. Do you say so with reference to the difficulties which Natives labor under in the present system?—I say it with reference to all candidates.

1865. Do Natives of India labor under any, and if any what, disadvantages in competing for the Covenanted Civil Service?—They labor under the disadvantage of having to undertake a long journey at a great expense. That is self-evident.

1866. And in the matter of age?—Yes, I think they do there also.

1867. As regards the subjects of examination?—I think not. The subjects are in my opinion such that a Native has just as much chance of grounding himself in them as Englishmen have.

1868. Then you consider that distance and age are the two disadvantages under which Natives labor. By what changes would you remove or minimise these disadvantages?—By raising the limit of age. As regards distance, I have nothing to propose.

Vol. VI.
Sec. II.
Bengal.

W. H.
Grimley,
Esq.

* The witness here handed to the President a printed note which he had prepared on the system of recruitment for the public service in India, but, as it referred to branches of the administration not covered by the present enquiry, it was decided that the whole of the note should not be placed on record, but that the witness might be allowed to read such portions of it as related to the Subordinate Executive Service.

Vol. VI.
Sec. II.
Bengal.
—
W. H.
Grimley,
Esq.

Mr. Fitzpatrick—continued.

1869. Would you not hold a simultaneous examination in India?—Certainly not.
1870. Are the young Natives obtained under the existing system the best as regards character and capacity that could be obtained under any system?—I think so.

Mr. Nulkar.

1871. Would you admit Natives to your Civil Service?—Certainly.

The President.

1872. You do not advocate the holding of simultaneous examinations in England and India?—Decidedly not.

Mr. Ramaswami Mudaliyar.

1873. Why not?—Because I think there are many appointments in India which ought to be held by Europeans. I would allow Natives to compete on equal terms with Europeans. I have myself a very high opinion of Natives, and am willing to see as many appointments opened out to them as possible, but at the same time it will have to be done without interfering with the claims of other sections of the community.

1874. How will it affect the claims of other sections of the community?—The Civil Service has been thrown open hitherto to Europeans, and I cannot see that any reasons have been shown why that system should be suddenly stopped.

The President.

1875. What are your reasons for objecting to a simultaneous and identical examination in India?—I consider that the Natives admitted to the Civil Service should have undergone the same preparation in England as the English candidates underwent, and that preparation would be assured to them by holding the examination under the present system.

The Hon'ble Mr. Justice Mitter.

1876. If an examination is held in India simultaneously and identical with that in England, do you imagine that a larger number of Indian candidates would be successful?—Yes.

Mr. Fitzpatrick.

1877. Suppose the result of holding a simultaneous examination in India was to reduce the proportion of Europeans in the Civil Service to a very small number, would you see any objection to it, political or otherwise?—I would rather answer that question when the time arrives. I can conceive that there would be political objections to it.

The President.

1878. Do you think that, under the system of examination you would have, such a result would be improbable?—I do not think it would be probable. The candidates would compete on fair terms and in England.

The Hon'ble Mr. Quinton.

1879. Do you think it should be the end of Government to maintain the present system of examination in its integrity or to get the best men for the public service; that is to say, do you look upon the examination only as a means of obtaining the best men?—I do, and in my scheme I have provided that, so far as it can, it shall get the best men.

Mr. Nulkar.

1880. Is there any reason why a Native candidate should not undergo his intellectual training in India and go to England just a few months before the examination?—I think if he seriously intended to compete in the examination he will not put off his departure from India until within a few months of the examination, but will rather go within a few years of it.

Mr. Ryland.

1881. Does the very fact of a Native going to England to compete in your opinion afford some guarantee that he will make an efficient public servant?—Yes.

Mr. Peacock.

1882. Do you consider Natives as a rule most fitted for judicial or for executive work?—That, again, is a question which depends on very many considerations. I have known Natives who were most excellent executive officers, and Natives who were most excellent judicial officers; but looking to the many qualifications that are required in the Executive Service, on the whole I should say they were more fitted for judicial duties. By judicial duties I mean civil duties attached to judicial functions.

Sir Charles Turner.

1883. Is that owing to the circumstance that as yet we have had more highly educated Natives in the Judicial Department than in the other?—I think not. I believe I said that I had known many Natives who were excellent officers in the Executive.

Mr. Fitzpatrick.

1884. How would you recruit your Public Service, confining your answer to what are generally understood as the Subordinate Judicial and Executive Services?—I think all natural-born subjects of Her Majesty should be eligible to compete.

Mr. Fitzpatrick—continued.

1885. Would you recruit by competition, nomination, or by both systems combined?—The scheme of selection should be as follows. Early in each year the Government of India, in consultation with the local Governments and Administrations, should determine, and announce for the public information, how many vacancies are likely to occur in that Service in the following year, and a certain proportion of the total number of these appointments, say one-fifth, should be offered for competition in England, and three-fifths in India, while the remaining one-fifth should remain under the patronage of the different local Governments. Natives and Europeans should be alike eligible, or, in other words, the competition should be open to all natural-born subjects of Her Majesty. It will be unnecessary to hold a special examination in England, as the present Civil Service competitive examination will supply all the requisite tests, if the number of persons required be selected from those who come next in order after the candidates declared eligible for the Civil Service. Thus, supposing there to be forty vacancies for the Civil and two hundred and fifty for the Subordinate Judicial and Executive Service, the Civil Service appointments will be reserved for the first forty candidates in order of merit, subject to their passing the further examination, and fifty Public Service appointments will be offered to those who come next, until they have all been disposed of. The candidates selected for the Public Service should not be required to undergo any further training or examination in England, but should be directed to report themselves in India by a given date to the Government to which they had been attached. One advantage of this scheme will be that a Native who is induced to go to England at great expense to compete for the Civil Service will not have so much reason to dread the consequences of failure, for should he not secure an appointment in the superior Service, he may still succeed in obtaining honourable, though less lucrative, employment in the Public Service.

The examination in India should be conducted at several centres, selected with due regard to the convenience of the candidates, and in this view the following would probably be the most suitable places—Calcutta, Madras, Bombay, Allahabad, Lahore and Rangoon. It should be open to every natural-born subject of Her Majesty, whether Native, Eurasian or European, between eighteen and twenty-two years of age, and should be conducted, as far as possible, on the model of the Indian Civil Service examination in England. A special body of Public Service Commissioners should be appointed for the whole of India, who should regulate the time of examinations, appoint examiners, print and distribute the examination papers, and in fact organise and supervise all the arrangements until the publica-

Mr. Fitzpatrick—continued.

tion of the list of passed candidates. The subjects of examination should be such as will test not only whether the candidate has received a sound and liberal education, but also in some degree his special fitness for the performance of the duties which may be entrusted to him. They should include—

English language.

Some period of English History and Literature.

History of India.

Oriental languages.

Mathematics.

Practical surveying.

Indian Penal Code.

Code of Criminal Procedure.

Revenue Law, including the regulations relating to the permanent settlement, the Revenue Sale Law, and the Tenancy Act.

The examination should be conducted in English, but no subject should be obligatory.

It should be open to the Government of India, on the report of the Public Service Commissioners, to allot the passed candidates to the different local Governments, Administrations, or Departments, as it should think fit, provided that each candidate when submitting his application for admission to the examination should be allowed to name the department and province in which he would prefer to serve.

Having disposed of four-fifths of the vacancies in a given year by examination results, there would still remain a fifth of the appointments to be filled up, and these, as well as any temporary vacancies which might occur in the course of the year, should be left to the patronage of each local Government; the appointments, however, being restricted to the Public Service. Thus, in any year for every twenty men who obtain appointments by examination, the local Government will ordinarily have the power of appointing five others without any examination test, and without any restriction as to race and nationality. The only condition I would impose is that the persons appointed should be resident in the jurisdiction of the local Government in question, the object being to enable Government to rectify any apparent inequality or inconvenience in the distribution of the administrative staff such as might result were examination tests the sole basis.

1886. Do you not apprehend that if this system were adopted, which would make four-fifths of the appointments depend upon competition, pure and simple, that a class of men might obtain admission to a great extent, who as a class would not command the respect of the people: poor men, for instance, and men of low caste?—I think the same class of men would get in as have hitherto got into the Civil Service, and I give the following in support of my opinion:—About twelve or thirteen years ago a system of examination was started by Sir George

Vol. VI.
Sec. II.
Bengal.

W. H.
Grimley,
Esq.

Mr. Fitzpatrick—continued.

Vol. VI.
Sec. II.
Bengal.
—
W. H.
Grimley,
Esq.

Campbell, and continued by Sir Richard Temple. The scheme was organised and carried out under my supervision, and the men who competed were, I think, much of the same class as those appointed without examination.

1887. Take the case of a province like the Central Provinces; under your scheme four-fifths of the men appointed to your Public Service in the Central Provinces would be men who had passed at the central examination, and the result would probably be that an immense majority of them would be residents of other provinces, and, possibly, to a large extent Bengalis, while only one-fifth of the appointments would be given to the residents of the Central Provinces. Do you not think that result would be objectionable?—I can quite conceive cases in which it would be open to objection; but on the other hand, generally speaking, there is no special objection to a Native of one province working in another. It would have this advantage, that the residents of another province would be removed from those local surroundings which sometimes interfere with the proper performances of their duties.

The President.

1888. Is it desirable that four-fifths of the appointments in Bengal should be filled by Punjabis?—I adopt the proportion of four-fifths as an approximate one, and because of its being an easy one to deal with, but it is a detail which can be considered.

Mr. Fitzpatrick.

1889. Did you consider the point raised by my question at the time you framed this scheme?—I thought of it, but did not give any great consideration to it.

Mr. Ryland.

1890. Do you know whether Europeans and Eurasians have been discouraged or deterred in any way, by orders of Government or otherwise, from entering the two departments we are now specially considering?—I think a European or a Eurasian would be only too glad to enter the service of Government. I can hardly say that they have been deterred.

1891. Have they been prevented then?—Some years ago I believe an order was issued that Europeans were not to be admitted to the Service when Natives could be obtained.

1892. And the proportion of Europeans and Eurasians in the Service is very much lower than it was ten years ago; is it not?—It is much lower than it was when I first came to the country.

1893. To what is that due?—Partly to other avenues of employment having become available. Some years ago the number of Europeans employed outside the

Mr. Ryland—continued.

public service was very small as compared with what it is now. No doubt it is also partly due to the policy of Government in giving more appointments to Natives.

1894. Would you have a very high standard of examination for your Public Service?—I would have no restriction on admission to the examination. Any one might pass who could, but I would not have the competition an easy one.

Mr. Ramaswami Mudaliyar.

1895. Why not have some such scheme of apportionment for your Covenanted Service as for your Public Service?—I conceive that the Civil Service system has been so far a success that I would not interfere with it. I would keep it as a higher Service, and competitive.

1896. So far as Natives who have got into the Civil Service are concerned, has it been a success?—I think, taken generally, those who have got in have done remarkably well.

1897. Then, so far as the experiment of admitting Natives to the Covenanted Service has been tried, it has not been a failure?—Certainly not.

1898. And if a larger number of Natives were admitted, do you anticipate that it would affect the efficiency of the Service or be in any way objectionable?—No.

1899. Then why not give facilities to a larger number for getting in?—I think the facilities which my scheme affords are sufficient to induce Natives to compete. The age limit will be increased, and they will go to England and compete with the knowledge that if they fail they have still the Public Service to fall back upon.

1900. Do you think we should get a better class of Munsifs and Subordinate Judges by your system than we do at present?—I do not think so. Personally I have rather a high opinion of Munsifs and Subordinate Judges,—that is to say speaking generally, and as one who has not had a very intimate acquaintance with the class.

1901. Do you think your system would improve that Service at all?—Possibly.

1902. How?—If we have a high standard of examination, the men who could compete successfully must necessarily be men of very good education. It is generally admitted that the better a man is educated, the greater the chance that he will turn out an efficient public servant.

1903. Would you have a higher standard of examination than that now required for the B.A.?—I consider that the two standards would be approximately the same.

1904. I suppose you know that Munsifs are generally B.Ls. as well as B.As. Do you think your scheme would give us the same knowledge of law as we have at

Mr. Ramaswami Mudaliyar—continued.

present?—I have no doubt that under my scheme we should have a very large number of competitors, not only from B.As., but from M.As. also.

1905. But have you any guarantee that the Munsifs recruited by your scheme will know as much law as the present Munsifs do?—My scheme of examination includes a knowledge of law. There is no doubt that B.As. would be induced to compete. They are found to offer themselves for the inferior appointments that are now given.

The Hon'ble Mr. Quinton.

1906. Have you had experience of any part of India besides the Lower Provinces of Bengal?—No.

The Hon'ble Mr. Justice Mitter.

1907. If you leave one-fifth of the appointments for nomination by the heads of Administrations, would you require no educational qualification in the nominees?—That would be a matter for Government to consider. For different posts different qualifications would be requisite. In many cases the nominees might be sought for among deserving ministerial officers, and that is a point which I should like to press. In other cases the nominees might be sought for among men of good family and belonging to families who had earned the consideration of Government.

The President.

1908. I think you say in your note that you would only have one qualification, *i.e.*, the qualification of residence within the jurisdiction?—Yes.

The Hon'ble Mr. Justice Mitter.

1909. Then, I understand you would not have any educational qualification?—I have not provided for this; the Government might do so.

1910. Have you heard any complaints as to the present mode of recruiting the Judicial Unconvenanted Service?—No.

1911. Is the system satisfactory in your opinion?—I have not, as a matter of fact, much knowledge of it; my experience has been chiefly confined to the executive department.

1912. Then, if the existing system is satisfactory so far as you know, why would you substitute for it a system which has not been tried and which may only possibly improve the existing system?—Personally I am inclined to be conservative in my views, and not to disturb the existing state of things when satisfactory; but having been invited to suggest a possible improvement on the existing state of things, I have thought fit to make these suggestions.

The Hon'ble Mr. Justice Mitter—contd.

1913. Then you have not considered whether your system will really be an improvement on the existing one?—I have not considered it with special reference to Munsifs.

Sir Charles Turner.

1914. Would you have one examination for all departments?—Yes.

1915. And I presume that examination would be partly of a literary and partly of a technical character?—Yes.

1916. I see you do not propose to have any examination in any branch of Civil Law and Procedure?—I think it would be sufficient to require a knowledge of the Civil Procedure Code and of the Contract Act.

1917. Then the technical qualifications you would require from a candidate for a Munsif would be very much less than those which are required under the present system? Do you know what is required of B.Ls. at present?—I do not. These subjects are merely thrown out as suggestions which can be added to.

1918. Has not your scheme this disadvantage—In the first place we have already a means of ascertaining what are the general educational attainments of candidates by insisting upon an educational qualification, such as that they shall have passed the matriculation, the F.A., or the B.A. examination, and, in addition to that, we have the opportunity of ascertaining whether they possess technical knowledge, by requiring, as a qualification, the B.L. degree, the Engineering degree, or the Medical degree. Your scheme seems to be inferior to the present, in that it does not provide an adequate test of technical education?—That opens up the whole question of competition as against admission without competition.

1919. Under your scheme will not the technical training have to be acquired almost entirely at the expense of the State?—Not necessarily so, because the B.As. and B.Ls. would be induced to compete; in fact a very large majority of the candidates would be B.As. and B.Ls.

Mr. Fitzpatrick.

1920. If you allow appointments to this Public Service to be made from all natural-born subjects, and one-fifth of them to be made by nomination by the heads of the local Administrations, will there not be fear of the head of an Administration being sometimes tempted to perpetrate a "job" in favor of Europeans?—I do not think there would be any greater fear of that than exists at the present time.

1921. Do you not think there would be a real danger?—Not greater than at present.

Vol. VI.
Sec. II.
Bengal.
—
W. H.
Grimley,
Esq.

Mr. Fitzpatrick—continued.

Vol. VI.
Sec. II.
Bengal.

W. H.
Grimley,
Esq.

1922. But they would have a larger power of appointment?—No; the head of the Administration makes appointments now.

1923. But a Lieutenant-Governor or Chief Commissioner could not make his own son a Subordinate Judge?—He would have just the same fear of public opinion then as he has now.

The President.

1924. Is not the fear of jobbery a general objection to all systems of appointments by nomination?—Yes.

Mr. Fitzpatrick.

1925. Is it not a special objection to the appointment of Europeans?—In allowing one-fifth of the appointments to be made by nomination, I was providing chiefly for the case of Natives.

1926. Would you give a power to appoint pure Europeans?—I should have no objection to saying that that one-fifth of the appointments should be restricted to Natives. In fact in preparing my scheme I had that in view as regards the Subordinate Executive and Judicial Services.

Sir Charles Turner.

1927. Would not that introduce a new race distinction?—I have attempted to avoid race distinctions as much as possible.

Mr. Fitzpatrick.

1928. Have you any suggestion to make as regards pay and furlough?—I have not considered the question of furlough; but as regards pay, the fairest system would be a scale regulated according to three factors—(a) length of service, (b) grade, and (c) character of appointment. Thus, in order to ensure to each member of the Service a competency, I would award him a certain rate of salary for each year of service, irrespective of any conditions as to approved service or the nature of his duties; secondly, in view of encouraging emulation and promoting the general efficiency of the Service, I would divide the entire Service of each local Government or Administration into grades, with an ascending scale of pay attached, and would regulate promotion to each grade according to seniority tempered by merit. An officer who by his exertions distinguished himself above his fellows would thus have some chance of being suitably rewarded. Again, as it is obvious that a person after filling offices requiring the exercise of administrative ability of a high order might find himself after twenty-five years' service in precisely the same position, as regards pay, as one who, in another department during the same period, had performed routine duties only, I

Mr. Fitzpatrick—continued.

propose to differentiate such cases by assigning special rates of pay corresponding with the character of the work to be done.

The determination of the minimum limit and the rate of pay for each year of service, and each grade, are details which will require close and careful consideration; but until the principle of the revision is accepted, it will be useless to attempt the elaborate calculations necessary to ensure that the scheme shall not entail any extra cost to Government. But by way of illustration, we may take the Subordinate Executive Service, and explain how the scheme would work under certain supposed conditions. Take Rs. 200 as a minimum limit, Rs. 20 as the rate of pay granted for each year of service, and the following as the several grades of pay adopted:—

	Rs.
First grade	... 260
Second " ...	... 240
Third " ...	... 220
Fourth " ...	... 200
Fifth " ...	... 180
Sixth " ...	... 160
Seventh " ...	... 140

An officer on being appointed to the Service would receive Rs. 200 a month, and would continue to be paid at the same rate so long as the amount to which he was entitled for each year of service added to the pay of his grade did not exceed Rs. 200. Thus an officer of the seventh grade during the first four years of his service would receive Rs. 200 a month, but in the fifth year would become entitled to Rs. $20 \times 4 + 140 =$ Rs. 220, in his sixth year to Rs. $20 \times 5 + 140 =$ Rs. 240, and so on; while an officer of the sixth grade in his ninth year of service would receive Rs. $8 \times 20 + 160 =$ Rs. 320, and an officer of the first grade in his 26th year would get Rs. $25 \times 20 + 260 =$ Rs. 760, and in his 31st year Rs. $30 \times 20 + 260 =$ Rs. 860. An officer employed on special duty, or temporarily transferred to another department, would carry with him the pay of his years of service, which would be added to the pay of the new appointment.

A scheme of this kind may be expected to give general satisfaction, as every year will bring a certain increase of salary to each officer, while as promotion will not be entirely regulated by seniority, those who render meritorious service will be able to obtain from time to time a further increase to their emoluments. A powerful encouragement will be offered for the display of more than ordinary zeal and industry, while officers of average ability and capacity for work will have little ground for dissatisfaction on finding themselves passed over.

The President.

1929. Is there any other point you wish to bring forward?—No.

WITNESS XXII.—24th February 1887.

Examination of Rajah DURGA CHURN LAW, Merchant, Calcutta.

Mr. Peacock.

1930. You are a merchant in Calcutta, I believe?—Yes.
1931. And also a large landed proprietor in several districts of Bengal?—Yes.

The President.

1932. Is the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service approved?—It is not.

1933. What are the grounds of disapprobation?—Speaking generally, the nominations made have not been satisfactory. I see personally no objection to the rules or the Statute. My opinion is that these appointments should be made entirely by competition. If the Natives of this country are more freely admitted to the Covenanted Service, I would abolish the Statutory system altogether. At present the Service is looked upon as an intermediate Service.

1934. Would you not admit men of proved merit and ability in the Uncovenanted Service and at the Bar to these appointments?—I should have no objection to admit men of proved merit and ability at the Bar. The competition would not of course be for them.

Mr. Fitzpatrick.

1935. Do you not think that an Uncovenanted officer of many years' standing, who has established a reputation as one of the best Uncovenanted officers, is more deserving of these appointments than a young man, however excellent, who has just passed the examination?—There is this to be said against his appointment, that a man of that character would be pretty well advanced in years, so that if promoted to the Covenanted Service his abilities would be available at most only for a short time.

1936. Is that the only objection you see to his appointment?—Yes. If he is a man of undoubted merit and ability I see no other.

Mr. Ramaswami Mudaliyar.

1937. Would you leave it entirely to Government to say who had so proved his merit and ability as to be a fit person to be promoted, or would you make it incumbent on Government to select men at the top of the Service, and, as such, known to be of proved merit and ability?—I would leave it to the discretion of Government,

Mr. Ramaswami Mudaliyar—continued.

but I think men at the top of the Service should have a preference given them.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble Mr. Quinton.

1938. Would you send your candidates selected by competition to England for training?—My own inclination is in favor of its being made compulsory; but having regard to the difficulties in the way of this, I should be content if they are merely encouraged to go.

1939. What difficulties, do you refer to?—Difficulties connected with caste and social prejudices.

1940. Would they deter many men who would be otherwise likely to succeed from competing?—I cannot say. Caste prejudices are gradually dying out, and I believe will have disappeared to a very great extent in the course of the next ten or fifteen years.

Rajah
Durga
Churn Law.

The President.

1941. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Service?—Yes, on account of the age limit being too low, the place of examination, and the loss of caste and the risk of failure involved in the journey to England. I would raise the age limit for competing from nineteen to twenty-two, and would place Sanskrit on a par with Latin, and Arabic on an equal footing with Greek. I would also hold a simultaneous and identical examination in India.

1942. Would you admit Native and English candidates alike without restriction to both examinations?—No, I would restrict Native candidates to the Indian examination and English candidates to the English examination. I would reserve a certain number, say one-fourth, of the appointments to be competed for in India.

Mr. Nulkar.

1943. Would you require the successful candidates at your Indian examination to proceed to England for training?—I should like them to go, but I would not make it a condition of appointment just yet.

1944. Would not their abstaining make a material difference between their claims and qualifications and those of the English candidates?—I admit that they will not be so well fitted for service as they might be made by undergoing a training in England; but for all that I would not make it

Mr. Nulkar—continued.

- Vol. VI.
Sec. II.
Bengal.
—
Rajah
Durga
Churn Law.
- compulsory. There will be nothing to prevent them from going if they wish to do so.
1945. Do you say you would not admit Natives to competition in England?—Yes.
1946. Would you include in this prohibition the increasing number of Native youths now being educated in England?—There would be nothing to prevent their being examined in their own country.
1947. Would you compel them to come to India for examination?—Yes.
1948. You say you attach importance to the training in England?—Yes.
1949. Would not the rule you propose have the effect of discouraging parents from sending their children to England for education?—I do not see why it should.
1950. Would not such a rule place Indian youths of that class at a disadvantage in the competition?—It will, but this disadvantage will be more than counterbalanced by the advantages which other Indian candidates will have.

Mr. Ryland.

1951. Considering the smallness of the proportion of appointments which you would reserve for Indian candidates and the very large number of candidates who would compete for these appointments, will not the disappointment and discontent, which is at present felt by the comparatively small number who would go to England to compete, become general if you have the examination in India?—You cannot hope to remove disappointment and discontent entirely.

Mr. Ramaswami Mudaliyar.

1952. At the present moment one-sixth of the whole Covenanted Service is recruited in India by the Statutory system, and there is no limit to the number of Natives who may succeed in England. Your system will close that door altogether, and you will be content with getting a few more appointments for Natives than you do now. But do you think your countrymen generally will be content with it?—Yes; the present system is practically useless.

The President.

1953. Suppose you open the door of English competition to Natives, would you open the Indian competition to English candidates?—One would have to do that in fairness.

1954. Do you think many Englishmen would come here to compete?—They might. The number of Englishmen who emigrate to India is increasing.

1955. When you speak of Indian candidates, do you refer to pure Natives or to Statutory Natives?—To pure Natives.

Mr. Ramaswami Mudaliyar.

1956. How do you justify the exclusion of Eurasians?—There is nothing to prevent them going to England to compete.

1957. Is there not the expense of the journey and the risk of failure in their case also, and are they not Natives of India for all practical purposes?—They are not pure Natives.

1958. Would you exclude Parsis for the same reason?—No.

1959. Why not?—Because they are Natives of this country.

1960. Are not Eurasians equally Natives of this country?—If we are to include Eurasians, the proportion of one-fourth will be too small. In that case it would have to be one-third.

1961. Are not many Parsis educated in England?—Yes.

1962. Do educated Natives in Calcutta observe caste rules strictly?—I do not know that they do, but still the prejudice against going to England has not entirely died out.

1963. Have all of those who went been excluded from caste?—Some of them have.

1964. But even some of those who went to England have been re-admitted to caste. Have they not?—Yes.

1965. Then why are others excluded?—Because they will not conform to the rules for re-admission. And even against those who did conform there would be still a prejudice.

The Hon'ble Kazi Shahaluddin,
Khan Bahadur.

1966. Why not fix the proportion of appointments for Natives at one-half?—Because in that case the Native element might swamp the Service.

1967. Would that be a bad thing, seeing that we have so many B.As. and M.As. amongst us?—Yes.

1968. Why?—Well, if it was merely a question of my own wishes, I would say let the whole Service be filled by Natives. But what is the use of suggesting a thing which would never be granted; and after all it is better to go on slowly than to make such an important change all at once.

1969. Would you be prepared some time hence to suggest a larger proportion?—That would depend upon our experience of the new men admitted into the Service.

1970. Then you entertain some misgivings at present?—No; but still we have no experience as yet, and we ought to go on little by little and not all at once.

1971. Do you think that two years' residence in a country which is so distant and different from their own would mould their character in the way desired?—It is because I think so that I say I would prefer that they went to England.

Mr. Hudson.

1972. Would not the Service appointed in India be regarded as inferior to the Service appointed in England?—There might be a little feeling of the kind.

1973. Would such a system as you propose satisfy the educated classes?—I think there would be an agitation for a change after a short time.

Mr. Peacock.

1974. Do you mean that the candidates at both examinations should compete against each other?—Yes.

1975. How can that be with your system of appointment?—Suppose there were forty appointments; ten of them would be open to the best Native candidates, and if the number of successful Natives was not sufficient to fill those ten appointments, the balance would be made up by English candidates; if, on the other hand, the number of successful Native candidates exceeded the number of appointments open to them, I would select the first ten on the list, and the others would go without altogether.

Mr. Fitzpatrick.

1976. That is to say, you fix a maximum limit to the number of Natives that can get in?—Yes.

Mr. Peacock.

1977. You said just now that you would like to see all the appointments in the Civil Service filled by Natives. Do you mean to say as a zemindar that you would like to see the whole of the appointments in the Covenanted Service of India in the hands of Natives?—No.

The Hon'ble Mr. Quinton.

1978. In how many districts have you estates?—In five or six.

1979. Do you reside in any of those districts?—No; I reside generally in Calcutta.

1980. In districts where you have large landed estates would you prefer the district officers to be Europeans or Natives, or is it a matter of indifference to you?—I have no objection to a Native district officer if he is competent for the post.

Mr. Peacock.

1981. Would the appointments which you propose to set apart for Natives be of any particular class; that is to say, would you prefer to see judicial or executive appointments in the hands of Natives?—I have no preference one way or the other.

1982. Do you think Natives generally are most fitted for executive or for judicial duties?—For judicial duties.

Mr. Nulkar.

1983. What class of Natives is it that objects to go to England?—The higher class Hindus.

1984. You are aware that neither Parsis nor Mahomedans object to go to England?—Yes.

1985. Jews also have no objection?—They have not.

1986. And of course Anglo-Indians and Eurasians have no objection to going?—No.

1987. These are all pretty important classes of Her Majesty's subjects, are they not?—They are.

1988. And under your scheme all those communities, who would be entitled to call themselves Natives of India and have no objection to go to England, would be compelled to enter the Service through the one door of competition in India to which the disadvantages of lower pay, emoluments and status are attached, through no fault of their own?—I am not in favor of the higher rates of emoluments being given to Natives of this country, whether they go to England or not.

Mr. White.

1989. Considering the changed conditions of India within the last twenty-five or thirty years, do you not think it would be better, as being much more beneficial to the Government and progress of the country, if these race distinctions were altogether abolished?—I only make the distinction on the ground that there would be no objection on the part of Eurasians to go to England. Personally I should be very glad to see these race distinctions done away with.

The Hon'ble Mr. Quinton.

1990. You say that if Eurasians are allowed to compete in India you would allot one-third of the Civil Service appointments to Natives. Would that be exclusive of the one-sixth at present appropriated to the Statutory Service, which I understand you to say you would also retain?—Yes.

1991. So that in fact one-half of the service would be open to Natives?—Yes.

1992. You say that if only one-fourth of the appointments are allotted for competition among Natives you would exclude Eurasians from the Indian examination, your reason being that Eurasians are able to go to England and compete there. Would you also exclude from competition in India every other race in India who could without objection go to England and compete?—I doubt whether a Mahomedan or Parsi would take the trouble of going to England when he could compete in India.

Mr. Fitzpatrick.

1993. Why make a difference between Eurasians and Mahomedans?—I would

Vol. VI.
Sec. II.
Bengal.

Rajah
Durga
Churn Law.

Mr. Fitzpatrick—continued.

Vol. VI. include the whole of them and make the
Sec. II. proportion one-third.
Bengal.

Rajah
Durga
Churn Law.

The President.

1994. How would you recruit the Uncovenanted Service?—From Natives of India only.

1995. By what system?—By competition, pure and simple.

1996. Would you recruit provincially?—The examination would be open to all, but in awarding appointments preference should be shown to residents of the Province in which the appointment was situated.

1997. If the Statutory Service is abolished, what would you do with the proportion of Covenanted appointments at present allotted to that Service?—I would give them to the Uncovenanted Service.

Mr. Fitzpatrick.

1998. If the recruitment is made by open competition as you propose, will not the result be that in a backward Province like the Central Provinces, for instance, Bengalis, Madrasis or men from Bombay would entirely swamp the Natives of the Province in the Service?—The progress of education is now so rapid that in a very few years there will be no cause for apprehending anything of the sort on the ground of the superiority of one Province in education over another.

Mr. Fitzpatrick—continued.

1999. Will there not be a danger of the Service becoming filled by Hindus to the exclusion of Mahomedans?—We shall at any rate get the best men available.

2000. Do you mean by "best men" the best men who pass the examination, because you see you afford no other means of deciding?—Government could always prescribe some means of testing a candidate's active capabilities.

The Hon'ble Mr. Quinton.

2001. Do you select managers of your estates by competitive examination?—No, because there is no qualification required of the kind which could be tested by examination.

2002. Do you not think that you require for the management of a large estate even higher qualifications than for a Sub-Deputy Collector's appointment?—You would require more business qualifications.

2003. Then you do not think that a competitive examination is any test of business qualifications?—A successful candidate would acquire the business qualifications afterwards.

The President.

2004. Have you considered the question of pay and furlough rules?—No.

2005. Is there any other point which you wish to bring forward?—No.

WITNESS XXIII.—24th February 1887.

Examination of the Hon'ble Syad AMIR HUSAIN, Officiating Presidency Magistrate, Calcutta.

The Hon'ble Mr. Justice Mitter.

2006. You belong, I believe, to the Uncovenanted Executive Service?—Yes.

2007. How long have you been in the service?—For the last twenty-six years, and in the Executive Service for the last twenty-three years.

2008. You have served in various districts of Bengal?—Yes.

2009. And are a member of the Legislative Council of India?—Yes.

2010. You are also Presidency Magistrate in Calcutta?—Yes.

Sir Charles Turner.

2011. Do you approve of the Statutory Service as at present constituted?—No.

2012. Why do you disapprove of it?—First, because I think the Act was specially enacted for the benefit of men who have proved their merit and ability in the service of Government, and not for the benefit of untried youths; secondly, I think the pay attached to these posts is extremely inadequate, and of course there is the objection that the men appointed were not the best that could have been obtained.

2013. Do I understand that you would confine the exercise of the Statutory power to the promotion of men of proved merit and ability?—As a rule I would, but in exceptional cases I would promote men of social position and the sons of men who have done political service to Government. I would also appoint men of proved merit in their professions.

2014. Would you require an educational qualification in the case of young and untried men?—I would leave that for the Government to decide.

2015. Would you have competition among the nominees of Government?—No.

2016. Suppose Government wanted to appoint a Mahomedan gentleman, and had to select from ten Mahomedans who, so far as it could see, were equally qualified, would you have any objection to a competition among these ten candidates?—If you are going to keep a proportion of the appointments exclusively for Mahomedans, and are going to ask only Mahomedans to compete, I should have no objection to competition in their case.

2017. Would you alter the definition of the term "Native of India"?—I would include in it all persons domiciled and permanently resident in India, and also Natives of Feudatory States.

Sir Charles Turner—continued.

2018. Would you require the selected candidates to proceed to England for training?—I would require the young and untried men to do so.

2019. Do you find any fault with the existing system of recruitment for the Covenanted Service?—I consider the limit of age and other matters a matter of detail; but as a fundamental principle, I think the Government ought to decide how far it is prepared to go in appointing Natives to higher appointments, if it wishes to save itself from considerable inconvenience and embarrassment hereafter. Under the present system any Native is eligible for any post, including Lieutenant-Governorships, Memberships of the Executive Council, Memberships of the Board of Revenue, Commissionerships of Divisions, and Chief Secretaryships, but the question is whether Government is prepared to appoint them to these posts, and this Government ought to decide at once.

2020. Do you mean that Government ought to decide how many posts it must necessarily reserve for Europeans?—Yes, and also what classes of appointments shall be filled by certain agents. When this question has been decided, I would hold a sort of preliminary examination in India for the purpose of selecting candidates for competition in England, and for this purpose eighteen should be the maximum age limit fixed, and the test should include the possession of the F.A. degree, great stress being laid on respectability and social position, moral character, and physique. I would not have any competitive examination in India for the Civil Service. I would raise the limit of age for the competitive examination in England to twenty-two years.

2021. Would you have Government assist the selected candidates by scholarships and passage-money?—I would in the case of men of good family and in other respects promising young men, though of limited means, and I would ask rich Hindus and Mahomedans to contribute to a fund for meeting such cases.

2022. Do you think there would be a great number of boys annually found to be qualified for competition in England? How many candidates, for instance, do you think Bengal would send?—That would depend upon the proportion of appointments fixed by Government.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Syad Amir
Husain.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
Syad Amir
Husain.

2023. Then you want Government to decide how many Natives and how many Europeans it intends to admit into the higher Service, and having done so, to send home a certain number of Native youths to compete?—Yes.

2024. Would they compete with the English candidates generally?—Yes.

2025. And what if none of them succeeded?—They would take their chance.

2026. And what if a greater number of them succeeded than there were appointments open to them?—If Government decided on appointing three Natives, I would select the three most successful of the Native candidates, leaving the remainder over for the next year.

Mr. Fitzpatrick.

2027. Do you consider it desirable that a considerable majority of the appointments in the Covenanted Service should be held by Europeans?—Certainly, I would have Englishmen preponderate.

Mr. Peacock.

2028. Which do you think Natives most fitted for—executive or judicial duties?—As a rule, I think they are better fitted for judicial work, although there are some good executive officers among them.

Sir Charles Turner.

2029. In which class of appointments are Mahomedans chiefly to be found?—Mahomedans have not been tried in the higher executive posts.

2030. Would you be surprised to hear that in Bengal there are twice as many Mahomedans in the Executive as in the Judicial Department?—Yes, they are in the Subordinate Service. The cause is to be sought for in the system of appointment. There are thirty Mahomedans in the Executive branch, and only nine in the Judicial.

2031. Do they succeed better as executive officers?—As a rule.

2032. How is it that there are not more Mahomedans in the Judicial branch?—I suppose it is owing to the system under which appointments are made by the High Court.

2033. Do you mean that the educational qualification required is too high?—Yes.

2034. How would you recruit the Uncovenanted Service?—For the Executive branch I would leave the present system as it is. I would appoint to all posts by nomination. As regards the Judicial branch, I would recruit Munsifs from the Bar, but would not insist on the possession of a University degree.

2035. Would you recruit for the appointments in each Province from the residents of that Province?—Yes.

Sir Charles Turner—continued.

2036. Would you recruit from all natural-born subjects of Her Majesty, or only from Natives of India?—From all natural-born subjects.

2037. Would you require a certain number of years' residence in the Province in the case of European candidates?—I would not object to Europeans being appointed to the Uncovenanted Service without restriction, if the other departments of the Service, which are generally manned by Europeans, were freely thrown open to Natives.

2038. If the Statutory Service is abolished, what would you do with the proportion of Covenanted posts now allotted to that Service?—I would give them to the Uncovenanted Service.

The Hon'ble Mr. Justice Mitter.

2039. Why would you dispense with the educational qualification in the recruitment of your Munsifs?—My reason is that there are many pleaders who possess a good knowledge of English and are otherwise well qualified for these appointments, but who cannot be appointed because they have not got the B.L. degree.

2040. Are there many well qualified men under thirty years of age who are not B.Ls.?—I know several.

Sir Charles Turner.

2041. Who would accept a Munsif's appointment if it were offered?—Yes, they applied for it.

2042. Are they men of good character?—Yes, and of respectable family.

Mr. Fitzpatrick.

2043. Are they men of fair practice also?—Yes, and they are good English scholars up to the F.A.

The Hon'ble Mr. Justice Mitter.

2044. Do you refer to men who are members of the High Court Bar?—No, they belong to the District Bar.

Sir Charles Turner.

2045. What incomes are they making?—Between Rs. 250 or Rs. 300. They are just commencing practice.

2046. How long does it take a man to acquire a fair practice?—He can obtain a tolerable practice in two or three years.

Mr. Peacock.

2047. What other departments in the Service did you refer to when you said that if such and such departments were freely opened to Natives you would not object to the unrestricted admission of Europeans to

Mr. Peacock—continued.

the Subordinate Judicial and Executive Departments?—I referred to Police and Opium.

The President.

2048. Have you any suggestion to offer as regards the pay and furlough rules?—Yes, the present pay of the Statutory Service appears to me to be very inadequate. I would make it at least three-fourths of the pay of a Covenanted Civilian.

2049. But you would maintain a distinction?—Yes; and as regards furlough, I think the present rules as applicable to Natives are quite fair.

2050. If a Native officer wishes to proceed to England, would you allow him the same furlough for that purpose as an English officer is allowed?—I think so.

2051. And the same pay?—Yes.

2052. Have you anything to suggest as regards pension?—The present maximum pension for a Statutory Civil Servant is Rs. 6,000; I would raise it to Rs. 8,000.

2053. Would you not in that case be giving him more than a Covenanted Civilian gets?—I understand that a Covenanted Civilian gets Rs. 10,000.

The President—continued.

2054. But a Covenanted Civilian contributes to his pension. Is not 4 per cent. of their pay deducted for that purpose?—If Natives get the same pay as Covenanted Civilians, they should also contribute to their pensions in the same way.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Syad Amir
Husain.

Sir Charles Turner.

2055. Are there no pleaders earning Rs. 500 a month who would take a Munsifship if it were offered them?—I do not think so. They would accept a Subordinate Judgeship. As a Munsif they would, you see, have to begin on Rs. 200.

Mr. Fitzpatrick.

2056. Suppose I advertised for a B.A. as private secretary on a salary of Rs. 50, do you think I should get one to accept the appointment?—Certainly, you would have very many applications from B.As.

WITNESS XXIV.—24th February 1887.

Examination of Sir EDWARD BUCK, K.C.I.E., c.s., Secretary to the Government of India, Revenue and Agricultural Department.

The President.

Vol. VI.
Sec. II.
Bengal.
Sir Edward
Buck.

2057. I believe you only wish to give evidence on one point, viz., the recruitment of the Subordinate Executive Service?—I offer evidence only in connection with the recruitment of the Subordinate Executive Service of the Revenue department. I think this service should be recruited, to a considerable extent, from the best middle classes. The Administration would be strengthened by filling important and responsible appointments in the Revenue department with men belonging to respectable and influential families. The appointments to which I refer are (1) those which involve the quasi-independent charge of a territorial unit, e.g., a taluk, tahsil, or sub-division of a district; (2) those of which the functions correspond to the functions of Civilian subordinates to a district officer, viz., Deputy Collectorships, Extra Assistant Commissionerships, &c. From both a political and an administrative point of view, it is desirable that such appointments should be held by members of the upper classes, the best classes, that is, who are willing to compete for them. From a political point of view, because the interests and sympathies of the upper middle classes would be intimately allied with those of the British Government. From an administrative point of view, because appointments requiring ability to organize, govern, and command should be offered by men of reasonably good social standing. At present it is not so. Up to recent times such appointments have, in many parts of India, been more or less close boroughs kept for the relations and protégés of the clerks and officials of the district or sub-division who were transferred from school either to the lowest paid clerkship in the office, or as the unpaid assistant of their Native patron. Thenceforward they received little more training than might be connected with the routine of office duties. They had no out-of-door work. They had no opportunity of learning anything about the more important revenue duties in the field. They could not gain the habits of organization and command necessary for the management of an independent charge, or the knowledge required for the administration of an agricultural tract. Their characters were indeed sometimes trained in the wrong direction, inasmuch as their promotion often depended more on intrigue,

The President—continued.

subservience, and fawning on superiors than on the qualities demanded by the higher appointments. This state of things has in some provinces been modified, but not entirely cured, by the introduction of educational tests. The class of men who enter the revenue service still remains at a low standard. For, in the first place, protégés of clerks have an advantage in being able to learn, with their patron's help, the details of office routine and rules which often form the basis of examination papers. In the second place, educational tests do not guarantee social standing. Under the present system of national education, such tests have not the same value as similar tests in countries where a liberal education is a guarantee either of certain social rank or of distinguished personal merit. Education is here so cheap that all classes have an equal chance of obtaining an educational certificate, and in some parts of India the lower classes have a better chance, because the upper classes object to send their children at an early age to school, and train them at home. In the third place, Natives of a low class are content to enter service as clerks of the lowest grade, and to serve superior officials of whatever caste; while those of respectable middle class families object to do so.

Four things are wanted to secure officials of the desired character—

- (1) Selection from respectable families.
- (2) An initial educational test.
- (3) Official training.
- (4) Continued competition.

Selected candidates who can provide the necessary educational test should first compete for appointments of minor responsibility, in which they would be able to obtain the requisite official training, and those who are successful should, after a term of years, be permitted to compete for the more important revenue appointments. One class of initial appointments which are available for this purpose are those which involve the supervision of village revenue officers. Under the system of revenue administration recently adopted in every province, except Bengal, an inspector or supervisor is placed over every 40 or 50 village officers with a salary of from Rs. 30 to Rs. 50. His circle, as it is called, includes an area of about 100

The *President*—continued.

square miles. His duty is to see that within that area the field maps are corrected, annually, in accordance with facts, and that the circumstances connected with every field, such as occupancy, rent, crops, irrigation, &c., are correctly entered in the various village records. He is also required to ledger and compile the entries in various statistical forms. In the course of the above duties he learns much about the agricultural character of the district, and obtains an intimate and practical knowledge of the relations between landlord and tenant. No training could be better for a revenue official. There will probably be from 4,000 to 5,000 of such appointments, and many of them are now for the first time to be thrown open. Such is the case in Madras, Bombay, and the Central Provinces. Some of them are hereditary offices, and, where that is so, the hereditary candidate would, if capable, have a preferential claim. But a majority are new appointments. Nomination to them should be made by district officers, under some stringent rules which would guarantee that the nominee is of respectable family and of good social standing, and can furnish a requisite educational test.

A certain percentage of the higher revenue appointments should then be reserved for competition among these officials. Only those should be allowed to compete who had shown themselves good officers. Assuming that there are 4,000 initial appointments, and that 400 higher appointments can be made available to the holders of them, the result would be that the best 10 per cent. of the men originally selected would obtain promotion. The first step need not be to an appointment of the highest class. The officers in charge of a territorial unit have generally one or more assistants variously designated. Their offices might be thrown open in the first instance, and would afford a further training in office duties to the candidates who would have already received a training in the field.

Some such system as the above would not only afford satisfaction to an important social class, but would also much improve and strengthen the administration. Some disappointment has been, I believe, experienced from the circumstance that cadets of good families, selected for high revenue appointments, have had no official training. They have therefore proved more or less incompetent, and the system of selection has been considered a failure. I have known, on the other hand, selected members of respectable families who, having been given an opportunity of learning official routine, have rapidly risen into positions of trust. Out of three men whom I selected from North-Western Provinces Colleges, two have obtained responsible appointments of considerable value. The system I have suggested was recommended for adoption

The *President*—continued.

in a circular by the Government of India, No. 339R, dated 14th March 1883, and some effect has, I believe, been given to it in one or two provinces, notably the Punjab. But, as a rule, it has not been adopted. Stringent rules are required in respect to both initial selection and the reservation for the selected candidates of a fixed percentage of the higher revenue appointments.

I would point out that the Bar provides a field for training and competition in respect to judicial appointments. There is at present no corresponding field in respect to revenue appointments. The only field of competition is that of the schools, which cheap education has crowded with the inferior classes. But a platform is wanted upon which the better classes can compete. Nomination is good, but not sufficient. The best men amongst those nominated must be eventually discovered by competition. In other words, the lower grades of the service should be filled by selected nominees, and the higher grades reserved for those among them whom competition proved to be the fittest. If it were once understood that a career was thus open to young men of the upper middle classes, there would be less difficulty in obtaining desirable candidates for appointments in the lower grades than there is now. It is possible, too, that in this way prominent men would be discovered, who would be fit to hold the very highest appointments of all—appointments now reserved for the Civil Service.

2058. Do you think that the salary you propose at starting, and the prospect of rising in the service, would be sufficient inducements to men of influential family to enter the service?—I think “influential” is too strong a term. I should prefer respectable.

2059. Do you find any difficulty in getting men of the class you want to enter as Naib Tahsildars?—My opinion, gained from what others have told me, is that it is difficult. The difficulty is that the Collectors will not now offer them appointments, because the men who have been appointed have proved failures, not having had any previous training.

2060. Is not the post of Naib Tahsildar considered rather as a training ground for Tahsildars than itself an appointment for which previous training is required?—I think a previous training is necessary for a Naib Tahsildar. A Naib Tahsildarship is not in itself a sufficient training for a Tahsildar.

Mr. *Fitzpatrick*.

2061. Is not the duty of a revenue inspector more suited to a Native gentleman than the ordinary duties of the amiah?—Quite so; a revenue inspector is in a quasi-independent position. I should

Vol. VI.
Sec. II.
Bengal.

Sir *Edward*
Buck.

Mr. Fitzpatrick—continued.

Vol. VI. compare him to a non-commissioned officer
Sec. II. in a regiment.
Bengal.

Sir Edward
Buck.

The President.

2062. By revenue inspector you mean a supervising kanungo, and is not previous training as a putwari necessary for that office in the same way as it is necessary for a Naib Tahsildar?—I think not. I think it is desirable that a revenue inspector should have had a few months' training or apprenticeship with another supervisor, but I do not think putwaris are the class of men from whom those appointments should be made.

Mr. Ramaswami Mudaliyar.

2063. Is it not found that the more highly educated the official, the greater the respect he commands, and that he is more efficient than the man who has risen from the bottom of the service?—He is certainly more efficient.

2064. Do these educated officials necessarily belong to respectable families?—No; I have said they do not.

2065. And yet they are found to be more efficient?—Yes; more efficient than the old men, who neither had education nor belonged to respectable families.

2066. I suppose these educated officials have the confidence of the public?—Not so much as if they belonged to respectable families. They have not the ability to organize and command. That is the only objection I have to them. I do not say they are all deficient in these qualities, but as a class they are.

2067. How would you decide whether a man does or does not belong to a respectable family?—That is a question to be considered each time a choice is made by the appointing authority.

2068. Is there no danger of favoritism guiding the choice?—Not if the system is worked under proper restrictions.

2069. What restrictions do you propose to make?—I am not prepared to say at this moment, and if I was asked to draw out a scheme, I should take a considerable time to do so. I should consult the revenue administrative officers in the province.

2070. Between two men, one a graduate of low family, and the other a non-graduate of respectable family, which would you prefer?—I should prefer the man belonging to the best family in the province or the district.

2071. Would you employ him in the district to which he belonged?—Not necessarily, but as a rule I would.

2072. Is it not advisable that an official should not serve in the district in which he has his family and connections?—I would not lay down a rule to that effect. I think it is for Government to consider what are

Mr. Ramaswami Mudaliyar—continued.

proper restrictions to be laid down to prevent favoritism.

2073. In what way have you found men, who do not belong to respectable families, wanting as officials?—They are not treated by the people with nearly so much respect. If a man of low class has all the qualifications which men of better class generally have, he is just as much respected as they are; but as a rule he does not possess those qualifications. You cannot of course judge of a man's qualifications until he has been tried, and therefore, if you are introducing a man into a new appointment, you have a better chance of getting the qualifications you require from the higher stratum than from the lower.

2074. Does the principle apply also in England?—It does. A man who goes to an English high school or college must possess a certain amount of money and social standing.

2075. Then all you mean by respectable family is the enjoyment of a certain income?—Not altogether.

2076. I suppose the respect shown to birth is the same in England as in India?—Yes; but education in India does not weed out men in the same way as it does in England. Education is a test of a certain social standing in England; here it is not so.

2077. Do you find that to be so as a general rule in India?—Certainly.

2078. Do you find that, as a class, educated men in India do not belong to respectable families?—I have said that education is so cheap here that all classes have an equal chance of obtaining an educational certificate, and that in some parts of India the lower classes have a better chance, because the upper classes object to send their children at an early age to school.

2079. Do you refer to graduates?—Men whose appointments I am discussing need not be anything like graduates.

2080. Suppose you insist on a degree as a qualification?—I am giving evidence with respect to the Subordinate Revenue department, and for that department an educational test of a much lower quality is sufficient.

2081. As a matter of practice, is not a preference given to graduates in appointing to this department?—Of course if graduates come forward, some attention will, no doubt, be paid to them; but it is not intended that they should come forward at all in the case of the appointments under discussion.

Mr. Hudson.

2082. Have you any personal experience of the work of Deputy Magistrates?—Not in recent years. It is twenty years since I was associated with judicial work.

2083. Is it not necessary that a better class of officers should be appointed to do

Mr. Hudson—continued.

deputy magisterial work than we have at present?—My experience does not justify me in expressing an opinion, but it does justify me in saying that the work thrown upon Tahsildars in the North-West Provinces was so heavy that I was obliged, when I was Secretary to the Board of Revenue, and drawing up rules for inspection in the field, to omit them from the programme and throw no responsibility of inspection on them, because I was convinced that they had not time to go into the field and perform it.

2084. Do you think the class of men you propose to appoint would be fit to do magisterial work?—I think so.

Mr. Fitzpatrick.

2085. The magisterial work performed by Tahsildars is very simple, is it not?—Yes.

Mr. Stewart.

2086. Do you think you could get men of good social standing to accept posts as revenue inspectors?—I have referred to "the best classes who are found willing to compete for those appointments," and I think that, if it was made a rule that only men of respectable family were to hold those appointments in future, you would find it becoming less and less difficult to obtain candidates of good social standing.

2087. Do you think you could get men of good social position to discharge these duties on Rs. 30 and 40?—Yes, if the appointments lead to promotion. Before I left the North-West Provinces I took some pains to select men, and I found that, as we went on, we had less difficulty in getting them to come forward.

2088. Do you think that to have undergone a course of agricultural training at a college, such as Saidapet for instance, would be a guarantee of fitness for the duties of revenue inspectors?—I do not wish to commit myself to any strong opinion on that point. I think it is certainly a question which it might be worth while for a Local Government to take up; but until I know exactly what the nature and the length of the training would be, and how far the men would be diverted from their ordinary duties by it, I should not like to commit myself to any opinion.

2089. You say you do not think even to have held a Naib Tahsildarship would be a sufficient training for a Tahsildar?—That is the case with regard to the North-West Provinces, with which I am acquainted.

2090. How much training do you think an ordinary B.A. should have before he is appointed to a manlatdarship?—Perhaps from five to ten years.

2091. Would you recruit your Deputy Collectors from Tahsildars in all cases?—My intention was that only a certain percentage of the higher appointments should be given to men of this class.

Mr. Stewart—continued.

2092. But I suppose you would encourage Tahsildars to exert themselves by giving them reasonable prospects of promotion to Deputy Collectorships?—Certainly. A certain percentage of the higher appointments should be kept for Tahsildars.

2093. In what part of India do you say that kanungos and revenue inspectorships are hereditary offices?—In the North-West Provinces.

Mr. Peacock.

2094. About how long do you think it would take a man to run through the lower grade appointments of which you speak?—From five to ten years.

2095. At about what age would he be first appointed?—At about twenty to twenty-five years of age.

2096. Then from that age he would begin to compete for the higher grades?—Yes.

2097. Would he be the kind of man likely to succeed in a competitive examination?—He might begin lower. He might begin at eighteen.

2098. Would you have these men, when they had reached the topmost grades of the lower appointments, to go on competing indefinitely on the chance of obtaining appointments in the higher grades?—These arrangements would come under the consideration of the Local Governments. I may say the same of the age and term of initial service. They are questions of detail, which may be worked out so as to suit circumstances without affecting the main principles involved, which are (1) that a course of field training is wanted for revenue officials, and (2) also a number of tried and proved candidates from whom to select.

The Hon'ble Mr. Quinton.

2099. What would be the nature of the competitive examination which a man would undergo after he had been a revenue inspector for some years? Would it be of a literary or a technical character?—He would be examined in departmental work.

Sir Charles Turner.

2100. What would you pay your revenue supervisors?—According to the present scale, that is, from Rs. 35 to Rs. 50.

2101. And on that pay they would have to remain from two to five years?—Yes.

2102. And what would they receive then?—They would first go into the lower grades of the tahsil establishment.

2103. What pay would they get then?—In the North-West a Naib Tahsildar gets from Rs. 50 to Rs. 75.

2104. And he would remain there from two-and-a-half to five years, and then I suppose he would obtain a Tahsildarship on Rs. 150?—Yes.

Vol. VI.
Sec. II.
Bengal.
Sir Edward
Buck.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.

*Sir Edward
Buck.*

2105. That would be his permanent salary at the end of his training?—Yes.

2106. Do you think you can get any man of good family and education to serve from five to ten years on such pay with the ultimate prospect of getting Rs. 150?—I think you could get men of respectable families to do so.

2107. You say that Natives of low class are content to enter service as clerks of the lowest grades and to serve superior officials of whatever caste, while those of superior families object to do so. Do you think you can get men of good educational qualifications to take this low rate of pay for ten years in the ultimate hope of getting Rs. 150?—No. I think ten years is too long a period.

2108. Do you think you could get really well educated men on so low a salary even to commence with, if they had the expectation of waiting more than three years for promotion?—You would get men up to a certain standard. That is one of those things which would be settled by the local authorities, and does not affect the principles which I have advocated.

2109. Do you think Tahsildars have sufficient leisure to do their magisterial work properly?—I would put it the other way: that if they are made to do magisterial work, they have no leisure for their other duties.

2110. You were at one time Sub-divisional Officer of Cawnpore?—Of Cawnpore city, not in the district.

2111. Did you then hear any complaints about the efficiency of the Native Magistracy?—I could not give you any evidence on that point.

2112. At that time was there a Mahomedan Deputy Magistrate in charge of Cawnpore city?—Yes.

2113. Did he do his work satisfactorily?—Yes; most efficiently.

2114. Was he a fair administrative officer?—He was one of the best I have ever met.

2115. Have you found among the North-West Mahomedans men who did their executive work admirably?—The Kutwal of Cawnpore was one of the best executive officers I have known. He is now an Assistant District Superintendent of Police.

To *President*. I wish to draw attention to the Famine Commission's report, chapter 2, section 2 (paragraphs 14 to 19). The suggestions there made agree with my proposals.

Mr. Nulkar.

2116. What do you mean by respectable family?—The conditions of respectable

Mr. Nulkar—continued.

families differ very much in different parts of India, and no one answer can be given to that question, which must be left to Local Governments to decide.

2117. Do you not admit that the recruitment of this respectable class, from what are called the lower classes, is going on very rapidly in India as elsewhere?—To some extent it is, but I doubt whether, in consequence of the existence of caste, it proceeds so rapidly in India as in other places.

2118. Is not the spread of education and Western ideas antagonistic to the continuance of the caste system?—Quite so.

2119. And which of the two contending elements is most likely to prevail?—I cannot answer that.

2120. Do you not think that education is asserting itself, and is likely to assert itself still more over religion and caste?—There, again, is a question to which no one answer can be given to include the whole of India.

2121. In your opinion, do the magisterial powers of Tahsildars tend to strengthen their hands in the performance of revenue duties?—I am not in a position to give evidence on that point, but my idea is that, very often, the possession of magisterial power is injurious to the Tahsildar in his capacity of revenue officer.

Mr. White.

2122. I suppose you are aware that a large proportion of those who take degrees at the University here are children of poor parents. If you would admit none but members of what you call respectable families, how would you provide for these people?—That is a question which I do not feel myself called upon to answer in connection with the recruitment of the Subordinate Executive Service.

2123. It seems to me you offer only two alternatives—one is to exclude these men altogether from posts in the Subordinate Executive Service, while the other is to place a check upon education?—Yes, my position is this: a man whose only qualification is the B.A., or any other high University degree, has not that kind of qualification which will fit him for a high revenue office.

2124. Then you offer him no career at all?—Not in that department of the Government service certainly.

The President.

2125. Have you any other point to bring forward?—No.

WITNESS XXV.—24th February 1887.

Examination of Pandit MOHESH CHANDRA NYARATNI, C.L.E., Educational Department,
Principal, Sanskrit College, Calcutta.

Mr. Peacock.

2126. You have been nearly 24 years in the service, I believe?—Yes.

2127. Your present salary is Rs. 1,000?—Yes.

The Hon'ble Mr. Justice Miller.

2128. Have you heard any complaint against the present system of appointing Natives as Statutory Civilians?—It is not approved because the appointments are made by nomination, which affords no guarantee that the best men will be selected. I would abolish the system, but if it is retained, I would amend the rules by substituting a system of competitive examination.

2129. Would you promote deserving men from the Uncovenanted Service to the Statutory Service?—Yes, and also men who have distinguished themselves in professions. The competition would be solely for young and untried candidates. I would not compel the selected candidates to go to England.

Mr. Fitzpatrick.

2130. Why have young and untried men at all?—I see no reason for excluding them.

Mr. White.

2131. But suppose they turn out failures after passing the examination?—The men we get by competition are not likely to turn out failures.

Mr. Ramaswami Mudaliyar.

2132. Why would you not send them to England for training?—First, because of the expense to the candidate; secondly, because of the caste objection in the case of Hindus; and thirdly, there is the distance and want of supervision. I myself, when in 1884 I proposed to send my son to England, was advised by Professor Cowell not to do so because of the temptations he would be subjected to, and the improbability of his passing with the age limit as it is now.

The President.

2133. I believe the particular point as regards which you came to favor us with your evidence was the caste and religious prejudice entertained by Natives against going to England?—Yes, and also the value of Sanskrit in the examination.

I deem it my duty to make the following statement regarding the objections which the orthodox Hindu has from a religious point of view to a sea voyage and residence

The President—continued.

in England. The statement is given below in the form of questions and answers:—

Q. 1. Whether a Hindu who travels by sea commits a sin of such enormity as to deserve excommunication?—Travelling by sea is regarded as a sin, but it does not of itself entail excommunication. Excommunication is the penal consequence of sins like *mahapatuka* (great sin), &c., but travelling by sea does not come under any of these categories. There are texts no doubt in the *Shastras* absolutely prohibiting travelling by sea on pain of excommunication, but such texts are not taken literally, but are interpreted as intended merely to deter men from such undertakings. As a fact, orthodox Hindus do not at the present day feel any scruples with regard to mere travelling by sea. Hindus are seen every day crossing the sea to visit places like Jaggarnath without suffering any serious social consequences. I need not therefore dwell particularly on this, as practice has already settled the question.

Q. 2. Whether landing in England or a temporary residence therein causes any sin; and if so, does such a sin deserve excommunication?—There is nothing in the *Shastras* prohibiting mere landing or residence in England or in any other *mlecha* country.

Q. 3. If it is not a sin, or at any rate of such a nature as to deserve excommunication, how is it that Hindu society has cast out many Hindus who have been to England?—Because these men had during the voyage and also during their residence in England partaken of food and drink polluted by the touch of Christians and Mahomedans; and it is enjoined in the *Shastras* that whoever willingly partakes of food touched or prepared by Javans ninety-six times forfeits his caste. This is further hastened by constantly drinking wine and eating beef. As much of this is unavoidable under present arrangements, Hindu youths who proceed to England must lose their caste privileges on their return.

Q. 4. Do you mean to say that if arrangements were made conformably to the requirements of the *Shastras*, Hindus visiting England under such conditions would not be excommunicated?—Yes; I am decidedly of opinion that under such conditions a Hindu will not forfeit his caste.

2134. Could a Hindu who had, by proceeding to England under present arrangements, forfeited his caste, be re-admitted to society on the performance of certain religious penance?—There is a wide difference of opinion among authorities on this question.

Vol. VI.
Sec. II.
Bengal.

Pandit
Mohesh
Chandra
Nyaratni.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
Pandit
Mahesh
Chandra
Nyaratni.

Raghunandan and Sulapani, whose opinions have great authority in Bengal, think that no penance can expiate the sin, while Vijnaneswara and Bhavadeb are for re-admitting the sinner to society on the performance of suitable penances. I am for the latter view. The following texts from Manu, the greatest authority in Hindu law, will clearly show that the offence in question is an expiable one:—

“एनस्त्रिभिरनिषिक्तैर्प्रायेऽङ्गिहिरुवाचरेत् ।
• कृतनिषेजनां चैव न सुगुणैर्न कश्चित् ॥
बाह्यप्रायश्चित्तप्रायश्चित्तविशुद्धानपि षष्ठीतः ।
अरण्यगतवृत्तं च क्षीयन्त्स न संवदेत् ॥”

Translation.

“One should not have anything to do with sinners (who) have not washed away (their guilt): one should also at no time seek to avoid those who have performed the ablution (of their guilt).

One should not live with (such as) slay children and ill repay (kindnesses) done to them, nor with (such as) kill those who have sought their protection, nor with (such as) slay women, even if (these sinners) have been properly purified.”—The Ordinances of Manu, by A. C. Burnell and R. W. Hopkins, page 352.

Mr. Peacock.

2135. Is there any penalty that a man must undergo who eats proscribed food?—Yes, people who drink wine and eat cow. As regards food which has been prepared or touched by *mlechhas*, I doubt whether at the time the *Shastras* were written the existence of Europe was suspected, so that I cannot say whether Englishmen would come under the definition of *mlecha*.

2136. Does not the *Shastra* refer to the food of which the *mlecha* is the owner?—Yes.

2137. Suppose the food is paid for by the Hindu who eats it, does he incur loss of caste?—The mere touching of the food by a *mlecha* involves loss of caste to the consumer.

2138. And the forfeiture of caste in that way involves a penance?—Yes.

2139. Is there any degrading penance connected with re-admission into caste?—Not at all. The ceremony is just like washing your head.

2140. Suppose the Hindu eats food which has been touched by a Mahomedan only three times, does he incur loss of caste?—No.

2141. How many times touching by a Mahomedan would have this effect?—It varies with the different castes. For a Brahman it is twenty-three times.

2142. What is the object of the penance?—According to some authorities its effect is to expiate the sin, but not to re-admit the sinner to caste; but according to other authorities, whose opinion I myself am inclined to favor, it secures re-admission into caste also.

The President.

2143. What is the general opinion entertained by the Bengali Pundits on that point?—The best Pundits I find are inclined to the latter view, but the majority are opposed to it.

Mr. Nulkar.

2144. Do not the *Shastras* authorise our learned Pundits to vary and modify these rules to suit the requirements of time and place?—According to the *Shastras*, the present Pundits have no authority to alter or modify any doctrine which is laid down in them. No doubt some changes have been made, but they were made by the Rishis. The restriction on the sea voyage has been removed, and that was done by the Rishis.

Sir Charles Turner.

2145. Among Hindus has not custom to a great extent controlled written law?—No.

2146. Have you read Mr. Mandlik's translation of the *Vyavahara Muryukha*?—Yes.

2147. Do you recollect the note he wrote on Hindu marriage customs?—Yes. He explains the *Shastras*.

2148. Does he not state that when the Hindus went to live in the south of India, which was to them at that time a foreign country, they had necessarily to modify their marriage laws to suit their altered circumstances? Is that a fact?—I do not think so. The interpretations of the *Shastras* are various in Bengal, and in the different Provinces of India they are differently explained, but all the various interpretations are professed to be made on the authority of Manu.

The President.

2149. What do you say is the value of Sanskrit in the examination?—I would allot to Sanskrit the same marks as to Latin, because in my opinion it is more necessary in service in India than Latin or Greek.

2150. Have you seen the examination paper in Sanskrit?—Yes.

2151. Would you make it more difficult than it is?—Of course I would. The papers set are very very easy at present.

Mr. Peacock.

2152. You say that anybody who performs the expiatory ceremony can be re-admitted to caste unless he has committed one of the five sins you enumerated. Do you mean that he can be re-admitted on a footing of social equality with his caste-fellows, or do you refer merely to his religious relations with them?—He is re-admitted to both social and religious equality.

WITNESS XXVI.—24th February 1887.

The Hon'ble Dr. MOHENDRO LAL SIRCAR, C.L.E., Honorary Presidency Magistrate, Calcutta; Member of the Bengal Legislative Council.

Mr. Peacock.

2153. I believe you are a medical practitioner in Calcutta?—Yes.

2154. And you are one of the Honorary Presidency Magistrates and a Municipal Commissioner of Calcutta, and also a Member of the Legislative Council of Bengal?—Yes.

2155. Is the present Statutory system approved?—Not quite.

2156. In what respects is it disapproved?—There is an idea that it was intended as a means of excluding Natives from the Uncovenanted Service. Another objection is to the way in which appointments have been made, that is, by nomination, and also on account of the failure of the nominees to answer the expectations formed of them.

2157. Are you aware that for the last three or four years candidates for this Service have been selected under a different system?—Yes; and so far it has given satisfaction.

2158. Were the men selected under the change of system better men?—Yes.

2159. How would you remove the grounds of disappointment?—I would give the appointments to men of proved ability and character in the Uncovenanted Service and distinguished practitioners at the Bar. So far I would retain the system.

2160. Would you in any way alter or amend the Statute?—No.

2161. Have you considered the present definition of the term "Native of India"?—Yes.

2162. Have you anything to object to as regards that definition?—No.

2163. You are aware that it makes birth in India a necessary qualification?—Yes.

2164. Is there any respect in which you would alter the rules?—No.

2165. If the Statutory system is retained, would you require the selected candidates to proceed to England for training?—As they do not attain to the higher appointments, I see no reason why they should be compelled to go to England. I would neither compel them nor encourage them to go, but would leave it entirely to their option.

Mr. Fitzpatrick.

2166. Assuming that the proportion of Covenanted appointments allotted to the Statutory Service is only one-sixth, would you think it too much to give to the Uncovenanted Service?—I should prefer a man who

Mr. Fitzpatrick—continued.

has been thoroughly tried in the Uncovenanted Service, to a young man who has just passed the examination, however excellent.

Mr. Peacock.

2167. Have you any fault to find with the present system of recruitment for the Covenanted Service?—Yes; chiefly on account of the present age limit, which precludes the very best men both in England and in India from competing. There are religious and social objections also, but they are fast dying out.

2168. In what do they consist?—At present parents are unwilling to send their children to England owing to the loss of caste which it involves. Expense also is an objection, and expatriation another. Fault also is found with the subjects of examination, and the marks allotted to some subjects.

2169. How would you remove these objections?—I would raise the age limit to twenty-three, and if possible I would abolish it altogether, because our object should be to get men of ripe experience and judgment.

2170. Would you have an examination in India simultaneously with the examination in England?—Yes; and they should be as far as possible identical.

2171. If you remove the age limit altogether, do you think that a man at an advanced period of life would be likely to hold his own in a competitive examination with young men?—That question I would leave him to decide himself.

2172. Would you hold the examination in India at one or more than one centre?—At one centre; the examinations should be conducted by one set of examiners, those examiners being in England.

2173. Do you think in that case you would have any difficulty with the *videt voce* examination?—I would abolish the *videt voce* examination if possible, but if that is not possible, I think there would be no insuperable difficulty in the way of holding it.

2174. Would you have the selected candidates placed on one list and selected in order of merit?—Yes.

2175. Would you compel the candidates successful at the Indian examination to proceed to England for training?—Yes.

2176. Would you in any way facilitate their going?—No.

2177. Are you aware that men who pass the competitive examination in England

Vol. VI.
Sec. II.
Bengal.

Hon'ble Dr.
Mohendro
Lal Sircar.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
Hon'ble Dr.
Mohendra
Lal Sircar.

receive a certain annual allowance during their two years' subsequent training?—Yes.

2178. Would you put Indian candidates on the same footing in that respect?—Yes.

2179. Do you know any of the Native members of the Covenanted Service who entered the service by the door of competition in England?—Yes.

2180. And in your opinion are they as good men as could be obtained under any system?—They are very good men; but I think that if the age limit had been removed altogether, we should have got better men.

2181. Do you think that holding the examination only in England has the effect of debarring the best men from competing?—Yes.

2182. You think that by widening the area of selection we should get better men?—Yes.

2183. How would you alter the present subjects of examination?—I would leave English as it is, and for Greek, with Grecian history superadded, I would allot 300 marks. To Latin, to which the history of Rome should be added, I would also allot 300 marks. I would substitute Russian for Italian as a modern language. All the modern languages should have 300 marks allotted to them, and to each of them should be added the history of modern Europe. To Sanskrit I would allot only 300 marks, but then I would add to it Indian history, and the same as regards Hindustani, Arabic and Persian. I would leave Mathematics as it is.

Mr. Fitzpatrick.

2184. Would you consider it in any way objectionable if, owing to the adoption of your system, the European element in the Civil Service became very largely reduced?—Personally I entertain no apprehension of such a thing happening, and even if it should come to pass, I would face it boldly and fearlessly.

2185. You mean you would accept the result whatever it was?—Yes.

Mr. Ryland.

2186. Why adopt Russian as a modern language?—Because the Russians are becoming our close neighbours, and it would obviate the possibility of Englishmen being imprisoned in Russia as spies when they go there to study the language.

Mr. Ramaswami Mudaliyar.

2187. What is your caste?—I am a Kayastha.

2188. Is there much feeling in your caste against the journey to Europe?—As much as in the Brahman caste, but these prejudices are fast disappearing.

2189. Have any gentlemen of your caste gone to England?—I do not think so

Mr. Ramaswami Mudaliyar—contd.

2190. Do educated members of your caste rigidly observe the rules of caste?—Outwardly they do as people do in all countries, but there are very few who sincerely believe in the Hindu *Shastras*.

Mr. Hudson.

2191. If your scheme is sanctioned, do you think the successful competitors at the Indian examination would be looked upon as a Service on an equal footing with those who pass in England?—Yes.

2192. Would the Natives of the country look upon both Services as the same?—Yes.

2193. Would the members of the Service recruited in England look upon it as the same Service; that is, do you think that there would be the slightest friction between the two Services?—There must be friction between persons who belong to different races.

The Hon'ble Mr. Quinton.

2194. Have your medical studies or practice involved you in any caste disabilities?—None whatever.

2195. In your opinion would a Hindu gentleman who goes to England incur any greater disabilities than you have incurred by following your profession?—No.

Mr. Peacock.

2196. How would you recruit the Uncovenanted Service?—From all natural-born subjects of Her Majesty, provided they are all absolutely equal in the eye of the law, otherwise I would restrict it to Natives of India as defined in the Statute.

2197. By what system would you recruit it?—By competition.

2198. For the Judicial department also?—Yes.

2199. How would that system work in the case of Munsifs who are now either B.Ls. or senior pleaders. Would you subject them to a competitive examination?—Yes.

2200. Would you have your recruitment provincial or general throughout India?—General throughout India.

2201. You do not think there is any political objection to a Punjabi holding office in Bengal?—Not the least.

2202. If the Statutory Service is abolished, what would you do with the Covenanted posts now allotted to that Service?—I would give them to the Uncovenanted Service.

Mr. Fitzpatrick.

2203. You say Bengalis would not object to a Punjabi holding an appointment in Bengal; but do you think the Punjabis would object to see all the Uncovenanted appointments in their Province held by Bengalis?—So far as I have been able to learn, most of them would not; but even if they did, the effect of it would be to stimulate them to self-improvement.

Mr. Fitzpatrick—continued.

2204. Do you think the stimulus might not be a little violent and irritating?—I do not think so.

Mr. Ryland.

2205. By excluding those who have any special privilege in the eye of the law from the Uncovenanted Service, is your object equality before the law or to get the best men for the Service?—To get the best men we can get.

2206. Why do you insist on that condition?—To secure as many appointments as possible to Natives of India.

The Hon'ble Mr. Quinton.

2207. Are you a Native of Calcutta?—I was born in the neighbourhood of Calcutta, and I have spent all my life in Calcutta.

Have you ever resided in any other part of India?—No.

Sir Charles Turner.

2208. You say you would not admit to the Uncovenanted Service any one who has any special privilege secured to him by law?—I mean any special privileges other than those enjoyed by Natives of India.

2209. Why do you draw that distinction?—The distinction has been drawn already.

2210. Would you give to Europeans who come to this country the same privileges as are given to Natives of the country?—Yes, if we are all equal in the eye of the law.

2211. Have Natives of India no special privileges secured to them by law?

Sir Charles Turner—continued.

Are there not, for instance, men who are exempt from appearance in Civil Courts, and would you exclude such men from the public service because they enjoy certain privileges by law?—If Europeans enjoy certain privileges, we ought to enjoy special privileges also.

Vol. VI.
Sec. II.
Bengal.

Hon'ble Dr.
Mohendro
Lal Sircar.

Mr. Peacock.

2212. Have you any suggestions to offer as regards pay and furlough?—The pay of the Covenanted Services from the highest to the lowest is, in my opinion, much too high, and ought to be reduced; but so long as it is not reduced, there ought to be no distinction made between European and Native.

Mr. Fitzpatrick.

2213. I have recently consulted a number of educated Native gentlemen in another part of India on this question of pay, and I found them, I think without exception, in favor of assigning a less pay to Natives, on the ground that it would hasten the alteration of the rules in a direction favorable to the admission of Natives into the Covenanted Civil Service, because the Government would be more anxious in the interests of economy to employ a Native agency. Do you share that opinion?—No, I do not think so; its effect would only be to depress Native officers. The reduction should be uniform throughout.

The President.

2214. Is there any other point which you wish to bring forward?—No.

WITNESS XXVII.—25th February 1887.

Examination of H. M. Kisch, Esq., M.A., C.S., Postmaster-General, Bengal.

The President.

Vol. VI.
Sec. II.
Bengal.
—
H. M.
Kisch, Esq.

2215. You are a member of the Covenanted Civil Service?—Yes, I came out in 1873. My first appointment was as Assistant Magistrate of Hughly. I have been mainly employed in the executive line and in the Secretariat.

2216. Will you give the Commission your views with reference to the Statutory Civil Service?—The basis of my views is that, so long as India is administered by England and according to English ideas of justice and progress, the highest and most responsible posts in the administration must be filled by Englishmen and men of English habits, modes of thought, and sympathies. The best Englishmen procurable for service in India can only be obtained in England; and, in the interests of the country, any system stands condemned which tends to lower the standard of the men who compete in England for the Covenanted Civil Service of India. From this point of view the principle of Section 6 of 33 Vic., Cap. 3, stands condemned. That section did not contemplate a system for the admission of Natives to the ranks of the Covenanted Civil Service, but the appointment of Natives of proved merit and ability to posts otherwise reserved to the Covenanted Service, and there is nothing in that section to prevent the appointment, at any time, of any number of Natives of India to any of the reserved offices, in supersession of the members of the Covenanted Civil Service appointed in England. The number of appointments thus made in supersession of members of the Covenanted Service has been few; but few as they have been, they have caused serious and natural discontent; especially as of late years the Secretary of State has looked at the claims of the service according to the letter of the law, and has refused to regard stagnation of promotion, however aggravated and hopeless, as any ground for exceptional remedies. The existence of the Statute of 1870 is not yet widely known in England, and even men who came out three months ago, in the last batch of Civilians, had not, before their arrival in India, the least idea of the power of supersession given by Section 6 of the Statute of 1870. Still the existence of the power has, to some extent, affected the competition in England. Civilians out here, who know of the Statute and of the use to which it may be put at any time when it is desired

The President—continued.

to secure popularity with the Native public or in the Native press, warn their relatives and friends against competing for a service of which the prospects have been rendered wholly uncertain by a legalised power of indefinite supersession. It is only because the Statute is not yet known in schools and colleges in England, because no rules were framed under it till 1879, because the power of supersession has hitherto been very rarely used, and because school-boys and their parents in England have an exaggerated idea of the justice of Governments, and do not know how often considerations of justice are in India likely to be subordinated to the policy of the day—it is only because of these reasons that Section 6 of the Statute of 1870 has not yet had a far more damaging effect than it has had in keeping those who would have been the best and most desirable candidates from the competition in England for the Indian Civil Service. If that section of the Statute remains on the Statute book, and its existence and probable effect are made known, as they must be soon, in all schools and colleges in the United Kingdom, the injury to India by lowering the standard of English Civilians will be beyond repair. A few days back I received a letter from a friend who left India some ten years ago, consulting me as to the prospects of the Civil Service for his son, who is now nearly old enough to compete. What answer can I give but to send a copy of Section 6 of the Statute of 1870, and to say that the Government of India regard that Statute as "one of remarkable breadth and liberality" as empowering the Government to admit Natives of India at any time, and by any method, and any numbers, to any offices hitherto reserved for the Covenanted Civil Service; and that, so far as it is possible or allowable to draw any inference from the questions framed by the Public Service Commission, it would seem from question 192 that officers of the Covenanted Civil Service appointed after 1870 have no vested rights or any reasonable expectations or prospects at all. To this I can only add that the men now in the Service are disheartened by the present stagnation and the hopelessness of the prospect; that it is not until after fifteen years' service or more that a Bengal Civilian can hope to hold charge of a district permanently even as an officiating Collector;

The President—continued.

that from the 11th to the 14th year of his service his pay will be ordinarily only 900 depreciated rupees, less subscriptions towards his own annuity and the pensions of his family, if he is ever able to afford to marry; that although the number of high appointments given to the Covenanted Service has certainly not increased, the average position of men of ten years' service and upwards on the gradation list is now twenty places below that occupied by men of the same standing in 1875, and forty places below that occupied by men of the same standing in 1870; that the average salaries of men of ten years' service and upwards are Rs. 340 per month less than those of men of the same standing in 1876-77; that although, in consideration of the decline in the emoluments and prospects of the Service down to 1876, the Secretary of State sanctioned special concessions for the benefit of the Service in 1877, he has since declined to recognise its present far worse condition as any ground for relief; and that, so long as Section 6 of Act 33 Vic., Chapter 3, exists, there is no reason to hope that any redress will be given, to whatever extent Civilians appointed in England may be superseded by Natives of India appointed under the Statute. This is the only answer that I and others can give to our friends who consult us; and although in the interests of the people of India we may wish that the best men should compete for the Service, it is impossible that its actual condition and prospects can much longer be kept from candidates and from public schools and colleges in England. Civilians and others in India, as I have already said, caution their friends and relatives against entering the Covenanted Service, and seek other careers for their own sons. In these ways the present stagnation in promotion, and, still more, the uncertainty as to the future, are already operating; and if in the interests of the people of India it is desired to raise or even maintain the standard of men in the Covenanted Service, there is no alternative but to repeal Section 6 of the Statute of 1870, and to leave open no door to the appointments reserved for the Covenanted Service, except the door by which men enter from the bottom. The principle that if the best men who are willing to give their lives to Indian service are to be secured, certain appointments which will give a good prospect of promotion must be absolutely reserved for them, was recognised and acted upon by both the East India Company and by Parliament, until the Statute of 1870 was passed; and the provisions of Acts 24 and 25 Vic., Chapter 54, which legalised certain appointments made in breach of the reserved rights of the Covenanted Service, were only designed to cover appointments made in such extreme emergencies as the mutiny and the death of Civilians that resulted from it. The

The President—continued.

Statute of 1870 overrode the Statutory rights of all Civilians appointed before that year, and the words "broad and liberal" can only be applied to Section 6 of the Statute in the sense in which they might be applied to a Statute repealing all existing provisions for the protection of persons and property. The Government can no more reasonably hope to maintain the standard of the Covenanted Service if the Act of 1870 remains on the Statute book than it could hope to maintain agricultural and commercial prosperity without laws for the protection of private property.

The reason that I have given above for the repeal of Section 6 of the Statute of 1870 seems to me so weighty that it is almost superfluous to give other reasons for the abolition of the Statutory Service. There are, however, other and strong objections to the Service.

First.—The scheme under which the Statutory Service is constituted does not provide any means for the selection of the best men obtainable in India for Government service.

Secondly.—It does not prevent the appointment of men who are altogether incompetent. Even in Bengal, where much trouble was taken to secure the best men, three at least of those appointed have been notoriously inefficient and far below the standard of the best men in the Uncovenanted Service of Deputy Collectors.

Thirdly.—Whatever rules may be framed under the Act, they are liable at any time to be hastily changed and to allow the admission of men as incompetent as some of those already appointed.

Fourthly.—The Service has an intermediate rank between the Covenanted and Uncovenanted Services. Its members are looked at with jealousy by the lower Service and as interlopers by the higher Service. Even to the members themselves the Service is unsatisfactory, for they are not graded with Covenanted officers, and in pay and other matters they hold an inferior position. For these and other reasons the Statutory Service should be abolished, and Section 6 of the Statute itself should be repealed. Those members of the Statutory Service who are fit for the reserved appointments of the Covenanted Service should be now taken into that Service, so that their present anomalous and invidious position may cease, and those who are unfit for the Covenanted Service should be graded in the Uncovenanted Service.

Mr. Fitzpatrick.

2217. You have stated that the appointments of men in supersession of the Covenanted Service have been few. Do you know of cases in which Statutory Civilians have been put in elsewhere than at the bottom of the list? Have any been put in over

Vol. VI.
Sec. II.
Bengal.
—
H. M.
Kisch, Esq.

Mr. Fitzpatrick—continued.

Vol. VI. Covenanted Servants?—Baboo Brojendra
Sec. II. Coomar Seal in this Presidency was appoint-
Bengal. ed an Additional Judge.

H. M. 2218. Was he put in as a Statutory
Kisch, Esq. Civilian or under the previous Act?—I believe he was put in under the previous Act, but the Secretary of State has ruled that the appointment properly came under the Statute of 1870. My opinion is that the Statute of 24 and 25 Vic. never contemplated a case of that kind. He was appointed for no special reason except that he was a Native of India. He is now under the Statute of 1870.

2219. I want to know what as a matter of fact has taken place. He was appointed under the earlier Statute?—But his appointment has been confirmed by the Secretary of State under the Statute of 1870. I am informed that his appointment has been transferred to the Statutory Service. I believe the order is a recent one.

2220. The peculiarity of that case was that the Government thought they were sanctioning his appointment under the earlier Statute, but there was some difficulty as to the propriety or legality of the appointment, and it was converted into an appointment under the later Statute?—Yes.

2221. Is there any other case?—Another case is that of Syad Mahmud.

2222. Was he appointed under the Statute of 1870?—In the resolution of the Government of India they say he should be graded under the Statute of 1870. The resolution of the Government of India, which made the first appointments under the rules of 1879, said distinctly that the appointment of Syad Mahmud should come under the Statute of 1870.

2223. You are aware that in that case it was not necessary to appoint under the Statute of 1870, because Oudh is a non-regulation Province?—Yes.

2224. Is there any other case?—I am not aware of any other actual case. It is not only the actual appointments which have been made that make the Statute open to objection; the discussion with regard to other possible appointments shows that the Government may make such appointments in any number.

2225. You said that the rules under the Statute are liable to be hastily changed. Are you aware that the rules not only require the sanction of the Secretary of State in Council, but that they must be laid for thirty days before both Houses of Parliament?—I think the rules only require the sanction of the Secretary of State; the latter part of Section 6 of the Statute relates to any resolution altering the definition of "Natives of India," and not to the rules for making appointments. But even if the rules must be laid before Parliament, I consider that what I have said is correct. Being aware how the recommendations of the Government of India are at times passed by Parliament, I am not prepared to modify what I have said.

Mr. Nulkar.

2226. On the point of supersession—the Covenanted Civil Service being before the Act of 1870 recruited by free and open competition, is not that Statute in its very inception an invasion of the integrity of that service?—Distinctly.

2227. And it authorizes the wholesale supersession of those who got in by free and open competition?—Distinctly it does so.

2228. Though the men appointed under the Statute may begin at the bottom, have the competition-wallahs who come after, cause to complain that the integrity of the Service has been invaded, and therefore in its very nature it is a Service which admits the principle of supersession?—If the appointments under the Statute are only made at the bottom, the men who come in afterwards by competition at home will have no ground for complaint. Indeed, they will have ground for rejoicing, inasmuch as promotion after entering goes by merit as well as by seniority. Merit is judged by the Government who, in the case of men in their service, have means of judging, and the probability will be that the Government will pass over many of those appointed in India at the bottom. It is the chance of appointments being made to a higher grade which would deter men from competing at home.

Mr. Ramaswami Mudaliyar.

2229. Was not the Statute passed because the Government thought Natives ought to be more largely employed in the higher posts of the Service?—I am not aware of the reasons; but, as far as I am aware, the insertion of that section in the Statute passed without attention. The discussions on the Bill do not show that it excited much attention, or that Parliament or the people at home were aware of what might happen.

2230. You remember that in 1868 the question of the admission of Natives to the Covenanted Service was brought before Parliament by Mr. Fawcett and led to the passing of Statute of 1870?—I have not read the discussions.

2231. You are aware that the reason was that very few Natives could get into the Covenanted Service?—No doubt.

2232. You complain of the Statute because it enables outsiders to supersede men in the Service. I want your opinion whether it is necessary to give additional facilities to Natives to enter the Covenanted Service?—Certainly. I shall propose to the Commission a scheme under which I think additional facilities will be given. I have a strong opinion that Natives have a fair claim to admission to the Covenanted Service.

Mr. Hudson.

2233. Do you think that opinion in England is still in favor of open competition

Mr. Hudson—continued.

for admission to the Service?—I should say yes; but when I speak of open competition I do not necessarily give my adhesion to the exact system of examination at present in force.

Mr. Stewart.

2234. You would abolish the Statute of 1870. Would you not retain in the hands of Government a power to reward proved merit and ability from the Bar or otherwise?—I think Government has, and should have, the power of rewarding men in profession and in the Uncovenanted Service by very high appointments, but they should be appointments outside those in the Covenanted Civil Service. I think the power now exists and affords sufficient scope to the Government for the encouragement of men outside the Covenanted Service.

2235. What ground have you for saying that the Statute of 1861 (24 and 25 Vic.) was only passed to legalise the appointments which had been made, and not with the view of confirming the principle of such appointments?—The words of the Statute are that “by reason of the exigencies of the public service,” it has been necessary to appoint men not belonging to the Covenanted Service. The appointments thus made were due to the dearth of Civilians during and after the mutiny, and the Act said in the preamble that *in like cases* the Government should be empowered to make such appointments.

2236. Did not that provide for the future as well as for the past?—For the future in “like cases:” those words appear in the Act.

2237. Were appointments made in the absence of such emergencies?—I think that the appointments made under the 24 and 25 Vic. prove most conclusively the necessity for more stringent conditions. I think myself that the power conferred by that Statute (24 and 25 Vic., cap. 54) has been abused.

2238. Would you abolish that Statute altogether?—I would make it more strict. I would define “like cases” more strictly. The Act contemplated cases of disturbance or annexation; and the cases should be more strictly defined than they are in the Act.

Mr. Stokes.

2239. You say there is considerable risk of competition in England being affected by these appointments. Have these appointments already had that effect?—I think so. The injurious effect will not be shown by the numbers, but by the men who have passed. I know many men who object to compete for the Covenanted Service on the ground I have given; and I myself have advised friends that they are exposed to danger. However low the Service may sink, and possibly with the same standard of examination, there will always be a number of candidates to compete for appointments.

Mr. Stokes—continued.

2240. Has the standard of the examination fallen?—I do not think it has been lowered.

2241. Has the number of marks obtained by successful candidates been less?—I have not watched details to that extent.

Vol. VI.
Sec. II.
Bengal.

H. M.
Kitch, Esq.

The President.

2242. What have you to say as to the mode of admission to the Covenanted Service?—At the same time that I would repeal section 6 of the Statute of 1870 and abolish the Statutory Service, I would endeavour to meet the reasonable demands of Natives of India for admission to the Covenanted Service on more favorable terms than they now have. I would have examinations in both England and India for admission to the Covenanted Civil Service. At present the door to the Service is nominally wide open to Natives of India, but practically it is nearly closed; and the only share that Natives of India have in the reserved appointments is that one-fifth of the number of appointments made each year by the Secretary of State in England may be made to the Statutory Service in India. Instead of this, I would open the door wider for Natives who go to England to compete; and so long as the number who succeed there in any year is less than one-fifth of the total number of recruits to be appointed, I would let the balance of the fifth part of the appointments be competed for in India in the following year. For example, supposing forty men were recruited last year in England, of whom two were Natives of India, I would give this year six appointments ($\frac{1}{5}$ th of 40—2) to Natives of India. By this arrangement it would be possible to notify beforehand how many appointments would be given each year in India as well as in England.

I now proceed to detail the changes that I would make in the system of examination in England, so as to remove, as far as is practicable and desirable, the disadvantages under which Natives of India must necessarily labor in an examination of young men held in a foreign country and in a foreign tongue:—

- (1) I would raise the minimum and maximum ages of candidates to nineteen and twenty-three years respectively for both English and Native candidates. This would, I believe, lead to the competition of better Englishmen and more and better Natives of India.
- (2) I would give Sanskrit and Arabic each 600 marks in the examination, at the same time making the standard of examination in those languages as hard as the standard in Greek, for which 600 marks are given.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
—
H. M.
Kisch, Esq.

(3) I would give some weight to the principal vernacular languages of India, say 300 marks for each such language, against 400 for Italian and 500 for French and 500 for German. No candidate should be allowed to take up more than two vernacular languages, and they should be quite distinct languages, and the standard of examination should be very high.

As regards the appointments to be made in India to the Covenanted Service, I would give them by competition, and would make the minimum age for candidates nineteen years, and the maximum twenty-one years. Every successful candidate should be required to spend four years in England at a University; and during that time he should receive a moderate allowance from Government, which he could no doubt supplement by scholarships obtainable here and in England. The examination in India should not be identical with that in England, but should be specially designed to test the qualifications of Natives of India. The examination should be one for the whole of India; but if sufficient candidates presented themselves, it might be held simultaneously at different centres. Candidates, before being admitted to the competition, should be required to give thoroughly satisfactory references, and to undergo a medical examination designed to test their physical fitness for the Service, and while in England they should be required to pass periodical examinations and a further medical examination before their final appointment to the Service. The passage-money each way might be given by Government.

From what I have said above, it will be understood that the examination in India should be confined to Natives of India; but I would alter the present definition slightly so as not to exclude the children of pure Natives of India who may happen to be born in England, such as the child of a Native Barrister or of a Civilian on furlough. I would let the words "Natives of India" include "any person domiciled in India and born of parents habitually resident in India, and not established there for temporary purposes only." I do not think it desirable to let Englishmen who do not come within this definition compete at the Indian examination. The examination would be one specially designed to test the qualifications of Natives, and the best Englishmen for the Covenanted Service are to be obtained by competition in England and not by nomination here.

I am entirely opposed to the selection of Natives by nomination. Our experience of the men thus selected is against such a system, and it cannot possibly give general satisfaction. The Government of India or the Local Government that has to make the

The President—continued.

final selection is not in a position to judge of the merits and qualifications of young Native gentlemen with whom it has no intimate personal acquaintance, and it is almost certain to be misled by the relatives and friends of the candidates who are themselves not qualified to judge of the qualities required in men who will have to administer a foreign and complicated system of Government. No doubt at first the majority, and possibly all, of the successful candidates will be from the presidencies of Madras and Bombay and the Lower Provinces of Bengal and the residents of other provinces, and the Mahomedan community will be excluded from the Covenanted Service. I do not, however, see any serious objection to this. The objection, such as it is, will soon pass away; the fact that there is an examination for the Covenanted Service in India will act as an incentive to all men of natural ability; and very soon some residents of the North-West Provinces and other parts of Northern India, and a fair proportion of Mahomedans will succeed in the competition. I do not myself believe in the inherent incompetency of the whole of the inhabitants of Northern India and the whole Mahomedan community, and I believe that the best way to stimulate their latent abilities and energies is to place them in competition with the Parsis, Madrasis, and Bengalis. If, however, I am wrong—and they are really inferior in intellect and capacity to the other peoples and communities of India—I see no reason why they should be favored by preference over those who, according to the only available tests, are their superiors and better fitted for the highest administrative posts in the Government service. In that case they must be contented with the fields open to them in the many high unreserved appointments, including High Court Judgeships and Memberships of the Supreme and local Legislative Councils, the professions of the Bar and Medicine, and the Uncovenanted Service of Government, just as the Southals and other aboriginal tribes must be contented with their field of agriculture and the local village offices that are all they can fill with credit. I do not think there is any serious objection to appointing a Native of one Province to serve in another Province, provided he is anglicised by the long residence in England that I would enforce on all Covenanted Civilians. There is a Native of Bengal in the Covenanted Service in Bombay, and a Native of Bombay in the general line of the Covenanted Service in the North-West Provinces, and both, so far as I can learn, have worked satisfactorily. In any case, Government will always have a sufficient supply of English Civilians to make it unnecessary to retain in any particular Province any Native of another Province whom it is desirable to transfer. The system of Government that the Covenanted Civil Service has to administer is not an indigenous

The President—continued.

system with the principles and traditions of which every Native of India is familiar from his youth, and which any man of good social position and fair intelligence can satisfactorily administer. The system is a foreign one, and foreign to the instincts and traditions of the people of India—to the Mahomedans as well as to the Hindus. It must be studied and mastered before it can be administered, and it is not fair to the people, or to our own good name, to select for the study of the system and for its subsequent administration any except the best educated and most capable men who can be obtained.

The scheme that I have sketched above does not provide for the appointment to the Covenanted Service of any members of the Uncovenanted Service or of the members of the learned professions, and on these points I would say a few words. According to my scheme, the best raw material in India, so far as it is possible to test it, will be obtained for the Covenanted Service, and the men selected by competition will then be specially trained for their subsequent career. I do not see, therefore, why any door should be opened between the Uncovenanted and Covenanted Services so as to admit men of probably inferior material, and certainly of inferior training, to the highest branch of the whole Service. The position and prospects of the Uncovenanted Services have been much improved in recent years; and the higher grades of those Services, and the appointments not exclusively reserved for Covenanted Civilians, offer sufficient inducements to good men to enter the Services, and give sufficient scope to those who have already entered them. The Natives in the Uncovenanted Services, who have not had any training in England, are presumably unfit for the highest posts in an English system of administration, and the Europeans are also presumably inferior to those who have succeeded in the competition in England. There may be some rare exceptions to the conclusions just stated, but they are very rare, and can be satisfactorily and sufficiently met by means of the several high appointments not reserved exclusively for the Covenanted Service, though ordinarily or occasionally held by members of that Service. The orders of the Secretary of State in his despatch of the 5th February 1874 are that Covenanted Civilians have a preferential claim to every unreserved administrative office, but only provided that no other officer has a superior claim by reason of seniority, local standing or special qualification; and this proviso is sufficient to meet the cases of men with exceptional qualifications in the Uncovenanted Service.

As regards members of the learned professions, the only profession that need be considered is the law. Having regard to what I have said at the beginning of this note, it would not be practicable to appoint Barristers and Pleaders to District Judge-

The President—continued.

ships without giving a most liberal compensation to all Civilians below the rank of District Judges, or causing the utter degradation of the standard of the Covenanted Service. Apart from this, however, I think the measure would be a bad one. Barristers at the head of their profession will rarely accept a High Court Judgeship, except from considerations of health; and no Barrister or Pleader except a very junior practitioner, or one who had failed in practice, would accept a District Judgeship. Those who accepted the appointment would, I believe, be inferior, as men, to the present Civilian Judges: certainly they would be inferior in experience of the country and the people, and to the extent that they were thus inferior would they be inferior Judges. Our courts, in the mufasal at least, require that more weight should be given to equity than law, and it would be no gain, but a loss, to substitute courts of trained third-rate lawyers for courts presided over by Civilians who have served as revenue officers and in the general administration of the country. The Bar itself is a great and profitable field for both European and Native Barristers and Pleaders, and for those who have obtained such distinction in their profession that there is no need to search for them, the High Court and other offices, such as those of the Advocate-General, the Standing Counsel, the Deputy Legal Remembrancer, Recorderships, Small Cause Court Judgeships, and Presidency Magistrates, are freely open. Indeed, it may well be doubted if they are not too freely open, and whether the preference is not often given to inexperienced Barristers over more competent Covenanted officers who are eligible for the posts, and would be only too glad to take them.

Mr. Fitzpatrick.

2243. You admit that the all-important point to be kept in view in revising the scheme of examination is to find the best intellectual test?—I admit it.

2244. Do you not think that in one respect your scheme sacrifices that all-important object?—I do not think so.

2245. You would raise the marks for Sanskrit and Arabic so as to put them on the same footing as Greek?—Yes.

2246. Do you consider that a knowledge of Sanskrit and Arabic implies as great a degree of culture and knowledge as a knowledge of Greek?—One of the points which it is desirable to test is a capacity for high attainments in language. It is a test of intellectual capacity. I would raise the standard of the examinations in Sanskrit and Arabic, and the extra 100 marks that I would allow for each of these languages would only be gained by scholars.

2247. Do you think that the men who would succeed in the examination in India would be as good as those who succeed in

Vol. VI.
Sec. II.
Bengal.
H. M.
Kisch, Esq.

Mr. Fitzpatrick—continued.

Vol. VI.
Sec. II.
Bengal.
H. M.
Aitch, Esq.

England?—Quite as good after they had undergone four years' training in England. Any difference would be in their favor. They would certainly be as good.

2248. You would exclude members of the Uncovenanted Service from appointments in the Covenanted Service because they are presumably inferior?—Yes, according to the principle I have stated, that the highest posts should only be given to those who have had an English training, and whose ideas and sympathies are in accord with an English system of administration.

2249. Admitting that they are presumably inferior, would you not admit that some of them who are of proved ability would be fit for District Judgeships?—Certainly. I say that even higher appointments are open to them, such as High Court Judgeships, Memberships of Council, and Advocate-Generals; also the Deputy Legal Remembrancership, and many other high appointments. They might leave the Service and take to the Bar in one or other of its branches, or they might become Presidency Magistrates and Presidency Small Cause Court Judges. I don't see very much objection to a very brilliant Subordinate Judge being appointed Judge of the High Court even direct; but there are other legal and judicial appointments that he could first hold if it was thought necessary.

2250. Would you not be sure to get better District Judges in that way than if you took them from men who merely passed an examination and took your chance of their proving efficient?—It is only when a Covenanted Civilian is no longer a young man and has gone through an educational course in England and a long career in India that he is appointed a Judge, and then he is better fitted in most cases than even the exceptionally qualified men in the Uncovenanted Service. If there is a specially qualified man in the Uncovenanted Service, he may be provided for in some other appointment; if there is not such an appointment, he should suffer temporarily for the good of the country.

2251. You would be practically bound to make the Covenanted Servant either a District Judge or a District Magistrate, unless he turned out an utter and palpable failure?—In the ordinary course he would become a Judge or a Magistrate.

2252. In Bengal how many men of over twenty years' standing are still in the subordinate grades?—I imagine there are none. The pressure on many of them in earlier years has forced them to retire. Their intellects and constitution and energies were not equal to the strain of the Service and they have left. In the general line of the Service there are, I believe, no men of over twenty years' service left who are not now Judges or Magistrates.

2253. Are there any bad bargains who have made bad Judges or bad Magistrates

Mr. Fitzpatrick—continued.

or inferior officers in the lower grade, so that you could say that they were not the sort of men who ought to be made Judges or Magistrates?—There are a few.

2254. Men who would be very much inferior to the picked men in the Subordinate Service?—That I am not prepared to say.

Mr. White.

2255. Do you admit the proposition that the interests of the country ought to override the interests of anybody or of any particular Service?—Distinctly.

2256. You admitted a little while ago that the best Englishmen who are to be had are required to carry on the administration of the country?—Yes.

2257. Does that include the idea that they should form a Service?—The only way to obtain them is to have a reserved Service which they may be certain will not be encroached upon by others.

2258. Does not the Educational Service consist of men chosen as they are required?—I believe it does.

2259. Has not the present competitive Civil Service inherited the traditions of the old Civilians?—Some of the traditions it has.

2260. The old Civil Service was always regarded as the highest Service in the world. Has not the competitive Service inherited that reputation?—I do not know that it has. I think the present Service has a very high reputation, and it tries to maintain the reputation of the Service it has replaced.

Mr. Nulkar.

2261. Am I right in supposing that you would limit the number of appointments to be competed for in England by Natives of India to one-fifth of the total number. Do you mean that that should be the minimum number at the English examination and the maximum number at the Indian examination?—I mean that you should take one-fifth of the appointments and deduct those who succeed in England and give the rest to the most successful candidates in India.

2262. Would you limit the number of admissions in England?—No.

Mr. Ryland.

2263. By requiring Natives to go to England after competition, do you not increase the chance of bad bargains more than you would by requiring them to go to England to compete? Would they not prove their spirit by going to England to compete?—I do not know that they would prove their spirit by going to England to compete; and I do not think that I should get bad bargains by my system.

2264. Would you not set aside for the Uncovenanted Service a certain line of promotion to which they might aspire?—I would give them the line of promotion of

Mr. Ryland—continued.

their own service, and leave them eligible for the other unreserved appointments, of which many are far higher than appointments reserved to the Covenanted Service.

2265. Is it not necessary to ensure to the Uncovenanted Service the same certainty as it is necessary to secure for the Covenanted Service?—Yes, but not to the same position.

2266. Would it not be necessary to set apart a certain proportion for them to which they would have a certainty of rising?—The Government has done that. I would set apart for them more appointments than there are now in the reserved grade appointments of the Uncovenanted Services. All the grades of Deputy Collectors are in the classified appointments of the Subordinate Executive Service, and of the Munsifs and Subordinate Judges in the Subordinate Judicial Service. And I would leave the appointments which are not reserved to the Covenanted Service open to men of ability in either the Covenanted or Uncovenanted Service.

2267. Has there not been a recent appointment of a Covenanted Civilian to a post to which an Uncovenanted officer might naturally have looked, and which has produced dissatisfaction?—Yes, there has been. The Uncovenanted Service did look forward to it. The appointment was that of Postmaster-General of the North-Western Provinces.

The President.

2268. Was that post one to which a Covenanted officer would ordinarily look?—It is one of those to which the despatch of 5th February 1874 applied, and to which Covenanted Civilians had only a claim, provided no other officer had a superior title by reason of superior qualifications. I understand the Secretary of State's orders regarding Unreserved appointments to be, that if any Covenanted Civilian available is the best man for any vacant post, he should get it, or rather that he should get it unless there happened to be a superior man in another Service. If the claims of any Uncovenanted officer were superior, he was to get the appointment.

Mr. Ryland.

2269. Do you not think that appointment is likely to produce a great deal of discouragement in the Uncovenanted Service?—I think it is a fair rule to give a slight preference to Covenanted officers. They have a right to such a preference, considering their education and training.

The President.

2270. Do you think the appointment to which you refer required the special training of a Covenanted officer?—I think it

The President—continued.

is a decided advantage for the holder of the appointment to have had the training of a magisterial officer. I think English experience is also an important qualification for the appointment. Whether in this case the claims of a particular Uncovenanted officer were not greater than that of any Civilian available it is not for me to judge.

Vol. VI.
Sec. II.
Bengal.

H. M.
Kitch. Esq.

Mr. Fitzpatrick.

2271. Are you aware that that appointment has been several times spoken of here as the refuge of incompetent Civilians?—I daresay it has been spoken of in that way, but I think improperly. Most of those recently appointed to the office have been taken from the Government Secretariats, and one of the ablest Civilians in the Bengal Secretariat was a candidate for the last vacancy. I am personally interested myself in this question, holding as I do a similar appointment. I am Postmaster-General of Bengal.

Mr. Ramaswami Mudaliyar.

2272. You said that you would reserve one-fifth of the appointments in the Covenanted Service for Natives, and that if that number was not filled up by competitive examination in England, you would hold an examination in India to fill up the remainder. Do you see any objection to raising that proportion?—I do not see any absolute objection, but this is going as far as the Government should go at present.

2273. Do you apprehend any difficulty if the proportion is raised to one-fourth?—I would rather wait until the Mahomedan and up-country populations have entered the competition. The practical difficulty would be increased by making the proportion a very high one at present. The successful candidates would at first be probably limited to a few provinces.

2274. In the competition in England, do you think a backward Province would have a better chance than other forward Provinces?—No; the forward Provinces would get all.

2275. What would happen if more than one-fifth, say two-thirds, of the appointments in England fell to Natives?—I know that as a matter of fact one-fifth would not succeed in England for many years to come. If they do, we must take our chance, but it may be necessary then to make a change. If it were found that Natives succeeded in obtaining one-fifth or more than one-fifth of the appointments offered for competition in England, then there would be no appointments to be made at all in this country. Long before two-thirds of the appointments fell to Natives, the Government would have to restrict the number that could be held by Natives.

2276. Do you think it would be a source of danger to have a large number of

Mr. Ramaswami Mudaliyar—contd.

Vol. VI.
Sec. II.
Bengal.
H. M.
Aitch, Esq.

Natives merely because they were Natives, provided they had the necessary qualifications?—I think it would be inconsistent with English administration, i.e., administration in accordance with English ideas and modes of thought.

2277. How would it be inconsistent if they were imbued with English ideas and had received an English training?—I think that even after training, in these respects they would be somewhat inferior to Englishmen. In other respects they might be superior.

2278. As regards the Judicial Service, what is the reputation which Munsifs have?—They are good lawyers, but indifferent as regards equity and sympathy with the people.

2279. As regards their honesty as a class?—Good, I should say.

2280. You include among good lawyers good judges of fact?—I may say fair judges of fact. Their judgment of fact is slightly warped by their generally belonging to one particular class which is in some respects out of sympathy with the people. That is my opinion.

2281. Have you had Munsifs serving under you?—No; but I have served in the same district with Munsifs. I have myself decided rent cases in a non-regulation Province, and seen suits decided by Munsifs.

2282. As regards Subordinate Judges?—Their qualities are much the same, but they are superior in experience.

2283. As regards popular reputation, are the District Judges better than Subordinate Judges—I mean in their reputation among suitors and others who can form an opinion?—I think that the popular opinion is that District Judges are better than Subordinate Judges as administrators of civil justice.

2284. And as judges of fact?—As judges of fact they are superior.

2285. As judges of law?—About the same as the best of the Subordinate Judges.

2286. Do you really think that Europeans District Judges can be better than Native Judges, taking things as they are?—I think it is quite possible, even as a class.

2287. Are the Small Cause Court Judges here selected from Barristers?—A great many of them are.

2288. Is selection made from the best men that can be got to accept these posts?—I do not think so.

2289. As a class, what is the reputation they have as Judges?—I think the people are fairly satisfied. But I have not special means of judging of the reputation which the Small Cause Court Judges have in Calcutta.

The Hon'ble Kazi Shahabuddin, Khán
Bahádur.

2290. You say the examination in India should not be the same as the examination

The Hon'ble Kazi Shahabuddin, Khán
Bahádur—contd.

in England?—It should be an examination specially suited to the intellect and energies and abilities of the Natives of India with reference to the education which the highest classes of Natives undergo. I would subordinate the European classes entirely. That would be one of the differences. I have not elaborated a scheme of examination because I think it is a most important matter, and should be elaborated by a special body of Commissioners like the Civil Service Commissioners in England. It should be designed to catch the men who will turn out the best after training in England.

2291. The scheme with which you have favored the Commission should apply, you say, to the whole of India. In what Presidency or Province have you served? Have you had personal experience in Bombay?—I had fourteen months' service in Madras: otherwise my service has been entirely in the Lower Provinces of Bengal, Behar, Chota Nappore. In Madras I was on famine duty, but I had magisterial powers.

2292. Your magisterial powers were in connection with your famine duties?—Yes, but I was authorized to try any cases.

2293. Has any Mahomedan of respectability suggested to you that favor should be shown to the Mahomedan community?—I have spoken to several Mahomedans. I think they ask for favor, but I think they are ill-advised.

2294. As a matter of fact, do they ask for favor to be shown to them?—I believe they do.

Mr. Hudson.

2295. I asked before if you thought open competition in England the best, and you said it was, but that it had certain drawbacks?—I said I did not give my entire approval to the system as it was at present constituted. I might be inclined to suggest certain alterations even for the English competition.

2296. Would not the drawbacks, in the case of an examination in India, be much increased?—I do not think so if the examination in India is prudently devised. There might be a special test even of physical qualities by means of the medical examination.

2297. Do you think the men you want to get in the upper Service should be what we English people understand by the word "gentlemen"?—I think it most desirable.

2298. And you think that by this examination we should get such men in India?—I think you would as a rule. There are certainly some of those who have entered the present Covenanted Service by open competition in England to whom perhaps that word would not apply.

2299. Did you ever know an instance of a Native Barrister refusing a District Judgeship?—No; but I have known cases

Mr. Hudson—continued.

where they have refused a High Court Judgeship, and it follows that several would refuse a District Judgeship; and many Barristers have told me that the best men would certainly not take a District Judgeship.

Mr. Stewart.

2300. You say that if forty appointments were to be made, you would reserve eight for Natives, and if the eight succeeded in England you would not have any competition in India at all?—I think that before that time the scheme should be revised.

2301. Do you think that that scheme would satisfy the educated Natives of India?—I think it would.

2302. Do you not know that they prefer a system which would bring them in competition with all the youth of England?—Those who desire that competition should go to England for their examination. It is impossible to have a competition in India of pure Englishmen of education and culture at all: they do not exist in the country.

2303. Would there be no danger of those who are appointed in India being looked upon as inferior?—Not if they are graded in the same Service and put on the same terms, and go to England for training.

2304. Those who would succeed in England would get two years' training in England; those who passed in India would get four years?—Yes, I would give two years' training to the men appointed in England: their maximum age would then be twenty-five; and the maximum age of competition in India being twenty-one, those who succeeded here would have four years' training in England. I would grade them with the men with whom they came out.

Mr. Peacock.

2305. You said you do not contemplate more than one-fifth of Natives getting in by the examination at home. If they did, would you exclude the excess, or would you let them in so as to increase the proportion of Natives?—I should let them in until it was decided that the time had arrived to change the system. The Government would have to make the best of it in the case of those who got in before the system was changed.

The Hon'ble Mr. Justice Mitter.

2306. What is your reason for not holding simultaneous and identical examinations in England and in India?—Practically the best examination for testing the qualifications of Englishmen and men having a general training up to the age of twenty-three is not the best to test the qualifications of men who have never been to England and who are

The Hon'ble Mr. Justice Mitter—contd.

only admissible up to the age of twenty-one. The maximum standard might be lower, but not less satisfactory. Less marks should be given to European classics: none to European foreign languages.

2307. There are other subjects which the Natives of India might take up?—I think it would be impossible to make a fair examination which should be the same for the two classes. Another reason is that it would especially give encouragement to qualities which should rather be discouraged, that is to say, it would induce the Natives to give their time to the study of European languages and the European classics which it is unnecessary for them to study out here.

2308. Do you know that those Natives who passed in England did not take up European languages at all. We had some of them before the Commission, and I think none of them had taken up European languages. Suppose they confined themselves to other subjects, mostly to English literature and history and other subjects which are taught out here, would there be any objection to simultaneous and identical examinations then?—I think some of the Natives who competed at home took up European classics.

2309. Suppose they took up Latin or Greek in these examinations successfully in competition with Englishmen?—I think it undesirable to give encouragement to that class of education in India.

The President.

2310. Do you mean that it would tend to encourage Indian education to run in channels which are not so suited to Natives?—I think so.

The Hon'ble Mr. Justice Mitter.

2311. Then you think it undesirable that Indians should study the Western classics?—I think it undesirable that they should be encouraged to do so in this way.

2312. But if it is in itself not undesirable, why is it undesirable to encourage it?—I do not think it undesirable for individual Natives to study Western classics, but for the Government to encourage the general study of those classics.

2313. With regard to Munsifs, you had no Munsifs serving under you?—No, I have never acted as a District Judge.

2314. What are your opportunities for forming an opinion of them?—By mixing with the people of the country and speaking to officers who have opportunities of judging, and to suitors whose cases have been put before them and to suitors who have failed to go before them, and who say there is little hope of getting justice.

2315. You said they were good lawyers, but not quite in sympathy with the people, and I thought you said that was your opinion of them, and not an opinion

Vol. VI.
Sec. II.
Bengal.

M. H.
Kisch, Esq.

The Hon'ble Mr. Justice *Mitter*—contd.

Vol. VI.
Sec. II.
Bengal.
—
*H. M.
Kisch, Esq.*

derived from others?—That is the opinion derived from living in the country and speaking to others who have been before the courts and have had opportunities of judging.

2316. Did you accept that opinion as correct without further enquiry, or did you try to form an opinion on materials placed before you?—I have made such enquiries as it was possible to make.

2317. Could you give us any instance of a failure to apply the principles of equity?—I don't think I could; but in speaking to cultivators and others, and asking why certain claims they had, which they said had been overridden, should not be put before the courts, I have received answers which satisfied me that the people of the country believe that they are out of sympathy with the men of the Subordinate Judicial Service.

2318. Then the opinion you express is the opinion of the cultivating masses?—It is the opinion of a large section of the cultivating masses in several districts.

2319. You are a Barrister-at-law. Do you think that the cultivating ryots are good judges of whether the principles of equity have been correctly applied?—I am judging from their statements. I asked what their case was, and their evidence, and so on.

2320. Can you give any instances in which the principles of equity have not been applied?—I can give no specific instances.

Sir Charles Turner.

2321. I understood you to say that when appointments are made to a District Judgeship, the Government takes care to ascertain the qualifications of the officers appointed. In what manner is care taken?—Inquiries are made of the High Court often, and often the Local Government when on tour makes inquiries of the district officers. Every Lieutenant-Governor takes every opportunity of ascertaining the qualifications of every member of the Civil Service.

2322. Do you know any instances of inquiries having been made of the High Court?—The inquiries are verbal, but I believe they are made directly or indirectly in every case. I know cases in which even after a man has been appointed a District Judge the Government has made inquiries whether he is fit to continue in the appointment or should be removed.

2323. Has not that occurred when cases had been brought to notice which suggested a doubt as to his fitness?—Yes.

2324. Is it not the fact that when a man has arrived at the period of his service when in the ordinary course he should obtain promotion to a District Judgeship, the Government appoints him, presuming him to be fit?—In every case it has made enquiries directly or indirectly.

2325. Is a man regarded as having a right to promotion to a District Judgeship

Sir Charles Turner—continued.

or a District Magistracy unless something is known against him?—If he has performed his duties fairly to the satisfaction of Government, he considers he has a right to promotion in his turn.

The President.

2326. Would you recruit the Uncovenanted Service from Natives of India as defined in the Statute?—Yes, with the modification I have suggested in the definition.

2327. By provincial competition or how?—I would recruit by provincial competition, except in Provinces where there might be special reasons for adopting a different system.

2328. For all branches of the Executive and Judicial Services?—Yes, the necessary conditions of the examination being distinct.

Mr. Fitzpatrick.

2329. You mean competition, pure and simple?—I think it might be an advantage to limit the competition for the Judicial Service to men who have been practising as pleaders.

2330. Would you not fear that you would get in too many Hindus by adopting the competitive principle?—I should not fear that. The provincial examination in Bengal would let in a certain number of Mahomedans, that is, a sufficient number with reference to the acquirements of the Mahomedan community, their present capabilities and education.

2331. You think then that ability for service is to be measured by capacity for passing examinations?—If the examination is properly framed, I think it might be a pretty accurate test of a man's ability for service. I know of no other test that can be properly applied, and preliminary references and guarantees can always be insisted on.

Mr. Ryland.

2332. If the Statutory Service is abolished, should the proportion of offices reserved for that Service be re-united to the Covenanted Service or given as prizes to the Uncovenanted Service?—I would give them to Natives. Under the system I have advocated they would not go to the Uncovenanted Service.

The Hon'ble Kazi Shahabuddin, Khan Bahadur.

2333. When you speak of one-fifth, you mean the one-fifth now reserved?—At present it is one-sixth. I would make it one-fifth.

Mr. Hudson.

2334. Do you think the present initial pay of the Subordinate Service is sufficient to attract the men you want for it?—I think

Mr. Hudson—continued.

so. Some of those chosen for the Statutory Service had had their names entered for the Uncovenanted Service. I think the present pay would attract any man who wishes for Government service, and is not prepared to undergo the examination I propose for the Covenanted Service.

Mr. Stewart.

2335. You said you would have an open competition for the Uncovenanted Service. At what post would you commence? Would you begin at Sub-Deputy Collectors, or where?—I should be inclined to commence with Deputy Collectors; their powers could be restricted to any extent at first. I would let the successful men begin with the initial pay of a Deputy Collector.

2336. Would you have any qualifying educational test for the admission of candidates to the competitive examination, or would you admit any one?—That is a matter of indifference. A man who has the least chance of succeeding would be able to pass a qualifying test. I would have a qualifying test as regards character and age, and a medical certificate.

2337. Do you not think it most desirable that some road to promotion should be open to Sub-Deputy Collectors and ministerial officers in *tahsil* establishments?—I see no reason why they should not compete at these examinations. The age limit need not be so low as to exclude Sub-Deputy Collectors; their training would give them advantages in the competition.

2338. Do you not think that men who had entered as Sub-Deputy Collectors would expect to be promoted in ordinary course?—

Mr. Stewart—continued.

I do not think so unless they were qualified. It would be entering a higher Service.

Mr. Peacock.

2339. Do you not think Government should retain in its hands a discretionary power to appoint men for good service, rendered by themselves or by their fathers? Would not throwing the Service open exclusively to competition prevent the Government from rewarding valuable services?—I do not think appointments to the Uncovenanted Service are proper rewards for the sons of men who have done good service. If the men themselves have qualifications, I think it is sufficient to reward them, and their efficiency should be proved by competition.

2240. With regard to the Subordinate Judicial Service, do you not think that thirty years is rather too high an age? Is not a man of thirty rather too old for a competitive examination?—I would be inclined to make twenty-five the age limit.

The President.

2341. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service according as the posts are held by members of that branch of the Service or by members of the Statutory or Uncovenanted branches?—Posts reserved for the Covenanted Service should not be held by any one else. I think that the pay of each Service should be the same for all—Europeans or Natives, and whether appointed in England or India. The disadvantage of any distinction in the same Service would be greater than the pecuniary gain to Government.

Vol. VI.
Sec. II.
Bengal.

H. M.
Kisch, Esq.

WITNESS XXVIII.—23rd February 1887.

Examination of His Highness Maharajah Sir LUCHMESSUR SINGH BAHADUR, K.C.I.E.,
of Durbhanga.

Mr. Peacock.

- Vol. VI.
Sec. II.
Bengal.
His High-
ness
Maharajah
Sir
Luchmessur
Singh
Bahadur
of
Durbhanga.
2342. You are a large landed proprietor in Behar?—Yes.
2343. What is the general opinion as to the Statutory Service?—It is not generally approved of.
2344. On what ground is it regarded unfavorably?—It is generally considered that the nominations have not been properly made, but I am not able to judge. The landholding and the aristocratic classes are in favor of the Service. I think that when the system of local self-government has been more fully developed, the local boards should be asked to nominate some of the candidates. They should be members of the aristocratic classes, and should possess a very high education in English as well as in criminal and revenue law. I would also be glad to see the appointment of some picked men from the Uncovenanted Service.
2345. Would you require these candidates to compete?—They might be required to pass a qualifying examination, but nothing else.
2346. You are aware that the present system of recruitment insists on a competitive examination?—Yes, I believe so.
2347. As regards the definition of "Native of India" in Section 6 of the Statute, do you think it is sufficient?—I don't remember it at present.
2348. Would you compel a man selected for the Statutory Service to go to England, after selection, for training?—I should give facilities for going by means of scholarships and by paying their passage-money.

Mr. Ramaswami Mudaliyar.

2349. Would you make the selection from the aristocratic classes or from distinguished men in the Uncovenanted Service? Which would you suggest to Government?—I suppose the larger number must come from the Uncovenanted Service.

Mr. Hudson.

2350. You would include the Bar?—Yes, the Uncovenanted Service and the Bar.

Mr. Stewart.

2351. You propose to appoint men of proved merit and ability to the Statutory Service; would you exclude European members of the Bar?—No, I would not.

Mr. Stewart—continued.

2352. Would you propose to alter the Statute altogether so as not to exclude Europeans?—Yes.

Mr. Peacock.

2353. With regard to the Covenanted Service, do you think the system of recruitment is open to objection?—I think that if simultaneous examinations were held in England and in India, it would be approved by the educated Natives as a body.
2354. Would you prefer it yourself?—Yes, I would. You would then get the best educated men among the Natives.
2355. Do you not get that now?—You would get a greater number of them, and the time has come when the Natives should be given a greater share in the Government of the country.
2356. Why would you not get just as well educated men by competition in England as in India?—There are a great many men who would wish to appear at the examination but who are unable to go to England.
2357. Is there any other ground of objection to the present system besides the place of examination?—The age limit is objected to. I would raise the maximum limit to twenty-one for both Europeans and Natives.
2358. Is there any other ground of objection?—I do not think so.
2359. If you hold these examinations both in England and in India, would you have them simultaneous and identical?—Yes.
2360. Would you have one list of the most successful examinees in order of merit, or would you have separate lists?—I would have one list.
2361. Would you have one board of examiners for both examinations?—Yes, if it can be so arranged.
2362. Do you think there would be any difficulty with regard to the *viduē* portion of the examinations? Could you have a practically similar *viduē* examination held in England and in India at the same time?—Yes, I think you could if the questions were sent out from England.
2363. Do you attach much importance to that portion of the examination?—It is important to test a man's colloquial knowledge of a foreign language, but I would not attach too much importance to it.
2364. You do not think the difficulty with regard to having identical examinations would be insuperable?—No.

Mr. Peacock—continued.

2365. Would you compel the successful men at the Indian examination to go to England for training?—No, I would not compel them to go, but I would give them facilities for doing so.

Mr. Nulkar.

2366. Do you think mere encouragement would be sufficient?—Some of them would go; not all.

2367. Would not that be a drawback with regard to their efficiency?—I think a man who has been to Europe will certainly come back with enlarged ideas and get on better than the man who has not. But the simple fact of his not having been to England should not disqualify him for the office of a District Magistrate or a District Judge.

2368. What is your objection to making a two years' training in England a condition of appointment?—Simply because a large majority of Hindus have objections against going to England.

2369. Is not the objection fast disappearing?—In the Presidency towns and amongst the educated classes it is; but that is no reason why you should put a certain difficulty in the way of men who come from the mufasal and who would find it extremely difficult to go to England even if they had the will to do so.

2370. But is it not from the educated classes you would expect the candidates to come?—You can get a man sufficiently well educated in this country to serve as a District Magistrate or a District Judge.

2371. If we are to regard this repugnance to crossing the sea on the part of some of the candidates, there may also be other things to be considered. * Some people may not like to give a proper education to their sons, and might say that that was no reason for not appointing them?—They would not be compelled to educate their sons; but to refuse to give an appointment to an educated man because he objects to go to England is not justifiable.

2372. In your opinion, which of the two public servants would command the greater confidence of the people of all classes, castes, and races: the man who had been to England and enlarged his ideas and sympathies, or the man who had not derived that advantage?—I do not feel competent to answer that question.

Mr. Ryland.

2373. You would not compel a man to go to England, and yet you say the man who had been might get on better in the Service. Would you then make any distinction as to promotion?—I would not make any difference by law, but I think the man who has been to England will get on better by reason of his having a better knowledge of the English language.

Mr. Ryland—continued.

2374. You would allow the Government to make a distinction by promoting the man who had the better education?—Yes.

Mr. Ramaswami Mudaliyar.

2375. Suppose the Government thought the selected candidates should have some training in England, would it not be justified in requiring that training?—I think it would be an injudicious measure, because it might create an erroneous impression amongst the uneducated masses and the fanatical classes, who might think that the Government were trying to break the people's caste. I object only on political grounds.

2376. Have any Hindus from Behar been to England to compete?—Not one.

2377. I understand that the educated classes do not strictly observe all the rules which orthodox Hindus observe. Is that the case in Behar?—I do not think it is so in Behar. As a class they are very orthodox, and so it is also in Benares, Allahabad, and Oudh.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

2378. You say that the principal reason for recommending competition in India is that some of those who would wish to compete are too poor to do so. If examinations were held in India, these poor people would have a chance of entering the highest Service?—I do not think poverty should be a bar to entering the public service.

2379. Then under no system of recruiting the Covenanted Service would you restrict the number of Natives in the service?—I would not.

2380. Suppose the number of Natives in the service increased in the course of time to a half or two-thirds or three-fourths?—I would have no objection.

2381. Suppose in course of time the whole service was composed of Natives, would you have any objection?—I think that, for some time at all events, all the higher appointments must be held by Europeans—I mean the Lieutenant-Governorships and the Secretariat appointments.

2382. But if all the District Judges and the District Magistrates were Natives, from where would you get the Lieutenant-Governors and Secretaries?—That would not happen for a long time, and then the time will have come to make a change. It would depend on the circumstances of the time.

2383. For the present you would allow unlimited competition?—Yes.

Mr. Hudson.

2384. The two services you would propose to have, one by competition in England and one by competition in India, would be virtually distinct services. Do you

Vol. VI.
Sec. II.
Bengal.

His Highness
Maharajah
Sir
Luchmessur
Singh
Bahadur
of
Durbhunga.

Mr. Hudson—continued.

Vol. VI.
Sec. II.
Bengal.
—
His High-
ness
Maharajah
Sir
Luchmessur
Singh
Bahadur
of
Durbhunga.

think that these virtually distinct services would be looked upon as equal services?— Eventually they would be, though at first there might be a little friction: afterwards things would settle down.

2385. As an Englishman, I ask you whether it seems reasonable that a man who objects from prejudice to cross the seas should have a share in the higher administration of a country governed by Englishmen?—In ninety-nine cases out of a hundred he might not have a prejudice himself, but his people will not let him go, and he does not care to act against their wishes.

Mr. Nulkar.

2386. You say that if the condition of going to England is imposed on those who are selected, you think that the ignorant and fanatical masses would look on this as a means employed by the Government to destroy the caste of the people. As the matter now stands, it is a condition to which any one who wants to present himself as a candidate must conform. Is this condition looked upon by the people as a means of tampering with caste?—The present system of competition has been going on for years; but if you make a change and then impose a condition that those who pass their examination here must go to England after passing the examination, it might be looked upon as intended to destroy their caste. The present system is not looked upon in that light, and if you continue it, no such objection will be raised.

Mr. Peacock.

2387. You say that the feeling in Behar, on religious grounds, against going to England is very strong. Have any Hindus from Behar been to England?—No; one Hindu wanted to go. I was one of the committee which was appointed to consider the matter, and we came to the conclusion that, taking everything into consideration, it would be better for the person not to go to England.

2388. If he had gone to England, would he have been hopelessly put out of caste, or would he have been received back into caste on his return, after the necessary expiation?—I do not think that for the present he would have been received back into caste, in Behar and Benares particularly.

2389. You said you did not think there would be any objection to three-fourths of

Mr. Peacock—continued.

the appointments in the Covenanted Service being held by Natives. Do you think that in the interests of Government it would be advisable to have, in a Province like Behar, three-fourths of the Covenanted appointments filled by Natives?—In the higher appointments, such as Commissioners of Divisions, I would have Europeans.

2390. Do you think it would be desirable to have 75 per cent. of the District Magistracies held by Natives?—Twenty years hence it might not matter, but if it was found that the Natives succeeded in too great numbers, the law could be altered.

2391. Do you think, as a general rule, that Natives are more fitted for the exercise of executive or judicial functions? Would they make better Judges or better Magistrates?—I have had very little experience. The general feeling is that they are better fitted to be Judges.

2392. As regards the Uncovenanted Service, would you recruit from all natural-born subjects of Her Majesty or from Statutory Natives?—From all natural-born subjects of Her Majesty.

2393. Would you recruit by competition or by nomination?—I would recruit by a system of limited competition, that is to say, competition after nomination. I would have the recruitment provincial.

2394. If the Statutory Service is abolished, would you re-attach to the Covenanted Service the appointments now taken from that Service, or would you give them as prizes to the Uncovenanted Service?—If the Statutory Service were abolished, I would retain those appointments for the Uncovenanted Service.

2395. As regards pay, would you make any distinction between officers of different services holding similar appointments?—I think those who passed the competitive examination in England should get at least 25 per cent. more, to compensate them for the trouble and expense of going to England, and on account of the superior education which they had received.

2396. Do you think it is necessary to pay an indigenous element as high as a foreign one?—It is not necessary. On the ground of public economy it would be better to give less pay to Natives, and that is one more argument in favor of appointing them.

2397. As regards furlough, would you make any distinction according to nationality?—I don't feel myself competent to give an opinion.

WITNESS XXIX.—23rd February 1887.

Examination of Babu GIRIJA BHUSAN MUKERJI, B.A., B.L., Pleader, High Court.

Sir Charles Turner.

2398. You are a pleader of the High Court?—Yes; I passed the B.L. examination in 1874, and have since practised in the District Court of Alipore and recently in the High Court.

2399. Is the Statutory system of appointing Natives to posts approved or disapproved?—It is generally disapproved. The grounds of disapprobation vary according to circumstances. Some object on the ground that it implies a distinction between British and Indian subjects. Some object on the ground that the system, as it has been worked, tends to create a privileged class amongst Native subjects. Others object on the ground that the Statutory Civilians occupy an inferior position. But the general ground of complaint is that the rules prescribe no qualification for office, nor any test for ascertaining it. The system of nomination is generally disapproved; the people think merit and not social position should be the test of fitness.

2400. What amendment would you make in the Statute or the rules?—As this system was devised by way of compromise, having regard to the special difficulties under which the Natives labor in gaining admission to the Covenanted Service by competition, if those difficulties are removed, there will be no necessity for a separate system of recruitment except perhaps for the Judicial Service; but as long as those difficulties are not altogether removed, I would keep the Statutory Service and recruit it by the appointment of men of proved merit and ability in the Uncovenanted Service.

2401. If the Statutory Service is retained for the purpose you have indicated, you would not compel selected candidates to go to England?—I would only encourage them to do so.

2402. If it is retained for first appointments, would you compel young men so appointed to go to England for training?—I would still only encourage them to go to England; I would not compel them.

2403. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service?—Yes; much dissatisfaction is felt.

2404. Should any and if any what, change be made in that system?—I do not venture to offer a detailed scheme. But as the Government is anxious to devise a scheme

Sir Charles Turner—continued.

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 a higher and more extensive employment in the public service, I may be permitted to observe that no scheme will satisfy the noble object the Government has in view, or remove altogether the dissatisfaction of the people of this country, if it did not practically give effect to the principle of equality laid down in the Statute of 1833 and reaffirmed in the Royal Proclamation of 1858. And this can only be done by—(1) holding the competitive examination simultaneously both in India and England, the examination being open to all classes of Her Majesty's subjects; (2) by preparing one classified list according to merit; (3) by raising the maximum limit of age to at least twenty-three years; (4) by so arranging the subjects of examination and fixing the maxima marks obtainable in the different subjects as to test the general high education of the candidates without at the same time giving special advantages to any class of Her Majesty's subjects. Although I am aware of the existence of certain difficulties in the way of giving full effect to these suggestions, those difficulties are not, in my humble opinion, of such a nature as would make the scheme impracticable. I do not set much value on the *videlicet* examinations, as I am given to understand that the time allotted to each candidate (five to ten minutes) is not sufficient to enable the examiner to test accurately the knowledge of the examinees. And a properly set written paper would, in my opinion, be a more effective check against the system of cramming. Then, again, even at present we cannot say that there is absolutely one identical examination, for the standard of examination with different examiners may not always be the same, and the examinees are not obliged to take up the same subjects.

I do not share in the apprehension of those who seem to think that by the holding of a simultaneous examination here the service will be swamped by the Natives of this country, and that Englishman will be driven out of it. This apprehension is based upon an absurd assumption that Englishmen, with all their natural intelligence and superior educational institutions, will, as a rule, be beaten in fair competition by the Indians.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Girija
Bhusan
Mukerji.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.

—
Babu
Girija
Bhusan
Mukerji.

In my humble opinion for many years to come a larger proportion of the successful candidates will be Englishmen.

I do not also understand the argument of those who object to a simultaneous examination being held here, on the ground that the Hindus, and especially the Bengal Hindus, will chiefly benefit by the system, and that the service will contain Hindu members out of all proportion to the percentage of the Hindu population. Those who urge this objection seem to forget that the interests of the public service require that it should be recruited only by the fittest men obtainable, irrespective of race, creed or color. If one has to distribute the posts in the public service among members of the different communities or classes in proportion to the numerical strength of such communities and classes, without regard to the personal fitness of the candidates to fill the posts, then we should hardly have any Englishmen in the service of this Province, but ought to give away to the semi-savage aborigines at least one appointment out of every forty.

As regards the religious difficulty implied in this objection, I think that the Hindu or the Mahomedan gentleman who had passed the high tests of the Civil Service examination would certainly be above all religious bias. It would certainly be unjust and unwise to handicap the members of an advanced community simply because some of the other communities have not made equal progress. I have travelled almost all over India and mixed freely with all classes of the people; and from the consideration that has always been shewn to me everywhere by all classes, I may be permitted to observe that the Bengalis, as such, are not disliked by the people of other parts of India.

I do not think it likely that the Bengalis will swamp the service, for among the educated classes in the other provinces may be found men whose chances of success will be equally great, and who are in every respect on a par with my countrymen. But if the Hindus or the Bengal Hindus do enter the service in larger numbers, it would mean, I think, that they have earned a reward to which they were justly entitled by their superior education. Physically weak men will be excluded by medical examination, and the candidates may also be subjected to tests of physical fitness of the kind to be expected in a Civilian; and no one who has not passed a satisfactory examination in riding, shooting, and, if necessary, in swimming and boating, need be finally selected. What is wanted is to select the men who are intellectually, morally and physically the best, without unreasonably and unfairly handicapping any class of Her Majesty's subjects. The interests of the backward communities may be best served by the promotion of education among them, and by that means they may be gradually assisted to compete on equal terms with their more advanced fellow-countrymen.

Sir Charles Turner—continued.

There need not be a uniform mode of recruitment for all branches of the service.

The judicial branch should, for very good reasons,* I think, be altogether separate from the executive branch of the service. And no portion of the judicial branch should now be specially reserved for the Covenanted Civil Service.

The scale of pay may also be reduced now. The officers attached to the Judicial Service should be competent to try both civil and criminal cases, and may either be required to do both civil and criminal work, or some may be employed in one kind of work and some in the other, as the High Court and the Local Government may direct. There might also be an interchange of work from time to time. I would divide this Judicial Service into two classes. The higher class to include District and Sessions Judges, Additional Judges, Small Cause Court Judges, and Subordinate Judges of the first grade, and some Magistrates and Joint-Magistrates of the first grade. The rest of the Uncovenanted Judicial Service, and the remaining members of the Covenanted and Uncovenanted Service who might be relieved of all administrative work, would come into the lower class. The lower class might be recruited in this Province in the way in which the Munsifs are now recruited; or by a competitive examination which would be open only to the Law graduates of the University. In Madras and Bombay also the recruitment might be by competition, the minimum educational qualification of the candidates being fixed according to the circumstances of each Province. In the most backward Provinces the recruitment may be made by combining both the systems of non-institution and competition, but in every case a minimum educational qualification should be prescribed. The higher class should be recruited from men of proved merit and ability either in the legal profession or in the lower branch of the service. The recruitment to be made either under the Statute of 1870 modified accordingly, or under any other new Act passed for the purpose, by a board of experts, certain general rules being laid down for their guidance.

2405. Do Natives of India labor under any, and if any what, disadvantages in competing for employment in this branch of the service?—Yes; they do labor under certain disadvantages. These may be classed under three heads:—(1) those arising from the place of examination; and these again may be subdivided into three heads, viz., (a) the cost of a journey to and training in England without any certainty of success; (b) the disinclination of parents to send away their children at an immature age from under the

* (1) (The combination of both judicial and executive functions in one officer is likely in some cases to lead to a miscarriage of justice. (2) An officer who is employed on one kind of work will necessarily acquire greater efficiency in that work than would be the case if his time were divided between various sorts of work.)

Sir Charles Turner—continued.

wholesome influence of their control; (c) domestic, social and religious difficulties; (2) the low limit of age stands in the way of our youths competing on equal terms with the young men of England, as they can hardly be expected to possess a thorough knowledge of a highly cultivated foreign language like the English language at this immature age; (3) the subjects of examination and the marks allotted to them are more advantageous to English youths.

2406. By what changes may those disadvantages be minimized or removed. Would you advocate the establishment of scholarships and allowance of passage-money to Native candidates?—I am not in favor of the establishment of scholarships and allowance of passage-money to Native candidates. Government cannot establish scholarships in sufficient numbers to place on a footing of perfect equality all the Indian candidates for the examination in England, nor would it be right in principle to ask Government to spend any money on Native candidates by way of special favor.

2407. Would you add to the subjects of examination, or alter the maxima marks obtainable in certain subjects?—As regards the subjects of examination and marks, I would make the following additions and alterations:—

Subjects.	Marks.
English composition ...	400
English literature, including books selected by the candidate ...	500
Latin and Sanskrit / ...	600 each.
Greek and Arabic ...	500 "
Italian ...	300

I would add Persian and assign 300 marks to it. Instead of the History of England alone, I would have the History of England, India, Greece, Rome and of Modern Europe, and allot 750 marks to this subject. I would also add Mental and Moral Philosophy, and assign 400 marks to it. I would leave the other subjects and marks as they are. Although some of the vernacular languages of India (and especially the Bengali) have been greatly cultivated, I would not add any of these in the list of subjects for the first examination, because they are inferior to the modern European languages included in the list in point of culture. But I would insist that no candidate be finally passed who has not learnt the vernacular of the Province to which he has been allotted as well as any ordinary Native of the Province, or at all events as well as Indian candidates have to learn the English language. I think ignorance of the Indian vernacular in the Civilian means a heavy tax upon litigants and to the country in various ways.

2408. If an examination is held in India, should it be identical with that held in England?—Yes, identical so far as practi-

Sir Charles Turner—continued.

able in an examination of this kind. The *visi voce* examinations may be altogether dispensed with, and if retained, should be limited to one subject. It will not be possible to secure that the examinations shall be absolutely identical, but it is only necessary to insist that they shall be identical for all practical purposes.

2409. Should it be held at one or more centres in India? Should the candidates in England and in India compete with one another and be selected in order of merit, or should a certain number of appointments be apportioned for competition to the candidates at the respective examinations?—At one centre; either at one central place like Allahabad, or in alternate years at each of the University centres. The candidates both here and in England should compete with one another and be selected in order of merit.

2410. If such an apportionment is made, on what principle is it to be regulated? Should there be an apportionment between the residents in the territories of the several Administrations, respectively, or between the members of the principal religious sects?—Any apportionment of appointments between the Indians and the English or between the residents in the different Provinces will not be fair and will violate the principle of the Act of 1833.

2411. If an examination is held in India, should the successful candidates be required, as a condition obligatory, to proceed to England to complete their training?—It is no doubt desirable that the successful candidates should have the best training possible in the interests of the country; and as at present the educational institutions in England are superior in efficiency, and as I set a very high educational value on travel and on free social intercourse on terms of perfect equality between Indians and Europeans, for my part I have no objection to urge against proceeding to England being made obligatory on the successful candidates; but I fear such a rule would not find favor with my community generally, and it might prevent a few of our best men from competing for the service.

2412. Are the young Natives obtained under the existing system of the open competition in England the best as regards character and capacity who could be obtained under any system?—I believe they are as good as could be got under the circumstances, but by widening the field of competition we may expect to get a better selection.

2413. Do you think we get the best men who can be got under any system?—I believe they are as good as we could get now; but by widening the field of competition we might get better men.

2414. Have you learned Sanskrit?—I took it up for my B.A. degree.

2415. Have you read Sanskrit literature beyond what is required for the degree?—

Vol. VI.
Sec. II.
Bengal.
—
Babu
Girija
Bhusan
Mukerji.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Girija
Ishusun
Mukerji.

I have read five or six different poems of Kali Dasa. I have not read the Vedas.

2416. You are not required to read Sanskrit philosophy?—For the M.A. degree we have to read selected poems and portions of the Rig Vedas, and we have also to take up a system of philosophy.

2417. How many take up Sanskrit?—About ten or twelve men passed last year in Sanskrit. Altogether about seventy passed the M.A. last year. Ordinarily, in my time, about twenty or twenty-five used to pass; now the average is about fifty.

2418. Are the vernaculars used in your courts generally?—Yes; the vernacular language of the courts is Bengali.

2419. Do the pleaders plead in English?—Before Subordinate Judges they plead either in Bengali or in English; but before English Judges they always plead in English. Sometimes in Munsifs' Courts they also plead in English, but ordinarily in Bengali.

2420. A Subordinate Judge in Southern India told me that if he asked his pleaders to plead in the vernacular, they could not do it?—They would mix up English with it: English law terms and technical words.

2421. Have you practised in the Subordinate Courts and in the Magistrates' Courts?—Generally in the Civil Subordinate Courts.

2422. Are you satisfied with the Subordinate Judges and Munsifs in this Presidency?—Yes; I think they are as good men as may be got under the circumstances.

2423. What are the circumstances which would prevent your getting better men?—Under the present mode of recruitment, pleaders of three years' standing who are B.Ls., are appointed, and they rise by promotion to the higher ranks. If we imported some of the well-qualified men in the profession and put them in as Subordinate and District Judges, it would improve the service.

2424. Do District Judges give satisfaction to the people?—It is a difficult question to answer. Sometimes they do, and sometimes they do not. As a rule, I find that when they are first appointed Judges, they do not know much of Civil law, but there are some of them who are very good lawyers and as good men as you could get: others are less efficient.

2425. Do they enjoy the confidence of the people as a class?—This also is a difficult question to answer. I think that in certain respects they do.

2426. The purity of their motives is never suspected?—The purity of the motives of Native Judges is never suspected now, much less that of European Judges.

2427. They are free from prejudices?—I believe the educated men who now fill the higher offices are, as a rule, above prejudices in the discharge of their duties.

2428. Is criminal justice administered satisfactorily? Take the Native judiciary of the lowest grade?—I think they are inferior

Sir Charles Turner—continued.

men, as a rule, to the Civil Judicial Service. Munsifs are recruited, as a rule, from professional men, and therefore we find better men on the Civil side. There are some on the other side who are good men, but the number is limited.

Mr. Ryland.

2429. You said that residence and training in England are beneficial, and you would recommend successful candidates to go to England. You also said that a few might object. Do you think the objections of the few should be weighed against the general opinion as to the increased efficiency of officers?—I do not think so. You may lose a few men, but you must consider the efficiency of the service as a whole. I am in favor of it, but it would not be popular.

Mr. Ramaswami Mudaliyar.

2430. You are a Brahman?—I am a high caste Brahman of Bengal.

2431. Have men of your caste been to England?—Yes; some have gone.

2432. Have they been formally excommunicated?—They are nominally excommunicated. We are passing through a transition period now, and we allow many things to be done which are against the general sense of the Hindu public.

2433. Have they for all practical purposes been shut out of society? Do orthodox people go to their houses?—I have known instances of men who have been to England and are still received on much the same footing in society; but in such cases their going to England was not a notorious fact.

Mr. Fitzpatrick.

2434. When you speak of nominal excommunication, is there any such thing as formal excommunication?—No; not here. When questions arise a meeting of the caste-men is held.

2435. Is there not a meeting of the caste and a resolution passed that a man shall not be allowed social privileges?—Not as a rule; but when a man attempts to enter within the pale of the caste, then the caste-men meet and pass their decision. They do not take up the question until it is thrust upon them.

2436. Suppose it is thrust upon them, are you aware of any instance in which the caste-brethren have decided that a man should be excommunicated?—There was a case in which the question was taken up, a portion of the caste decided in favor of his admission and a portion against it, and the gentleman in question has been admitted to the society of a portion of his caste-fellows.

2437. Are there cases where a formal decision has been arrived at?—I am not aware of any other case than the one I have mentioned.

Mr. Fitzpatrick—continued.

2438. Are you aware of a case in which a man who has not been to England goes to the house of a man who has been to England and takes meals with him and is himself not received in society by his caste-people?—I am not aware of any such instance. I know of many gentlemen who have never been to England and who have taken their meals with gentlemen who have been, but have not themselves been excommunicated. As I have said, we are passing through a period of transition.

Sir Charles Turner.

2439. Have you any spiritual *guru* in your caste to whom caste matters are referred?—We have *gurus*, but I don't think questions of caste are referred to them. Their views and opinions are, however, respected.

2440. Is it not an old custom to refer questions of caste to *gurus* or spiritual teachers?—I am not aware of any such custom in these Provinces.

2441. Should the Uncovenanted Service be recruited only from Natives of India as described in Statute 33 Vic., Chapter 3, section 6, or from all natural-born subjects of Her Majesty?—As regards the judicial branch of the service, I have already given my views. I would not object to the Uncovenanted Service being recruited from all natural-born subjects of Her Majesty, if the Natives of the country are placed on a footing of perfect equality with their English fellow-subjects as regards the higher services, and such branches of the Uncovenanted Service as are now chiefly recruited by Europeans, and if all distinctions of political privileges be done away with between subject and subject, provided always they possess the necessary qualifications; among others, an intimate knowledge of the language, manners, customs, and habits of the people of the Province to which they may be appointed.

2442. Should the recruitment be by competition or by nomination, or by both systems combined; and, if by both combined, should one system be applied to all offices or classes of offices, or should the system be varied with the class of offices?—For the executive branch also competition should be the general rule, as fair nomination is impracticable. In the most backward Provinces both the systems of nomination and competition may be combined; a minimum educational qualification should, however, be insisted on in all cases, regard being had to the circumstances of each Province. In this Province competition may fairly be limited to the graduates of the University.

2443. Whatever system be adopted, should the recruitment be made by the several Administrations only from persons resident in the territories under such Administrations, respectively, or with a preference for such

Sir Charles Turner—continued.

residents?—If the ambition common to all Indian subjects is met fairly by admission to some higher service, and if in all the Provinces competent men are found in sufficient numbers to fill the higher ranks of the service, I would certainly reserve the Uncovenanted Service for the residents of the respective Provinces who have acquired (1) domicile for a minimum period, and (2) mastery of the vernacular tongue of the Province. But I would always give a preference to such residents.

2444. If the existing Statutory Service is abolished, should the proportion of offices assigned to that Service be allotted to the Uncovenanted Service?—If the Covenanted Civil Service is practically thrown open to Indian subjects, I do not care how these offices are allotted. In that case it would be better, perhaps, to allot some to the Uncovenanted Civil Service and some to the Judicial Service referred to in my scheme.

2445. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service accordingly as the posts are held by members of that branch of the Service, or by members of the Statutory or Uncovenanted branches?—According to my view these questions do not arise. I have already suggested the reduction of the scale of pay as regards the Judicial Service. With regard to the executive branch, if the Statutory system is retained, and the officers are not obliged to go to England, I would make a distinction in the salaries, and pay the Statutory Civilians 20 per cent. less.

2446. You would reduce salaries; at what point would you begin?—Up to a certain limit the salaries should be the same, say up to Rs. 400 or Rs. 500 a month.

2447. Are the initial salaries of the Subordinate Executive and Judicial Services sufficient to attract the best men?—They are sufficient to attract the best young men who are beginning to practise, but not the best young men when they have obtained a practice.

2448. Do we get good pleaders to take the post of Munsif?—A pleader with some practice would not take the post; but you might get a large number of good pleaders to take the post of Subordinate Judge.

2449. Would a pleader who made Rs. 300 or Rs. 400 a month accept a Munsifship on Rs. 200?—Some might do so, because service under Government has distinct advantages. But others would not, because the profession is more independent, and there is not the liability of being transferred from province to province.

2450. Have you ever heard that there is more difficulty in posting Native officers than European by reason of their dislike to go to a distance from their homes?—There was a difficulty in former years; but now-a-days that difficulty is diminishing.

Vol. VI.
Sec. II.
Bengal.

Babu
Girija
Bhusan
Mukerji.

WITNESS XXX.—25th February 1887.

Examination of M. P. GASPER, Esq., Barrister-at-Law, Calcutta.

Mr Fitzpatrick.

Vol. VI.
Sec. II.
Bengal.
M. P.
Gasper,
Esq.

2451. You are a member of the Bar?—I was called to the Bar in 1871, and have been practising since 1872. I also passed the open competitive examination for the Civil Service in 1869 and the final examination in 1871, but I was rejected on the ground of ill-health.

2452. Is the existing system of appointing Natives to the Statutory Service approved?—I should say not.

2453. What are the grounds of disapprobation?—The grounds are that it is a distinct departure from the principle which was adopted in England, namely, that the Covenanted Civil Service should be recruited by open competition. The same objections which applied to the system of nomination in the old days apply to the system of recruitment under the Statutory system.

2454. Are there any practical objections to it?—Practical results show that the objection is sound. In my opinion the generality of the men selected are by no means the pick of the country—men fit to be compared with Covenanted Civil Servants.

2455. Has there not of late been a competitive examination?—I am not aware of any examination except the departmental ones.

2456. Are the defects of the existing system susceptible of remedy by an amendment of the rules or of the Statute?—I think not. I think the provisions of the Statute should be repealed.

2457. Assuming that that view is not accepted, and that the provisions of the Statute are not substantially amended, should they be altered with respect to the description of persons in whose behalf they should be exercised?—I should say that only men who have distinguished themselves in some form in a profession should be eligible for appointments in the Statutory Service. I would not include members of the Uncovenanted Service or advocate the appointment of untried men at all, but only of men who have distinguished themselves in the legal profession—Barristers, Vakils, and Attorneys.

2458. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training?—If it is retained in its present form, I would answer in the affirmative and would compel them to go; but if it is retained in the amended shape I recommend, there would be no necessity for the men who are appointed to go to England.

2459. Do you not think approved service in the Uncovenanted Service affords good ground for appointment to the Statutory

Mr Fitzpatrick—continued.

Service?—If I am to answer the question I would say "no." Even if a man in the Uncovenanted Service showed himself to be exceptionally fit, I should say that by reason of the subordinate position he has filled, the habits of thought and mode of dealing with things which he has acquired or become accustomed to, are such as would not fit him for superior service. I apply this remark to the whole of the Uncovenanted Service.

Mr Ryland.

2460. In what time would your professional man acquire the necessary official experience?—It depends on the man. An Erskine may acquire experience in a very short time; another may not even if he lived for ever.

2461. Would you appoint any limit of time?—I would not. I think hard-and-fast rules entirely defeat the object for which they are intended.

2462. You think that in the Uncovenanted Service there are not men of the same calibre and merit as Vakils?—Intellectually they might be quite as good as anybody else, but the whole of their career has been of a character which has made them look at things from a subordinate point of view, and they have lost all habits of independent thought and action.

2463. You think that service in subordinate posts rather degrades than elevates a man?—No; I do not mean that; but it makes him less fitted for the highest branches of the service. He loses independence of mind and thought; he lacks the power to initiate and to control and regulate matters; to press his own opinion, and so forth.

The Hon'ble Kazi Shahabuddin, Khan
Bahadur.

2464. Are Uncovenanted officers not placed in positions in which the exercise of the very highest qualities are called for—an officer in charge of a subdivision for instance?—Theoretically they may be, but practically they are not. A man in charge of a subdivision cannot initiate anything of importance without the orders of the District Magistrate.

2465. Do you speak from any experience of the working of mufasal officers?—Yes; until within the last six years my practice was practically confined to the mufasal.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr—continued.

2466. The system is to call for reports from the lowest grade of officers?—My experience is that reports are often called for after the highest officer has formed his opinion.

2467. Do I understand you to say that the provisions of the Statute should be repealed?—Yes.

2468. Do you give this opinion for the whole of India or for Bengal alone?—In my opinion the Statute should be repealed for the whole of India, but my experience is confined to Bengal.

2469. Do you think the conditions of all the Presidencies are the same?—On the contrary. But in a matter like this there are good reasons why the Statute should not exist for Bengal, and I cannot conceive how those reasons should not apply to the whole of India. The arguments for the retention of the Statutory Service are distinctly in favor of Bengal, because the general body of the inhabitants of Bengal are better educated than the general body of the people elsewhere, and the selection is more likely to turn out right in Bengal than elsewhere.

2470. You are strongly against promoting members of the Uncovenanted Service to the Statutory Service. Would you be surprised to hear that there are men in the Bombay Presidency who have been so promoted and who are giving the greatest satisfaction?—I would not be at all surprised. I am only speaking of a system which should generally obtain.

2471. Would you be opposed to promoting men of exceptional ability in the Uncovenanted Service?—Yes, notwithstanding the injustice which may be involved in a very rare case of that kind. I think the principle should be followed that selection for particular posts should be from particular bodies.

2472. Do you think that a competitive examination is an infallible test for getting the best men?—On the contrary, very frequently it keeps a good man out and lets in an inferior man. But the question was thoroughly discussed by men whom I have learned to respect—Lord Macaulay, Sir Stafford Northcote, and Sir Charles Wood—and they decided that admission to the Civil Service should be by open competition. I think that on the whole it is the best system, although I admit that frequently first-rate men have been left out and inferior men have been let in.

Mr. Stokes.

2473. What is your objection to the retention of the Statutory Service?—In this country it is a very difficult thing to resist pressure. The kinds of pressure that are brought to bear are manifold. Secretaries to departments, and Government officers of all descriptions—I speak from my own experience of two or three officers—are pestered with visits and with all kinds of applications and

Mr. Stokes—continued.

recommendations; and in the long run, from sheer exhaustion, the Secretary yields, and a man is appointed for whom there is no security that he will turn out efficient.

Mr. White.

2474. You do not apply your remarks to the appointment of domiciled Europeans?—I apply them to all. My idea is that the Statutory Civil Service should be abolished without any reservation.

2475. Then you would give a man outside the Covenanted Service no possible opportunity of rising to anything better than the highest position in the Uncovenanted Service?—I think not; what I have to say later on in respect of the Covenanted Service will show that I fully appreciate the merits of men in the Uncovenanted Service, and would be prepared to do them complete justice.

2476. You lay it down as a principle that they should be excluded from the other branch of the Service irrespectively of the quality of the men?—Yes, as a principle, because I say a Service should be created according to some fixed principle.

2477. Then under those circumstances you must be prepared for an immense amount of dissatisfaction, and it would necessarily follow that you would very much reduce the efficiency of the Subordinate Service, because you would have a lot of discontented men in it?—When you have heard what I have to say of the Covenanted Civil Service, you may possibly be of opinion that these results would not follow.

Mr. Fitzpatrick.

2478. Is any dissatisfaction felt in regard to the system for the recruitment for the Covenanted Civil Service?—I believe there is. I do not attach much value to the objection that the Natives of this country cannot go to England by reason of caste. I think that objection is more rapidly disappearing than we imagine. The real objection is that the chance of success in the competition is uncertain, and the class of Natives as well as domiciled Europeans in this country who would send their sons to compete are, as a rule, not wealthy; and if the chance of success is uncertain, there is great reluctance on their part to send their sons to England to compete for an appointment which is in the air. That is the real ground of dissatisfaction, so far as I can gather.

2479. Should any, and if any what, changes be made in the system of recruitment?—The Covenanted Service should, I think, consist of an Executive Service, and the Executive Service should be recruited by examinations held in England as well as in India.

2480. You mean it would be exclusively an Executive Service?—Yes, and I have carefully considered the subject.

Vol. VI.
Sec. II.
Bengal.

*M. P.
Gasper,
Esq.*

Mr. Fitzpatrick—continued.

Vol. VI
Sec. II.
Bengal.
—
M. P.
Gasper,
Esq.

2481. Would you have the examinations simultaneous and identical, and the successful candidates placed in one list in order of merit?—Yes. I do not think there is the smallest ground for the apprehension that the Service will be filled by Natives of the country. I think the proportion of Europeans to Natives would be much the same as now.

2482. If it were to be filled by Natives, you think it would be an objection?—I think it would. As the Covenanted Service I am contemplating would be purely an Executive Service, I think it would be objectionable if there were not a good proportion of Europeans in it.

2483. Have you any other change to suggest besides that of simultaneous examinations?—One change is that the limit of age should be considerably increased. I think the age should be from twenty-one to twenty-five. My reason is this:—the object of an open competition for the Civil Service is to get the pick of the men from the Universities of England, Scotland, and Ireland, and the British dependencies. That object has distinctly not been attained, and the reason why it has not been attained is that the age is too low. Young men of eighteen and nineteen at the Universities have hopes and aspirations which disappear with a little more experience of things; and the older men who have tasted the hard realities of life, and who would have gone in for the Service, have lost the chance. A very young man who has the chance of getting a first class will not go up for the Civil Service, but if the age were increased to from twenty-one to twenty-five, he would by that time have faced the world and found how much his real chance of obtaining an opening in a profession fell short of his expectations, and he would go up for these examinations which he would have gone up for at first, if he had only then seen things as he found them to be afterwards.

2484. Would not you fear that the good men would have all been weeded out and that you would only have the rest?—How many are there who get a first class and high honours who, if they had known what the Civil Service is, and what their chances in England were, would not have come out to India. I think it is of great importance to get men of mature minds and mature bodies into the Civil Service. One frequently finds that a Civil Servant, who by reason of his place in the examination has led one to imagine that he would have risen to distinction, disappoints expectations, and the reason is over-exertion when he was too young.

2485. Would you hold the examination in India at one or more centres?—That is a matter of detail which I have not considered.

2486. If the examination is held in India, should the successful candidates be required to go to England for training?—I have had a good deal of difficulty in answering this question, but on the whole I have come to the conclusion that he should.

Mr. Fitzpatrick—continued.

2487. Are the men who are obtained under the existing system the best that can be had under any system?—No, I am quite sure they are not. I have no doubt that the men who come out in the Civil Service—good men as they are—are not as good as could be got.

2488. The question is confined to the Natives who have entered by competition?—Yes, I understand.

2489. What is your scheme for the Judicial Service?—I should say that it ought to consist of three distinct branches, one of which would deal with magisterial cases: criminal offences of a comparatively slight character; the whole of the inferior criminal work ought to be done by the Uncovenanted Judicial Service. Only I would suggest that even that Service should be recruited both in England and in India, either by examinations different from the examinations for the Covenanted Service, or from the ten or fifteen men in the examination for the Covenanted Service who first fail to stand high enough for the Covenanted Service. The difference in the calibre of the ten men just kept out and the ten men who were just above in the list is very slight, and the former would generally be glad to come out in the Uncovenanted Judicial Service. The civil work should be done by the present class of Munsifs and subordinate Judges. Although the appointment of Munsifs is at present in the hands of the Judges of the High Court, I think they should be selected by competition from amongst pleaders of some standing. The Subordinate Judges should be selected from amongst the Munsifs. With respect to the highest judicial offices, I think it necessary that District and Sessions Judges should be professional lawyers—not necessarily Barristers: they may be either Barristers, Solicitors or Pleaders.

Sir Charles Turner.

2490. You have not told us how you would select your superior Magistracy?—The whole of the subordinate work in the criminal branch should be done by the Uncovenanted Service, and they should be subordinate not to the Collector and Magistrate, but to the District Judge and the High Court.

Mr. Ryland.

2491. If the Service—Uncovenanted as well as Covenanted—is to be recruited to this immense extent by competition, pure and simple, would there not be a danger that it would be swamped by men of particular classes, by Hindus as distinguished from Mussulmans, or, in some parts of India, by Brahmins as distinguished from other castes, or the residents of a particular locality, like Bengal for instance?—There would be that danger doubtless, but it could be to some extent met by a provision to the effect that a particular Province should be, so far as was

Mr. Ryland—continued.

possible, manned by officers selected from that Province.

2492. You said you would raise the age chiefly in order to get picked men from the Universities. Had you in mind English or Indian Universities?—I had both in my mind. The Indian Universities are now out of the running. Several of the Natives now in the Covenanted Service have not taken University degrees.

2493. Do you not think the members of the Covenanted Service should possess other qualities than mere intellectual ability?—Yes, and that was considered by Lord Macaulay and others in 1855.

2494. Do you think you will secure the same class of men in every way as the English Universities turn out?—This is in effect asking whether the inhabitants of India are in every way equal to the inhabitants of England.

Mr. Fitzpatrick.

2495. You have already stated that you would regard it as an evil if the majority of the Covenanted Civil Servants were Natives?—Of that I am quite certain, because the service which I contemplate is to be purely executive.

Mr. Peacock.

2496. Don't you think that if you raised the age to twenty-five there would be a danger of the men's minds and ideas and habits being so thoroughly formed that they would never take kindly to service in this country?—So far from that being the case, I think it would be a great advantage that they would have looked at matters from a point of view from which men in younger years do not regard them.

2497. When they come out, would they not be discontented and impatient of the conditions to which they would have to submit?—They would have made their choice after mature deliberation, and there would be less dissatisfaction than if they choose their career as boys.

2498. The Judicial Service, I understand, would deal with the whole judicial work of the country now done by Munsifs, Deputy Magistrates, Subordinate Judges, and District Judges?—Yes, District Judges having before them the prospect of promotion to the High Court, which would have the effect of attracting the best men in the profession.

2499. How would you treat the quasi-judicial duties of the Revenue officer?—As far as the Covenanted Civilian is concerned with revenue matters, it being purely executive work, it would be necessary to leave that work with them. I would regard these as executive duties, and would assign them to the Collectors and Assistant Collectors. To the Commissioners of Divisions I would give

Mr. Peacock—continued.

Secretaries instead of Personal Assistants as at present.

2500. You would leave the whole work connected with revenue administration, such as partition and mutation cases, to Collectors and Assistant Collectors?—Yes, because they are of an executive character.

2501. Have you had much practice in the mufasal?—I have practised very largely in districts in the mufasal, in twenty-eight out of thirty-five districts, and only for the last five or six years in Calcutta.

2502. You would raise the limit of age for the competitive examination to twenty-five. Do you think the successful candidates would not require any training in England?—I would bring them out at once, because I think they would require no training for purely executive work.

2503. The duties on which they would be employed when they first come out would necessarily be of an unimportant nature?—I do not think the work which an Assistant Collector now performs is unimportant. He would have to deal with all mutation cases proper, all revenue cases, all partition matters, several of which require qualities of mind of a high order.

2504. Do you think men without any knowledge of the usages and habits of the people or any training in law, are fit to take up such cases?—I am emboldened to say "yes;" because I find that even under the present system Assistant Collectors take up such work.

2505. But have they not, during the two years spent in England after the competitive examination, to pass examinations periodically and to attend the law courts?—Very little. I consider their training to be wholly insufficient to qualify them for judicial work.

2506. Are you aware that Sir Henry Maine has given his opinion that the training they receive produces excellent results?—I have passed these examinations myself, and I would say that they are of no use at all for judicial work. The fact is that selected candidates get no real training in law.

2507. We are talking of executive work. Do you think they would be perfectly fit to take up executive work at once?—Not perfectly fit, but as fit and more fit than the young Civilians who come out now, and are at once entrusted with such work.

2508. You would bring out older men. What would be the effect when they find they are put to these duties?—They would take to them, I submit, in a better spirit than young men. Being older and maturer men, they would understand that it is a necessary part of the work they have to go through, to qualify for higher appointments.

2509. Do you think they would be satisfied to remain in an inferior position for some time as the younger men now are?—That would be a matter for the Government to consider: it would depend upon how many

Vol. V
Sec.
Beng.
M. I
Gaspé
Esq.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
—
M. P.
Gasper,
Esq.

appointments are made, the rate of retirement, and so forth.

2510. As regards the rate of retirement, they would attain maturity when they come out, and they would first have to adapt themselves to the conditions of the service, and they would have to retire at a more advanced age. Do you think they would be equally efficient?—I think that, being fully developed in body and mind, they would be able to stand the climate better. Look at the Judges of the High Courts who come out from England late in life: they retire and live for many years in England.

The President.

2511. Do you see any danger in the complete separation of judicial and executive functions? Do you not think there might be conflict and friction between the two sets of officials?—On the contrary, I think the present uncertain demarcation creates that conflict and friction, by reason of the fact that there is no knowing where the duties of the executive end and where the functions of the judiciary begin. But if the demarcation was perfectly distinct and intelligible, there would be more harmony between executive and judicial officers than there is at present.

2512. Take a case where a Magistrate orders a riot to be dispersed; do not the judiciary sometimes acquit persons who have been arrested and brought to trial, on grounds which the executive officers very often think insufficient? Each department takes one view, and the consequence is that there is friction between them?—It is so. But one of the reasons which influenced me to recommend the separation of the executive and judicial functions was to prevent such friction from producing mischievous results, because under the system I contemplate the Collector and Assistant Collector will have nothing to do with judicial work.

Sir Charles Turner.

2513. What is your opinion of the efficiency of the Sub-Deputy Magistrates?—I have no experience of them. I don't think I have ever appeared before any of them.

2514. Is the Native Magistracy efficient?—The younger and later appointed men are: they are better educated.

2515. What is your opinion of the Munsifs?—Here I would have to give an opinion gathered from the records of appellate cases. Except in one instance, I have not appeared before any Munsif; but I have known several pleaders who have become Munsifs, and I believe they are fair representatives of the class.

2516. And from the knowledge thus gained, what is your opinion of the class?—Fairly good.

2517. What is your opinion of the Subordinate Judges?—The later promotions are

Sir Charles Turner—continued.

better than the former ones: they are promoted from the more educated Munsifs.

2518. As regards the District Judges, what is your opinion?—As regards their integrity, fairness and other qualities, being able and educated gentlemen, one could not wish for any improvement; but by reason of the country having been flooded with innumerable Acts and an enormous quantity of Indian and English case law, and there being a large number of Barristers and educated and trained Pleaders throughout the country, the District Judges not being trained lawyers are not qualified to perform their duties. There is difficulty and delay in the decision of cases, and not unfrequently a case which ought not to take more than a quarter of an hour to decide, by reason of the necessity for the consideration of all kinds of elementary questions, takes three days. They work slowly, because they are obliged to apply their undoubted talents to the consideration of cases of which they have had no experience, and of points of law with which they are not familiar. The present judicial system answered very well when our laws consisted of a few simple regulations, and what was called "justice, equity and good conscience." But the laws now administered in India are more complicated than the laws of any other country with whose laws I am at all acquainted, and it is obvious that to administer such laws, trained lawyers are necessary.

2519. With regard to the future you say you would have competition for Munsifs?—I would do so on the principle adopted in 1856, namely, that competition is the best test.

2520. Do you think you would get pleaders who have any practice to take Munsifships?—I would get pleaders of three years' standing. It is so difficult in the pleaders' profession to get a livelihood that I have no doubt the very best men would compete.

2521. We have been told that pleaders who have practised will not compete?—No pleader, with a very few exceptions, will get any practice in three years.

2522. Have pleaders whom you have known to make more in their profession than the pay of a Munsif accepted Munsifships?—I think that some who have earned more than the pay of a Munsif have accepted office by reason of a certain competency and of a pension for life, and also the prospects of promotion.

2523. Do you not think we should have in the High Courts some Judges who are familiar with the administration of the country?—If the District Judges are recruited from the profession, not only from those in India, but also from England, we should have men who would acquire great experience of the country before they came to the High Court.

2524. But they would not be familiar with the revenue and executive administration of the country?—As regards

Sir Charles Turner—continued.

Revenue Law, they would know quite as much as the present men. The latter qualification is unnecessary and even mischievous in a Judge.

2525. They would not be familiar with the reasons of the Government for particular acts or orders connected with the administration. These are scarcely known to Judges until cases arise in which they have to consider the effect rather than the reasons for them. Is it not desirable to have some Judges in the High Courts who are acquainted with these reasons?—Under the present system of parallel promotion in the Civil Service, those members of the service who select the Judicial branch instead of the Executive branch rise from Assistant to Joint-Magistrates, and then become District Judges; they do not, therefore, acquire this information, having never been district officers.

2526. Do you consider it of considerable importance that there should be an inspection of the courts by a supervising authority?—Undoubtedly.

2527. Do you not think that officers such as the present Covenanted Civilians, having the advantage of familiarity with the working of the Subordinate Courts better than the professional men you would appoint to the district courts?—I think men trained in law learn better where defects are to be found, and will supervise the subordinate Courts better than untrained men, who have only their natural intelligence to guide them.

2528. The inspection of offices is not a duty with which professional judicial officers are at all familiar?—They would not be familiar with that duty at first, but the difficulty would be got over in a short time.

2529. With regard to appointments in the High Court, do you think it would be desirable to have one-third of the Judges trained Civilians for the purpose of inspection and supervision?—According to the system I contemplate there would not be a Civilian Judge in the country.

Mr. Fitzpatrick.

2530.* In answer to a question by the President, whether the magisterial branch should discharge only magisterial functions, or should also exercise executive functions, as in putting down a riot, or applying the special procedure for abating nuisances, you said you advocated a complete separation of executive and judicial functions in order, amongst other reasons, to avoid friction; then according to your system the executive head of the district would have no control over the police, and would not be able to direct them to quell a riot?—I have not properly considered this particular matter, but I should say it would be dealt with precisely as it is in England,

Mr. Fitzpatrick—continued.

where the police act under the orders of the Magistrate in putting down a riot.

2531. In whom would the control of the district police be vested?—It ought to be vested in the highest executive officer in the district.

2532. At the present time the control is vested partly in the executive head of the district, and partly in the Government, under the Police Act. Would you sever this joint control and vest it in one authority?—Answering with some hesitation, I say I would vest them both in the chief executive officer of the district.

The President.

2533. Would you vest the control in your magisterial branch or in your executive branch?—I have not considered this particular point, but it would not present any difficulty of a character which could not be satisfactorily solved. The same state of things exist now; it would not be creating, intensifying or enhancing any evil.

2534. Your executive branch would consist of the Collector, pure and simple?—He would have purely executive work.

2535. You would have no functionary like the district officer to whom Sir James Stephen referred in his minute on the administration of India?—The Collector would be the district officer, but shorn of all judicial powers, and the function of trying cases, and supervising the trial of cases. I believe it is the opinion not only of the Bar, but of the best Judges, that it is a mistake to centre executive functions of a general character, with judicial functions, in one and the same person.

2536. Would he have the power of putting down riots?—He may have that power given him, but not necessarily. The powers now vested in the district officer would be split up among two functionaries.

2537. You do not believe that the Magistrate of the district or the Deputy Commissioner is the backbone of our administration?—I confess I am not much impressed with that opinion.

The Hon'ble Mr. Quinton.

2538. Who is to be responsible for the peace of the district?—I would say the executive officer.

Mr. Fitzpatrick.

2539. But how would he be responsible for the peace of the district if he was not the head of the police?—He would be responsible for the peace of the district, and I do not see why he should not be head of the police.

2540. You said the officer responsible for the peace of the districts would be appointed from among the best men who passed at home?—Yes.

Vol. VI.
Sec. II.
Bengal.
—
M. P.
Gasper.
Esq.

Mr. Nulkar.

Vol. VI.
Sec. II.
Bengal.
—
M. P.
Gosper,
Esq.

2541. As regards the joining of the two functions—the executive and the magisterial—the great objection is that under the present system the police, being under the District Magistrate, is very often subjected to pressure from the Magistrate: he directs prosecutions and he has the control of the proceedings against the accused. Is that one of the objections to the present system?—It is.

2542. Then how do you reconcile that objection to the proposition that the district officer should have the control of the police?—Because the district officer whom I contemplate would be shorn of all judicial powers.

2543. At present objection is taken to executive functions being combined with the magisterial. Do you say that those functions should still remain with the Magistrate? If you make him the controller of the police at the same time, the objection will still remain?—My answer is—no, I would make the Magistrate a purely judicial officer.

2544. But let us suppose that this cannot be done. In England it is perfectly clear that Magistrates are also to some extent responsible for the peace of districts. The Magistrate reads the Riot Act: he directs operations; in times of commotion and turbulence he has the responsibility, and it is for him to restore order. Why does not your objection to the combination of magisterial and executive authority in the same officer apply in England?—For this reason, that the training of the Magistrate in the case put has been that of a judicial officer. And in the system which I propose the man responsible for the peace of the district will have gone through a purely judicial training for years, and would acquire habits of mind which the Magistrate in England has acquired, and look at things from the point of view of a judicial officer and not of an executive officer.

2545. The objection applies here in this way, that the Magistrate here generally directs police investigations?—That is so; but what

Mr. Nulkar—continued.

I propose is that the Collector—the controller of the police—should be a different person from the Magistrate.

2546. He is here the head of the police as regards the detection and punishment of crime; and it is because the detection and punishment of crime are centred in the same man that the objection is taken?—I repeat that is the reason why I would entirely separate the executive and judicial functions.

The President.

2547. Have you anything to add on this branch of the enquiry?—I desire to point out, in conclusion, that my suggestions in respect of the other branches—Munsifs, Subordinate Judges, and District Judges—do not stand or fall with the proposals I have made regarding the Uncovenanted branch of the Service.

Mr. Ryland.

2548. Your scheme contemplates the kind of control which the Presidency Magistrates exercise; but here they are not responsible for the peace of the districts?—Precisely. The Presidency Magistrate has purely judicial functions, and under my scheme the Collector and District Superintendent of Police would have functions analogous to those of the Commissioner and Deputy Commissioner of Police in a Presidency Town.

The President.

2549. How would you recruit the Uncovenanted Service?—From all natural-born subjects of Her Majesty by open competition. I see no reason why Natives of this country should alone be Uncovenanted Servants.

2550. Have you any suggestions to offer on the subjects of pay, pension, and furlough?—I have no suggestions to offer on these points, as I have had no occasion to consider them.

WITNESS XXXI.—25th February 1887.

Examination of M. FINUCANE, Esq., M.A., C.S., Director of the Agricultural department, Bengal.

The Hon'ble Mr. Quinton.

The Hon'ble Mr. Quinton—continued.

2551. How many years have you been in the service, and what are you now?—Fourteen years, and I am now Director of the Agricultural department.

2552. In what departments of the service have you served?—Almost entirely in the Revenue department.

2553. Is the existing system of appointing Natives of India as Statutory Civilians to posts hitherto reserved for the Covenanted Civil Service approved?—No, it is generally disapproved by the Hindus. They are opposed to the system of nomination, because they allege that the best men are not secured to the public service by that system. They are generally and naturally in favor of a system of open and unrestricted competition, under which they would themselves be likely to obtain all, or nearly all, the appointments available.

Mahomedans are not opposed to the present system. They are not in favor of any system of open competition, for they rightly feel that under it they would fail to secure anything like a fair proportion of appointments.

The Local Government, I believe (though I am not authorised to speak on their behalf), disapproves of the present system of selection by nomination, because it does not afford sufficient guarantees of the possession of either merit or ability in the persons selected.

Personally I also think that the present system has failed to attain the objects for which it was designed. It was intended to give to "Natives of India" of proved merit and ability as large a share as was possible in the Civil administration of the country, and to strengthen the administration by attracting to it Natives whose social position and family connections were supposed to give them large influence among their fellow-countrymen. As a fact, it has failed to attain either one or the other of these objects. The gentlemen who were selected by nomination have not, I believe, on the whole, shown more merit or ability—and in some cases not so much—as members of the Subordinate Service. The scions of influential families, who have been attracted to the service, have not fulfilled the expectations that were formed of them, and I think too much importance has been attached to the supposed advantages of associating with the administration cadets of good family.

Those of the Statutory Civilians who were selected mainly on considerations of social status, generally failed from want of intellectual capacity or for want of aptitude and inclination for work; while those who have not been selected with regard to these considerations would have generally won their way into the service by open competition.

It appears, therefore, that in so far as any success has attended the present system, that success is due to the fact that selections have, in some cases, been made, not on the principle of picking out scions of good family, but on the principle of selecting gentlemen who had given proof of intellectual capacity, and would have got into the service under a competitive system.

I would altogether abolish the Statutory Civil Service. It is founded on invidious distinctions; it has failed so far as it has been tried, and it will never work well. If, however, the Statutory Service is to be retained, I should be inclined to throw open the appointments in it entirely to competition, were it possible to guarantee that under that system all important classes of the community would thereby obtain their fair share in the work of administration. But this is not possible. The effect of filling up all appointments by unrestricted competition alone would be to exclude Mahomedans altogether. Even under a system of nomination, Mahomedans are rapidly losing ground. Under a system of competition they would be completely out of the race. It may be said this is entirely their own fault; if they do not choose to qualify themselves by education, so as to equal Hindus in the race of competitive examination, they must be content to bear the consequences. I do not think that this is a just or statesmanlike view of the position. Mere intellectual acuteness is not the only test of ruling power or of fitness for high office. Among Englishmen it is, on the whole, the best test, because it is certain that an Englishman, Irishman or a Scotchman, who has shown intellectual capacity, is not ordinarily a book-worm and nothing more. In India the highest intellectual acumen may be accompanied with total want of physical vigour, moral courage, and administrative ability.

But apart from this consideration, it appears to me that, however logically

Vol. VI.
Sec. II.
Bengal.

M.
Finucane,
Esq.

The Hon'ble Mr. Quinton—continued.

Vol. VI.
Sec. II.
Bengal.

M.
Finucane,
Esq.

symmetrical the argument in favor of open competition may appear to be, yet it is to be remembered that men are not ruled or made content by logic; and no system can, I think, be considered satisfactory the practical operation of which would be to exclude from all share in the administration of their country the members of a most important and influential portion of the community like the Mahomedans, who in Lower Bengal number more than all the rest of the community put together. I am accordingly of opinion that competitive examination alone will not meet the requirements of the case.

I think that a fair proportion of appointments in the Statutory Civil Service, if the Service is to be retained at all, should, in Bengal, be reserved for Mahomedans; that the rest should be thrown open to competition in India among classes and creeds other than Mahomedans; and that the number reserved for Mahomedans should be thrown open to competition among them only.

In the course of time, when Mahomedans shall have become able to compete with Hindus and others on equal terms, I would throw open all these appointments to competition among all classes and creeds in India. I would encourage successful candidates to go to England by paying their passages, and by giving them the same allowances in England as are made to selected candidates of the Covenanted Civil Service, but I would not render it compulsory on them to go.

If the Statutory Civil Service is altogether abolished, I would have only one imported and one indigenous service, and I would admit all classes and creeds to both alike on equal terms, by open competition, with the reservation that I would, for a limited period, keep a certain number of appointments on the Indian or indigenous, as contrasted with the imported service, for competition among Mahomedans alone.

2554. Are the defects of the existing system, if any, susceptible of remedy?—No.

2555. What would you do?—Altogether abolish it.

2556. If the Statute is retained, what would you do?—I should be inclined to throw open the appointments entirely to competition.

2557. Would you abolish the Statute as well as the service?—No.

2558. In speaking of Mahomedans you are speaking of the Mahomedans of Lower Bengal?—Yes.

2559. Is any dissatisfaction felt at the existing system of recruitment for the Covenanted Service?—Yes.

2560. Will you state your views as to this Service?—Dissatisfaction is felt by Natives of India with the present system of recruitment for the Covenanted Civil Service,

The Hon'ble Mr. Quinton—continued.

because they are ostensibly offered, as objects of ambition, posts which it is notoriously impossible for them to attain. The higher executive posts in the administration are nominally opened, but as a matter of fact they are actually closed to Native agency, and this state of things causes disappointment among Natives, while it introduces an element of uncertainty in the Covenanted Service which must impair its efficiency. I think it would be better to declare that the conditions under which this country is held by the British Government, render it a matter of imperial necessity to have the most important executive posts manned by Europeans, and I would limit the appointments thus to be filled by Europeans to the smallest number that is possible consistently with due regard to three paramount considerations. The three considerations to which I refer are—

1st.—The maintenance and stability of the Empire;

2nd.—The good of the people themselves of all classes, and not of a particular class or classes; and

3rd.—The engagements Government has already entered into with persons now in its service.

With reference to the first consideration—the stability of the Empire—I cannot see that there would be any serious danger to the Empire, if a much larger number of appointments were, in Bengal at all events, filled by Natives than is at present the case. But with reference to the second consideration—the good of the masses of the people—it appears to me that there is very serious risk of the interests and welfare of the great mass of the agricultural population being sacrificed to the interests of a few special classes, if Natives of the class who have hitherto obtained, and are likely in the future to obtain, employment in Government service are very extensively introduced into the higher offices of the administration.

I have not been able to obtain statistics on the point; but I am under the impression that nearly all the members of the Uncovenanted and Subordinate Judicial as well as of the Statutory Civil Services are either landlords themselves, or that it is their hope and ambition to become landlords on their retirement from the public service. Their interests are bound up with the interests of a special class, and are, to that extent, antagonistic to the interests of the great bulk of the agricultural population. It is for this reason, and not because I have any sympathy with what is known as "jingoism" either here or at home, that I must say I look with a certain degree of apprehension on the wider employment of Natives of India in the higher executive and judicial posts in

The Hon'ble Mr. *Quinton*—continued.

this country. Where, as in England, there is a free and popular Government and a powerful public opinion, it may be that no great harm arises from Government by a class; but where, as in this country, there is no genuine public opinion, where all the forces of the press, of wealth, education and intelligence are on the side of one class, and that the strongest, wealthiest, and most powerful class, it seems to me a matter of paramount importance that the rulers should at least be disinterested as between all classes of the community. Government by a despotic oligarchy is at best an evil, but in India it is now, and must for many generations to come, be a necessity; and in this state of things, it appears to me that it is better to have government conducted by an oligarchy which is disinterested as between one class and another, than by an oligarchy whose interests are directly antagonistic to those of the masses of the people governed.

English Civilians in the mufasal, whatever their faults arising from ignorance of the people, or want of sympathy with them, may be, have at least, as a rule, this great merit as governors—that they have absolutely no selfish interest as between class and class or as between one creed and another. So far as they have any bias in favor of one class as against another, their natural bias must be on behalf of the poor and oppressed against the powerful and rich. Can the same be said of the Natives of those classes who are likely to obtain high office? I regret to have to say that I cannot think so. I do not hesitate to assert—and the more the assertion is inquired into, the more will its correctness be established—that more injustice has been perpetrated, and more oppression on the poorer classes has been committed in Behar, in the course of the last ten or twelve years, than was done in Ireland in the last fifty years; and without going into particulars, I may say that it is my conviction that more injustice is now being done to the tenantry of Behar than is being done, or was at any time done, by landlords in Ireland. I have seen thousands of families driven out of their homes in one small tract by landlord oppression of Natives on Natives. In short, things are done daily in Behar which no Irish landlord would dare to do, and no Irish tenant would for one moment tolerate. Notwithstanding the existence of this state of things, as the British Indian Association, themselves landlords, truly remarked in their letter of the 18th April 1881 to the Bengal Government—"until the Government had led the way as it were by the appointment of a Rent Commission, not a voice had been raised for a change in the law," by any organ in the press, by any public association, or by any educated Native gentleman. In this state of things I cannot think it safe or consistent with the

The Hon'ble Mr. *Quinton*—continued.

duty of the British Government to the masses of the people of this country, at present, to admit Natives of India very extensively into the higher executive posts in this country. The chief—I should say the sole—abiding justification for the continued existence of the British Empire in this country is that the Government, on the whole, aims at the impartial distribution of justice among all classes, poor and rich alike. If the Government abdicates that function, and, in order to purchase the acquiescence of a class, or of a few classes—however influential—sacrifices the interests of the masses, it will be striking at the very foundation of the Empire.

It is from this point of view—the welfare of the masses of the agricultural community—and not from any dislike of Natives or from any sympathy with theories regarding rights of conquest, that I feel bound to say that I do not think it would be right to admit Natives of this country largely, by competition or otherwise, here in India to posts now reserved for the Covenanted Civil Service. The reasons I have given for this opinion do not apply with the same force to Native gentlemen who go to England and enter the service there by the door of open competition. The fact that they have had the moral courage to go to Europe is some guarantee of the possession of those qualities which are necessary for successful administration, while their sojourn in England brings them into sympathy with Western modes of thought and Western ideas of human rights, and, therefore, of the rights of their poorer fellow-countrymen, and of the duties that they owe them.

I would therefore retain the Covenanted Service generally on its present footing; but in order to enable Natives to compete in reality and not in name, I would raise the limit of age for Natives and Europeans alike to twenty-one or twenty-two.

With reference to the third consideration mentioned above, namely, the obligation which Government is under to persons now in its service, I should say that the Civil Service was made for India, and not India for the Civil Service, and if the satisfaction of the just claims of the Civil Service is inconsistent with the welfare of the country as a whole, the Civil Service must be sacrificed to the country. But I do not think there is any such inconsistency. I do not believe that the members of the Covenanted Service, generally, have any objection to the admission of Natives to any posts which they may be competent to fill, but such appointments should not be made in such a manner as to involve a breach of faith with members of a service whose legitimate and reasonable expectations are already far from being fulfilled.

After full discussion, the principle has, I believe, been accepted by the Secretary

Vol. VI.
Sec. II.
Bengal.

M.
Finucane,
Esq.

The Hon'ble Mr. *Quinton*—continued.

Vol. VI.
Sec. II.
Bengal.
—
M.
Finucane,
Esq.

of State that it is reasonable for a Covenanted Civilian to expect—

a salary of Rs. 700 after four years' service;

a salary of Rs. 900 after eight years' service;

permanent officiating charge of a district after ten to twelve years.

The following statement shows how far these reasonable expectations now are from fulfilment:—

Reasonable expectations.		Actual facts.
Salary Rs. 700 ...	After 4 years' service.	4 years.
" " 900 ...	After 8 years' service.	11 ..
Permanent officiating charge of a district.	After 10 to 12 years' service.	14 to 15 years. Substantive— Years. 3rd grade 17 2nd .. 20 1st .. 24

The slowness of promotion, combined with the uncertainty regarding their prospects, and the unfairness and bitterness with which their conduct, official and private, is constantly assailed, are already, in my opinion, having a depressing effect on some members of the Civil Service; men become soured with disappointment before they attain positions of power and responsibility, and when they do attain these positions, they are already looking forward to the time when they can leave this country altogether. The efficiency of the service must thereby become impaired, and if, in addition to all this, persons who were unable to enter the service by the open door of competition are now put over the heads of Covenanted Civilians in posts hitherto ordinarily reserved for them, without any compensating advantages, it would appear to me that the members of the Civil Service would have just reason to complain that not alone were their reasonable expectations not fulfilled, but also that a breach of faith with them had been committed. If it is thought right to appoint persons who are not members of the Civil Service to posts ordinarily reserved for that service, arrangements should at least be made, by retiring seniors, or otherwise, by which the flow of promotion to those who remain in the service should continue unretarded. I see no difference in this respect between Civilians of the years before and after 1870. It was at all times open to Government to appoint Natives and others to appointments usually filled by members of the Civil Service. Government did not do so. It did not recruit the Covenanted Civil Service with any regard to the fact that Natives or others might at some future time be appointed to fill offices usually reserved for that service, over its members who had entered by competition. If, then, Government should now appoint persons who are not members of the Civil Service

The Hon'ble Mr. *Quinton*—continued.

over the heads of those who are members of it, without giving those members any compensating advantages, the action of Government in this respect could no more be justified than the violation of the permanent settlement, for example, could be justified by the argument that the power to break a contract is at all times inherent in Government.

2561. Do you know any of the Native gentlemen who have succeeded in passing the competitive examinations?—I know some of them—one or two.

2562. From your knowledge can you say that they are the best men obtainable under any system?—I think they are as good as could be obtained by open competition.

The *President*.

2563. Would you not widen the field of selection for the Covenanted Civil Service?—It is open to all natural-born subjects of Her Majesty at present, I understand.

Mr. *Nalgar*.

2564. You said that you would set aside a certain number of appointments to be filled by competitive examination amongst Mahomedans alone in consideration of their backward state. What do you mean by the term "Mahomedans"?—I used the term in the popular meaning, the ordinary meaning.

2565. Would you apply this remedy to get over the difficulty of their want of education?—Yes.

2566. On considering your scheme it occurred to me that there were men who might profess Mahomedanism in order to get themselves admitted into the service by an easier competition?—Your objection appears to be that it is necessary there should be a definition of "Mahomedan," and that it would be difficult to define the term in such a way that the privilege should be confined to those for whom it was intended. You may as well say that you would object to a rule to secure the representation of Roman Catholics in the public service, because you cannot define what they are.

2567. Where special facilities are afforded to persons professing certain religious opinions the difficulty might arise?—It has never arisen in any other country. Personally I do not think that difficulty is at all serious. I cannot conceive a Hindu going over to Mahomedanism in order to enter the public service on easier terms.

2568. You know the Native Civilians who have been appointed; are any of them landlords?—I do not know what their fathers are.

2569. You say that all who can save money are ambitious to become landlords?—I have not been able to get statistics to show whether land is held by the fathers of Natives in the public service or who aspire to it. But the preference of Natives for investments in land is, I think, a matter of

Mr. Nulkar—continued.

general notoriety. I have scarcely ever met a single Native official who was not either a landlord or did not hope to become one.

2570. You object to landlords getting into the service, because in these Provinces they might use their powers to the prejudices of cultivators?—I object to their getting into the higher offices to a much greater extent than they do now.

2571. Most of the witnesses insist upon the necessity of ensuring the respectability of candidates, and one of the signs of respectability is the ownership of land. Respectability is insisted on as one of the qualifications of office, is it not?—No; you misunderstand the drift of my argument. I would not exclude those who possess land from any office because they own land, but it is necessary, in order to secure impartiality, that the higher posts should at present be practically manned by Europeans. On the contrary, I would admit landholders into the service as they are now admitted. What I say is that they should be supervised in the higher offices by Europeans who are impartial as between all classes.

2572. You do not think that any member of the Civil Service should be a landlord?—Why not? If he enters by the open door of competition into the Covenanted Service in England, he may be a landlord or of any other class; so he may if he enters the Uncovenanted Service out here; but I say that European supervision is necessary to secure impartiality. In my judgment it is necessary to have the same number of Europeans in the public service that we have at present, but it does not necessarily follow that we should not have landlords in the public service. On the contrary, it is right and proper and necessary to have them; but they should be under the supervision of Europeans in the higher offices.

2573. You have stated that there is no genuine public opinion here, and that all the forces of the press, of wealth and of intelligence are on the side of one class, and you also say that in the great controversy on the Rent Bill these educated classes were all on one side?—If you will kindly refer to the text you will find that I have not said that any words are—“Until the Government had led the way as it were . . . no voice had been raised for a change in the law by any organ in the press, by any public association or by any educated Native gentleman.”

2574. Is it not a fact that a very important section of the educated classes of Natives was in favor of the ryots in that great controversy, and consequently there were great divisions of Native opinion in this city?—In Lower Bengal (in Calcutta) a small section, represented by the Indian Association, did, when the Government of Bengal had led the way, take, I confess, the side of the ryots; but in Behar I defy you to show me one single organ of the

Mr. Nulkar—continued.

press, or a single association, or even one educated Native gentleman, who took the side of the ryot—even one individual. The press may show how things are going on in Calcutta and its neighbourhood, but that is no indication of what goes on in the mufasal.

Mr. Ryland.

2575. Have you had any special opportunities of judging of these feelings?—Yes, I have had opportunities which I believe no other Indian Civilian of the present generation has had. When I was only five or six years in the service, I was appointed nominally as settlement officer in the Durbhunga Raj, but as a matter of fact I was not so, and what I was was this:—a commission was appointed, consisting of Mr. MacDonnell, the present Home Secretary, and Mr. Geddes, an eminent Judge who has since died, to consider why it was, that after the famine of 1874, there was such a wholesale abandonment of holdings by tenants in North Behar. They enquired into the causes, and they said that the cause was rack-renting and oppression of the most wholesale kind on the part of the landlords and talukdars of that part of the Provinces. It was alleged on the one side and denied on the other that the representations of the Commission were correct. I was appointed to conduct further enquiries house by house and village by village, and I found every statement that they had made was correct. This gave me a special opportunity. I was appointed as settlement officer. I spent four years in that capacity as representative of the Court of Wards. When the Maharajah of Durbhunga came of age, he asked me to be his manager, and I was appointed. I acted for seven or eight months entirely as a zemindar's manager. The Maharajah was on his *gaddi*, and I had the powers of a landlord and no more, as his representative. Therefore I knew what both sides, *i.e.*, both landlord and ryot, had to say. After that I was again appointed settlement officer under the Maharajah, which post I held for twelve months. Then, for reasons which it is unnecessary to explain, I relinquished that appointment, and reverted to Government service. Shortly after that I was again appointed on special duty to enquire into certain differences between the Local Government and the Midnapore ryots, some 75,000 in number, who would not pay rents. I spent eight months there. When the Tenancy Act discussions were going on, I was employed on special duty making enquiries regarding rates of rent. So that I have been nearly the whole of my service engaged upon work of this kind.

Mr. Stewart.

2576. You published a work on the subject?—Yes, with Mr. Rampini; it was an edition of the Bengal Tenancy Act, with notes.

Vol. VI.
Sec. II.
Bengal.

M.
Faucaud,
Esq.

Mr. Stewart—continued.

Vol. VI.
Sec. II.
Bengal.

M.
Finucane,
Esq.

2577. Have you had any experience of Native States where the whole of the administration has been carried on by Natives?—None.

2578. Are you aware that in many Native States the administration carried on by Native officials is of a high standard?—I am told so. I may mention this, that during the time I was in the Durbhunga Raj, which is in British territory, several of the tenureholders absconded into Nepaul, and when I reduced their rents they returned, saying, in reply to my enquiries, that there was no justice to be got in Nepaul, and that they preferred to live under the British Raj if allowed to hold their lands at fair rents.

2579. Do you find that in many cases the landlords are in special sympathy with the other classes?—I do not understand the question. The natural bias of mankind is towards their own interest and class. If you substitute Native agency for European, you will be introducing the system which prevailed in Ireland, where the governing classes were selfishly interested in the maintenance of the abuses complained of by the governed classes.

2580. Is it not the absence of landlords there that is complained of?—If you had had in Ireland for the last fifty years Englishmen or Frenchmen administering the country with no selfish interests at stake, those difficulties would never have arisen which have arisen. You are, by introducing here government by an interested class, introducing the system under which Ireland has been governed.

The Hon'ble Mr. Justice Mitter.

2581. You say Native officials either are, or aspire to be landlords. How did you derive that information?—From my experience of more than fourteen years. Every Native official of the Subordinate Judicial, Uncovenanted and Statutory Services in Behar was a zemindar of some place or another. I never met with one who did not tell me that he was a zemindar.

2582. From Munsifs?—Wherever I have met Munsifs I have had the same answer.

2583. Did you make enquiries from Munsifs?—I can't say that I have enquired generally from Munsifs; but I cannot recollect a single instance of a Native official belonging to the services I have mentioned, who was not a landlord or connected by family ties with landlords.

2584. From how many officers have you enquired?—I cannot say.

2585. You cannot have made many enquiries?—I do not restrict myself to any numbers, but give my impressions. Their correctness in this respect is a matter of general notoriety.

2586. Do you remember any instance in which you found a judicial officer who showed his sympathy more towards landlords than towards the cultivating classes?—

The Hon'ble Mr. Justice Mitter—continued.

I can only say this—that, on the whole, I believe that the injustice which I saw going on, and which is now going on, is brought about more by the agency of the courts in Behar than anything else. I could give numerous instances. That is the general result.

2587. Were the officers themselves responsible for it, or the working of the law?—The officers and the law combined.

2588. Give us one instance in which it was the officer's failure of duty?—I have said officers and the law combined. In one case at a village in a pergunnah which I took up, I ascertained that the rate of rent payable by ryots was Rs. 2-8 per bigha. The ticcadar of that village demanded Rs. 5-2, which the ryots refused to pay. The ticcadar distrained their crops for Rs. 5-2. They went into the court, and in those days these cases were heard by the revenue officers. The ryots got damages at Rs. 25 per bigha against the ticcadar. The ticcadar repeated the distraint; they again went to the court and got Rs. 40 from him. Then he got his brother to come into the Munsif's court and got a decree against five of the villagers for Rs. 1,000 on a bond for money lent, alleged by the ryots to have been forged. Notice of the institution of the suit was never served upon them, they never heard about it; the first they knew of it was that they were arrested and imprisoned for the debt. They said that they had then become helpless. They paid the Rs. 1,000 and submitted to the enhanced rent. The village papers shew that they had only to pay Rs. 2-8 per bigha rent before they subsequently paid Rs. 5-2. This case is a typical one. A case of this kind strikes terror in a pergunnah. It was from this pergunnah that thousands of tenants ran away into Nepaul a few years later, in consequence of rack-renting.

2589. Was not that decree appealed against?—That I cannot say. I do not attribute any motive or conscious bias to the Munsifs; on the contrary, I think they are as good as can be expected. What I have said is that a system under which one class holds all the important offices in the administration is bad, and I deprecate changes which would tend in that direction and would therefore aggravate the present evils. I do not say the Munsif or Native officials are responsible for these evils. I say the effect of largely introducing Native agency in the higher offices at present will, I fear, be to aggravate these evils, whoever may be responsible for them, which is a different thing.

2590. What made you think that this Munsif was liable for the failure of justice?—I have not said so.

2591. Your objection is that because Native public servants have no sympathy at all for the cultivating classes, therefore you would not like to see many of them

The Hon'ble Mr. Justice *Mitter*—continued.

appointed to the public service. Unless you can give us one instance in which a Munsif or any other public servant was biassed, I do not think you are warranted in coming to the conclusion that you have come to?—In the case referred to, the European officer gave damages, and in the other court no justice was done; but I do not think I am called upon to show individual cases of wilful misconduct in order to justify the opinion that a system of administration by one class is not a satisfactory system.

2592. Can you give us any single instance in which it was the bias of the officer which caused the failure of justice?—I have not said so, and even if I knew of any such case, I would not be justified in mentioning it.

Mr. Fitzpatrick.

2593. Is it not a fact that you have been one of the most prominent opponents of landlords in Bengal? Have you not occupied that position?—Certainly not; the fact that I was for some time a servant of one of the largest landowners in the Province seems to me to indicate that I am not. I am in no way opposed to the landlords of Bengal or Behar. If my reports left any such impression, it is because I was one of the few officials who could state facts instead of theorising. I consider myself a friend to the zemindars. It is to their true interest to have the facts known and measures adopted accordingly.

The Hon'ble Mr. Justice *Mitter.*

2594. I suppose you have mixed with many zemindars in Behar; have you heard them complain that the Munsifs show more sympathy for ryots than for the zemindars?—I have heard that occasionally.

The President.

2595. Should the Uncovenanted Service be recruited exclusively from Natives of India or from all natural-born subjects of Her Majesty in India?—From all classes.

2596. And should it be by competition, or by what other method?—By competition, with this reservation, that I should keep a certain number of appointments for Mahomedans.

2597. Would you make any difference in the cases of different classes of offices, or would you have one system for all classes of offices?—I should be inclined to have competition in all cases.

2598. Should the recruitment be made from the persons resident in each Province, or would it be open to all?—From among residents in the Province and provincially.

2599. If the Statutory Service were abolished, would you give back the one-sixth of the appointments to the Covenanted Service?—I do not understand upon what principle that number has been fixed. It

The President—continued.

seems to me a somewhat arbitrary number, and to have been fixed without any reason whatever.

2600. Accepting it as such, what would you do with the appointments reserved to the Statutory Service in the event of its abolition?—I cannot answer the question definitely. If it has been done on the theory that a certain number of appointments, say one-sixth, will be the exact number which Natives may well fill, then I should give it to the Uncovenanted Service. But if it has been done without any principle, then I cannot answer. Natives should have a preference for appointments in their own country. If the appointments represented by this fraction are appointments which Natives can properly hold, they should have a preference, and I would, therefore, in that case give these appointments to the Uncovenanted Service; but I do not know what appointments were meant to be given in this way.

Mr. Hudson.

2601. Do you think that justice is really within the reach of the very poorest classes?—I say that for all practical purposes it would, up to recent times, be the same in Behar if you had no law and no Civil Law Courts.

2602. Do you not think that if Deputy Magistrates and Munsifs were better paid and had a better chance of promotion into the higher branches of the service, that it would do more real good to India than anything else you could devise?—I should have Deputy Magistrates heading the list; I should not have the Statutory men.

2603. Do you think that if you got better men for the lower Subordinate Service, it would do more good than any other reform?—Yes; I think the efficient and impartial enforcement of the law is required in Behar, and not new laws in which I have little confidence.

Mr. Stewart.

2604. I wish to know in reference to the Subordinate Executive Service at what grade would you admit them?—Sub-Deputy Collectors.

2605. Would you allow no way for the promotion of ministerial officers?—We have practically no kanungos in Bengal, and we have no settlement records. I should generally fill up appointments by a system of competition, but I should leave a discretion to the Local Government to reward merit in particular cases.

Sir Charles Turner.

2606. You say that you would appoint Munsifs by competition?—Yes, but I have qualified my statement by saying that my opinion regarding the appointment of Munsifs is of very little value.

Vol. VI.
Sec. II.
Bengal.

*M.
Finucane,
Esq.*

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
—
M.
Finucane,
Esq.

2607. What set of men would you get?—Of exactly the same social class as at present.

2608. What would be the advantage over the present system?—The advantage would be that, instead of allowing jobbery, men would get in by merit. The class may be the same, but the individuals may not be the same.

2609. The present men are selected by District Judges and the High Court?—I have no confidence in such recommendations. I am opposed to nomination; under any circumstances it means jobbery, and I am therefore opposed to it. The best men would get in by open competition.

2610. The men obtained by competition may not have had any experience of actual practise?—Such experience may be made a qualification for appearing at the examinations.

The Hon'ble Mr. Quinton.

2611. Should any distinction be made in the salaries of posts attached to the Civil Service, according as they are held by Civilians or Uncovenanted, or Statutory men?—The same salary should be given, whether to Europeans or Natives, when holding the same post. I should make no distinction on account of color.

2612. Should any distinctions be made in the furlough rules?—I think not.

2613. Are the privileges in regard to pay, promotion and retiring annuities and the general condition of office, belonging to the Covenanted Service suitable to Natives obtaining office under the Statutory rules?—I have not given very much attention to the subject of furlough rules. I would have two services and make no distinction as to race and color. I would not allow Natives to enter the Covenanted Service out here. I think that the Subordinate Judicial Service should be mainly manned by Natives.

WITNESS XXXII.—25th February 1887.

Examination of Babu MOHESH CHUNDER CHOWDHRY, Vakil, High Court, Bengal.

The Hon'ble Mr. Justice Mitter.

2614. You are a vakil of the High Court, and of the Old Sudder Court?—Yes, I was enrolled about the end of 1857, and since then I have been practising in Bengal and Behar.

2615. Is the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service approved?—Only the thinking portion of the community have any opinion on the subject, one way or the other. These, as a whole, disapprove of the present system. There are, however, some men who approve of it. Rightly or wrongly, the judgment of these men is supposed to be influenced by personal considerations.

2616. What are the grounds of disapprobation?—The primary cause of the unpopularity of the present system is to be found in the fact that it fails to promote the main object of the benevolent policy by which the Natives of this country were made eligible for admission into the Covenanted Civil Service. The principal reason for conferring so great a privilege upon the subject race appears to have been that it would be an efficient and effectual means for the development and improvement of those moral and intellectual qualities in the people of this country, which are calculated to raise them in their own estimation and that of others, and to make them fit for the proper discharge of high and responsible functions connected with the administration of the affairs of their country. The British Government, by conferring this great boon on the people, in a manner left their future destiny in their own hands, and this magnanimity and generous regard for a fallen race is the true secret of the great and sincere loyalty of the Natives, and especially of those who are capable of appreciating its value. No scheme can fulfil this noble object unless all considerations of personal interest, whether of particular individuals or of classes, be disregarded, and the privilege of admission into the Covenanted Civil Service be made as it were a reward for the possession of high moral and intellectual qualities. There may be some difference of opinion as to what is the best mode of ascertaining the relative merits of candidates for admission, but it hardly admits of any doubt that merit and fitness must be the guiding principle of selection in any scheme that would be regarded as satisfactory by the community at large.

The Hon'ble Mr. Justice Mitter—contd.

Another cause which has contributed not a little towards the unpopularity of the whole scheme is a vague apprehension, which was seriously entertained at one time but which has since much abated, that it was in contemplation of Government to substitute, in regard to the Natives, the Statutory system for the competitive one, and thus deprive them of the higher privilege of entering the Covenanted Civil Service under the general competitive system. So long as this apprehension existed, the scheme, instead of raising hopes, created alarm. From a national point of view, the privilege of entrance into the Covenanted Service through the competitive system, though it had not hitherto been of much practical use, was of far more importance than the matter of receiving or not receiving a few more appointments. In this connexion it may also be observed that the scheme framed to carry out the object of the Statute is not quite in consonance with its spirit. The evil felt and intended to be remedied was the practical exclusion of the Natives from the Covenanted Civil Service: that intention can hardly be said to be carried out by a scheme which rather tends to create something like a separate service than aims at real inclusion.

Again, the principle upon which appointments of Statutory Civilians are often made is another source of discontent and dissatisfaction. It is of the utmost importance to the country that every one of her children should be made to feel the wisdom of the motto "First deserve and then desire." It cannot be said that the present mode of selection is calculated to bring about this result.

2617. Would you abolish the Statute, or would you amend it?—I have already to a great extent indicated my views with reference to this question. By the removal of the causes on account of which the existing system is not looked upon with favor by the community at large, the system may be made more popular. For this purpose, no amendment of the provisions of the Statute would be necessary. As a measure intended to give to the Natives additional facilities for entering into the Covenanted Service, there is nothing objectionable in the law itself, except perhaps that it might be desirable to indicate in some way who are to be considered as men of proved merit and ability. This, I think, can and has to some extent been done

Vol. VI.
Sec. II.
Bengal.Babu
Mohesh
Chunder
Chowdhry.

The Hon'ble Mr. Justice *Mitter*—contd.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Mohesh
Chunder
Choudhry.

in the rules framed under the Statute. To attain the object which the Statute had in view, I think the existing rules must be amended, and persons who, on account of their exceptional merit, are allowed to become Covenanted Servants without passing the competitive examination, should be placed on a footing of equality in the matter of the emoluments and privileges of the post they should thus be allowed to hold. I am not for repeal. The power conferred on the Local Government by the Statute is a very salutary one, and when exercised in the best interests of the Empire, and according to the true spirit of the law, it might be made an instrument for effecting immense good to the country by enabling Government to enlist in its higher service men of exceptional merit and ability.

2618. If the provisions of the Statute are not repealed or substantially amended, so as to take away the power conferred on the Local Administrations, should they be amended in respect of the description of persons on whose behalf such powers may be exercised, or in respect of the sanction required for appointments made thereunder?—I see no need for amendment either in respect of the description of the persons who come under the Statute, or in respect of the sanction required for appointments made thereunder. The benefit of the Statute is open to all Her Majesty's subjects without any distinction, and I do not think it unfair that for a special privilege of this nature residence in India should be insisted upon as a condition precedent. As regards the matter of sanction, be the causes what they may, there are so many difficulties in the way of Local Governments in the matter of selecting the most deserving men under the Statute, and the consequences of a bad selection are likely to be so serious both to the Government and the people, that some safeguard against a contingency of this kind is absolutely necessary. The risk of failure arising from this cause should be minimized as much as possible.

2619. Do I understand correctly that you would have the Statutory Service open to all Her Majesty's subjects?—Yes, provided they fulfil the condition of domicile.

2620. Would you compel the selected candidates for this service to go to England?—As men of proved merit and ability only should be allowed to enter into the Covenanted Service under the Statute, and as the object of the law is to make it possible for the people of this country to become Civil Servants without a journey to England, I think it would be inconsistent with the object of the Statute to insist upon a journey to England. I see no need for special encouragement; the question of visiting England should be entirely left to the selected persons themselves.

2621. Is any dissatisfaction felt with the existing system of recruitment for the Cov-

The Hon'ble Mr. Justice *Mitter*—contd.

enanted Civil Service?—It is impossible to say that no dissatisfaction is felt with the existing system. It must be admitted that under the present system, the door of the Covenanted Civil Service is practically closed to the Natives; and that too at a time when the people of this country have to some extent become capable of deriving practical benefit from a privilege which, in the eye of the law, they possess in common with all Her Majesty's subjects without any distinction of creed, colour, or caste. Under such a state of things no other result is possible.

2622. Should any, and if any what, change be made in that system?—The question whether any change in the existing system of recruitment for the Covenanted Civil Service is desirable, necessarily involves in it the higher and graver question, whether in the existing state and circumstances of the country, it is desirable at all to include Natives in that service; and if so, is competition the best mode of selection. It can hardly be doubted, I think, that if these two questions be answered in the affirmative, change of some kind is unavoidable. It is not for one in my position to say what ought to be the right answer to them. But if an expression of opinion on these points be desired, I would have no hesitation in answering both in the affirmative. As regards the nature of the particular changes that may be desirable, I would suggest that the list of posts and offices reserved for the Covenanted Civil Service should be revised, so as to exclude from it those for which special qualifications are necessary on special grounds, and for which, on that account, nomination is the proper mode of selection. The posts so excluded would still be within the reach of the Civil Servants, but in common with others whom Her Majesty's Government for the time being may think fit for them. In this connexion I would suggest the division of the Civil Service into two branches—executive and judicial. By this means greater efficiency in the administration is likely to result. Special proficiency can only be acquired by one's devotion to a particular subject. Another benefit likely to result would be to place the administration of justice on a more satisfactory basis. In the judicial branch I would include the administration of both Criminal and Civil justice.

2623. Do Natives of India labor under any, and if any what, disadvantages in competing for employment in this branch of the service?—I have already said that, under the existing system, the Natives are practically excluded from the Covenanted Civil Service; this, I think, is chiefly due to the disadvantages under which they at present labor in the matter of competition. There are minor disadvantages, but the two which are most felt are—first, the present low limit of age; and second, the fact of the examination being held in England alone.

The Hon'ble Mr. Justice *Mitter*—contd.

2624. By what changes may those disadvantages be minimized or removed?—I am not in favor of the establishment of scholarships or allowances of passage-money; simultaneous examinations would obviate all necessity for them. I think the alteration of the age limit will be a great remedial measure. If the maximum limit of age be increased from nineteen to twenty-three, I think reasonable grounds of complaint on this head would be removed. Looking upon the question of age wholly apart from its effect upon Native competition, I should like the maximum to be fixed still higher, if possible, and should not think it of much consequence if this rendered it necessary that the maximum pay of the beginners in the service should be raised. As to an alteration of the marks, I do not think I possess the necessary knowledge and competency to express any opinion worth having. I can only suggest that if greater importance were given to such subjects as Sanskrit and Arabic, it might be both a remedial measure and highly useful from other points of view. I advocate the holding of simultaneous examinations in England and India. It would have a value of its own as a stimulus to education, wholly independent of its effect as a remedial measure.

2625. If an examination is held in India, should it be identical with that held in England?—It is the very essence of the competitive system that the same test should be applied to all the candidates for the posts reserved for the Covenanted Civil Service; the examination held in India must therefore be identical with that held in England.

2626. Should it be held at one or more centres in India?—Provided the examination be held in India, it would not be a matter of much consequence whether the examinations were held at one or more centres in India.

2627. Should the candidates in England and in India compete with one another, and be selected in order of merit, or should a certain number of appointments be apportioned for competition to the candidates at the respective examinations?—I think English and Indian candidates should compete with one another and be selected in order of merit. The apportionment of certain number of appointments between the two sets of candidates would defeat one of the principal objects of the noble policy of allowing the privilege of competition to the people of this country, namely, that this privilege might be a very effectual and efficient means for developing and improving the moral and intellectual qualities of the people of this country.

2628. Should there be any apportionment between the residents in the territories of the several Administrations respectively, or between the members of the principal religious sects?—In regard to posts and offices

The Hon'ble Mr. Justice *Mitter*—contd.

reserved for a special service like the Covenanted Civil Service, no claims arising merely from residence in a particular territory ought to be recognised, and the recognition of any claim founded merely upon religion is unjust in principle, and opposed to the spirit of the policy by which all classes of Her Majesty's subjects were eligible for Government service, irrespective of their creed, color, or caste. If the religion of a person is no proper ground of exclusion, it cannot be regarded as a proper ground of inclusion.

2629. If an examination is held in India, should the successful candidates be required, as a condition obligatory, to proceed to England to complete their training?—This matter should be left optional, and not made compulsory, as I have already said in answer to another question. Success in the examination would merely give a person the right of entering the service; his future prospects must depend upon his ability to discharge properly the duties entrusted to him: the promotion of its servants is entirely in the hands of Government. As residence in England would be one of the cogent means of education and acquisition of high intellectual qualities, it is very likely that the successful candidates would go of their own accord in order to increase their chances of promotion.

2630. Are the Natives obtained under the existing system, the best as regards character and capacity who could be obtained under any system?—The best young Natives in point of character and capacity that were possible to obtain under the existing system have been obtained. Of course, if the field of selection were enlarged under a different system, there is the possibility of obtaining still better men.

Mr. *Nulkar*.

2631. You are aware that at present the successful candidates in England undergo a further training before they are sent out. What are your objections to subjecting candidates who pass in India to a similar training in England?—They might be made to undergo their probation here. I would leave it optional for them to go to England. Passing the examination simply entitles them to enter the service; the future prospects of the men will entirely depend on their efficiency.

2632. Passing the examination in England does not entitle a man to enter the service until he has undergone a further training there?—I think that all that is necessary to entitle an Indian candidate to enter the service should be done in India; going to England is only a means to an end: it is not the end itself. If a person can by remaining in India attain the qualities which the Government requires, where is the necessity for his going to England. If, on the other hand, the Government found such

Vol. VI.
Sec. II.
Bengal.

—
Babu
Mohan
Chunder
Chowdhry.

Mr. *Nulkar*—continued.

Vol. VI.
Sec. II.
Bengal.
—
Esbu
Mokesh
Chunder
Chowdhry.

a person not fit, they would not promote him. Although I would not make a training in England compulsory, in all probability, to enable them to run the race with other competitors, those who passed in India would leave nothing undone which would properly fit them for promotion.

2633. Have you any special reason for not making that a condition of entering the service?—The special reason I have is this, that the object of holding simultaneous examinations in England and in India is to increase the field of selection; but by imposing that condition some may be deterred from competing.

The *President*.

2634. You have given us one reason why you would not make an English training a condition of entering the service, namely, that the special training can be had in India; and you say that if it was found that such training was insufficient, the consciousness of inferiority would induce officers who had only received a training in India to go voluntarily to England. But have you any special reason for not making it a condition of service that they should go?—I do not think it a reasonable condition to impose, because the privilege is simply the privilege of entering the service, and practically the condition might operate to deter the best men from competing. I have no other objection.

2635. Why should it have that effect?—The reason is this, that although the man himself may be sufficiently liberal and unfettered in his mind, there may be special circumstances connected with his family that might prevent his going to England, and the result might be that after qualifying himself, and proving successful in the examination, he would lose the fruits of his labor.

2636. Are you a zemindar?—I will not pretend to say that I am a large zemindar; but I am entitled to be called a zemindar and also a respectable zemindar.

Mr. *Ryland*.

2637. You say you would not require the successful candidates at the Indian examination to go to England for training, because it might keep out the best men. Are you speaking of Hindus or Mahomedans?—Family circumstances might equally operate to prevent Hindus, Mahomedans, Parsis, or even Europeans from going to England. But I am bound to say that such circumstances would specially affect the Hindus.

Mr. *Hudson*.

2638. You appear to attach great importance to the admission of the Statutory Civilians to the ranks of the Covenanted Service. Would it not be sufficient to admit them to posts? What is, in your opinion,

Mr. *Hudson*—continued.

the special advantage of admission to the service?—The Civil Service has a certain status, and those who are admitted to it are supposed to have, in the estimation of the public, a certain prestige which the simple holding of a particular post would not confer.

2639. Would that be the case if the Statutory Civilians had the same pay and pension and furlough and the same prospect of promotion as the Covenanted Service?—That might be very good for the particular individual; but I am speaking from a national point of view and not for the benefit of individuals.

2640. Then you think the privilege you ask for, would be considered of some value?—If a person is to be admitted at all, he should be admitted to the ranks of the service.

2641. How would you recruit the Uncovenanted Service—from Natives of India only, or from all natural-born subjects of Her Majesty?—I would confine it to Natives of India as defined in Statute 33 Victoria, Chapter 3, Section 6. By the adoption of that definition, the service would be still open to all natural-born subjects, provided they be domiciled in India. The residence qualification, as a condition precedent to the privilege, is not open to reasonable objection.

2642. Should the recruitment be by competition, or by nomination, or by both combined?—I think that selection by both systems combined, as at present, should be retained with some modifications. As regards the Uncovenanted Judicial Service, as at present constituted, the entrance to it is no doubt by nomination; but nomination is confined to a class of men who have passed a sufficient test. As regards the Executive branch of the service, I believe the rule of selection at present followed is nomination as well as competition. The modification I would suggest with regard to the Judicial branch is that the appointments to higher offices should not be made solely by promotion from the lower ranks, but occasionally by selection of men of proved merit and experience at the Bar. As to the Executive branch, the only change I would propose is that in case of nomination, the selection should be made from a class who have passed through some competitive test. The standard of qualification should vary according to the nature of the duties.

Mr. *Fitzpatrick*.

2643. Do you use the word "competitive" in its ordinary sense, or merely as equivalent to the requirement of a qualifying test?—I use it in both senses; competitive examinations should be held to ascertain a certain standard of qualifications, and those who gain the highest marks should be appointed.

The Hon'ble Mr. Justice *Mitter*.

2644. You mean that a certain educational test should be applied, and that none should be selected except those who come up to that standard; but in selecting for appointment you would take those at the top of the list?—Yes.

2645. Should the recruitment be made provincially or generally from all India?—The recruitment should, in the first instance, be from persons resident in the territories where the men are required, subject, of course, to the limitation proposed in my answer to the previous question. If by reason of that limitation the recruitment from residents becomes impracticable, the selection may be made from Indians of other localities.

2646. If the existing Statutory Service be abolished, should the proportion of offices assigned to that Service be allotted to the Uncovenanted Service?—If the Statutory Service be abolished, but simultaneous examinations for the Covenanted Civil Service be allowed to be held in England and India, the posts assigned to the Statutory Service should be allowed to revert to the Covenanted Civil Service. If no simultaneous examination is held in India, the proportion of offices referred to should be assigned to the Uncovenanted Service.

2647. Should any distinction be made in the salaries attached to posts reserved for

The Hon'ble Mr. Justice *Mitter*—contd.

the Covenanted Civil Service accordingly as the posts are held by members of that branch of the service, or by members of the Statutory or Uncovenanted branches?—No distinction should be made in pay between the Statutory and the Covenanted Civilians. If the posts allotted to the Statutory Service are assigned to the Uncovenanted Service, the present reduction in the salaries attached to these posts may be allowed to stand.

2648. If such distinction should be made, on what principle should it be regulated?—My answer to the last question renders an answer to this unnecessary.

2649. Should any distinction be made in the furlough rules applicable to the Statutory and Uncovenanted Services according to nationality?—As domicile in India is one of the conditions of Statute, I do not think that any distinction in the furlough rules is necessary; of course, if that condition be removed, some distinction would have to be made.

2650. Are the privileges in regard to pay, promotion, and retiring annuity, and the general conditions of office belonging to the Covenanted Civil Service suitable to Natives obtaining office under the Statutory rules?—I have not the necessary knowledge of details to enable me to express any opinion on this subject.

Vol. VI.
Sec. II.
Bengal.

Babu
*Mohesh
Chandry.*

WITNESS XXXIII.—23rd February 1887.

Examination of Babu PARBUTTY CHURN ROY, B.A., Deputy Collector, Darjeeling.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.
Babu
Parbutty
Churn Roy.

2651. Will you state your position in the Service?—I am a graduate of the University and entered the Uncovenanted Service in 1862 after a competition in which I stood first. I was before that a school-master. I have been doing the work of a Deputy Magistrate and Deputy Collector in various districts. I was for a time in charge of an important sub-division, and was appointed to make special enquiries in connection with the Tenancy Bill. Besides being a Deputy Magistrate and Deputy Collector, I have exercised the powers of a Munsif and Small Cause Court Judge. I am in the third grade of the Subordinate Executive Service.

2652. Is the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service objected to?—It is objected to. The appointments which were first made tended to lower the character of the Service, the men appointed failed to pass the usual examinations and left the Service in disgust. There was an appointment made from a noble Indian family, a member of which had already entered the Subordinate Executive Service; there was therefore no gain in the matter of respectability. Another cause of dissatisfaction is that the number of appointments is too small—hardly one in two years.

2653. What would you do to remove the defects of the existing system?—I would amend the Statute. Instead of its being permissive, I would make it obligatory on the Government to appoint a certain proportion of officers from the Uncovenanted to the Covenanted Service, say one-third. They should not be appointed from outside, but from the Uncovenanted Service. I would throw the posts assigned to the Statutory Service open to all in the Uncovenanted Service.

2654. If the Statute is retained, would you compel those who are appointed to go to England for training?—If the Service is retained in its present shape, I would compel the men selected to go to England for training. The Statute gives power to appoint to posts of all kinds, but the rules are not clear. Last year when the Bengal Government threw the appointments open to competition, I came forward as a candidate, but I was told that all I could expect was an Assistant Magistracy on two-thirds of the pay, and that was half the pay I was getting at the time.

Sir Charles Turner.

2655. You say you would make it obligatory on the Government to make a certain number of appointments every year. Do you think it would be right that the Government should appoint any person who was not of exceptional merit or ability?—Of course not.

2656. Suppose the Government had for some years appointed such men, and the time came when it could find no one of exceptional merit or ability whom it could appoint, what could the Government do then?—When I come to speak of the Uncovenanted Service I shall deal with this point.

Mr. Peacock.

2657. As regards the Covenanted Service, is there any objection to the way in which it is at present recruited?—The limit of age is too low. It puts Natives at a great disadvantage. The standard of qualification is not very high: it is superficial. Again, Natives have to go to England at too tender an age and with little chance of succeeding. The marks also are not fairly allotted. If the classical languages are to be made subjects of examination, Sanskrit and Arabic should be put on the same footing as Latin and Greek, because they are the classics of India.

2658. How would you remedy the age difficulty?—I would make nineteen the minimum and twenty-two the maximum, as it was some time ago.

2659. As regards the place of examination, would you have simultaneous examinations in England and in India?—I would have no examination in India, because it would tend to reduce the number of Natives who would go to England: the more the Natives go to England, the more the country will be benefited. If the best men are not able to defray the expenses of a journey to England, I should wish that assistance should be afforded them to do so. The well-to-do should send their children to England at their own expense: it is the poor who should be helped. Government now gives six scholarships, which are not always awarded to the best men, nor to men who really need such assistance. I would double the number of scholarships, and would allot them in this way—two each to the five principal Provinces; namely, Bengal, the North-Western Provinces, the Punjab, Bombay, and Madras; and one each to the Central Provinces and

Mr. Peacock—continued.

Burma. I would award them to the most meritorious men in each Province. There should be two lists—one a general list and one a provincial list. If no candidate from a Province obtained a qualifying minimum of marks, the one or more scholarships allotted to that Province would go to the most deserving man on the general list. I would not require the scholarship-holders necessarily to compete in England for the Civil Service, but they should be called upon to qualify themselves for any one of the professions. This would help meritorious men and raise the standard of education in the country.

2660. How would you recruit the Uncovenanted Service—from Statutory Natives only, or from all Her Majesty's natural-born subjects?—I would recruit from all natural-born subjects of Her Majesty, and by a competitive examination as difficult as that for the Covenanted Civil Service. The Bengal Government has tried both systems—nomination and competition—for the Statutory Service; and the best men are those who have entered by competition.

2661. Would you make the recruitment Provincially or from all India?—Each Province should make its own selections. The men of a Province have the best claim to appointments in that Province. They know the country well and the vernaculars, and they should fill the offices the duties of which bring them into contact with people of all classes. At the same time if a Bengali is domiciled in the North-Western Provinces, I would not prevent him from competing there.

2662. Suppose the Statutory Service is abolished, would you assign the proportion of offices allotted to that Service to the Uncovenanted Service, or would you give them back to the Covenanted Service?—I would not give them back to the Covenanted Service, because those men of the Uncovenanted Service who render exceptionally good service have nothing to aspire to. I have written an article in the *Calcutta Review*, in which I have shown by statistics that Native Judges have done their work equally as well as District Judges; and if Deputy Magistrates have not done equally as well as District Magistrates, it is because the Government have not selected the best men; therefore it is not fair to make a comparison. You have in the Covenanted Civil Service Native Joint-Magistrates doing their work quite as well as European Magistrates. If therefore you are careful to get the best men for the Subordinate Executive Service, they will turn out as good as the Subordinate Judicial Service has turned out.

2663. You are satisfied with the mode of recruitment for the Subordinate Judicial Service?—Yes, I am satisfied with that, because, as a rule, only graduates of the University who have passed the B.L. examination are appointed.

Mr. Fitzpatrick.

2664. The test for the Subordinate Judicial Service is only a qualifying test. Would not that be sufficient for the Subordinate Executive Service as well?—No; because before being appointed to the Judicial Service, they must practise in the profession for three years.

2665. When you propose competition, pure and simple, you think nothing of the objection which is repeatedly taken, that it would only benefit the Hindus and that Mahomedans would not have a chance?—The Mahomedans would soon be able to hold their own; they do not lack intelligence. The best men that can be had must be appointed. The character of the Administration should not be lowered for the sake of any class, creed or color.

Mr. Nulkar.

2666. I understand you to say that the Uncovenanted Service should be open to all natural-born subjects of Her Majesty?—Yes.

2667. Yet you would have a Provincial examination?—Yes, as regards the Uncovenanted Service.

2668. By natural-born subjects you mean all the subjects of Her Majesty, including also Canadians for instance?—Yes, but they must have a domicile by residence for ten years in the Province.

2669. Suppose a man were to go to England for two or three years, would he be qualified for admission?—If his parents were living here he should not lose his right to compete.

Mr. Ryland.

2670. Do you advocate open competition amongst all classes, or would you confine it to graduates?—No; but the test would be a high one: as high as that for the English Civil Service. I believe there the limit of age is from twenty-two to twenty-five.

2671. Would you allow all those to compete here who were qualified to compete for the Covenanted Civil Service?—Yes, because out of the many able men of small means only those holding scholarships could go to England to compete.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

2672. To what grade would you admit the successful candidates after they had passed this test?—To the grade of Deputy Magistrates—not Sub-Deputies or Tahsildars.

2673. How would you recruit those ranks?—I have not thought about that.

2674. Would you promote them to Deputy Magistrates after they had proved their efficiency?—Not unless they underwent the examination I propose.

Vol. VI.
Sec. II.
Bengal.

Babu
Parbatty
Churn Roy.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Parlaty
Churn Roy.

2675. Would you make any distinction of pay between officers of different Services holding similar offices?—I would divide the Civil Service into two main divisions: the upper grade to consist of District Magistrates and District Judges and other superior offices. One branch of the lower grade would consist of Assistant and Joint-Magistrates; the other branch of Deputy Magistrates, Subordinate Judges and Munsifs. One-third of the appointments in the upper grade I would give to this branch, consisting of Deputy Magistrates, Munsifs and Subordinate Judges; and two-thirds would be reserved for the Assistant and Joint-Magistrates appointed in England by competition. I would promote the best men from among the Deputy Magistrates and Subordinate Judges—Deputy Magistrates, say, of the fourth grade drawing Rs. 500 a month, and Subordinate Judges getting Rs. 600 a month and upwards—to be District Judges and Collectors and Magistrates. At the same time those who go to England and reside there for one year, other things being equal, should have the preference for promotion to the higher appointments.

2676. What change would you propose as regards furlough?—To those who avail themselves of furlough out of India I would give all the advantages which the Covenanted Servants enjoy.

2677. As regards pension, what changes would you propose?—The only change I would suggest is that Uncovenanted Servants who draw their pensions in England should have the advantage of the more favorable rate enjoyed by Covenanted Servants. As regards furlough, an Uncovenanted Servant can get one year after ten years' service, or two years after eighteen years, if he takes his furlough out of India; but if he does not avail himself of that privilege, he loses the advantage. I would give him the two years and let him avail himself of it as he likes.

The Hon'ble Mr. Quinton.

2678. Would you make any distinction of pay as regards Uncovenanted Servants holding appointments reserved for the Covenanted Service?—The pay should be one-fourth less for an Uncovenanted officer promoted to the Covenanted Service. The present scale seems too low. In India a Native gentleman appointed to high office has to keep up the same position as a European gentleman. On the other hand, it would only be fair to reduce the pay by 25 per cent.

2679. Is there any other point which you would like to bring to the notice of the Commission?—I think educated Natives have more sympathy with the masses than rich people have. I wrote a book some time ago on the Rent question, in which I advocated the rights of the people. Education

The Hon'ble Mr. Quinton—continued.

has the same effect on the landholding class here as it has with European gentlemen in England.

Mr. Fitzpatrick.

2680. You think education gives men larger sympathies with the lower classes?—Larger sympathies for the masses and enlarged views.

Sir Charles Turner.

2681. You wrote an article in the *Calcutta Review* on the administration of civil justice in India, and you recommended that Sessions Judges should be appointed to divisions and not to districts, and that in that way the number of District Judges should be reduced: would you do so if the system of appointment you now propose were adopted?—Yes, I would do so under any system.

2682. Would you have, as you proposed in your article, Assistant Sessions Judges?—It secures a sufficient training in judicial work for Covenanted Civilians. I proposed that the Covenanted Civilian should go as Assistant to the Divisional Sessions Judge and should have jurisdiction to try civil suits.

2683. You also proposed that the Divisional Sessions Judge should inspect the Subordinate Courts?—It is a very important function—the examination and inspection of the offices of the lower Courts.

2684. You further proposed that the Assistant Judges should undertake the same duty by delegation?—But I would not allow them to inspect the courts of the Subordinate Judges.

2685. If a Native should be appointed as Divisional Sessions Judge, would you retain the English Covenanted officer as his Assistant?—Yes, I would.

2686. Do you think it advisable to remove all the European Sessions Judges in Bengal?—No. The European represents a high type of official; a Native also represents a high type in some respects, though inferior to the European in other respects. They would mutually benefit one another.

2687. Would you have some Sessions Judges Europeans?—Yes.

2688. Do you consider it important for the administration of civil justice that the High Court should have among its Judges officials who have taken part in the executive administration of the country?—Yes, I think they should.

2689. Is there any thing else you would like to say?—I have one thing to add. I said in my article that the Assistant Judge should also do criminal work. There is a cry at present against executive and judicial functions being centred in the same officer, but I don't see how they can be separated.

Sir Charles Turner—continued

altogether. You would, in regard to many matters, want officers with high pay to look after things which, though small in themselves, are of considerable importance; and if such officers had only ministerial duties to perform, they would not have sufficient work to keep them employed. Cases sometimes come up in which the Magistrate is supposed to take a special interest, and this

Sir Charles Turner—continued.

objection is then often raised. By proposing to vest Assistant Judges with criminal powers, my object is that in all such cases, just as is done in England, the trial might be transferred to the Assistant Judge. The Assistant Judge would be more independent of the District Magistrate, and would try cases in which such objections might be taken by the parties.

Vol. VI.
Sec. II.
Bengal.

—
Babu
Parbatty
Churn Roy.

WITNESS XXXIV.—26th February 1887.

Examination of the Hon'ble SIR WILLIAM COMER PETHERAM, KT., Q.C., Chief Justice of the High Court of Bengal.

The President.

Vol. VI.
Sec. II.
Bengal.
—
The Hon'ble
Sir William
Comer
Petheram.

2690. You are a Q.C., and were for some years a leader of the Western Circuit and a Bencher of your Inn of Court. You have held the office of Chief Justice in the North-Western Provinces, and are now filling the same office in the most important of Indian Provinces?—Yes.

Sir Charles Turner.

2691. Are you satisfied with the efficiency of the Native judiciary in the North-Western Provinces and in Bengal?—They vary a good deal like all other judicial officers. Taking the Munsifs, I think they are very satisfactory Judges of Courts of First Instance and of Small Causes.

2692. What is your opinion of the Subordinate Judges?—The Subordinate Judges in Bengal are, in many instances, very able, and as a class they are superior to the Subordinate Judges in the North-Western Provinces. Education appears to be much more developed here than it is there. I have observed a marked difference.

2693. Do you attach considerable importance to the inspection of the Courts of the Native subordinate judiciary?—I myself regard the inspection of the whole of the Courts in districts as the most important duty of the District Judge, except of course his criminal work. As far as the civil work is concerned, I think the inspection by him of the offices of the Courts subordinate to him is his most important work.

2694. I believe that when you were Chief Justice of the North-Western Provinces, you yourself inspected several of the Courts in the districts?—I did.

2695. With what result?—I found that where the District Judges exercised their powers of inspection the offices were in a very good state, and the general business efficiently conducted. In cases where apparently the Judges did not thoroughly inspect the subordinate Courts, the business of the offices was irregularly and inefficiently conducted. In one instance, where the Subordinate Judge's Court was quite close to the Court of the District Judge, but where the Judge apparently did not exercise his powers of inspection, the execution department was in such a condition that suitors had to wait for years before they obtained the fruits of their decrees,

Sir Charles Turner—continued.

and there were instances in which they had refrained from further attempts to execute their decrees rather than be put to the annoyance of having re-course to the Court. This state of things could not have existed had supervision been effectually exercised by the District Judge.

The President.

2696. Could not the state of the office have been ascertained from the returns submitted?—The returns sent give no sufficiently precise information.

Sir Charles Turner.

2697. In regard to execution, it would be difficult to ascertain from the returns whether the infructuousness of the decree arose from the inaction of the parties or from the inefficiency of the Courts?—Practically they would not tell you anything, but they should have put the Judge on enquiry, and, indeed, it was in consequence of my attention having been drawn to the Courts of the district by the reports that I visited it.

2698. Have you taken any part in the appointment of Munsifs?—No, until I knew the candidates personally, I felt I ought not to interfere; and, moreover, in the two Courts to which I have been attached, I have had to give my attention principally to the judicial business.

2699. Do you know that appointments of District Court pleaders are made on reports received from District Judges?—I know that recommendations do come from Civil Judges, but I know very little about it.

2700. We were informed by Mr. Kisch that in the appointment of District Judges, the High Courts are consulted?—I have never been consulted since I have been in India.

2701. With regard to the District Judges, do you consider them efficient?—I think District Judges as a class do their criminal work very well, and that, as a general rule, the sessions trials and inquiries are conducted with very great care.

2702. As to the criminal appellate work?—Yes, that also is efficiently performed. With reference to their civil work, I think they are very efficient indeed, as far as the class of cases is concerned for which their training qualifies them. But I think that

Sir Charles Turner—continued.

when they come to deal with complicated masses of fact, their training has not been of the kind to enable them to deal powerfully with that class of case.

2703. Are the cases in which there is a great deal of labor involved in taking evidence usually tried by the Subordinate or District Judges?—Practically always by Subordinate Judges.

2704. Do you find inequality in the work of the District Judges?—There is, and must be, very considerable inequality. When different men are allowed to rise to a particular office without further selection, they must be unequal, because men are unequal and have aptitude in a varying degree for different kinds of work.

2705. Do you find greater inequality in the work of Subordinate Judges?—They are unequal too.

2706. To the same extent?—Taking my experience all over both Provinces, I should say not to as great an extent, though perhaps less so in Bengal.

2707. I believe there is selection for the appointments of Subordinate Judges?—Yes.

2708. The High Court considers which are the best Munsifs?—The High Court in Bengal, I believe, advises in all cases; the High Court of the North-Western-Provinces used to do so, but at the request of Government they have now ceased to express any opinion unless it is called for.

2709. But is there such inequality as you would expect to find among selected officers?—I do not think there is much inequality in Bengal, but there is no doubt that in the North-Western Provinces there are a good many Subordinate Judges who are not acquainted with English.

2710. These men were appointed before the educated classes were available?—Yes, and the consequence is that in those Provinces, a Subordinate Judge is not so well-educated a man as a Munsif.

2711. Does not that want of education account for the circumstance that several Bengali vakils who settled in the North-Western Provinces for practice were very soon promoted to the Bench, and have risen to high positions there?—No doubt.

2712. That defect is curing itself?—Yes, curing itself very rapidly.

2713. With regard to District Judges, have you any reason to think there is anything in the conditions of their service which militates against their efficiency?—The result of my observation of their work and of conversations with them is that they feel very bitterly the way in which they are compelled to remain at their stations when there is very little work to do or else to forfeit their privilege leave. The consequence is that for the sake of three months' leave they sometimes remain for two years and nine months in one spot: very often in a very isolated place, with very few people to associate with. This has a most unfortunate effect

Sir Charles Turner—continued.

upon the health and work of a Judge. He does not take the interest which he should take in his work, and leads a discontented life. He really does not work with the energy with which he ought to work. I myself am very strongly of opinion that Government ought to revert to the system by which the Judges were enabled to get a short vacation during which they might get a little change and holiday without prejudice to their privilege leave. If this was done, I believe the Government would gain enormously both in the quality of their work and the money value of it. I believe this to be absolutely essential.

2714. Do you think it would be desirable to throw open more District Judgeships to the Native judiciary?—I think myself that it is desirable that there should be some concurrent qualification for District Judgeships added to the existing ones. If any additions are to be made to the qualifications which now exist, I would allow so many years' practice as a Barrister to qualify for the office. It would have a good effect by creating something like emulation and inducing the District Judges as a class to throw more energy into their work.

2715. Would you appoint Subordinate Judges to District Judgeships?—As to appointing Native Subordinate Judges to District Judgeships, I doubt whether, at the present moment, Subordinate Judges, if they were appointed to that position, would have sufficient weight and authority to efficiently inspect and control the Courts subordinate to them. I do not feel any grave apprehension that they would be unable to deal efficiently with the judicial work of the District Judges, but I do feel that at present a European is wanted in every district to supervise the whole of the Courts in it.

2716. With regard to those districts in which there have unfortunately been riots between rival sects, do you think it desirable to have Europeans in the Criminal Appellate Courts, or would a Native Appellate Court equally enjoy public confidence?—I should not like to express an opinion as to the qualifications of Natives of the country to undertake criminal work generally. It is a subject I don't know enough about, as I have seen very little criminal work which has been done by Natives of the country.

2717. With regard to High Court Judgeships, do you think that the number of Native Judges appointed to the Bench of the High Court might be increased: you have now two out of thirteen?—As to High Court Judges, all I care about is that they should be the best men. I don't care particularly where they come from—whether they be Natives of the country or Europeans. We want men of efficiency and business habits, and I don't think it would make very much difference where they came from.

2718. Would you have any objection if one-third of the Judges were Natives?—No,

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Sir William
Comer
Petheram.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
Sir William
Coner
Petheram.

I do not think you can induce the best practitioners of the High Court to take the appointments. I believe it is extremely doubtful whether they would accept office.

2719. What is the reason why you think they would decline to accept an office of so much dignity and importance?—They would in many cases lose income by doing so, but principally they would be deterred by the invidious distinctions which have been made between European and Native Judges with reference to their furlough, allowances, pensions, and things of that kind. This would have the effect of keeping some men out, and I think it unfortunate that such rules should exist in a Court, and that all the Judges should not be on an absolute equality.

2720. What are the distinctions with reference to furlough?—That they do exist I know, and that they exist to the prejudice of Native Judges I know, but what they are I cannot say.

2721. Have you heard very great dissatisfaction expressed on this subject?—I have; and I know it has created a feeling of soreness.

2722. At the Bar as well as in the Court?—I have heard that it is so; I cannot say of my own knowledge.

2723. Have you known any Native vakils here who have refused an appointment in the High Court?—Since I have been here, there has been no vacancy.

The President.

2724. Is the field of selection a large one?—There are not very many who would make the best Judges.

2725. I refer to High Court Judgeships?—It would be a limited field.

2726. Would you select men from among Subordinate Judges?—Yes, you could; but I am not prepared to say I should like that. My life has been spent as an Advocate, and rightly or wrongly, I have got it into my head that an Advocate's training is the best for a Judge; that is my view.

2727. Do you know whether there is any difficulty in finding competent men to fill the office of Munsif?—I don't know.

Mr. Fitzpatrick.

2728. You said that you found District Judges failed occasionally where they had to deal with complicated masses of fact; would you ascribe that failure to want of energy and industry, or to want of previous training?—Want of previous training.

2729. Do you observe the same sort of failure amongst Subordinate Judges?—No, they deal with complicated matters of fact with more power than District Judges.

2730. Do they show the same discrimination in drawing inferences from facts, in marshalling facts, and so on?—I can only

Mr. Fitzpatrick—continued.

say, as I have said before, that when you get large masses of complicated facts, Subordinate Judges as a rule deal with them more powerfully and more accurately than District Judges. If you have got inferences to be drawn from admitted facts, I should not say there is much difference between them. I cannot say that I have noticed particularly.

2731. You suggest that Barristers might be appointed as District Judges. Do you think that these gentlemen have a sufficiently extensive knowledge of the customs of the country?—I think many of the practising Barristers in this country have as much knowledge of such customs as any people in the country.

Mr. Nulkar.

2732. In reference to your reply relative to men at the Bar not accepting High Court Judgeships, is it because the pay is low?—Yes.

2733. And is it also on account of the invidious distinctions to which you have alluded?—Yes.

Mr. Ramaswami Mudaliyar.

2734. By inspection you mean visits by District Judges to Subordinate Courts, and seeing how the records are kept?—I mean the inspection of the Court and office establishments generally.

2735. Do the District Judges often inspect Courts?—In some instances they do.

The President.

2736. If they did not it would be a neglect of duty?—Of course.

2737. Don't you think this supervision would be much more effective if made by a Judge of the High Court?—You would have to increase my staff a good deal before I could do that.

2738. Would not it be much more effective?—I don't think it would be possible for the High Court to exercise a sufficiently constant supervision. I think it is a very good thing for a High Court Judge to go on a tour of inspection occasionally, and when he goes, he ought to be accompanied by the Registrar of the Court, who would understand office work and turn the office out and see everything in it. It would be important to have that done at sufficiently frequent intervals.

2739. Taking both classes, in what proportion are their cases reversed on appeal?—If you look at the returns in the High Court as to reversals by the High Court, you would find them pretty nearly equal; but you must take this fact into consideration too, that a very large proportion of the heavy cases are tried by the Subordinate Judges.

2740. May I ask if complaints have been frequently made against the way in which

The President—continued.

Munsifs do their work?—Do you mean that I get a good many anonymous letters?

2741. I mean applications to the Court for the transfer of cases, and such like?—I may say at once that since I have been here, two and a half years, I have never but once seen a case in which I have ever had any reason to doubt the honesty of the Judge.

2742. Amongst Munsifs themselves, is there any difference in the work done?—There is no doubt that Munsifs vary like every other class of Judges. I am not in a position to answer the question more precisely, because I have not a sufficiently long experience of their work.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

2743. Are applications for transfer of cases very frequent?—In civil cases very unfrequent, but in criminal cases one gets a good many.

2744. What are generally the grounds for these applications?—Convenience, locality, and reasons of that kind. Occasionally the Judge himself suggests a transfer because he knows something about the parties, and sometimes the fact that the same matter has been before the same Judge in some other form is advanced as a reason—the same class of reasons that you have in any country.

2745. Is prejudice or bias or personal influence mentioned as a reason?—I do not think so.

Mr. Hudson.

2746. As a frequent suitor directly interested in the matter, may I ask you whether you think that the improvement of subordinate Courts would do more good to the administration of justice than anything else?—I quite agree with you. If you can strengthen the tribunals of first instance, you would do the best thing possible.

2747. Is it not the fact that the evidence put before Courts in this country cannot be relied upon? Is there not a great deal more perjury than in England?—I am not prepared to admit that.

2748. I have had a long experience in this country?—Perhaps you have not had the same long experience in Europe. Perjury out here is of a different character to perjury in England. In India they tell an absolutely untrue story; in England witnesses tell the true story, with a color to change the character of it.

Mr. Stewart.

2749. You lay great stress upon District Judges enjoying a vacation: can you tell us what is the number of holidays the Courts enjoy in England as compared with India?—Do you mean the High Court?

2750. No the District Courts?—I don't know. I am sure the vacations in England are longer than they are here.

Mr. Stewart—continued.

2751. Would not a number of occasional holidays effect your purpose?—They are worse than useless to the Judges.

Mr. Peacock.

2752. I believe that both in the North-Western Provinces and in Bengal you have taken a considerable share in the appellate work of the High Court, and, therefore, in giving the opinion you have in regard to the Civil Judges, you are speaking from your own experience?—Yes.

2753. There are some twenty District Judgeships in Bengal, I imagine, and during your tenure of office these appointments have been held by some forty men: can you tell us, roughly, if the work of all these officers has actually come before you?—Not, perhaps, of all.

2754. Speaking generally, can you tell me whether you have seen a considerable amount of the work of District Judges in Bengal?—I have said that the amount of business which comes before the High Court from District Judges, on the Civil Side of the Court, is trifling, merely because a large amount of it is done by Subordinate Judges; but since the beginning of the last vacation down to the present time I have done the whole of the criminal appellate work myself, and in the course of that time I think I may say that I have seen the work of all.

2755. I am speaking more with reference to their civil work?—It does not make much difference, because you get the same marked difference in the criminal work as in the civil work. In short cases the work is extremely well done, but in cases which involve a great many considerations, cases relating to perjury, breaches of trust, &c., where there are large groups of facts, the want of training is apparent, in my opinion, as much in the criminal as in the civil work.

2756. Do you not think the present Subordinate Judges are better here in Bengal than the men we used to have?—That I cannot tell you: I do not know enough about the former Subordinate Judges, but they are undoubtedly better men than those in the North-Western Provinces, because they have more education.

2757. The younger men have risen from the grade of Munsifs, and we may take it that they are much better trained?—Probably that is so.

2758. You said the High Court in the North-Western Provinces no longer recommended Munsifs for Subordinate Judgeships?—The impression upon my mind is this, that formerly the Court sent their opinions to Government as is now done in Bengal, but at some time within the last eighteen months, the North-Western Provinces Government intimated to the High Court that they did not wish to have the opinions offered unless they were asked for.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Sir William
Comer
Petheram.

The Hon'ble Mr. Quinton.

Vol. VI. 2759. Will you give us the dates on which
Sec. II. you became Chief Justice in the North-
Bengal. Western Provinces and in Bengal?—I joined
the Court in the North-West in November
The Hon'ble 1884, and I left there and came to Calcutta
Sir William in March 1886.
Comer
Petheram.

Mr. Ramaswami Mudaliyar.

2760. As regards inspection work, Sup-
posing the District Judges are relieved of
this work, and one competent man, who
understands the routine of the offices, is ap-
pointed to do the whole of the inspection
work of Bengal; would not that be an im-
provement upon the present system?—I do
not think he could do it; but as to this my
opinion is not worth much. I doubt very
much whether he could do it, because of the
difficulties of travelling about the country in
the hot weather. I do not think a man could
move about all the year round.

The President.

2761. It would also be difficult in regard
to the constant changes in the *personnel* of
the Courts?—Yes.

Mr. Ramaswami Mudaliyar.

2762. Is the inspection now simply limit-
ed to office work?—It is not. I think there
should be some one who is responsible for
seeing that the judicial as well as the office
work of the Courts is duly disposed of. The
reason why I think the inspection of
offices is possibly the more important is that
the work done in the offices is least apparent
to the public: if cases go wrong there,
nobody finds it out. I know from my own
experience how much trouble it involves to
find such things out.

2763. You say that Subordinate Judges
deal more powerfully with complicated ques-
tions of fact than District Judges?—I think
they do.

2764. As regards complicated questions
of law, which class deals with them more
thoroughly?—I do not think there are many
complicated questions of law which arise in
this country. I think more generally the
questions are those of fact, but there are
occasionally questions of law of some diffi-
culty. Really complicated questions of law
are uncommon in this country in heavy
cases.

2765. Take, for instance, the law of inheri-
tance?—Questions of succession almost
always resolve themselves into questions of
fact.

Mr. Ramaswami Mudaliyar—contd.

2766. Do there not arise difficult questions
of Hindu law?—There are some no doubt.
Of course when it comes to be a question of
Indian law and of the customs of the people,
those who belong to the country know more
about them than any one who comes in
from outside.

2767. Subordinate Judges deal better with
these questions?—I think they are generally
better acquainted with the customary law
of the country than Europeans are.

2768. Some complicated questions arise as
to the rights of mortgagees and so on, which
are not questions of fact?—As far as I
remember, I have not seen what would be
called a big suit in which those questions
arose. I don't remember to have seen such a
suit dealt with by a District Judge; but I
am bound to go further and say that on the
one or two occasions in which they have dealt
with these suits, neither District nor Sub-
ordinate Judges have dealt with them in
a very masterly way.

Sir Charles Turner.

2769. Do not cases arise which call for
the application of rules of equity, such as
are mentioned in the Transfer of Property
Act; for instance, the doctrine of the inno-
cent purchaser?—I have seen them, but
I cannot say I have seen them frequently.

2770. With regard to Munsifs, do you
think it desirable to appoint ministerial
officers to those posts?—I should very
much prefer them to be appointed from
the practising Advocates and Vakils of the
Courts.

2771. Do you not think it is desirable to
confer some of these appointments upon
ministerial officers of the Courts in order to
induce better men to join the ministerial
staff?—You might appoint a very limited
number, assuming they have qualifications
for the office.

2772. You say that it is desirable that
District Judgeships should be sometimes
filled up from the Bar?—I think it is very
desirable that something should be done to
introduce the stimulus of emulation amongst
the persons who are now appointed District
Judges.

2773. Do you think Barristers would
do the inspection work of the District Judge
as efficiently as Covenanted Civilians who
have had the superintendence of office
establishments throughout their service?—
There are Barristers and Barristers, and
there are Civilians and Civilians, but I think
if you get the right man to inspect offices,
that is all that is wanted—you must find
the man.

WITNESS XXXV.—26th February 1887.

Examination of Syad AMIR ALI, M.A., B.L., Barrister-at Law, Representative of the Mahomedan Central Association.

The President.

2774. You are a Barrister?—I am a practising Barrister of the Calcutta High Court.

Mr. Peacock.

2775. Do you attend as a representative of the Central National Mahomedan Association?—I have been delegated to answer some of the general issues raised in the questions circulated by the Commission.

2776. Perhaps you will be good enough to state when your answers are merely an expression of your own opinions and when they represent the views of the Association?—I will mention in the course of my examination the views which I hold personally, and I will not pledge the Association to those views.

2777. I think you have also been a Member of the Supreme Legislative Council?—Yes, and I have also been twice in the Bengal Council. I have served the State in various capacities. I have been Presidency Magistrate and Chief Magistrate of Calcutta, and have had considerable opportunities of considering the matters which are under discussion, not only in connection with the offices which I have held, but also on behalf of the claims of Mahomedans to special consideration; and as I intend making some comments on the system of education at present in vogue in our educational institutions, I may also mention that I am a graduate of the Calcutta University. I mention this in order that my remarks may not be misunderstood. I was educated at the Hughly College; took the M.A. degree with honors, and am also a B.L. I practised as a pleader before I went to England to be called to the Bar.

2778. Can you tell us how the present mode of recruitment for the Statutory Service is regarded?—I desire to make one observation at the very outset. I consider the Statutory Civil Service as being auxiliary to the regular Covenanted Service, and all questions relating to its modification, retention, or abolition must materially depend upon questions relating to any changes which may be proposed in the regular Civil Service.

2779. What are your views in regard to this branch of the service?—As matters at present stand, our views are that the Statutory Service should be maintained, and we think it a wise provision that the Government should have the power of nominating

Mr. Peacock—continued.

Natives of India of proved merit and ability to the service of the State without subjecting them to any such ordeal as is imposed by the public competition in England. There are undoubtedly certain objections to the present system of recruitment which the Association have desired me to place before the Commission. These objections proceed mainly upon two grounds—firstly, that the object with which the Service was primarily instituted has not been well kept in view; and secondly, that the rule which requires the sanction of the Secretary of State or of the Supreme Government for each step of promotion, is invidious. With reference to the first matter, we think that the selection of officers for this Service should be made from officers of proved merit and ability in the Uncovenanted Service and from members of the Native and English Bar. With reference to the qualifications of members of the English Bar, we think that the Barrister should be of at least two years' standing. As regards pleaders, we think, recognizing the difference which now exists between members of the English Bar and those of the Native Bar, that they should be of at least four years' standing. We do not place much stress either upon birth or social position, because we think that these matters are sure to be considered in any nominations which are made; and we think that in making nominations from the Bar, it should be made in consultation with the head of the Bar—the Advocate-General; and when it is made from among the pleaders, that it should be made in consultation with the head of the Native Bar—the Senior Government Pleader. The Advocate-General and the Senior Government Pleader must from their position know more of the qualifications of individual candidates than anybody else. On the whole, the nominations do not seem to be unsatisfactory; some of the nominations may, no doubt, be open to objection, but on the whole the appointments are not open to serious cavil. We think, however, in view of the circumstances of the country, that the field of selection for the Statutory Civil Service should be restricted to the classes I have mentioned.

2780. As regards the definition of the term "Natives of India," have you considered that?—We have, and we consider it is sufficient for all purposes. We do not wish to extend its scope.

Vol. VI.
Sec. II.
Bengal.

Syad
Amir Ali.

Vol. VI.
Sec. II.
Bengal.
—
Syad
Amir Ali.

2781. I suppose that when you speak of the English Bar, you do not mean English Barristers generally, but all persons of that Bar who also come under the definition of the term "Natives of India?"—Exactly so.

Sir Charles Turner.

The President.

2782. Suppose the Statutory Service is retained, would you compel successful candidates to go to England for training?—Speaking for myself, I would make going to England compulsory. The Association, however, think it ought not to be made compulsory in view of many existing circumstances, but that the selected candidates should be encouraged to go. The suggestions about the mode of encouragement may be considered in connection with the subject of pay and furlough rules.

2783. There is no sort of religious objections amongst the Mahomedans in regard to going to England, is there?—There is absolutely no religious objection.

2784. No social disabilities?—Absolutely none.

Mr. Fitzpatrick.

2785. Would you say that young men going to England from India often fall a prey to the temptations and dissipation of London?—In my opinion there is no serious danger of that kind. I have come in contact with many students in England, and I am fairly entitled to say that there is no serious danger. Of course a good deal depends upon the students individually: they may be tempted as much in England as in India, not more; but I am decidedly of opinion that there are more temptations to be met with in Calcutta than exist, I believe, in England.

2786. What age were you when you went to England?—Twenty-two years of age; and during my first visit I was there four years.

Mr. Ryland.

2787. You obtained scholarships?—Yes, at the same time as my friend Syad Mahmud, Surajbal Pandit, Chief Justice of Cashmere, and others.

2788. Had you any hesitation as to going?—I had no hesitation as to going, nor any religious scruples; but as I had already engaged in practise as a pleader and had made a beginning, I was under the impression that, probably, if I continued as a pleader, I would be more successful than otherwise.

2789. You overcame that feeling?—Yes, because both my elder brother and my respected master, Mr. Thwaites, advised me to go.

2790. And you derived great benefit from it?—I have decidedly derived the greatest possible benefit.

Mr. Ramaswami Mudaliyar.

2791. Do I understand you to say that you would recruit this Service exclusively from the Bar?—From the members of the Uncovenanted Service and the Indian and English Bar.

2792. As regards the members of the Native Bar, do you not think that the Judges of the High Court would be in a better position to make selections than the Advocate-General?—I take it for granted that the Judges of the High Court would have a voice in the matter; but the Judges of the High Court have not so many opportunities of judging of the qualifications of the members of the Bar as the head of the Bar himself has. He comes actually into daily contact with the members of that Bar.

2793. There may be, after all, some unpleasantness in selecting one member in preference to another?—I assume that the head of the Bar would give his opinion without the smallest prejudice for or against anybody.

2794. Do you think that because a man is in that position he is above prejudice?—Yes.

2795. Are not Judges themselves liable to some personal prejudice?—I should say so.

2796. Do you not think the members of the Bar should call a meeting to decide the matter?—That would be an unworkable system.

2797. You say that the appointments which have been hitherto made are not bad; do you not think better selections could have been made?—I do not know exactly: on the whole, one cannot find any serious objections to them.

2798. When saying that some of the selections are bad, do you not think it possible to make better selections?—That is a difficult question to answer, for its answer must depend on the fact whether better people were forthcoming; and of this we are not aware.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

2799. You say you would recruit this Service only from the Bar and from the ranks of the Uncovenanted Service?—That is our present inclination. We consider some training essentially necessary. Members of the Bar who come within the Statutory definition and Uncovenanted Servants who have proved their capacity and merit in the Subordinate Service are better entitled to nomination than men who have received no training of any sort.

2800. Do you think there is any difference between the Statutory Service and the Covenanted Service?—There is a difference at the present moment.

2801. Are you not aware that the Covenanted Service is at the present time recruited from men who are untrained?—They presumably receive some training, but whether

The Hon'ble Kazi *Shahabuddin*, Khán
Bahádur.—contd.

it is sufficient or not is a question I shall come to afterwards. But after they pass the examination they are supposed to receive some sort of training. Several become Barristers.

2802. A candidate who appears at the competitive examination often fails by only a few marks; such a man would not belong to either of the two classes you mention; would you exclude him from the chance of being selected for the Statutory Service?—Of course there is considerable force in the observation that a person who goes to England and fails by a few marks there should not be precluded from being eligible for nomination to the Statutory Civil Service. But this is an exceptional case and is not covered by the general issues raised. I think the Government has sufficient power under the Statute to appoint any Native of India of proved merit and ability, and if a man has proved himself to be of sufficient ability by passing within a few marks, I believe he would come within Section 6 of the Statute. Possibly the failed candidate would be a Barrister, and this circumstance would make him eligible.

2803. Would you exclude *quasi-Natives*, say the son of a Native born out of the country, from entering the service? There are many gentlemen travelling about now whose sons might be placed in that position?—I have read this section somewhat carefully, and it seems to me that a child born of Native parents out of the country would come within the definition of a Native of India.

Mr. *Stewart*.

2804. Of how many members does the Association you represent consist?—We have about fifty branches all over India. We have the Central Association consisting of about 1,000 members, but I am not able to speak with reference to the Branch Associations. They are in almost all the large towns, and include the leading Mahomedans as members.

2805. What is the qualification of membership?—Simply that he must be a Mahomedan gentleman of respectable position, and pay Rs. 6 annually. We have branches from Kurrachi eastwards.

2806. How many were present at the meeting at which you were deputed to represent the Association?—The Committee consisted of twenty-four members, and about fifteen were present, the quorum being five. It was not a general meeting. These views represent the views only of the Central Association. We have not received opinions from Kurrachi or Lahore, but we believe that all the branches are unanimous.

Sir *Charles Turner*.

2807. We hear that Mahomedans of Eastern Bengal have the same prejudice as

Sir *Charles Turner*—continued.

the Hindus against crossing the seas?—I am not aware of that. A gentleman of Bogra only recently sent his grandson to England in company with the son of a Hindu gentleman.

Vol. VI.
Sec. II.
Bengal.
—
Syad
Amir Aii.

Mr. *Fitzpatrick*.

2808. I suppose there are many Mahomedans in Bengal who are just like Hindus, and who possibly entertain the same prejudices?—There may be.

Mr. *Nulkar*.

2809. You would not recruit this Service by making the first appointments from young men possessing a University degree?—At present the nominations to the Uncovenanted Executive Service are made without any consideration for University degrees or qualifications, and I am going to show that that is the reason why there are a greater number of Mahomedans in the Executive branch than in the Judicial branch of the Service.

2810. Do not you think that the difficulty would be met by giving some of these Statutory appointments to members of the Mahomedan community who have sufficiently qualified themselves?—Appointments may be made of Mahomedans of family, position, birth and general education to the Uncovenanted Service first. Then after a training of a year or two in that Service they may be raised to the Statutory Service. I think that would be the best channel.

Mr. *Peacock*.

2811. With regard to the Covenanted Service, do you think the present system of recruiting for that Service is approved?—I think there is considerable objection to the present system of recruiting this Service. The objections assume different aspects, and I am prepared to put them very briefly before the Commission. There is the objection on the score of age and also with reference to the subjects of examination. These are the main objections upon which dissatisfaction at present is principally based, and with reference to which we think some substantial changes are necessary. But we think that the suggestion which has been made of holding competitive examinations simultaneously here and in England is not at all expedient, considering the circumstances of the country and the different stages of development amongst the different communities. For myself I do not place any reliance upon a competitive test. I do not think that a competitive examination in the smallest degree brings out the individual capacity of any candidate for the discharge of the duties he may be called upon to perform; and I think, speaking for

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
Syad
Amir Ali.

myself, that too much stress has been laid upon competitive examinations as furnishing any test whatever of a candidate's capacity, merit or culture. Competitive examinations have succeeded in England to a large extent owing to the previous training English youths receive in the colleges and schools. If the state of the two countries had been the same,—if the training boys received in India were the same; if their education and culture had been the same; and above all if the circumstances of the various communities had been the same—there would have been little objection to introduce simultaneous examinations here and in England. But in view of the fact—and I speak now on behalf of the Association I represent, as well as myself—in view of the fact that the various communities in this country have not made the same uniform advance in education, in moral and material progress, it would be highly inexpedient to introduce the system of simultaneous examination. There is another aspect of the question. If simultaneous examinations are held in this country, the question is whether successful candidates should be sent to England or not. If they are sent for further training, it has been said that this would minimise the evils arising from their previous want of training. That is a mere shadowy suggestion, because, if there is to be no further examination in England, then their training is absolutely worthless. If they are subjected to a further examination and they fail, they suffer much greater hardship; if they succeed, well and good, but they are subjected to a double examination. Suppose they are not sent to England, there arises the question—are they on the same footing as those who come out from England? I remember a discussion that took place with reference to a Bill which was introduced in the Supreme Council for the purpose of investing certain Native officers with criminal jurisdiction as regards European British subjects. One objection which was raised to that measure was that the Magistrates whom it was proposed to invest with the jurisdiction were utterly unacquainted with European usages and modes of thought. The advocates of the measure replied to this by urging that there could not possibly be any objection to those officers who had been educated in England, and who were on a footing of equality with English Civilians, exercising those powers. To my mind, examinations in this country would decide once for all the inferiority of Indian Civilians to their English counterparts. I submit that persons who only pass examinations in this country and have not had an English training, have in fact no acquaintance with English modes of thought and English ways of living, and should not be regarded as being on the same footing as Civilians coming out from England. I believe the tendency of the

Mr. Peacock—continued.

times and the progress of the country is such that it is absolutely necessary that officers occupying that position should be in contact with English modes of thought and training, if they are to be considered as upon the same footing with Englishmen. And I think that men who wish to enter the Civil Service ought to have a previous training before they go up for the examination. Having premised so far, I may be allowed to say that we dread the introduction of a simultaneous examination in India. We cannot ignore the fact that Mahomedans have not made so much progress as other classes of the Indian community, and it is impossible for them to expect, for many years to come, to compete on equal terms with the Hindus who have taken to English education for the last fifty years. And, lastly, if simultaneous examinations were introduced, Mahomedans would absolutely be precluded from having a chance of entering the Civil Service.

2812. Why do you think Mahomedans would have a better chance in England?—Because there they are on the same footing as the other candidates. If the age limit is increased, young men of seventeen or eighteen would go over to England. Both would undergo the same training, and both would compete on the same terms. But if simultaneous examinations are held here, the Universities, which have become a huge machine for manufacturing B.As. and M.As., will turn out Civil Service candidates by hundreds, and the whole country would be swamped with men clamoring for Government employ. The chances of the Mahomedans succeeding will be much less than those of other communities.

2813. How would you alter the age limit?—I would raise the age limit to twenty-three.

2814. What changes have you to propose as regards the subjects of examination?—We suggest that Arabic should be placed on the same footing as Latin, and Persian on the same footing as German and French, and Urdu with Italian. I am not in a position to appreciate the exact position of Sanskrit; but I think it ought to be, considering its antiquity and the restricted area in which it is used, classed with Greek. Arabic is a much more useful language; it is of use from the confines of Turkey even to Morocco. It is of use in the Persian Gulf, Zanzibar and Arabia. English officers have to go to Egypt, so I think it is practically a most useful language. Persian is of the greatest importance in Afghanistan, Beloochistan, Central Asia and Persia. I would introduce Urdu, and also the History of India. I would also suggest the establishment of scholarships. These are the views of the Association. What I am now going to suggest with reference to the question, what changes are necessary in the Civil Service, is entirely

Mr. Peacock—continued.

on my responsibility. To these suggestions I do not wish to pledge my Association in the smallest degree. The time, I think, has arrived when some substantial changes should be made in the Civil Service. It seems to me that the time has arrived when the executive and judicial functions should be separated, and that the training for these two branches of the Service should be totally distinct; that it should not be competition so much as selection, which should govern appointments. In the Executive branch, I include such departments as the Telegraph, Revenue, Customs, Opium, Police, &c. In the Judicial branch I include the administration of both Criminal and Civil law. It seems to me highly inexpedient to require officers who are in charge of executive and administrative work to administer law at the same time. The old state of things has disappeared; under the old system the regulations were simple and couched in untechnical language. But the law has now become extraordinarily complex and complicated, and it is unfair to the officers themselves as well as to the people to require them to discharge both judicial and executive functions. I would require distinct training for both these branches. I would recruit the Judicial Service from the Bar. I would divide it into two grades, and I would recruit the higher grade from Barristers and Pleaders: the Barristers to be of five years' standing or more, and the Pleaders to be of ten years' standing or more. I would recruit the lower grade of the Service also from the English and Native Bar: the Barristers to be of two years' standing, and the Pleaders to be of four years' standing or more. With reference to the Executive Service, I would divide it similarly into two grades. For the purpose of recruiting the higher grade of this Service, I would resort to the Haileybury system. For the lower grade I should have special colleges where young men after passing the Entrance examination should be inducted, for the purpose of receiving a special training for whatever branches of the Service they would like to take up.

2815. You would have the higher branch of the Judicial Service recruited from the English Bar?—And the Indian Bar also; men from the English Bar should be of five years' standing, and men from the Indian Bar of ten years' standing.

Sir Charles Turner.

2816. What do you mean by the English Bar?—Englishmen, as well as Natives called to the Bar in England, trained in England and practising in India.

Mr. Peacock.

2817. Would you debar men from the lower Service from rising to the upper Service?—No; I would make it possible for them to rise from the lower to the upper grade.

Mr. Peacock—continued.

2818. Where would you make your division?—At the point where the division takes place at present.

2819. At District Judges?—Yes.

Mr. Fitzpatrick.

2820. What do you mean when you say you would restore the Haileybury system?—I would abolish competition altogether. I would have an institution of the old Haileybury type, where young men would be specially trained for their work in after-life. In India I would require young men to be trained for executive work in special colleges.

2821. Who would have the power to nominate?—I was going to suggest that nominations to these colleges in India should be vested in the hands of a Board consisting of the Director of Public Instruction, the Chief Secretary to the Government of Bengal, and some leading members of the different communities who would be able to understand the position and qualifications of these young men.

2822. Would you have the same system in England?—That would be for the Secretary of State to consider.

2823. I should like to ask you whether you consider it necessary to have a certain proportion of Englishmen in the higher ranks of the Civil Service,?—I am decidedly of opinion that, regard being had to the circumstances of the country, so far as administrative appointments are concerned, there should be a preponderance of Englishmen.

2824. Are the changes you propose in the limit of age and other things connected with the competition examination suggested by you with a view of getting a greater number of Natives into the Service, or with a view of getting men better fitted for the Service?—My object is to get better men. We have made these suggestions not only in regard to our own interests, but also the interests of the Empire. We think that if the age limit is raised, we will get better Europeans and probably better Indians.

2825. Are the suggestions as to the subjects of examination made with the same object?—With the object not only of improving the class of men we get, but also of enabling us to get in men with a better knowledge of the country.

2826. Do you contend that an examination in Urdu is a good test of general culture?—It will be a good test of future efficiency.

2827. Is not that rather an argument for putting it into a second examination?—I would put it in the first examination, in order to test how a student has employed his time previously.

The Hon'ble Mr. Quinton.

2828. Are you not aware that the object of the first examination is to test general

Vol. VI.
Sec. II.
Bengal.

Syad
Amir Ali.

The Hon'ble Mr. Quinton—continued.

Vol. VI.
Sec. II.
Bengal.
—
Syad
A. M. Ali.

education, while that of the second examination is to test technical training?—With reference to Urdu, I ought to remark that it is a language understood all over the country.

Mr. Nulkar.

2829. One of the objects of the Commissioners who devised the present system was to secure young men who had received the best educational training in England, and with that in view they said that the character of the examinations should not be orientalised?—Yes.

2830. If you add these Oriental languages, would it not tend to alter the character of these examinations?—I do not think so; I think it will liberalise the education of these young men, and that it will have a great tendency in making them feel more in harmony with their work than is the case at present. If it does orientalise them it will be a result I shall not deprecate.

2831. You said that if an examination was held in India, you would require a further examination. Are you aware that they have how to go through certain periodical examinations which are very difficult, and that sometimes they fail?—Yes. What I mentioned before was that an examination in this country was open to several objections, and I was discussing the various grounds which were suggested by way of answer to those objections. I looked at the question first upon the assumption that there would be no further examination, and I tried to show how fallacious that hypothesis was.

2832. One ground was that no further examination was necessary?—I took it in the alternative. The supplementary examinations which are referred to are mere test examinations to see that the selected candidates have utilised their time properly. One objection that has been raised to the Civil Service examination in England is that there are so many risks of failure, and that if candidates fail, it is a great hardship to them. It seems to me there are a great many men who have gone up and failed, but I do not think any of them would like to change their present position with any that the Civil Service can afford them.

Mr. Ramaswami Mudaliyar.

2833. Did I understand you to say that if selected men were sent to England, there should be another competitive examination there?—I made no such suggestion. We object to examinations in this country altogether. I place great stress on previous training. It is easy to pass an examination, but it is difficult to possess the requisite training, and if young men after selection in this country are sent to England, it will become requisite to subject them to a severer ordeal to test the use they have made of their

Mr. Ramaswami Mudaliyar—contd.

time than the ordinary test examination to which selected candidates are at present subjected in England.

2834. Do you want to raise the standard?—I would not make any suggestion.

2835. What kind of an examination in India would you subject competitors to?—If an examination is held in this country, it must be an examination which will test training as well as book learning. It will thus become a much more severe examination than the English examination is now.

2836. Do you not see the hardship to the candidates?—I do not.

2837. Have you been to any English college?—I have not, and that is my regret. I hope some day or other to see institutions in this country which will afford the same kind of training to our youths as Eton, Harrow, Marlborough, Rugby, and Winchester. I think that these are places which have made the English nation, and unless we have institutions such as these, it will not be right for us to expect much.

2838. I wish to know to what sort of training you are referring?—I would appeal to the experience of those who have seen the institutions I have referred to and the educational institutions in this country to say what differences exist. I might mention, however, that there is absolutely no training in this country. In this country a boy always goes to school as a day scholar. He receives book instruction and nothing more. No attention is paid to his moral training, culture or general education. In England you see boys kept well in hand in schools where discipline is maintained, where the formation of character is attended to, where they learn to be independent without being supercilious, to be respectful to their superiors without being cringing, where they learn self-reliance and self-dependence. It is impossible to say this of ourselves.

2839. Do you think that here boys have no respect for their superiors?—It is difficult to answer this question without giving rise to some invidious reflections. What I say is that here in this country, the training is so very different—so inferior—that it is impossible to expect that persons who have been trained here would be in the same position as men who have been trained in England. I do not wish to go into particulars, but the first essential difference is in the discipline of the mind, the character and body, and that is a thing which we have not learned yet to teach in our schools. The University here has neglected this essential of education, and it has directed its attention simply to qualifying youths for passing certain examinations without reference to their future careers, or their general culture. The first thing which our University ought to do should be to remodel our educational institutions upon the model of English colleges and schools.

Mr. *Ramaswami Mudaliyar*—contd.

2840. Are you not a member of the Senate of the University here?—I am a member of the Senate, and I do not wish in the smallest degree to shirk the responsibility for the present state of things, which rests on me, jointly with others.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur.

2841. Is our home discipline the same as in England?—No.

2842. Are the parents of Indian youths as highly educated both in independence of character and discipline as the parents of English youths?—Decidedly not; that is the view I have formed after considerable experience.

The *President*.

2843. In fact, you look upon the control of the resident masters as one of the main advantages which the English system of education has over that which is adopted in this country, and you say this without making any invidious distinction?—Not the smallest insinuation. It is a question of distinguishing between the two systems.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádur.

2844. Have Indian schools got anything like a playground in which the boys can enjoy themselves?—They are making some effort in that direction now.

2845. Have you witnessed the behaviour of Native boys in school?—I have, and their behaviour, by contrast with that of English boys is not what it ought to be. The English system is totally different.

2846. Is there anything in our schools to form the boys' character?—No, probably with the exception of the Aligarh College and the college recently established at Kurrachi under the auspices of our Association, there is no institution in which the smallest attention is paid to the formation of character.

Mr. *Ramaswami Mudaliyar*.

2847. Attempts are being made in Indian institutions to supply these defects?—So far as playgrounds are concerned, no doubt; but we are behindhand in everything else, and probably twenty-five years hence we shall be able to do something like what is done in England. It is a very hopeful sign.

Mr. *Stewart*.

2848. Is not Arabic a subject which is studied much more by Mahomedans than by Hindus?—No doubt.

2849. Cannot the same be said of Persian?—No. In the North-West, Persian is studied by Hindus as well as Mahomedans.

Mr. *Stewart*—continued.

2850. Is not Urdu the mother-tongue of Mahomedans?—Not of Mahomedans exclusively. It is the mother-tongue both of Mahomedans and Hindus from Bhagulpore up to the Punjab.

2851. Are not Mahomedans more familiar with Urdu than with Hindi?—I do not think so.

2852. Have you found many Hindus studying Urdu?—Yes, I have found many.

2853. You admit that Persian, Arabic and Urdu are chiefly studied by Mahomedans?—I do not admit that to the extent that is implied by the question. Unfortunately, no doubt, Persian has been neglected lately by the Hindus of the Lower Provinces, but in Northern India all cultivated Hindu gentlemen know it, and I know several who are better Persian scholars than many Mahomedans. So far as Arabic is concerned, I do not think that assigning 200 marks more to it will give the Mahomedans any advantage.

2854. You are giving 1,550 marks for Arabic, Persian and Urdu, whereas only 650 are given for Sanskrit?—I wish to give the Hindus of Northern India the same chance as Mahomedans. These men have not had the same chances as they ought to have.

The Hon'ble Mr. *Quinton*.

2855. You recommend the grant of scholarships to men going to England?—Yes; in addition to the scholarships already established.

2856. How would you elect to these scholarships?—A certain system has been established, but we would prefer to have the same system which was in force in 1868, and under which I and several others got scholarships.

2857. How were they elected?—They were selected, as far as I remember, by the Local Government upon the recommendation from the Director of Public Instruction in consultation with the heads of institutions, and though I was one of the recipients, I may say that none of the nine who obtained scholarships proved a failure.

2858. You advocate a separation of the Judicial and Executive Services. Would your remarks apply to Lower Bengal?—I have been speaking from my experience, which has been chiefly in Bengal.

2859. You were a Presidency Magistrate and Chief Magistrate: were you in any way responsible for keeping the peace in Calcutta, supposing a riot broke out?—No.

2860. Your functions were confined to trying cases which were brought before you?—Yes.

Mr. *Ramaswami Mudaliyar*.

2861. You advocate the recruitment of the Judicial Service from the Bar?—Yes, chiefly. Experience has proved that officers

Vol. VI.
Sec. II.
Bengal.
—
Synd.
Amir Ali.

Mr. Ramaswami Mudaliyar—continued.

Vol. VI.
Sec. II.
Bengal.
Syad
Amir Ali.

who have had some such training have proved more successful judicial officers than those who had none. For example, Munsifs are better judicial officers than Deputy Magistrates. I forgot to add one qualifying proviso to my suggestions, viz., the doing away with the University test as a necessary condition to becoming a pleader. I submit that the B.A. degree should not be compulsory qualification for the High Court pleadership at all. I would do away with all distinction between pleaders, *i.e.*, there should be no such difference recognized as now exists between High Court pleaders and District Court pleaders. All persons who possess a sufficient knowledge of English literature and history should be eligible to practise as pleaders after passing a law examination such as are held at the Inns of Court.

2862. Do you think the work of the District Judges satisfactory?—I am bound to say it takes a long time before a man who has been discharging executive duties and administering Criminal law, placed in the position of an Appellate Court to try appeals from the decisions of Subordinate Judges of long standing, can take a sufficient grasp of all the questions which require determination. It is unfair to them. Of course there are men of exceptional ability who rise to the occasion and make extremely good judges of fact and law, but in many cases I think it is unfair to call upon them to sit in appeal on the judgment of men of long training.

2863. What do you think of their work in original cases?—I have had some experience of that matter and should give the same answer. I consider it invidious to call upon them to try long or complicated cases when they have this difficult duty thrown upon them without having had any previous training in trying original cases.

2864. Do you know any Native Covenanted Civilian?—I have had the pleasure of knowing two or three.

2865. Do any of them fill the post of District Magistrate?—I think one or two do.

2866. Do you think that they perform their duties satisfactorily?—I think on the whole they do.

2867. Have you heard whether there is any difference between their work and the work of other Native Civilians?—I have not.

2868. Have they received any special training?—They were not trained in public schools, but they received as good a training as possible during their stay in England.

The President.

2869. In regard to the changes proposed in the languages, don't you think that is a matter which should be left to the Civil Service Commissioners?—Of course I can only offer suggestions.

Mr. Stewart.

2870. Is it a fact that Urdu is not taught in schools in Bombay or Madras?—Possibly it is. I am not responsible for that defect in their education.

The Hon'ble Mr. Quinton.

2871. In the whole of Bengal, Deputy and Assistant Collectors have nothing to do with litigation under the Rent Act: it rests with the Civil Courts?—Yes.

Mr. Ryland.

2872. Have not there been frequent glaring exhibitions of a rebellious spirit on the part of students in public schools in Bengal which would not be possible in England?—I think so, but I looked upon it as rather a hopeful sign.

Mr. Peacock.

2873. Referring to Native Civilians, you say you had no means of speaking of them from personal knowledge?—I spoke with reference to general reputation.

2874. You said you believed one man had been in charge of a district?—I spoke from general report; I have had no personal opportunities of knowing.

2875. How would you recruit the Uncovenanted Service?—I should say from all natural-born subjects of Her Majesty domiciled in British India; I do not wish to include the Colonists, as I do not think they are entitled to be introduced into this Service. But all Natives of India who come within the Statutory definition I would include.

2876. Would you have the recruitment provincial or general?—We do not see any reason why it should be provincial.

2877. You do not think there would be any specific objection to a Bengali serving in the Punjab?—I misunderstood the prior question. There would be, I believe, considerable objection to a Bengali serving in the Punjab. To Mahomedans of one Province serving in another Province, there can be no objection; but I think there would be objection in the case of members of other communities.

2878. Notwithstanding that, you would make the recruitment general?—No, I wish to correct my former observation. Hitherto the recruitment has been provincial, and bearing in mind that no special rule can be framed with respect to Mahomedans, I would leave it as it is.

2879. How would you recruit?—There are two branches of the Uncovenanted Service—the Executive and the Judicial. The Executive branch has been hitherto recruited by nomination. I have a few figures which show how the Mahomedans at present stand with regard to judicial and executive appointments. In 1887 the Mahomedans in both branches numbers

Mr. Peacock—continued.

68 to 46 Hindus; in 1847 there were 74 Hindus to 57 Mahomedans and were divided thus:—24 Hindus to 40 Mahomedans in the Judicial Service; 50 Hindus to 17 Mahomedans in the Executive Service; in 1857 the Hindus numbered 166 to 88 Mahomedans; in 1867 there were 105 Hindu Deputy Magistrates to 30 Mahomedans, and 129 Hindu Munsifs to 48 Mahomedans. The proportion of Mahomedans in the Judicial Service in 1867 was, therefore, one-third, or nearly 33 per cent. At the present moment it is less than 3 per cent. Altogether there are 251 Munsifs, out of which number 9 only are Mahomedans and 242 are Hindus. Out of 54 Subordinate Judges, 53 are Hindus and not a single one of them is a Mahomedan. In the Subordinate Executive Service, out of 454, there are 348 Hindu Deputy Magistrates to 47 Mahomedans; in the Subordinate Executive Service the proportion of Mahomedans is one-tenth, and in the Judicial one-twenty-seventh. Twenty years ago the proportion in the Judicial Service was about one-third, and in the Executive Service a little less than one-third. The story told by these figures carries with it a moral which Government ought to lay to heart. I have said already that appointments to the Subordinate Executive Service are, on the whole, by nomination, and therefore the Mahomedans yet make a fair show in that Service. The Subordinate Judicial Service is recruited by nomination founded on a preliminary test, and that has led to their gradual exclusion from this branch of the public service. What we would suggest would be that the University qualification be done away with; make the law examination as scrutinising as possible, but why insist upon a University test which in no degree shows the capacity of the individual for professional work? I think Dwarkanath Mitter was not a B.A.

2880. You have said that the recruitment was by nomination; that is not correct?—I said that that was the general rule; I know some modifications have been made recently.

2881. You are aware that the Government have been doing what they can to remedy the defects you point out?—Decidedly the Government have now perceived the difficulties of the situation. Our Association has tried to call attention to this unequal state of circumstances, and the Government are beginning to appreciate the difficulties, and have been endeavouring to remedy them to some extent. We therefore want no changes introduced into the system of recruiting for this Service which will have the effect of introducing an unqualified competitive system.

2882. If the Statutory Service is abolished, should you give back to the Covenanted Service the number of appointments which have been set apart for the Statutory Service?—We do not consider the abolition of that Service to be expedient.

Mr. Ramaswami Mudaliyar.

2883. Are there many Mahomedans who matriculate?—Yes, a good many.

2884. Are there many Mahomedans who are first grade pleaders?—Not many.

2885. You would not advocate any scheme which would lower the efficiency of the administration?—No.

2886. Is the University test so high that Mahomedans cannot pass it?—I mean that there is no necessity for requiring candidates to qualify by taking the B.A. degree.

2887. Do many Mahomedans pass the F.A.?—Not many in relation to their numbers.

2888. Don't you think that these men should have a fair knowledge of English?—You may examine them as much as you think necessary to test their knowledge of English, but I don't approve of a test which has the effect of excluding many qualified men.

2889. Would not you think some such qualification necessary?—Before a candidate can appear at the F.A. examination he must matriculate and have studied for two years after that. I would establish an examination of the same standard without insisting on matriculation.

Sir Charles Turner.

2890. You say that a smaller number of Mahomedans now obtain these appointments?—Up to the year 1864 a knowledge of English was by no means a necessary condition for appointment to the Subordinate Judicial Service. Sudder Amins were, in the case of Mahomedans, appointed principally from those who had passed the Senior Arabic Scholarship examination. Naturally the Mahomedans did not take to English education when there was no necessity for it. The consequence was that after English became a *sine qua non* when those who were already in service died out, others could not get in.

2891. Would it have been possible to appoint to a judicial office in the Madras Presidency a person who knew only Urdu?—Probably not.

2892. Have you any figures to show what proportion of the Hindu and Mahomedan population, respectively, has taken advantage of higher education?—I have not brought them.

2893. After 1858 the Code law began to be introduced—for instance, the Criminal Procedure Code, the Penal Code and others, and all these were enacted in English and introduced many principles of English law. It thus became almost indispensable to have a knowledge of English in order to acquire a legal training. Has that been a difficulty in the way of Mahomedans?—It has, and it has been a difficulty no doubt with men who entered before they studied English. But I have known judicial officers who did not know a word of English, and yet were quite as competent as any English educated officer.

Vol. VI.
Sec. II.
Bengal.

Syad
Amir Ali.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bencal.
—
Syad
Amir Ali.

2894. Would you make any difference in the pay of an office according as it was held by a Statutory or a Covenanted Civilian?—I think I said on behalf of the Association that the first encouragement we should hold out to men selected for the Statutory Service to proceed to England would be to place all Statutory officers who have had an English training on the same platform, in the matter of pay, as a Covenanted Civilian. If the selected candidate is not a Barrister, and does not choose to go to England to acquaint himself with the modes of thought prevailing in England and the

Sir Charles Turner—continued.

practice prevailing in English Courts of justice, we would give him less pay,—say two-third of the pay given to Covenanted Civilians.

2895. Should any distinction be made in regard to *ladough*?—This question has not been sufficiently discussed by us, but I may give my opinion, that if the officer knows English and has had an English training, he should be placed on the same footing as an English Civilian.

2896. In what year did you graduate? I think it was in 1867; I took my B.A. in 1867, and M.A. in 1868.

WITNESS XXXVI.—26th February 1887.

Examination of the Hon'ble G. C. PAUL, Barrister-at-Law, Advocate-General of Bengal.

The President.

2897. You are, I believe, Advocate General of Bengal?—I am.

2898. Is there any special point on which you wish to be examined?—I will endeavour to answer any question that may be put to me.

2899. Is the existing system of appointing Natives to the Statutory Service approved?—I have very little personal knowledge of these appointments or the results of them, but I have heard that they have given great dissatisfaction with one exception, the ground of dissatisfaction being, as I have heard, that the appointments have not been conferred on persons of proved merit and ability.

2900. What do you yourself think of the system?—I think the Statute was intended to provide employment in the public service for Natives of India of proved merit and ability, but the rules under the Statute leave it open to the Government to appoint anybody, whether of proved ability or not. My own opinion on the point is that, so far as the Executive Civil Service is concerned, I do not think men of "proved merit and ability," in the sense in which those words are used in the Statute, would be fit to step into the Executive Service. Every man in the Executive department must grow up in the service; he must begin at the beginning and go on learning his business until he gets into a high executive appointment. But I would admit persons of proved merit and ability who are members of the legal profession to the Judicial branch of the Covenanted Civil Service. In order to explain my views, I must begin with the early history of the administration of justice in the mufassal of Bengal. In former times the mufassal judiciary as members of the Civil Service were required to decide cases according to the principles of equity and good conscience, except cases falling under the Mahomedan or Hindu laws or the Regulations. With regard to Mahomedan and Hindu laws, the mufassal Judge was assisted by law officers who expounded those laws; the Regulations being couched in clear and untechnical language, were easily construed, and the cases themselves were of a character comparatively simple to those of the present day. Under these circumstances a Judge, being a gentleman of education and probity, could with

The President—continued.

ordinary care come to a fair and proper decision in a very great number of cases. This primitive condition of things has since undergone a complete change. Since the transfer of the government to the Crown, under the Statute of 1858, competitive examinations have been introduced, and some provision has been made for the instruction of selected candidates in law. Whether the candidates retain the infusion of law under the present system for any time after they have passed their examination may well be doubted. But this legal instruction or infusion of law has not kept pace with the times. Since 1872, a number of codes, highly technical in their language and character—codes based principally upon English law—have been introduced into this country and now form a large body of laws which are administered by the Courts. The legal education of Civil Servants notwithstanding the introduction of these codes has remained unaltered. The mufassal judiciary has no longer to determine causes by the application of the principles of equity and good conscience; they have to administer justice to the parties in accordance with legal rights laid down in the codes, and have for that purpose to construe codes intended for professional lawyers, and which professional lawyers alone, who have had extensive practice in their profession, can properly construe and apply. The result is that technical laws, which require professional men well practised in their profession to deal with and handle them cannot, having regard to the proper administration of justice, be properly administered by non-professional men. I will give a couple of examples to illustrate my meaning. Section 40 of the Transfer of Property Act embodies an equitable doctrine upon which eminent lawyers held conflicting opinions, and it was only when *Talk v. Morhay* was decided in the year 1848 by Lord Cotterham that the doctrine referred to became settled law. I maintain that it would not be possible for any person not versed in the history of this branch of the law, or familiar with the case cited, to apply the doctrine properly and within its legitimate limits. Similarly, section 52 of the Transfer of Property Act deals with and refers to "active prosecution of suits." The word "active" is not defined in the

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
G. C. Paul.

The President—continued.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
G. C. Paul.

Code. It follows, then, that a person who has to apply the doctrine of "Lis pendens" must be familiar with the cases which decide what is an active prosecution. Many cases of the like kind may be put. I am very clearly of opinion that the time has now arrived when professional persons should alone be entrusted with the administration of law. If you have technical codes, you are bound to have professional lawyers to interpret and apply their provisions. I would recommend that the provisions of the Statute enabling the Government to appoint persons of proved ability and merit, be exercised in favor of advocates and pleaders of the High Court in respect of the appointment of District Judgeships. The Statute would itself probably require amendment for the purpose I am about to mention. In order to obviate any discontent that might arise in case fit appointments are not made by the Local Government, I would either invest the High Court with the power of making these appointments, or the Lieutenant-Governor might make these appointments on the recommendation of a committee consisting of the Chief Justice of the High Court, one Puisne Judge of the High Court, one Native Judge of the High Court, the Advocate-General and the Senior Government Pleader.

Mr. Ryland.

2901. You said that you would confine Statutory appointments to the Judicial Branch of the Service, and I understood you to say that you would not appoint untried men. You spoke as if you were under the impression that you could not find any but untried men?—I did not mean that you could not find tried men in the Uncovenanted Service to promote to higher appointments in the Covenanted Service. Undoubtedly you could. But there is no necessity for doing so.

2902. Would you allot more of these appointments to the Uncovenanted Service for its encouragement?—I think Uncovenanted Servants have a fair share of honors allotted to them. I do not think I would give them any further encouragement. If you were to draft men from the Uncovenanted into the Covenanted Service, you must qualify the men for the office. Suppose a man has been ten years in an office and he expects to be made a Magistrate or Collector. I suppose you would not suddenly bring in a man from outside over his head.

2903. If you could devise some means of avoiding that, would you object?—No.

The Hon'ble Kazi Shahabuddin, Khán Bahádúr.

2904. Are you describing an instance of what has actually occurred?—No; but I have been thinking over the matter, and it seems to me that any method of this sort

The Hon'ble Kazi Shahabuddin, Khán Bahádúr—contd.

would be open to confusion. It is only an opinion of my own.

2905. Would you not be surprised to hear that men of proved merit and ability have been appointed in that way, and that there has been no confusion?—Certainly not. But I say it is unfair that a man of the Covenanted Service who expects to get on from one post to another should suddenly have an outsider put over his head. This is the confusion I was referring to.

Mr. Stewart.

2906. Would you make any change in the definition of the term "Native of India" in the Statute?—The Statute is badly worded. I have been thinking over the matter, and would extend the definition so as to include any person born or domiciled in India. I should be disposed to let in English people who are not Natives of India, provided they are domiciled in India. If a gentleman comes out and says, "I intend to remain here;" and if he makes India his home, and remains here, such a man ought to be allowed to enter the public service. Under the Indian Succession Act, the term "Anglo-Indians domiciled" has fallen into disuse. Ordinarily Englishmen who come out here have the *animus revertendi*, and they do not abandon their domicile unless they have the *animus manendi*. However that may be, the Statute requires amendment. The intention was to "extend the employment of Natives of India."

Sir Charles Turner.

2907. Were not the codes intended to summarise the law for the benefit of less trained lawyers?—The codes were, according to my views, intended to crystallise the existing law, and not to introduce foreign law, such as the English law must be considered with reference to this country generally. I intended at one time to have stated publicly my objections to some of the codes which were then about to be passed in Council, and amongst these objections to point out the unsuitability of so great a mass of English law to this country, and to have drawn attention to the fact that unless due provision was made for the administration of the law by professional Judges, the codes would be failures; but circumstances so presented themselves as to deprive me of the opportunity I expected to have.

2908. Are there not special cases to which section 40 of the Transfer of Property Act might apply in India?—Possibly there are.

2909. You admit, then, that the provision was necessary for India?—Excuse me, I did not say that. There may be cases to which the law might apply. I do not know any such case.

The Hon'ble Mr. *Quinton*.

2910. But would you have to look through a series of conflicting rulings in the English Reports when you have the final decisions summarised in the codes?—You would have to look into the cases. The summary would not assist one in the application of the law. In order to understand the principles you must go behind the stated principles.

2911. If you were to do that, you must have a larger and more extensive library than any Munsif could furnish himself with?—Quite so, and that is more especially due to the manner in which the codes have been framed.

Sir *Charles Turner*.

2912. In regard to the quality of professional men in the Courts, do you think that if you resolved to appoint highly-trained and intelligent men of the Bar, you could find many who would accept District Judgeships?—I most certainly think so. If I was honored with a commission to select twelve men, I would undertake to select six advocates and six pleaders of the High Court who would discharge their duties in the most efficient manner. Before I came here I asked six Barristers if they would take up the appointments, and they said they would.

2913. Amongst Civilian Judges there are men of very high attainments?—Yes.

2914. Do not men of high attainments pick up a sufficient knowledge of the law within a few years?—Those who study law do acquire a fair knowledge, but there are many who do not take the trouble to do so. But the utmost that men so selected can do is to endeavour to keep up with their professional colleagues. In my opinion, Judges should not be selected who do not thoroughly understand their work. They ought not to be raised to the Bench in the first instance and then allowed to learn the law.

2915. District Judges are men who have spent several years of their lives as Magistrates, and in fact are bound to know the law of evidence?—They do not know it. As a rule their knowledge of the rules of evidence is indifferent and inaccurate.

2916. As a matter of fact, is it not the general opinion that the superior Magistracy in this country is highly efficient?—They may be efficient as district officers. With regard to Magistrates who perform judicial functions, I do not think that they know much of judicial procedure and evidence. The Magistrate of the district rarely tries cases.

2917. Are those Magistrates who perform the higher magisterial functions generally efficient officers?—With regard to their judicial work, I cannot say they are very efficient: I should say they were not very efficient.

2918. Have you not had some Civilian Judges who have been very competent Judges?—Yes.

Sir *Charles Turner*—continued.

2919. Do you consider that it is desirable that we should have in the High Court some Judges who are familiar with the revenue and administrative systems of the country?—No doubt a fair knowledge of the revenue regulations involves a knowledge of the land tenures of the country, but I do not think you require a revenue officer to preside in the High Court.

2920. Is it not an advantage to have in the High Court gentlemen who are acquainted with the revenue and executive administration of the country?—It is no doubt an advantage to have men with knowledge of all kinds; and if in addition to a fair knowledge of judicial business, a Judge has experience as a revenue officer, it would be a great advantage; but it would not be an advantage if a Judge, however conversant with revenue administration, was unacquainted with judicial business.

2921. Would it not be better that he should have both a technical training and a knowledge of land tenures and of executive administration?—I say that a Judge must be a man who has had a legal training. If he adds to that a knowledge of the revenue law, most certainly it is an advantage.

2922. That is, if you combine with a fair judicial knowledge, a knowledge of the revenue laws, it would be an advantage?—Yes.

2923. In what revenue cases would Barristers be employed in the Punjab and North-Western Provinces?—I limit my remarks to Bengal.

Mr. *Fitzpatrick*.

2924. Take it in Bengal?—Barristers practise in all the Courts; they go before Commissioners, Collectors, and even before the Board of Revenue.

2925. Is it not of great importance to suitors in the High Courts that we should secure not only trained lawyers, but also men who are acquainted with the country?—Certainly, but a trained lawyer is required.

2926. You said you knew twelve men whom you could, if you were asked to do so, select for District Judgeships as persons well qualified for those appointments. May I ask how many of these gentlemen are making Rs. 1,000 a month?—With reference to the Pleaders, each of them is making more than Rs. 1,000; with reference to the Barristers, I do not think there is one making more than about Rs. 500.

2927. Of how many years' standing are they?—One is a Barrister of about 20 years' standing.

2928. And the juniors?—About 12 years' standing.

2929. These have not been very successful?—Success depends upon so many considerations. These men are very able, but they have not had people to push them on.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
G. C. Paul.

Mr. Fitzpatrick—continued.

Vol VI.
Sec. II.
Bengal

The Hon'ble
G. C. Paul.

2930. There are men who attain no success at the Bar who make good lawyers and competent Judges?—Yes, there are.

Mr. Nulkar.

2931. Do you practise before Civil and Sessions Judges?—Not now; I have done so repeatedly in former times. For about fifteen years I was frequently in mufasal courts.

2932. What is your opinion as to the legal qualifications of Covenanted Civilians who enter the judicial branch of the Service? Do they not generally supplement their training by private study?—Well, some do study and acquire some knowledge of law, but as a rule they are placed in positions which they ought not to occupy, because they do not know law. I do not think you can ever make up by private study that which men obtain by long practice in their profession.

2933. From your experience, do you find that they apply themselves as students to make up for deficiencies?—I daresay they do in some cases. I have known a Civilian Judge of the High Court who has done excellently well.

The President.

2934. Is any dissatisfaction felt at the existing system of recruiting for the Covenanted Service?—If by the question I am to understand whether better officers could be had under a different system, I should say that for the judicial offices a different system should be adopted. It has often struck me that the judicial system might be better recruited. I wish to point out that in the Judicial Service there are two classes of Judges—the District Judges and the Subordinate Judges and Munsifs. In appeals from the Munsifs, when the District Judges differ from the Munsifs on points of law they are generally in error. There is a reason for that, namely, the Munsif is always employed in trying civil cases, and in course of time acquires some knowledge of law, while the Civilian Judge is a gentleman who rises from the position of a Magistrate to that of Judge, and who has had no practice in civil cases. The Subordinate Judge is more familiar with the Regulations and Acts and decided cases than the District Judge, and as a rule decides points of law better than the latter. On questions of fact which require a knowledge of Native habits and custom, he is a better Judge of fact; but in cases which involve a complicated state of facts which require analysis and dissection, and where a sensitive moral perception and higher educational culture are essential, the Civilian Judge is the better Judge and outstrips the Native. But I must say that with regard to both classes of Judges, namely, District

The President—continued.

Judges and Subordinate Judges, they are not, in my opinion, competent to deal with civil cases in an efficient and satisfactory manner, because they are not acquainted with the broad principles of law and equity, and are not sufficiently familiar with the practise of the law, to enable them to decide rightly and to do justice. I would vest Munsifs with powers to try both criminal and civil cases, and would appoint Deputy Collectors to purely executive work.

2935. Would all these officers be recruited from the Bar?—No, I would only recruit the District and the Additional District Judges from advocates and pleaders of the High Court. All the others might be appointed in the same way as they are now.

2936. What would you have them promoted to?—Subordinate Judges might in exceptional cases be promoted to the High Court, or you might put him into a District Judgeship. I ought to have stated that subordinate officers of proved merit and ability might be allowed to rise to District Judgeships, but I would make these appointments very exceptionally.

2937. A Covenanted Civilian would never be promoted to a District Judgeship under your scheme?—No, I would not put them there: they should look to Commissionerships or the Board of Revenue.

2938. Would you suggest any change with a view to giving Natives greater facilities for passing the competitive examinations for the Covenanted Service? Would you change the system of having an examination held only in England?—I would not have an examination in India at all.

2939. Would you alter the subjects?—I have formed no opinion on that point. I would alter the age and make it twenty-three so as to allow University men to compete. With regard to the number of marks, I have nothing to suggest.

2940. Would you raise the age for the purpose of admitting Natives, or in order to get better men?—For the purpose of getting better men, and in order that Natives should not be obliged to part with their children at so early an age, I would give University men an opportunity of getting into the Service.

2941. Do you consider it essential that there should be a considerable preponderance of European members in that Service?—I do, because I think Europeans generally make better administrators.

2942. Do you attach much importance to inspection work?—I do.

2943. Do you think it should be done by Natives or Europeans?—With regard to that, there are some Native Barristers and Pleaders of the High Court who would do it very well; but, as a rule, Europeans manage administrative affairs better than Natives.

Mr. Ryland.

2944. You provide for the separation of the two Services; and your scheme would throw the judicial branch open to Europeans as well as Natives, but would confine the executive branch only to men who pass in England. Would not this rather reduce the number of appointments open to the executive departments?—Of course that follows.

2945. The preponderance of Europeans would only extend to the executive branch then?—I do not know that.

2946. Would you have any sort of apportionment?—I cannot answer that.

2947. In what way would the preponderance of Europeans be secured?—I think if the age were raised to twenty-three and University men allowed to compete, you would have a good many Europeans in the Service.

The President.

2948. You think that both at the Bar and at these examinations, the Europeans would be the more successful?—As regards the Bar, I think Natives would get in more. I would not object to put the age as high even as twenty-five, so as to allow University men to compete, and there is no doubt a good many of them would get these appointments.

2949. You think Subordinate Judges are better than Civilian Judges?—I have already drawn the distinction, stating the superiority of each class.

Mr. Ramaswami Mudaliyar.

2950. You say that where the decision of a case demands the exercise of high moral and mental culture on the part of the Judge, the European Civilian is a better Judge than the Native Subordinate Judge; is that so?—Yes, and where the questions of fact are complicated. The Civilian Judge is a man of good education and more extensive reading.

2951. If the Subordinate Judge is of the same standing, has he not often to try these complicated suits?—He has; the District Judge also tries them. I have often appeared in appeals from the judgments of Civilian Judges. A few cases are quite enough to enable me to form an opinion on the merits of a particular Judge. Complicated questions of fact are much better dealt with by Civilian Judges than by Subordinate Judges.

What makes you come to these conclusions?—From the year 1861 to 1877 I practised almost exclusively on the Sudder Dewani side of the Court and can speak with some confidence.

Mr. Fitzpatrick.

2952. As regards the Uncovenanted Service, should this Service be recruited entirely from Natives of India?—I should say from all natural-born subjects of Her Majesty, so as to make it more general.

2953. Would you recruit by competition or nomination?—According to my view, I have suggested that no Deputy Collectors

Mr. Fitzpatrick—continued.

should have any judicial work at all. If that be so, you may have nomination and a mere qualifying examination.

2954. Have you any remarks to offer on the questions of pay, pension and furlough?—I wish to say one thing about the pay rules. It would be invidious to give different salaries to different people. With regard to furlough, the European has got to go home, but the Native may wish to travel about the country, and I don't see why he should not have furlough. As to pension, it may perhaps be less, because he lives in a cheaper country.

Sir Charles Turner.

2955. Do you know many pleaders of District Courts?—I do.

2956. Is it easy to get good men to fill Munsifships?—Yes.

2957. Would it not be preferable to get men who have been practising for two or three years?—I would never put a man into a judicial post unless he had seen something of professional work.

The President.

2958. How many years' practise would, in your opinion, be necessary?—Three years.

2959. Do you think that a man would become tainted if he were to remain, say, for four years on the professional staff of a District Court?—There are men and men—men who belong to respectable families would not be tainted.

2960. What pay would secure the services of efficient pleaders?—Three hundred rupees a month would be quite sufficient to secure these men. With regard to promotion, it would depend upon vacancies and openings. I can speak of the Munsifs of Bengal in the highest terms.

2961. Is there anything else you would wish to say?—I also wish to say that I think that Magistrates of districts should have no judicial powers. If Act IV of 1866 be considered, it will be found that the Commissioner of Police is a Justice of the Peace; he should have no judicial powers. I would not allow Magistrates to have anything to do with the getting up of cases; that is a thing which has given great dissatisfaction to the Natives of this country.

Mr. Peacock.

2962. You said just now that Magistrates of districts never tried cases?—I said, hardly ever tried.

2963. Then this evil is hardly likely to occur?—The Joint-Magistrate should never be under the District Magistrate, but under the District Court and High Court.

Sir Charles Turner.

2964. Do you think that the time has arrived when you can place the executive charge of districts in the hands of Natives of the country?—I do not think so, unless where the Native is an exceptionally strong man.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
G. C. Paul.

WITNESS XXXVII.—28th February 1887.

Examination of the Hon'ble H. T. PRINSEP, c.s., Judge, High Court, Bengal.

The President.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
H. T.
Prinsep.

2965. You are a Judge of the High Court?—Yes.

2966. And a Civilian who entered the service from Haileybury?—Yes; I entered in 1855.

2967. Have you had experience in the revenue and executive as well as in the judicial branch of the Service?—In both, but principally in the Judicial Service.

2968. Is the present system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service approved?—It is disapproved.

2969. By what classes is it disapproved?—By officials and non-officials alike. The men appointed have generally proved to be inefficient, and several of them have been obliged to resign because they have not been able to fulfil the conditions of their appointment, viz., the passing of an easy departmental examination within two years.

Sir Charles Turner.

2970. How many of them have resigned?—I believe at least three or four.

The President.

2971. Do you consider that there are as good men in the superior ranks of the Uncovenanted Service as in the Statutory Service?—Certainly.

2972. Are the defects of the Statutory system capable of remedy?—Yes, by an alteration of the rules, so as to provide some guarantee of a certain standard of educational qualification in the nominees.

2973. How would you appoint your candidates?—Entirely by nomination.

2974. What standard of educational qualification would you expect?—Not necessarily a University degree, but I would require some substantial guarantee that the candidate had had a good general education.

2975. If you did that, would you be able to select men of the class whom it is desirable to enlist in the service of Government on account of their influence with the masses, and who would be unwilling to enter the Uncovenanted Service?—I do not know whether we should or not; we ought to be able to do so.

2976. Have you studied the Statute 33 Vic., Cap. 3, Sec. 6?—I have.

2977. Do you consider the present definition of "Natives of India" sufficiently comprehensive?—I would enlarge it so as to

The President—continued.

admit of the inclusion of the gradually increasing class of Anglo-Indians.

2978. Would you have it include, for instance, subjects of Native States?—I do not feel competent to express an opinion.

2979. Would you retain the Statutory Service at all?—I would.

2980. And having selected your candidate in the way you propose, would you send him to England for training?—I would not make it a condition of the service, but I would hold out inducements to them to go.

2981. Do you know whether the objections which Hindus entertain to the voyage to Europe are diminishing in these Provinces?—In the neighbourhood of presidency towns they are. I am not aware that they are diminishing elsewhere.

2982. Is the present system of recruiting the Covenanted Service by competition in England, acceptable to the Native community?—I believe that the class from which the candidates now come wish to see the limit of age extended.

2983. Have you heard objections taken to the present system?—Yes.

2984. And do you think that there are real disadvantages under which Natives labor in competing under it?—I have no doubt that a greater number of Natives would enter the service if the age limit were extended.

2985. To what limit would you raise it?—I would not raise it at all.

2986. But as regards those who think that it should be raised, do you know to what limit they desire to see it raised?—I do not.

2987. Would you make any change at all in the present system?—Not in the system known as the competitive examination system.

2988. Would you give any facilities to Natives to enable them to go to England and compete?—Not more than by scholarships.

The Hon'ble Mr. Quilton.

2989. Do you mean by scholarships from Government funds?—Not necessarily.

The President.

2990. Have you seen any of the young Natives who have entered the Civil Service by the demand of the competition in England?—I have.

2991. Have you seen their work?—I have seen some of it. In my experience some of them have been very efficient.

The President—continued.

2992. Are they as efficient public servants as the average of Covenanted Civilians?—The men I have experience of certainly are.

2993. They have not, I believe, risen as yet to very high posts?—I know one who is a District Magistrate and Collector.

2994. Does he perform his official duties satisfactorily?—I have no extensive experience of his work, but I have inspected the Civil Courts of the district of which he was Magistrate and Collector, and I heard a very good opinion expressed of him both by officials and non-officials.

Mr. Fitzpatrick.

2995. You have had such a long and wide experience of the executive administration of the country, Mr. Prinsep, that I can ask you whether you think it essential that a large preponderance of the higher executive appointments should continue to be held by Europeans?—Certainly.

Mr. Nulkar.

2996. How many scholarships would you establish?—I cannot express any opinion.

2997. Would you leave the number to be fixed by Government?—I do not consider it to be absolutely necessary that they should be given by Government at all.

2998. How many years' special training for the competition does a boy ordinarily undergo in England?—I have no means of knowing.

Mr. Peacock.

2999. You have seen a great deal of the working of District Judges?—Yes.

3000. Do you think it advisable or even possible to give a large or a considerable number of District Judgeships to Natives?—I think the present number of Native District Judges might be increased, but not to a very large extent.

3001. Speaking roughly, can you tell us how many out of the twenty-eight District Judgeships in Bengal could properly and advantageously be filled by Natives?—I should say certainly not more than a sixth. I mean to say not more at any time than the proportion of the limit of Statutory appointments.

3002. Are not some of the subordinate judiciary, especially the younger members, exceedingly efficient officers?—I believe they are increasing in efficiency,—that at least is my experience.

3003. Do you think they are as competent to have administrative charge of a district as an ordinary Civilian Judge?—From the single instance that we have before us, I am perfectly satisfied that the individual on whom at present the experiment has been tried is a very efficient officer, but I regard him as an exceptionally good man. In respect to Subordinate Judges as a class, I am not satisfied that they do possess sufficient qualifications. I

Mr. Peacock—continued.

think, comparatively speaking, that their general efficiency is not so great as that of the Munsifs.

3004. May I ask whether, in the instance you have referred to, the officer possesses the same administrative fitness as an English District Judge?—Just the same. I should add that he has not yet been appointed a Sessions Judge.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. T.
Prinsep.

The Hon'ble Mr. Quinton.

3005. I suppose, Mr. Prinsep, you generally sit on the Appellate Side of the High Court?—Yes.

3006. And you see a great deal of the appellate work both of the Subordinate and District Judges?—I have been in the habit of seeing the appellate work of both classes, as no distinction is made.

3007. As High Court Judge, I believe you have inspected the subordinate Courts in this Province?—I made a tour of inspection about two years ago.

3008. Are you in a position to make a comparison between the civil judicial work of the Native judiciary and that of the District Judges?—Yes, if required to do so.

3009. And do you think that any superior efficiency is shown by one class over the other in regard to civil judicial business?—I think, in their judicial work, the members of the Covenanted Civil Service labor under very great disadvantages owing to the system under which they are appointed; but notwithstanding that, I think that, taking the average, their work is considerably superior to that of the Subordinate Judges who have had the advantage of several years' previous service as Civil Judges and a special legal education sufficient to obtain the University degree of Bachelor of Laws.

3010. Do you think it of advantage to a District Judge that he should have both revenue and executive experience?—I think that his experience in a great many branches of executive work is of no use to him at all; for instance, any work connected with miscellaneous revenue, such as excise. Anything which gives him a more intimate knowledge of the country is, of course, an advantage. On the other hand, I can tell you that executive officers benefit very much by judicial experience. An officer who held a very high position in Bengal once told me that he learned more of the Native habits and institutions in the two years during which he was District Judge, than at any other period of his service, and he was a member of the Board of Revenue in Calcutta.

Sir Charles Turner.

3011. Are the High Court consulted as to the gentlemen who are appointed to District Judgeships?—No.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
—
The Hon'ble
H. T.
Prinsep.

3012. Then a witness who was examined by us some days ago was in error when he said that the High Court were consulted?—The High Court have never, in my experience, been consulted either as to the gentlemen appointed, nor as to the districts to which they are appointed.

Mr. Fitzpatrick.

3013. Neither officially nor demi-officially?—Not as far as I know.

Sir Charles Turner.

3014. Have you any returns which show what percentage of cases tried by District and Subordinate Judges respectively have been interfered with by the High Court on appeal?—Yes.

3015. Speaking roughly, they show about an equal proportion of reversals?—Yes.

3016. And so far as these returns enable you to draw an inference, you would say that the work was pretty equal?—Yes; but it is not safe to form any decided opinion from these returns, because, in respect of a considerable number of the cases shown, the cases tried by District Judges cannot be tried by Subordinate Judges.

3017. As regards Civilian Judges, do you think there is greater inequality of merit in the individuals of that class than there is among Subordinate Judges; that is to say, have you a larger percentage of good or a larger percentage of inferior men in the Covenanted Judicial Service than you have in the subordinate judiciary; or is there a pretty fair equality of efficiency?—That is a very difficult question to answer. If you were to ask me what proportion of the present District Judges I considered very good men, I should say I believed there were between 50 and 60 per cent.

3018. Do you mean that 50 or 60 per cent. were capable of filling their own offices efficiently or fit for promotion to higher appointments? What proportion of the District Judges would you style thoroughly efficient men in their own offices?—I should say about one-half have fair reason to expect promotion to the High Court.

3019. How many would you say were fairly efficient?—I should say very nearly all; perhaps there are two or three whom I should say were not efficient.

3020. How many of the Subordinate Judges could you say were fully efficient?—There are about fifteen in the second grade, and of these I think probably only two or three will be promoted to the first grade.

3021. The first grade is supposed to consist of specially selected men. How many do you think there are in the first grade who are fully efficient?—There are only seven officers in that grade.

3022. And how many good men are there in the lower grade?—I should say between 60 and 75 per cent., speaking roughly. A

Sir Charles Turner—continued.

great many of these men have only recently been promoted, and have not yet shown their qualifications as Judges of the superior class.

3023. Do you think there are more incompetent men in the Subordinate Judges' grades than there are in the District Judges' grades?—Yes, and it is owing a good deal to their having been appointed under the old system. We have been more strict of late years in requiring a high qualification.

3024. What is your opinion of the Munsifs as a class?—I think they are fairly efficient: quite as much so as we have any right to expect from that class.

3025. Are you of opinion that in future you may expect to have more efficient Subordinate Judges?—I am not quite sure about that. I think their health becomes very much impaired by what they have to undergo, and I am inclined to think that some of the best men succumb to bad health or overwork, or feel the effects of it in their later service.

3026. Do you attach much importance to the inspection of subordinate Courts by District Judges?—I do.

3027. You mentioned one Native Judge as having charge of a district. How long has he held his appointment?—For three or four years.

3028. Has he inspected the Courts subordinate to him?—I suppose he must have done so.

3029. Does the High Court make it a point to notice whether the District Judges do periodically inspect their subordinate Courts?—They are expected to inspect their Courts every year. In some cases there must always be reasons which will prevent their inspecting all their Courts, but as a rule they do inspect several, if not all, of them every year.

3030. It has been suggested to us that men should be appointed from the Bar to District Judgeships. Which do you consider would make the better inspectors of Courts—gentlemen appointed from the Bar or gentlemen of the Covenanted Civil Service?—I think the latter: they have a greater aptitude for that kind of work.

3031. You mean that they have had experience of the control of office establishments?—Yes, that is one reason.

3032. The Chief Justice has told us that he found it necessary, when he went on an inspection tour, to take with him the Registrar of the Court to examine the officers. Was the District Judge any officer similar to the Registrar whom he may take with him on inspection duty?—He may take a Native subordinate official with him, but the inspection is, I believe, done by himself. I may tell you that when I inspected the Courts, I did take a Native subordinate official with me to relieve me of details and to save my time, so that I might inspect a greater number of Courts. At first I made the entire inspection myself of all the offices even in minor matters.

Sir Charles Turner—continued.

on which I thought an enquiry necessary. When this Native officer became conversant with my system of enquiry, I used to leave it to him in the first instance, and used to test his report to me after I had devoted my attention to the most important work, such as the judicial work.

3033. Do you find that in some districts a particular class or caste monopolises the ministerial appointments in the Courts?—I do not think so.

3034. Have you at any time found a caste relationship subsisting among the ministerial officers of the Courts in a district?—No doubt there is a great tendency to that.

3035. So that if a District Judge who possessed no experience of offices was to rely entirely on the assistance of a ministerial officer in inspecting the Courts in his district, might there not be some danger that all matters might not be brought to light which ought to be brought to light?—It would be very unsafe to rely too much on such reports.

3036. Do you think it advisable that the District Courts should be largely recruited from the Bar?—No, decidedly not.

3037. To what extent do you think it might be done?—I think the experiment might be tried, but only as an experiment. It would have the effect of retarding promotion in the regular service; and by imparting an uncertainty to their prospects, it would lower the general standard of candidates who enter it.

3038. What proportion of Native Judges is it in your opinion, expedient to have in the High Court?—We have never had more than two at the same time.

3039. Is there any considerable number of the most able members of the Bar who would be willing to forego their earnings for the pay and pension of a High Court Judgeship?—I think, having regard to the high emoluments that the leaders of the profession always command, that it is always a matter of difficulty, and in fact impossible, to get the leaders of the European Bar to accept High Court Judgeships.

3040. Supposing one-third of the appointments in the Calcutta High Court were thrown open to Natives, do you think it would be easy to get a sufficient number of efficient Judges either from the Subordinate Judiciary or the Native Bar to accept these appointments?—There has only been one Subordinate Judge appointed to the High Court, and he was only appointed for a portion of the year, and was not re-appointed when the next vacancy occurred. Personally I would not appoint a Subordinate Judge to the High Court until he had served as a District Judge.

3041. You say that the District Judges do a considerable amount of original civil work; is that so?—With respect to the statements which I have put in, I wish to say that a great deal of the work which is thrown on District Judges is really of the

Sir Charles Turner—continued.

nature of original suits. This is not so shown in these statements, but is shown in a different statement as miscellaneous judicial work, and is mixed up with work some of which is not important or difficult. A considerable portion of the original suits decided by Subordinate Judges and Munsifs consists of work done by them as Judges of Courts of Small Causes. These cases are not appealable.*

3042. I believe a District Judge has the sole jurisdiction in matters of divorce. Is that a class of case to which you refer?—That is one, but not the only class. There are also land acquisition cases and administrative suits, and other classes of cases—insolvency, for instance.

3043. Do you consider that there is a large number of the minor original cases in the High Court which might with advantage be made over to another and less costly tribunal for disposal?—I think it would be very difficult to separate these cases. There is now a concurrent jurisdiction in the Small Cause Court for the trial of suits not exceeding 2,000 rupees in value.

3044. My question has reference to cases relating to titles to land and partitions of small estates?—I have no experience of the Original Side of the Court and can offer no opinion.

The Hon'ble Syad Ahmad, Khán Bahádúr.

3045. How many years' training was considered necessary at the Haileybury College before a man was judged qualified for the Civil Service?—Two years.

3046. How long were you there yourself?—Two years.

The President.

3047. Are the subdivisional officers in Bengal for the most part Europeans?—I believe they are Covenanted officers, so far as these can be obtained.

3048. Do you know any subdivisions which are held by Natives?—Yes, several.

3049. Have you seen the work of officers in charge of subdivisions?—Yes, I have had Native subdivisional officers subordinate to me.

3050. Did their work compare favorably or otherwise with the work of Civilian subdivisional officers?—As a rule, I think the Native officer is not, for some reason or other, successful as a Criminal Judge.

3051. You said you would not wish to see more than one-sixth of the District Judgeships in the hands of Natives. Then you would not extend the appointment of Natives beyond the limit fixed under the Statute?—Not to District Judgeships.

The Hon'ble Mr. Quinton.

3052. I presume when you speak of the work of subdivisional officers that you refer to their judicial work?—I have been a subdivisional officer myself.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. T.
Prinsep.

* The statements will be found at the close of the evidence of this witness.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
H. T.
Prinsep.

The President.

3053. Would you recruit the Uncovenanted Service from Statutory Natives only, or from all natural-born subjects of Her Majesty?—I would admit any class.

3054. Europeans as well as Natives?—Yes.

3055. And by what system would you recruit them?—Generally by competition amongst nominees.

3056. What is called limited competition?—Yes.

3057. Would you have the same system of recruitment for both departments of the service?—Not for the Subordinate Judicial Service, where we require guarantees of a sound general as well as of a legal education.

3058. Would you recruit solely from the residents of the province, or have an admixture of men from all other parts of India?—I would limit the recruitment to the particular province in which the appointments were to be held.

3059. If the existing Statutory Service is abolished, would you re-absorb the proportion of Covenanted appointments at present allotted to that service in the Covenanted Service, or would you keep them as prizes for selected men in the Uncovenanted Service?—I am not prepared to answer that question. I certainly should not give them away unreservedly.

Mr. Fitzpatrick.

3060. Do you not think it desirable to hold out to the best men in the Uncovenanted Service more substantial prospects of rising to higher positions than now exist?—Yes, but at the same time I would maintain the efficiency of the general administration.

3061. Do you not think that sufficiently good men could be found in the Uncovenanted Service to fill the places at present reserved for the Statutory Service?—It is very difficult to answer that question, having regard to the various classes of appointments.

The President.

3062. Do you know any men in the Uncovenanted ranks of such proved merit and ability that they could, without disadvantage to the State, be promoted to any of these Statutory posts?—I should have great hesitation in appointing many of them.

Mr. Fitzpatrick.

3063. Speaking roughly and with reference to the branch of the service you have been most familiar with, how many Subordinate Judges do you think fit to be made District Judges at the present moment?—Not more than two or three, if so many.

Mr. Nulkar.

3064. Will you kindly explain your system of limited competition?—I would

Mr. Nulkar—continued.

have it such as it obtains in most public offices in England; that is, nominations exceeding the number of appointments and general competition among the nominees.

3065. On what principle would you make the nominations?—I would have special regard to educational qualifications, and endeavour to obtain also men of good family or position.

3066. That is, you would apply this system to the Police, Salt, Customs, and Revenue Administration departments?—Yes.

3067. Are you aware that in the departments I have mentioned the great majority, if not almost all the higher officials are Europeans?—I have no experience of any of these departments.

3068. But assuming it to be the case, would not that system, if applied to the services which we are now considering, result in a similar preponderance of Europeans; that is, would not Europeans have a greater opportunity of securing these appointments?—It would not be so necessarily; but I have no means of answering that question. I have no experience of the departments you refer to, nor have I ever had anything to do with the making of an appointment except in nominations to Munsifships made by me as a Judge of the High Court. These nominations are, as a rule, made with reference to the priority of applications for appointments by approved candidates.

3069. You do not think that if Government were left to make the nominations that the European candidates would have greater facilities for securing appointments than Natives?—I have no reason for thinking so.

Mr. Ryland.

3070. Does the objection to Natives as criminal Judges in charge of sub divisions, apply equally to European and Eurasian Uncovenanted officers in charge of sub divisions?—No, not so generally.

Mr. Peacock.

3071. Would you apply your system of nomination and competition to Munsifs also?—We have a very strict educational test for Munsifs; they have already passed a very severe examination, and therefore I think the present system is the best you could have for them.

3072. You would not subject candidates for Munsifships to any further competition?—No.

The Hon'ble Mr. Justice Mitter.

3073. You have been for some time in charge of what is called the English Department in the High Court; in giving appointments to Munsifs, have you had any applications from Mahomedans for Munsifships?—Mahomedans very rarely come up to the educational standard we require, and consequently we have been able to confer only a

The Hon'ble Mr. Justice *Mitter*—contd.

very small number of appointments on this class.

3074. Do you remember any instance of a Mahomedan candidate being refused or passed over when, in the ordinary course, he should have been appointed?—Never.

Sir Charles Turner.

3075. I believe you select your Munsifs partly from the High Court pleaders and partly from pleaders of the lower Courts?—Yes, and from advocates and attorneys also.

3076. And do you not occasionally appoint ministerial officers from the District and Subordinate Judges' Courts?—I have a list which has been prepared at your request, showing that such appointments have been very rarely made. No such appointment has ever been recommended by me unless the ministerial officer has also the qualifications required from other candidates. As a rule, I think that such appointments are not desirable.

3077. Will you tell us what your objections are?—I do not think it is a good school from which to choose a Judge.

3078. Why not?—I think the class of work on which a ministerial officer has been engaged does not qualify him so well as if he had been practising at the Bar.

3079. Do you think it desirable to induce men of higher education to take up these ministerial appointments?—I think so.

3080. Do you think that men of education, —men on whom you could place entire reliance—would be found willing to take service in the office of a District or Subordinate Judge unless some hope of promotion to Munsifs' appointments was held out to them?—They very rarely have the educational standard that we require. I may tell you, however, that only last week a ministerial officer who did possess the educational qualifications, was recommended for appointment as Munsif, and I have reason to believe that he is a very good man. He had a University degree—a qualification which is extremely rare among ministerial officers.

3081. If you promote men occasionally from such offices, do you not encourage graduates to take service in the Judges' Courts?—Certainly we should have no objection to appoint a man who possessed the necessary qualifications merely because he was a ministerial officer, provided that he was strongly recommended by his official superior.

3082. Do you see anything of the work of the second and third grade Magistracy?—In a minor degree; that is, when their judgments come up for revision, also whenever there is any delay in the decision of cases. A précis of the proceedings of the case is then sent up to the High Court, and in that way I sometimes see the work of these officers.

3083. How is their work done?—I do not think they are sufficiently prompt.

Sir Charles Turner—continued.

All the Magistrates are too much in the habit of postponing judicial business for executive work. We constantly find cases postponed over and over again on some insufficient and indefinite grounds, such as Treasury work or pressure of miscellaneous work.

3084. Do you think it desirable to separate magisterial from executive functions?—I do. I think there ought to be a certain number of officers at every place sufficient to do the greater portion, if not the whole, of the judicial work, sitting regularly and without interruption.

3085. What is the quality of the magisterial work of second and third grade Magistrates?—I have had no sufficient opportunity of judging.

3086. Can you tell me the system which obtains in Bengal for ascertaining whether sentences passed by second and third grade Magistrates are appropriate?—We have no reason to suppose them to be otherwise unless instances to the contrary are brought to our notice.

3087. Are the calendars of second and third grade Magistrates sent to the District Magistrate for inspection?—No.

3088. Nor to any Magistrate in the district?—No.

3089. Nor to the High Court?—No. We have not here the system which exists in Southern India, and I believe also in the Punjab. There has been no such system in Bengal, within my own experience, for twenty-five years.

3090. The Criminal Procedure Code contemplates that the High Court and the District Magistrate should exercise supervision over the Subordinate Magistracy, and that they should, of their own motion, take proceedings, to secure the revision of cases when they deem it necessary to do so. How do you exercise that power?—We sometimes exercise it in the case of sessions trials, but not over Magistrates. Our powers of revision are nearly always exercised only in cases brought to our notice by the reports of Sessions Judges or District Magistrates, or on motions made in open Court by or on behalf of those directly concerned.

3091. Do you receive calendars of sessions trials?—No, we used to have a copy of every judgment delivered by the Sessions Judge sent up to us, but that was discontinued nearly twenty years ago. We now receive more abstracts which are strictly confined to the bare facts of the case, the offence charged, the finding and sentence, and whether the jury were unanimous or the assessors disagreed with the Judge.

3092. But have you no system by which you can ascertain whether Magistrates are passing too severe sentences in petty cases?—No, but I believe that, as a matter of fact, a severe sentence is almost invariably brought to the notice of the High Court. I have known cases of fines of a very few

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
*H. T.
Prinsep.*

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. T.
Prinsep.

rupees brought before the High Court in open Court for a reduction of sentence.

3093. Has any case of a fine of Rs. 2 come to your notice?—Not directly: such a case would probably come before the District Judge or District Magistrate, and be thus brought before the High Court. I have had cases of fines of even this amount brought before me in this manner.

3094. Have you any reason to suppose that petty offences against sanitation and municipal laws are not occasionally treated with fines out of all proportion to the means of the offender?—I have no information except that I have seen some extraordinary orders passed under Municipal Acts, and it may be that too severe fines are occasionally imposed.

Mr. Fitzpatrick.

3095. Am I right in understanding that you do not wish to see the separation of magisterial and executive functions, which you advocate, extended to the District Magistrate; that is, you would not deprive the District Magistrate of all his judicial powers?—According to my experience in Bengal for some years past, I think that the supervision exercised by the District Magistrate in criminal matters is getting less and less, so as often to have become almost nominal. He does not exercise the supervision in such matters which he ought to do, owing to the pressure of other duties.

3096. Would it be a good thing to reduce him to the position of a purely executive officer?—Not entirely. I think he ought to be relieved of many of the executive duties at present thrown upon him.

3097. Your opinion does not amount to this, that the police and magisterial duties, which are at present combined in the person of the district officer, should be severed?—I would take away his appellate jurisdiction.

3098. And his revisional jurisdiction also?—Yes, in all judicial matters.

3099. And as regards his original jurisdiction?—I would leave him the power to sit as an original court, if he thought proper, either singly or on a Bench.

3100. Are any monthly or quarterly statements submitted to the District Magistrate from which he may judge whether any Subordinate Magistrate was in the habit of inflicting sentences of undue severity?—I have no means of knowing if it is actually the practice. It is not prescribed by the High Court.

Sir Charles Turner.

3101. Have you any quarterly returns sent up to you from which you could ascertain by dividing the amount of fines inflicted by the number of offences, what was the average fine imposed?—We have no quarterly Magistrates' statements showing classes of cases separately or the sentence passed.

The President.

3102. Have you anything to suggest as regards the present pay and furlough rules?—I think that it is very prejudicial to the public service that officers should be allowed to go on furlough with the right to return to their appointments. It introduces a system of acting appointments throughout the service. It becomes the exception, rather than the rule, that an officer is filling his own appointment. This uncertain tenure of office is very prejudicial to efficient work in many ways, especially in executive offices.

3103. Would you make any distinction in the pay given to officers holding the same appointments according to the service to which the officer belongs; that is, would you pay a Statutory Civilian differently from a Covenanted Civilian?—Yes.

3104. How do you justify the distinction?—I think the conditions under which each class of officer has entered the service are altogether different.

3105. Would you have any difference in the furlough rules applicable to Natives and Europeans?—Yes.

3106. Would you give the European more liberal furlough rules?—Yes.

Mr. Ramaswami Mudaliyar.

3107. Would the fact that an officer has entered the service by competition in England justify your making a distinction in his favor when his appointment and duties are no more than those of a Statutory Civilian?—I think the orders of the Secretary of State in this matter are very just in drawing a distinction between the appointment of Europeans and the appointment of Natives in offices under Government.

3108. Do you think a leading Barrister in the High Court would accept a District Judgeship on those terms?—Certainly not. Few, if any, of the leading Barristers in Calcutta would accept even a High Court Judgeship.

3109. Do you think it advisable that any distinction should be drawn if our object is to get the best men we can?—I am entirely in favor of getting the best men we can, and I think that this is, as a rule, best secured under the present system.

Mr. Hudson.

3110. From the point of view of a suitor, is it not necessary that we should strengthen the courts of first instance, viz., the Munsifs' and Deputy Magistrates' Courts?—I think that the courts of first instance, especially the Munsifs', are stronger than the lower appellate Courts. I have not much means of knowing about Deputy Magistrates.

3111. Do you think the initial pay of Munsifs is too low to induce the best men to join that service?—No; it is fixed, and much higher than it used to be. We

Mr. Hudson—continued.

have also many more men, who are eligible candidates for appointment, than we can hope to employ.

3112. Do you think that if men from the Bar accept Munsifs' appointments, they will not be in a worse position financially than if they had remained at the Bar?—If you go into any one particular line you must expect to take your chance of succeeding in it, and cannot expect to obtain what you have deliberately abandoned.

3113. As a matter of fact, do they get less pay as Munsifs than they could earn at the Bar?—I am not prepared to admit this. You must take into consideration their pensions also. There are the advantages of a regular as against a precarious income. Gentlemen of this class cannot generally afford to support themselves until they can establish a reputation such as to ensure a regular income, and are nearly always only too glad to secure a decent livelihood in the Government service.

The President.

3114. Have we brought out all the points on which you wished to give evidence?—I believe that the very extensive employment of Natives in higher offices under Government, which is now under consideration, is not in accordance with the wishes of the people generally. The pressure is now on the part of those who hope to secure their own advancement or that of their relations or friends. I have always been very much struck with the want of confidence which is very often shown in Native officers, and the preference that Natives have for having their own disputes settled entirely by European officers. The exact cause of this state of things it is impossible to ascertain, but the fact is almost beyond dispute. I have constantly had applications made to me in the various offices I have held—and I believe that this is the experience of other officers also—to have a case transferred from a Native officer to a European, without any apparent reason being assigned except that it would be preferred. Of course such applications are refused; but then they are made, and if they were successful, I feel sure that they would be more frequent. I have also been very much impressed with the importance which is always attached to the observance of the rule to transfer Native officials after a certain length of service in any particular district, and also to prevent their appointment to any district in which they may hold property or have relations or connections. I believe that this practice is found necessary in no other part of the civilised world. I have been more than once told by Natives of the highest position and education that the proper rule to be observed is, that the European officer should remain long in a district, and that the Native officer should never

The President—continued.

remain more than three years, and that this should, in the interests of the public service, be always borne in mind and observed. All these considerations seem to show that Native officials should be always subject to supervision and are rarely fit for independent positions.

Mr. Ramaswami Mudaliyar.

3115. Is it, as a rule, in civil suits that you get these applications for transfer?—Both in civil and criminal cases.

3116. To the same extent in both cases?—I have not kept statistics, but I believe that there is no distinction made.

3117. Are applications frequently made to transfer cases from a European to a Native Magistrate or Judge?—No, very rarely. I have never known it occur in civil cases.

3118. Are such applications made for the most part from the courts of first instance—the Munsifs and second and third grade Magistrates?—No, I have known them made in the case of officers and Magistrates of every grade of experience and attainments.

3119. And the reason alleged is that because he is a Native he is not likely to do justice?—I have never been able to satisfy myself about the real reason. I am rather inclined to think that the petitioners are perfectly satisfied, that when a European sits on the Bench, he knows nothing about the case, and that they are never sure that some influence may not have been brought to bear on the Native.

3120. Are such applications as frequent now as they once were?—I cannot say, because my duties are in a higher sphere. As a district officer and a district judge, of course, the number of applications before me would be greater than as a High Court Judge.

3121. Might not the opinion expressed, that the European official should remain a longer, and the Native official a shorter, time in a particular district, be owing to the fact that European officials are frequently transferred?—No; with reference to that matter I may tell you what has been said to me on more than one occasion by pleaders when I was inspecting the Civil Courts about two years ago. They said:—"You transfer Munsifs and judicial officers, which is a very good thing indeed; but the *amlah* go on for ever, and therefore the *amlah* are very often stronger than they ought to be in matters which come before the Judge judicially."

3122. Does it frequently happen that a Munsif is located in a station for years and years?—Never. He is always transferred every three or four years.

3123. Has that rule always been in force?—To the best of my belief it has, and my experience goes back to 1862.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. T.
Prinsep.

Result of appeals in the High Court during the year 1885.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
H. T.
Prinsep.

	AFFIRMED.		REVERSED.		VARIED.		REMANDED.		OTHERWISE DISPOSED OF.		APPEALS SUMMARILY REJECTED UNDER SECTION 551, ACT XIV OF 1862.		Total number disposed of.
	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	
<i>Lower Provinces of Bengal.</i>													
Appeals from original decrees ... (District Judge)	67	55.37	22	18.13	8	6.61	10	8.29	14	11.57	...	...	121
... (Subordinate Judge)	145	53.90	43	15.88	37	13.73	11	4.08	33	12.26	...	...	269
Appeals from appellate decrees ... (District Judge)	1,280	65.70	76	4.05	86	4.47	208	10.59	238	12.71	...	...	1,872
... (Subordinate Judge)	2,013	80.74	137	5.00	56	2.24	220	8.94	77	3.08	...	...	2,493
Appeals from orders ... (District Judge)	128	83.68	30	14.92	9	4.47	21	10.44	9	4.47	4	1.99	201
... (Subordinate Judge)	138	72.58	16	8.60	6	3.22	23	12.36	5	2.63	1	.53	184
... (Munsif)	80	83.35	1	2.77	1	2.77	8	8.33	1	2.77	...	...	96
<i>Assam.</i>													
Appeals from original decrees ... (District Judge)	8	75	...	...	...	...	...	...	1	25	...	...	4
... (Subordinate Judge)	8	66.66	1	8.33	2	16.66	...	...	1	8.33	...	...	12
Appeals from appellate decrees ... (District Judge)	81	85.26	4	4.21	5	5.26	4	4.21	1	1.05	...	...	95
... (Subordinate Judge)	78	78.36	5	5.15	3	3.06	13	13.40	1	1.03	...	...	97
Appeals from orders ... (District Judge)	4	54.54	3	37.27	...	...	3	37.27	...	...	...	...	11
... (Subordinate Judge)	3	75	...	...	...	...	1	25	...	...	...	...	4

* N.B.—This percentage is affected by a large number of judgments in analogous cases. If these analogous cases be taken into consideration, the percentage is 74.2 instead of 65.7.

Work done by the Courts.

	Total number of original suits disposed of.		Number of original suits disposed of with contest.		Total number of appeals disposed of.		Number of appeals disposed of with contest.	
	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.
Hon'ble Judges, High Court ...	585	878	140	235	2,606	4,534	2,428	4,456
51 ... } District Judges	582	839	206	302	7,002	7,503	5,867	6,733
52 ... } Subordinate Judges	6,823 A	8,044 B	2,388	2,738	11,696	13,018	10,317	12,641
51 ... } Munsifs	864,310 C	877,200 D	68,214	68,487				

A.—2,197 of these were Small Cause Court cases.
B.—3,495 ditto ditto ditto.
C.—75,983 ditto ditto ditto.
D.—82,450 ditto ditto ditto.

Besides these suits and appeals shown above, the *District Judges* disposed of—

In year	Miscellaneous regular cases.	Miscellaneous cases before Appellate Courts.	Sessions trials.	Criminal appeals.
1884 ...	5,868	1,814	1,533	5,139
1885 ...	6,036	1,762	1,451	5,719

Besides these suits and appeals shown above, the *Subordinate Judges* disposed of—

In year	Application for execution of decrees.	Miscellaneous judicial cases.	Miscellaneous non-judicial cases.	Miscellaneous cases before Appellate Courts.
1884 ...	4,638	2,821	44	475
1885 ...	4,845	3,114	24	495

WITNESS XXXVIII.—25th February 1887.

The Hon'ble Maulvi ABDUL JUBBAR, Member of the Bengal Legislative Council;
Deputy Magistrate, 24-Pergunnahs, Calcutta.

Mr. Peacock.

Mr. Ramaswami Mudaliyar—contd.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Maulvi
Abdul
Jubbar.

3130. You are a member of the Subordinate Executive Service, I believe?—I am.

3131. You were first appointed to the service in 1859?—Yes.

3132. And are now in the second grade, and a Member of the Legislative Council of this Presidency?—Yes.

3133. What is the opinion among Natives generally regarding the Statutory system?—It is disapproved. The system of making appointments has not been uniform, and Natives say that the qualifications of the nominees have not always been sufficiently tested.

3134. Do you speak generally of India, or of Bengal in particular?—Of Bengal in particular.

3135. You are aware that for the last two years the appointments have been made by competitive examination in this Presidency?—Yes; and those appointments are unobjectionable.

3136. Then your remarks had reference to the earlier appointments?—Yes.

3137. Supposing the appointments were uniformly made on the present lines, do you think they would give satisfaction?—Yes.

3138. There is, then, no objection to the Statute or to the rules, but simply to the mode in which at one time the selections were made?—Yes; except that Mahomedans in Bengal have had no share in the appointments recently made.

3139. I suppose you are aware that of the ten appointments made, two of the persons selected were Mahomedans?—Yes; but they were both Peharis.

3140. Have you considered the present definition of "Native of India"?—I have.

3141. Are you satisfied with it?—Yes.

3142. You know that it insists upon birth in British India as well as domicile?—Yes.

3143. And you are satisfied with it notwithstanding?—Yes.

3144. If the Statutory System is continued and the appointments are made as you suggest, would you send the selected candidates to England for training?—By no means.

3145. Would you encourage them to go?—No.

Mr. Ramaswami Mudaliyar.

3146. What system of appointing to this service do you propose?—A system of limited competition; that is, Government

should nominate, say, four candidates for each appointment, and there should be a competition between the nominees; those appointments allotted to Natives being apportioned between Hindus and Mahomedans according to population. The appointments allotted to Mahomedans would be competed for by Mahomedans only, and those allotted to Hindus by Hindus only.

3147. Do you imagine that that system would really work?—I think it would. It might not give satisfaction to some sections of the community, but it would be approved very generally.

3148. Would you require any qualifications in your candidates?—Yes; Government should train them up after their selection on a system such as that which prevailed at Haileybury.

3149. Supposing no Mahomedan candidate could be found to come up to the minimum qualification you laid down?—I do not think it would be difficult to find Mahomedans who have passed the F.A. and who can express themselves in English and are of good moral character.

3150. At what age would you select them?—At not later than twenty-one years of age.

3151. And what training would you give them?—I should give them the same training as is required for the Civil Service examination in England, substituting Arabic, Sanskrit and Persian for Latin and Greek.

3152. And how many years' training would you give them?—Three years.

3153. Would they draw pay during those three years?—That is not necessary, as they would be in their own country. There would be periodical examinations held to test their progress.

3154. I suppose these examinations would be the same for all candidates?—Yes; except that they would have the option of taking up either Sanskrit, Arabic or Persian.

3155. But the proficiency required would be the same?—Yes.

3156. You would not send them to England at all?—No; Hindus have caste objections to it, and Mahomedans do not like to send their sons to England before they have become firm in their religious faith. I would not trust a Mahomedan who was under twenty-five in England.

The Hon'ble Mr. Quenton.

3157. Where were you born?—In Lower Bengal, in the Burdwan district, and I was

The Hon'ble Mr. *Quinton*—continued.

educated in the Calcutta Mahomedan College.

3158. Is it desirable that all race or religious feeling between Hindus and Mahomedans should gradually disappear?—Yes, very desirable.

3159. But do you not think that the system of recruitment which you advocate is likely to perpetuate that feeling?—No; I propose these limitations on political, and not on religious or race grounds. The inhabitants of India are divided into two great religious sects. It is not just that one of them should preponderate in the public service.

3160. Do you think that a training in England is likely to make a man a more useful public servant in high office?—No, I do not. If a High Court Judgeship can be very creditably filled by a Native who has not undergone such training, why should it not be so in other cases.

Mr. *Nukar*.

3161. What is the main cause of the backwardness of Mahomedans in Bengal?—The reason is that the Mahomedans, as a nation, wish to maintain their position in their own society. Unless they know a fair amount of Persian and fulfil their religious duties they are not considered to be useful members of their own community, and therefore it is that they cannot take up the study of English at an early age.

3162. Does that feeling compel them to remain away from Government schools till a much later age than is the case with Hindu boys?—Yes, among respectable people that is the reason.

3163. You are aware of what the British Government means by what it calls education?—I do not consider Government ought to exact from its officers more than a knowledge of the language of the rulers.

3164. What remedy would you have Government apply in order to remove this backwardness of Mahomedans?—Mahomedans are backward only in English education.

3165. Would you not remove that backwardness?—Of course I should like my co-religionists to know English better.

3166. Would you like Government to assist them to a more rapid progress?—Yes.

3167. What would you have them do?—I would have them make a knowledge of English a *sine qua non* for appointments; that would encourage Mahomedans to give their children an education in English.

Mr. *Peacock*.

3168. Is any dissatisfaction felt with the present system of recruiting for the Covenanted Service?—Yes, among Natives, because it obliges them to go to England. I am not aware of any other ground of objection.

Mr. *Peacock*—continued.

3169. How would you remove that objection?—My opinion is that it can be removed by allotting to Natives a fixed number of Covenanted appointments to be filled up under the Statute and competed for in India by a system of limited competition.

3170. Would you altogether close the English examinations to Natives?—Yes.

3171. And you would have a proportion of the appointments allotted to the Civil Service competed for by limited competition in India?—Yes.

Mr. *Fitzpatrick*.

3172. Roughly speaking, what share of the appointments in the Covenanted Service do you think ought to be reserved and dealt with in the way you propose?—One-fifth.

3173. Would you compel your selected candidates to go to England?—No.

3174. Nor even encourage them to go?—No.

3175. Would Mahomedans in Bengal object to any system by which by far the greater number of the appointments available to Natives come to be filled by Hindus?—They would.

3176. Do religious dissensions ever occur in Bengal for the settlement of which the presence of an impartial officer not belonging to either sect is required?—Sometimes.

3177. Is it for the present, at any rate, desirable that there should continue to be a considerable preponderance of European officers in the Civil Service?—I think some offices should be reserved for Europeans and others freely given to Natives.

3178. For what classes of appointments do you consider Natives most suited?—For judicial appointments.

Mr. *Ryland*.

3179. I believe Mahomedans entertain no prejudices on the score of religion against going to England?—They have no caste to lose by it, but they say that the result of going to England at a too early an age has a prejudicial effect on the religious sentiments of Mahomedan youths.

3180. If the present age limit were raised to twenty-five, do you not think they might go without this disadvantage?—No.

3181. Would it not be rather a disadvantage to those who may wish to go that they are precluded from going by a system such as you advocate?—I would prefer that they did not go, because on their return they are generally found to have lost touch with their co-religionists. In my opinion it is not advisable that people who have lost their social position should hold high office in the Administration.

3182. But do you think there is any hope of persons attaining to these positions who have been brought up entirely in this country?—I think there is. I do not debar them from an English education, but from going to England.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Maalvi
Abdul
Jabbar.

Mr. Nulkar.

Vol. VI. 3183. In fact you object to their being
Sec. II. anglicised?—Yes.
Bengal.

The Hon'ble
Maulvi
Abdul
Jubbar.

Mr. Ramaswami Mudaliyar.

3184. How would you select your candidates for competition?—Government would, through its local officers, ascertain their respectability and qualifications. I should require that they had passed the F.A. examination.

3185. Would you confine this selection to men of high family?—Yes.

3186. You would not admit men of humble parentage?—No.

3187. Are there any Mahomedans now in the higher ranks of the Uncovenanted Service who are of humble parentage?—Yes.

3188. Has any practical inconvenience been caused by their presence in the service?—I know that they are not so much esteemed by their society.

3189. Even when they are honest in their dealings and kind to the people?—The difficulty is that they are always misunderstood. If they commit an honest mistake, people say that they cannot do better.

3190. Who say so?—The people at large.

Mr. Fitzpatrick.

3191. That is to say, they say—"This is a low fellow, what can you expect?"—Exactly.

Mr. Ramaswami Mudaliyar.

3192. Is there not at present a large preponderance of Hindus in the Uncovenanted Service?—Yes.

3193. Has any practical inconvenience resulted from that?—It has engendered a feeling of dissatisfaction among Mahomedans.

3194. Have they at any time complained to Government about it?—Many times.

3195. The presence of so many Hindu Magistrates and Judges has given rise to dissatisfaction among the Mahomedan population at large?—Yes.

3196. How is that?—It is not that Hindus when placed to try a case between Hindus and Mahomedans do injustice, but the reason is that at one time the Mahomedans monopolised these very same appointments.

3197. Have not some Native gentlemen been to England and come out as Covenanted Civilians?—Yes.

3198. Have they not given satisfaction to the people with whom they have had to deal?—There is nothing to be said against them as officials, but then the Natives do not feel that the British Government has sent out Natives to govern them. The difference between them and European officers is only in color.

Mr. Ramaswami Mudaliyar—contd

3199. Do you know of your own personal knowledge that they have no sympathy with the people they govern?—That is a difficult question for me to answer, because I have never been much associated with the Native Civilians from England.

3200. So you cannot form any opinion either way?—No, we have so few of them in Bengal.

3201. Have the Native gentlemen who have been to England and come out again as Barristers lost sympathy with their countrymen?—Yes.

3202. Both Hindus and Mahomedans?—Yes.

3203. And people have not the same confidence in them as they would have if they had never been to England?—Not in all matters.

3204. In what matters have they less confidence?—In social matters; they do not believe in them.

3205. They will not mix with them?—Not on the same footing.

3206. What do you mean when you say they do not believe in them. Suppose a Mahomedan gentleman who has been to England and returned and a Mahomedan gentlemen who has not had an English training walk together, a third person comes up and asks what is the best thing to do under certain circumstances; do you mean that the opinion of the Mahomedan gentleman who has not been to England will be taken in preference to that of the other? That is to say, that his advice will be taken in social matters?—Yes, and in religious matters also.

The Hon'ble Mr. Quinton.

3207. Do you say that a Mahomedan gentleman who has been trained in England and has passed the Civil Service examination there, is less efficient than if he had remained in India and passed the Civil Service examination here?—I do not say he is less efficient, but I do not think he is more efficient than a man who has been trained in India.

The Hon'ble Mr. Justice Mitter.

3208. Do you remember any case, civil or criminal, arising out of religious disputes between Mahomedans and Hindus in Bengal or Behar?—A case arose in connection with the disturbances occasioned by the recent *Mohurrum* festival at Dinapore, when the Hindus complained that some Mahomedans had wantonly slaughtered a cow. I think it was heard in the Court of the Dinapore Cantonment Magistrate. A case also occurred in Bhagulpore connected with a dispute between Hindus and Mahomedans about a mosque; and another occurred at Purneah, where the Mahomedans objected to the Hindus carrying their idols through the streets.

The Hon'ble Mr. Justice Mitter—contd.

3209. Do you remember whether these cases were dealt with by Mahomedan, Hindu or European Magistrates?—By European Magistrates.

Sir Charles Turner.

3210. Where did you learn English?—At the Calcutta Madrassa.

3211. Were there many students at the Madrassa when you were there?—Not many. The number has lately increased.

3212. How is it that so few Mahomedans have learned English?—Because they were under the impression that it was not necessary that they should do so in order to get appointments in the Government service. The Government at one time used to appoint Munsifs and Subordinate Judges without requiring them to have a knowledge of English. That was done for nearly fifty years.

3213. It is nearly thirty years since that system was changed, is it not?—Yes; I can give you a list of all the Subordinate Judges in Bengal thirty or thirty-five years ago. They were all Mahomedans then, and there is not one Mahomedan now.

3214. Shortly after the change in the system, did not the High Courts intimate that they would require a knowledge of English on the part of all candidates for judicial employment?—They did.

3215. And was it not also stated that they would require a knowledge of English in all candidates for the High Court Vakil appointments?—I do not remember any rule being issued to that effect.

3216. We are talking of more than twenty years ago, are we not?—Yes.

3217. And how is it that since that time Mahomedans have not taken more freely to the study of English?—They have done so.

3218. But only within the last few years, is it not?—It was not possible at that time for Mahomedan youths of twenty-five to begin the study of English.

3219. Was it not possible for Mahomedan boys of ten and twelve to do so?—Yes.

3220. Is it not the fact that Mahomedan parents would not for many years allow their children to learn English?—Yes.

3221. And is it not really owing to this disinclination of parents to allow their children to learn English, and the consequent inability of their children to fulfil the conditions regarding the Judicial Service, that Mahomedans ceased to appear as members of that service?—I do not think so.

Mr. Peacock.

3222. How would you recruit the Uncovenanted Service?—From Natives of India as described in the Statute.

3223. By what system would you recruit the service?—By nomination, pure and simple. For the Judicial Service I would have the nominations made from the Bar.

Mr. Peacock—continued.

3224. Would you have nomination for all branches of the Uncovenanted Service?—Yes.

3225. Would you confine your recruitment to provinces, or have it general throughout India?—Preference should be given to residents of the province.

3226. You would not absolutely limit it to the province, but you would confine it to the province as far as possible?—Yes.

3227. If the existing Statutory Service is abolished, what would you do with the Covenanted posts at present allotted to that service?—I am not in favor of abolishing the Statutory Service.

Mr. Fitzpatrick.

3228. If the Statutory system is retained, do you not think that it would be desirable at times to appoint distinguished members of the Uncovenanted Service to some of the Statutory posts without subjecting them to any examination?—I would retain power to the Local Government to promote to the Statutory Service such Uncovenanted officers as have done specially meritorious service.

3229. You think there are some men in the Uncovenanted Service who are fit to be promoted to the Statutory Service?—Yes.

Mr. Ramaswami Mudaliyar.

3230. Would you also apportion your Uncovenanted appointments between Mahomedans and Hindus?—Yes, according to the proportion which each bore to the population.

The Hon'ble Mr. Quinton.

3231. Would you make any apportionment in the case of appointments from the Bar?—As far as possible, I would.

3232. You would have the nominations alternate between Hindus and Mahomedans?—Yes.

Mr. Peacock.

3233. Have you anything to say as regards the present pay and furlough rules?—I think the present furlough rules are fair enough. As regards pay, I would have a distinction of one-third between the pay of the Native and the European officer.

3234. Then you are satisfied with the present rules?—Yes.

3235. On what principle do you justify the distinction?—Because European officers have come from a distant country to a climate which is unsuited to them, and they require change from time to time, and larger incomes. Another reason is, that if you pay both classes the same, the Native public will not see that there is anything to be gained by appointing Natives to the service.

3236. Is there any other point which you wish to bring forward?—No.

Vol. VI.
Sec. II.
Bengal

The Hon'ble
Maui
Abdul
Jubbar.

WITNESS XXXIX.—28th February 1887.

Examination of A. D'B. GOMESS, Esq., Deputy Magistrate, Howrah.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.
A. D'B.
Gomess,
Esq.

3237. You are a member of the Subordinate Executive Service and are now, I believe, stationed at Howrah?—I am just now on leave, but Howrah is my district.

3238. You entered the Subordinate Executive Service in 1856, and are now a first grade Deputy Collector?—Yes.

The Hon'ble Mr. Justice Mitter.

3239. Have you heard any complaint as regards the present Statutory system?—I have, on the grounds (1) that the field of selection is limited; (2) that the intention of the Statute 33 Vic., viz., the promotion of Uncovenanted men of proved merit and ability, has never been fully carried out; and (3) that the Statutory system is neither one thing nor the other; neither a Covenanted nor an Uncovenanted Service; and that the pay of the Statutory Service is disproportionately small. This last objection I do not share.

3240. Are these defects in the system capable of remedy either by an alteration of the Statute or of the rules?—I would abolish the Statutory Civil Service altogether, and I would also do away with the distinction between Covenanted and Uncovenanted, as it is regarded with disfavor by members of my service. At the present moment it may happen that a Joint-Magistrate is in charge of a subdivision and a Deputy Magistrate is also in charge of a subdivision, and yet the Deputy Magistrate, after thirty years' service is in no higher position than the Covenanted Magistrate was when he was twenty-one years old. Moreover, during the absence of the Joint-Magistrate from the district, the Deputy Magistrate is in charge, and to all intents and purposes, does the work of the Joint-Magistrate. I have done so myself on two occasions. My idea is that a monetary limit should be placed to promotions from the Uncovenanted Service. Let men be promoted from time to time from the Uncovenanted Service up to a limit of salary, say Rs. 1,500—the salary of district officers. Instead of promoting men to the Statutory Service, I would throw open two-thirds of these appointments to Uncovenanted men of proved merit and ability. That, I think, would satisfy that service and secure efficiency in the administration.

3241. Would you compel the selected men to go to England for training?—No.

Mr. Ryland.

3242. You say you would throw open two-thirds of the present Statutory appointments to Uncovenanted men?—Two-thirds of certain grades.

3243. And what would you do with the remaining third?—They would revert to the Covenanted Civil Service—I mean I would throw open two-thirds of these appointments up to appointments of Rs. 1,500, beyond which limit I would not promote an Uncovenanted officer.

3244. But if you take away two-thirds of these subordinate offices, will there not be an insufficiency of posts to serve as a training ground for the men who are to get the higher posts?—Let it be one-half if you like, but I think there would be sufficient training ground for these men even if you took away two-thirds.

3245. Would you have some principle regulating their promotion to the Judicial Service?—I am not in a position to speak as to the Judicial Service.

The Hon'ble Kazi Shihabuddin, Khan Bahadur.

3246. What grades of the service do you include in the term Uncovenanted?—Deputy Magistrates and Deputy Collectors and their subordinates.

3247. Do you think many of the men who now hold these appointments are qualified by education to hold such appointments as are now held by the Covenanted Service?—The men I contemplate promoting to these posts would be men whose fitness had been proved.

3248. Would they be of sufficiently high social status?—That would have to be considered by the appointing authority.

The Hon'ble Mr. Justice Mitter.

3249. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Civil Service?—The only dissatisfaction I hear of is with reference to the limit of age, and this is said to be felt by Europeans and Natives alike.

3250. Do you know of any other ground of dissatisfaction?—No.

3251. Would you remove the disadvantage under which Natives labor with regard to the present age limit?—Yes; I would have twenty as the minimum and twenty-three as the maximum limit.

Mr. *Rylani*.

3252. Have you thought of any particular designation for the two branches of the Service?—You might call the present Civil Service the Imperial Service, and the other the Indian Service.

The Hon'ble Mr. Justice *Mitter*.

3253. How would you recruit the Uncovenanted Service?—From Natives of India as at present defined in the Statute.

3254. By what system would you recruit for this Service?—By open competition.

3255. Would you recruit provincially or generally from all India?—From the whole of India.

3256. Would you make any distinction in the pay of an appointment accordingly as it was held by a member of the Covenanted or Uncovenanted Service?—Up to Rs. 1,500 no such distinction should be made, and the same furlough and leave rules should also apply.

Mr. *Ramaswami Mudaliyar*.

3257. Would you not have more favorable furlough rules in the case of English officers, to enable them to go to England to

Mr. *Ramaswami Mudaliyar*—contd.

recruit their health?—I think we have just as much need to recruit our health.

Mr. *Hudson*.

3258. Would the present initial pay of Munsifs and Deputy Collectors be sufficient to secure efficiency in your service?—The initial pay of the Deputy Magistrates would. I cannot speak as regards the Judicial Service.

Mr. *Stewart*.

3259. Why would you have the same furlough rules for Natives as for Europeans?—Because their work is just as hard, and they require quite as much rest and recruitment of body.

3260. Do you consider that a Native requires as long a period of leave to recruit his health?—I think so. He is a man of weaker physique.

3261. Is he not working in a climate which is congenial to him?—Quite so; but he is just as often sick.

The *President*

3262. Is there any other point which you wish to bring forward?—No.

Vol. VI.
Sec. II.
Bengal.

A. D. B.
Gomes,
Esq.

WITNESS XL.—28th February 1887.

Examination of M. N. GHOSH, Esq, Barrister-at-Law, High Court, Calcutta.

The Hon'ble Mr. Quinton.

Vol. VI.
Sec II.
Bengal.
—
M. N.
Ghosh, Esq.

3263. You are a member of the Calcutta Bar?—Yes. I was called to the Bar in 1870.

3264. How long had you been in England?—Three years.

3265.—How old were you when you went to England?—Nineteen. I was called to the Bar when I was twenty-two.

3266. And you have practised at the Calcutta Bar ever since?—Yes.

The President.

3267. Did you compete at the examination for the Indian Civil Service?—Yes.

The Hon'ble Mr. Quinton.

3268. Have you any idea in what subjects you failed?—I took up four subjects, and got marks in all of them.

Mr. Stewart.

3269.—In what subject did you fail to obtain the marks you expected?—In Mathematics.

3270. That was the subject on which you mainly relied?—Yes.

The Hon'ble Mr. Quinton.

3271. What other subjects did you take up?—English, including English literature; mental and moral science, and Sanskrit.

3272. Is the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service approved by the Natives of this Presidency?—It is not.

3273. What are the grounds of disapprobation?—Partly the manner in which the appointments are made, that is, by nomination, and partly on account of its having the name of a Civil Service without being really a Civil Service, but something intermediate between the Covenanted and Uncovenanted Services. There is, moreover, a feeling of dissatisfaction entertained on account of the appointments being made to particular posts and not to a regular service governed by definite rules.

3274. Would you alter the present system?—As I understand the Statute 33 Vic, it was not intended to create a special service, but only to authorise the appointment of particular individuals to particular posts, and as such I would retain it. But if any doubt is entertained on the point, I would have it at once made clear that in exceptional cases men distinguished in the legal profession may be appointed.

The Hon'ble Mr. Quinton—continued.

3275. Would you restrict the appointments under the Statute to gentlemen of the legal profession?—Yes, and especially to members of the legal profession practising in Calcutta.

3276. Then I understand that you would confine the operation of the Statute to appointments to the Judicial Service?—There would be no objection on principle to appointing members of the legal profession to the Executive Service also.

3277. Would you appoint a Calcutta Barrister, say, to the charge of a district?—Yes.

3278. Are you satisfied with the present definition of the term "Native of India"?—Yes.

3279. If the Statutory system is retained, would you require the selected candidates to proceed to England for training?—No, it will be unnecessary to do so if the system I recommend is adopted.

Mr. Fitzpatrick.

3280. Do you think a member of the Calcutta Bar would be qualified to take charge of a district?—I have no reason for believing that he would not.

3281. How would he have acquired the necessary knowledge of the people, the country, and the language?—A Barrister has as much opportunity of learning the language and the manners and habits of thought of the people as a Civilian has—probably more.

3282. Do you mean a Barrister living in Calcutta and practising in the High Court?—Yes, if he is a Native, there need be no difficulty at all on that score; and even if he is a European he may have practised in the mufasal or on the Appellate Side of the Court, and in that case he will know almost as much of the country and the people as a man who has spent his whole life in the mufasal. By the Bar I do not mean merely the English Bar, but the pleaders of the High Court.

Mr. Ryan.

3283. Do you consider the Bar to be the only means of testing capacity and ability for employment in the public service?—Of course I contemplate that the appointments under the Statute would be only in rare and exceptional cases.

3284. Do you think the Bar represents the whole of the Native interests in the country?—It represents in the most fully developed degree the whole of the qualifications which were pure for the public service.

Mr. Ryland—continued.

3285. Do you think the system you propose would satisfy the natural aspirations of the youths of this country?—Not of course of itself. My suggestion has only reference to the Statutory Service.

Mr. Ramaswami Mudaliyar.

3286. Why would you exclude distinguished members of the Uncovenanted Service from the benefit of the Statute?—Men belonging to the Uncovenanted Service would be, as a rule, men who had not been to England, and at their age you could not require them to go.

3287. Would you exclude vakils of the High Court also?—No.

3288. Not the men who had not been to England?—I consider the practice of the legal profession is about the only sphere of life in which a man develops the requisite legal and moral qualifications to fit him for the public service, and these qualities may be developed, in the case of a man who has so practiced, even without a visit to England. Moreover, the Uncovenanted man would not have the same moral backbone or feel himself on a footing with his European colleagues.

3289. Do you think a Barrister would make a better public officer than an Uncovenanted Deputy Magistrate who has been doing the work for a number of years?—Yes.

The Hon'ble Kazi Shahobuddin, Khan Bahádur.

3290. Have you known any Barrister since the country came to be administered by the British Government who has distinguished himself as a governor or administrator?—No Barrister has ever had the opportunity. Barristers have never been appointed to such positions.

Sir Charles Turner.

3291. Did you say that the Native gentlemen who go to England to study for the Civil Service have no other career open to them if they fail to enter that Service?—No; on the contrary, they may enter the Education Department or the Engineering College, or take up chemistry and natural science.

3292. Do you know whether at present there is in India a considerable demand for qualified Professors of Natural and Physical science?—Yes.

The President.

3293. Is it a matter of personal regret to you that you did not succeed in getting into the Civil Service?—Not now; it was at the time.

The Hon'ble Mr. Quinton.

3294. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Service?—The present system is found to involve considerable hardship

The Hon'ble Mr. Quinton—continued.

to intending Indian candidates. The Indian candidate, if he really wished to pass, would desire to be able to undergo a preliminary training in England, and in that case, with the age limit as it is at present, he will have to go to England at sixteen or seventeen—an age at which very few parents are willing to send their children. Another source of dissatisfaction is the present marking of the subjects of examination, those in which Indian students might be expected to shine most being insufficiently marked. Moreover, the subjects have a degree of importance in themselves which is not sufficiently represented by the marks attached to them.

3295. What alterations would you suggest with a view to remove this feeling of dissatisfaction?—I would extend the limit of age to at least twenty-one, but not higher than twenty three, and the standard of examination should be raised to what it was before the reduction of the age limit. I would have history by itself as a separate subject with 1,000 marks attached to it; mental and moral science, including logic, should have 750 marks attached to them; would keep Sanskrit as it is with 500 marks, and to Latin and Greek I would assign 100 or 150 marks more than to Sanskrit. I would also add natural philosophy—a subject which is not to be found either in the old or the present course; and the subjects should include political economy, the theories of government and legislation, and so on. Those are subjects which can be mastered only by certain minds, and which cannot be tested by proficiency in any other subject.

3296. I understand that you advocate these alterations with a view to facilitate the success of the Indian candidates?—That is to me a minor consideration.

3297. Do you not think that in a matter of that kind we are bound to accept the ruling of the Civil Service Commissioners?—I advocate the alterations on general grounds; but I also think it would be fairer to the Indian candidate if these changes were made. It will not give him the same amount of trouble to master these subjects as it gives him to read Latin or Greek or German.

3298. Would you hold simultaneous examinations in India and in England?—As a matter of principle I should like to see simultaneous examinations held in both countries, in the event of which I would have the Indian examination held at the principal centres—Calcutta, Bombay and Madras. At the same time I am bound to say that I do not think that, at any rate for a long time to come, and except in very exceptional cases, any Indian boy who has had a purely Indian training could pass the competitive examination, especially if the standard of examination is raised. With the present low standard of examination some boys might pass.

Vol. VI.
Sec. II.
Bengal.
M. N.
Ghose, Esq.

The Hon'ble Mr. *Quinton*—continued.

Vol. VI.
Sec. II.
Bengal.

M. N.
Ghose, Esq.

3299. Then do you recommend that any examination should be held in India?—As a matter of principle I would ask for it, because in my opinion it is not right to require a candidate to proceed to England on the mere chance of success.

3300. If an examination is held in India, would you require a successful candidate to proceed to England for special training?—Yes.

3301. Why?—Because I consider the English training is absolutely essential, and I would have him remain in England for at least three years, and if possible at a University. I have already said that I consider the legal profession the only one which can dispense with the training in England.

3302. Would you have any apportionment of appointments to the different provinces or between the members of the different religious sects?—No.

3303. Do you know any of the Native gentlemen at present in the Covenanted Civil Service?—Yes.

3304. Do you think that they make as good Covenanted Civilians as could be got under any system?—Yes.

3305. Do you think they are as good as could be got by selection from the Calcutta Bar?—It is possible that men selected from the Calcutta Bar would be better qualified for judicial appointments.

3306. Would you recruit the Uncovenanted Service from all natural-born subjects of Her Majesty, or only from Natives of India?—I would recruit it only from Natives of India, but would have an open competition in India.

3307. Would the recruitment be entirely by competition?—Yes.

3308. For both the executive and the judicial branches of the service?—Yes.

3309. Would it be a general competition for the whole of India or provincial?—General for the whole of India.

3310. If the existing Statutory Service is abolished, what would you do with the proportion of Covenanted appointments at present allotted to that Service?—I would re-absorb them in the Covenanted Service.

Mr. *Fitzpatrick*.

3311. You say you would have an open competition throughout India for this service?—I do not mean that there should be one examination for appointing Munsifs and Deputy Magistrates all over India, but I mean to say that I would not exclude a Madrassi or a Punjabi from competing in an examination, say for clerkships in Bengal. The examinations would, however, be held at local centres, and in practice it would be found that the residents of the province were most largely represented among the candidates.

3312. Would it be a competition pure and simple?—Yes.

Mr. *Fitzpatrick*—continued.

3313. You would not then regard with dissatisfaction a state of things under which Bengalis might monopolize the greater proportion of appointments in the Punjab?—No.

3314. You do not consider that it would necessarily involve any political or administrative inconvenience?—Not in the least; on the contrary, it would incite the Punjabis to fresh exertions.

3315. Nor, I suppose, do you consider that it matters much if an immense majority of appointments came to be held by Hindus to the exclusion of Mahomedans?—Not in the least.

3316. Do you think Mahomedans would like it?—I do not see why they should not. They ought to like it. As a matter of fact, Hindus as Munsifs and Deputy Magistrates have frequently to decide cases between Hindus and Mahomedans, and I have never heard Mahomedans complain that they show any partiality for their co-religionists.

The Hon'ble Mr. *Quinton*.

3317. Have you anything to say as regards the present pay and furlough rules?—I have to suggest that Indians appointed to the Covenanted Service or under the Statute should get the same pay as European members of the Covenanted Service. As regards furlough I have nothing to suggest.

Mr. *Fitzpatrick*.

3318. It has occurred to many Native gentlemen to think that it would be a good thing to retain the present two-thirds' rule, as it would furnish a very strong motive, on the ground of economy, for employing Natives more largely. Do you share that view?—I do not. I think a certain fixed pay should be attached to a post, and the suggestion I have made, that the pay of all members of the higher public service should be equal, is part of the scheme which I have in view. If the recruitment of the Statutory Service were to continue on the present lines, and the young men selected were not required to proceed to England, I might possibly say that the two-thirds' rule was suited to their case. But advocating as I do a system of competition open to all by the same door, and supplying the same tests to all, I see no reason why the pay also should not be the same for all; and as regards the distinguished members of the legal profession whom I desire to see in the service, it is necessary that it should be so if we are to induce such men to accept appointments.

The *President*.

3319. Have we brought out all the points which you desire to lay before the Commission?—Yes.

WITNESS XLI.—28th February 1887.

Examination of Baboo JOYKISHEN MUKHERJI, Zemindar, 24-Pergunnahs.

Mr. Peacock.

3320. You are a zemindar of the 24-Pergunnahs, are you not?—Yes, I have estates at Burdwan, Hughli, Birbhoom, and Midnapur.

3321. Can you tell us whether the present system of appointing Natives as Statutory Civilian to posts reserved for the Covenanted Civil Service is approved?—No, it is not.

3322. What are the objections to it?—The grounds of disapprobation are as follows:—

- (a) It affects in an injurious manner the principle of competition for the Covenanted Civil Service.
- (b) It lowers the Covenanted Civil Service in the estimation of the public by opening a back-door to a favored few.
- (c) It encourages favoritism and induces candidates to place a secondary value on solid acquirements, and to look to other ways and means of gaining their object.
- (d) It has, naturally enough, the effect of creating feelings of jealousy among persons who enter the service by open competition only.

3323. What changes would you propose?—The grounds indicated would more than justify the repeal of the Statute; but if the Statutory system is to continue at all, the following amendments should be made in the rules:—

- (a) The words "after he has attained the age of 25 years" in rule 1 should be struck out, in order that Government may admit those into the service who, either in Government service or in the practice of a calling, have given proofs of education, ability and integrity.
- (b) The following passages should be omitted:—"and that he has, unless specially exempted by the Governor-General in Council, passed such examinations as may, from time to time, be prescribed by the Local Government subject to the approval of the Governor-General in Council. In case of persons admitted under the rules after they have attained the age of

Mr. Peacock—continued.

25 years, the Governor-General may confirm their admission without requiring them to serve any period of probation."

The amendment (a) makes it clear that only men of proved merit and ability should be nominated, and therefore no provision for probation or examination is necessary.

- (c) Under the modified system suggested by me, the gentlemen appointed to the Statutory Service need not either be required or encouraged to go to England.

3324. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Civil Service?—Dissatisfaction is felt with the existing system.

3325. Would you suggest any changes?—The following changes should be made in that system:—

- (a) The standard of age should be raised.
- (b) An open competition should be held in India.
- (c) Candidates should not be compelled to go to England.

In the first place, the existing system practically excludes Natives of India from competing for such service, both by reason of the prohibitive nature of the limit of age, and by reason of candidates having to proceed to England. In the second place, it is not always very safe for young men to be left to themselves in a large city far away from control and beset with temptations. The fact of English students having to compete at so early an age deprives India and the Indian Civil Service of the benefit of the services of a class of gentlemen with higher culture and maturer experience of life.

3326. Do Natives labor under any, and if so what, disadvantages in competing for the Covenanted Civil Service? How may those disadvantages be minimised or removed?—Yes they do, but the disadvantages may be considerably lessened if—

- (a) the limit of age be extended to twenty-three;
- (b) an identical open competition be held simultaneously in India and England;
- (c) due regard be had to the Indian languages and history, and if the

Vol. VI.
Sec. II.
Bengal.Babu
Joykishen
Mukherji.

Vol. VI.
Sec. II.
Bengal.

Babu
Joykishen
Mukerji.

Mr. Peacock—continued.

marks for Sanskrit and Arabic are placed on an equality with those for Greek and Latin.

3327. Should the examination in India be held at one or more centres?—The examination should be held simultaneously at all the centres of Government: Calcutta, Bombay, Madras, Allahabad and Lahore. The competition should be free and open to all subjects of Her Majesty, and the appointments should be apportioned equally among Europeans and Natives, *i.e.*, half of them should be reserved for Natives and half for Europeans.

3328. If an examination is held in India, should the successful candidates be required, as a condition obligatory, to proceed to England to complete their training?—No, but they should be encouraged to do so. Those, however, who volunteer to go, should be required to stay in that country for at least twelve months, as a shorter period will be of no great value.

3329. Are the young Natives obtained under the existing system of the open competition in England the best as regards character and capacity who could be obtained under any system?—Generally speaking, the existing system is turning out able and worthy men, both as regards character and capacity, but by having simultaneous examinations in both countries, we shall secure men of greater talent and respectability than those who under the present system are found willing to go to England. At present many respectable families dislike sending their sons to England.

Mr. Fitzpatrick.

3330. Are you one of those who consider it desirable that the highest posts in the service should be filled by men who are not only men of ability, but men of respectable family also?—Yes.

3331. You think they command the respect of the people in a greater degree?—Yes.

3332. And they are more efficient public servants in consequence?—That is exactly my view. The service ought not to be recruited from the sons of shoemakers. I am aware that some of our most eminent English statesmen and others were of humble origin; but they were rare and exceptional cases. Generally speaking, men of respectability and influence make the most capable administrators.

Mr. Nulbar.

3333. Why would you apportion appointments between the candidates at the two examinations?—Personally I consider there should be no limit, but I desire to provide for an adequate representation of my countrymen in case Government should, for political reasons, be of a different opinion.

Mr. Nulbar—continued.

3334. Are we to understand that you attach some importance to the training in England of selected candidates?—I attach some importance to it; but, as I said before, by making it entirely obligatory you will lose some of the best talent and respectability in the country.

3335. Then the only means of knowing that you have that talent and respectability is supplied by the examination?—Yes.

3336. Suppose you have two candidates equally respectable and equally talented according to the test supplied by the examination, the only difference being that one has been or is willing to go to England and the other objects to go there; which of them would you, in the interests of the efficiency of the service, be inclined to prefer?—That is a difficult question, and can only be properly answered by actual experiment.

The President.

3337. A, B, C, D, E, and F are all candidates of excellent family and education, the only difference between them being that A, B, and C either have been to England or are willing to go, while D, E, and F have not been and are unwilling to go to England; which would you prefer—A, B, and C or D, E, and F?—I am not prepared to give a preference to one class over the other, because that would be to strike at the very root of the competitive system.

3338. Then you do not wish to say anything more definite than that it would be an advantage to have a European training?—Yes; when Sir Frederick Halliday was Lieutenant-Governor, I submitted a plan to the Council of Education, stating that the collegiate education of our youths was incomplete until they had travelled in different parts of the country, as the young men do in Europe, with certain allowances to those who needed it. The suggestion was supported by the Council of Education, but was not adopted by the Government for some reason or other, although I and some other wealthy Native gentlemen offered to contribute to defray the expenses of the scheme. Personally I hold a strong opinion that great benefit accrues to the person who has this advantage of foreign travel; notwithstanding this, I cannot venture to say that any preference should be made in favor of men who have undergone a training in England.

Mr. Ryland.

3339. Would not your Indian examination open the door to the more general admission of men of the lower classes to the service?—No doubt there is that risk, but I am ready to face it. There are among the poorer classes so many persons of integrity and ability, that it would be unjust to deprive them of the chance of obtaining employment in the public service.

Mr. *Ramaswami Mudaliyar.*

3340. Are not all the Native gentlemen who go to England at their own expense, men of respectable family?—Not all; moreover, many of those who have been to England were helped by their friends or by societies to which they belonged. The conduct of some of them was not such as one wishes to see in one's countrymen.

3341. By respectable do you mean aristocratic families?—Not at all. Talent is not by any means confined to the aristocracy, but, on the contrary, is rather centred in the middle classes. What would be the present state of England if the public service and Parliament had been confined to the aristocratic families.

3342. Do you object to compelling men to go to England on the ground of caste?—That is one of my reasons for advocating a simultaneous examination. I am aware, however, that caste prejudices are dying out.

3343. I believe the educated classes here do not, as a rule, strictly observe the restrictions laid down by caste?—That is to some extent true, but I know many scores of persons who are well educated and enlightened, and who recognize the defects of our caste system, but who still observe and live under that system.

The President.

3344. Are there not educated Hindus who have no intention of going to England, but who have given up the observance of caste rules and are yet tolerated by the orthodox?—There are some, but not many, and among these a re-action is taking place in view of the great evils attendant on the spread of intemperance.

The Hon'ble Kazi *Shahabuddin*, Khán Bahádúr.

3345. Have you any personal acquaintance with other parts of India?—I have been to Agra and Delhi. I was present at the storming of the fortress of Bhurtpore by Lord Combermere, whose private and confidential clerk I was at the time.

3346. Did you remain in those parts for any length of time?—Yes; eight or ten years. I have been conducting zemindari matters for the last sixty years.

3347. Would you approve of any system by which a preference was given to Natives over Europeans in appointing to the Civil Service?—I think the time has not yet arrived for that. After many centuries of misrule, Natives have not yet gained that steadiness and boldness which is necessary for good administration, and as yet they have had no opportunities of acquiring those qualities, having been confined to Deputy Collectorships and the like.

3348. Do you think that Natives will in a few years have acquired so much of these qualities as will fit them to take charge of districts, for instance?—That will

The Hon'ble Kazi *Shahabuddin*, Khán Bahádúr—continued.

depend upon the encouragement which Government holds out to them. If higher appointments are given them, and Government is willing to overlook failure here and there, perhaps in fifteen or twenty years they will have improved to that extent.

The Hon'ble Mr. Justice *Mitter.*

3349. Do you recollect that a Native belonging to your village was a Munsif in the North-West during the Mutiny?—Yes; he was called the "fighting Munsif." He was educated in an Anglo-Indian vernacular school, and after a few years' education under an English master, Mr. Hand, and further tuition in the Benares College, he was appointed Dewan of the Maharajah of Benares, which post he relinquished for the appointment of Munsif; and in 1857, when a band of rebels threatened an attack on the Munsif's kutchery, instead of flying from the station, he collected all his peons and put the rebels to flight. I have known cases in which Natives have shown as much boldness as many Europeans.

Sir Charles Turner.

3350. But was not Babu Peari Mohun Banerjee an exceptional man?—In that very year, 1857, we called a meeting in Ulahparah and applied to Government for permission to raise a militia battalion; so, you see, Peari Mohun Banerjee was not the only person who showed courage under trying circumstances.

Mr. Peacock.

3351. Would you recruit the Uncovenanted Service from all natural-born subjects of Her Majesty, or only from Natives of India?—This service should be recruited purely from Natives of India, *i.e.*, those "born and domiciled in British India," of parents habitually resident in India. The recruitment should be made by free and open competition for first appointments. If any University examination is held to be a sufficient test, that examination should be regarded as an open competition. The recruitment for the Uncovenanted Service of a province should be made, as far as practicable, from persons resident in that province. In the case of backward provinces, however, recruitment may be made from the sister province.

3352. If the existing Statutory Service is abolished, would you transfer the Covenanted posts at present allotted to that Service to the Uncovenanted Service?—Having regard to the present circumstances of the country, I would retain the present Covenanted Service with its name and standing and influence in the country. I would not take away nearly

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Jyotish Chandra
Mukerji.

half the appointments from that honorable service and throw them into the Uncovenanted Service.

Mr. Fitzpatrick.

3353. It is only as regards one-sixth of the Covenanted appointments that you are asked whether you would be inclined to give them as a reward to the most distinguished members of the Uncovenanted Service as a means of raising the status of that Service. —I would give them back to the Covenanted Service.

3354. Are there not men in the Uncovenanted Service who are fit to be promoted to some of the offices now held by Covenanted officers?—I could name one who is as excellent an officer as any in the Covenanted Service, and among Natives there are, no doubt, distinguished men; but by giving them promotion to the Covenanted Service, you would destroy the principle of preserving intact a system for administering the country which is as old as British rule in India. I would give distinguished Uncovenanted men every facility of advancement, but I would not admit them to the Covenanted Service. My limited experience in military service has shown me that it is not a good thing to promote non-commissioned officers to hold commissions, and that they cut a bad figure in the higher sphere. There is not that *esprit de corps* between them and their brother officers which it is so desirable there should be; and having that in view, I fear that Uncovenanted officers, if promoted, will be looked down upon by the senior branch.

3355. When you propose free and open competition as distinguished from limited competition among nominees, do you not abandon the principle upon which you have just now insisted, that it is desirable to have respectable men in the service? Is there not a danger, if you have open competition, especially for the Uncovenanted Service for which the standard of examination would necessarily be lower, that men of a lower class will get into the service in considerable numbers?—I have stated before that I see there is some risk of that, but that I am prepared to face it. Moreover, I do not consider the risk so great as one might suppose.

3356. Would you admit Bengalis to an examination held at Lahore, for instance?—There is a good deal of controversy going on at present as to the respective merits of provincial and open competition. Personally I think no distinction should be made.

3357. Do you think the better educated people should always govern the less educated?—Yes.

3358. You would not see any objection, for instance, to three-fourths of the Uncovenanted officers in the Punjab being Bengalis?—There is no possibility of that.

Mr. Fitzpatrick—continued.

3359. Would not the result of a free and open competitive examination be that the number of Hindus admitted to the service would be enormously out of proportion to the number of Mahomedans?—Mahomedans are taking to education now, and you see a great many more of them Deputy Collectors and Munsifs than was the case formerly. I think the number will go on increasing.

Sir Charles Turner.

3360. You say you would hold examinations at each provincial centre for the service of each province, and that you would admit all comers, to these examinations. Would you admit Europeans also?—Those who are permanently resident.

3361. If you want to get the best men, why exclude Europeans who are not permanently resident?—I think the Natives of India should in justice be given as many appointments as they can hold with integrity and honesty.

3362. You know, of course, that no Native of India is excluded from any appointment in England if he is in other respects fit for it. Has it ever occurred to you that everybody who is the subject of an empire has an equal right to obtain employment in the public service in any part of the empire?—There are exceptional circumstances in India which qualify that right, and, another thing we must remember is that we are under a British Government, and that for many years the rulers of the country must necessarily be Englishmen; and that being so, there is always the fear of favoritism.

The Hon'ble Mr. Quinton.

3363. You have a large staff to manage your estates, have you not?—Yes.

3364. Do you choose the members of your managing staff by competitive examination?—That depends on circumstances. If I have had good men of business to choose from—say a Lala from Hindustan and a Khaist from Bengal, and if after comparing them, I find that the Lala is the better man, I select him as a rule; I judge more by the actual work of a man than by examination.

3365. So that practically you do not select your managers by examination?—I do to some extent.

Mr. Peacock.

3366. Do you think that, as a general rule, Natives make better Judges or Deputy Magistrates?—I think they make better Munsifs and Subordinate Judges, but there is no inherent defect in their character which should prevent their making equally good Deputy Magistrates.

The Hon'ble Mr. Justice *Mitter*.

3367. Then what is it that makes them better Civil Judges?—Particular circumstances. Prior to 1883, Deputy Magistrates were only appointed from the ministerial staff, and there has not been sufficient time yet to enable the men enrolled under the new system to show their capabilities.

Mr. *Ryland*.

3368. Have you any reason as a landholder to complain of Europeans in charge of the districts in which you have property?—Not generally.

Mr. *Peacock*.

3369. Have you any change to suggest in the present pay and furlough rules?—There should be no distinction in the salaries of Covenanted Civilians and those of the Statutory Civilians. The salaries should be considered as attached to the appointments, and not to the individuals holding them. But something in the shape of a fixed personal allowance should be made to Europeans in consideration of their having to come from a distance of several thousand miles. The pension rules should be the same in both cases. As to furlough, Europeans ought to receive some special consideration.

3370. Is there any other point which you wish to bring before the Commission?—I wish to make a general observation on a matter which I consider very important. I think the system of appointing to District Judgeships which prevailed before Lord William Bentinck's time should be restored when we had Registrars. In those days we had power as Munsifs to try original suits, and then we were given the powers of

Mr. *Peacock*—continued.

an Acting Judge, and afterwards those of a full District Judge. Now-a-days, after a Civilian has been a Joint-Magistrate for a number of years, you place him on the Bench, and many officers have complained to me that they have to decide appeals from the decisions of Uncovenanted officers of twenty years' experience, while they themselves were new to the work.

The *President*.

3371. And you wish to prepare them for those duties by training them as Registrars?—Yes; and another thing is this—I believe this enquiry is intended to benefit the people at large, in order that they may be relieved from oppression, legal or otherwise. Now, a large number of our suits turn upon boundary questions and revenue law as against Government, against zamindars or against ryots. Under the existing system we have no guarantee whatsoever that our Munsifs and Judges have had any sort of training to fit them to decide these questions. What knowledge they do possess they pick up in actual service on the Bench, and some of the more talented men do so very well; but the great majority of our Munsifs and Judges know very little about the litigation of the country. Therefore I would suggest that to these Registrars should be assigned also the duties of a Deputy Collector, and that they should sit three days in the Revenue Court and three days in the Judge's Court, so that they might learn all about partition cases and the settlement of estates, and also the state of the records at the time of the permanent settlement,—about all of which our Munsifs know nothing, and our Covenanted Judges, I regret to say, very little.

Vol. VI.
Sec. II.
Bengal.

Babu
Jaykishen
Mukerji.

WITNESS XLII.—28th February 1887.

Examination of **Batu Monomohun Ghose**, Barrister-at-Law, High Court, Calcutta.

Mr. Peacock.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.Batu
Monomohun
Ghose.

3372. You are a Barrister-at-law and an advocate of the Calcutta High Court?—
Yes.

3373. How many years have you been in practice?—I have been practising for twenty years at the Calcutta Bar. I was called to the Bar in 1866, I went to England again in 1883 as delegate from two public bodies in Calcutta, viz., the Indian Association and the Indian Union, to represent them at the Parliamentary elections of 1885.

3374. Can you tell us whether the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service is approved?—It is strongly disapproved of for these reasons:—

(1). Because it is looked upon—and with good reason—as part of a scheme which had for its ultimate object the creation of a special but inferior service, and the exclusion of the people of this country from the Covenanted Civil Service. Any scheme which has a tendency, however remote, to militate against the provisions of the Charter Act of 1833, whereby all disabilities based upon race and religion have been removed as regards employment in the public service, cannot but be unpopular among the educated classes in this country.

(2). Because the system as devised in 1878-79 is looked upon as a departure from the original intention of the framers of the Act of 1870, which was not to create a special and inferior service, but to empower the authorities in India to appoint persons of proved merit and ability among the Natives of India to Covenanted posts and practically as members of the Covenanted Civil Service. The Statute was originally taken to contemplate the appointment of meritorious public servants or persons who had distinguished themselves in some profession.

(3). Because the system does not provide any antecedent guarantee of fitness, and is calculated to encourage favoritism.

(4). Because it was based upon the erroneous assumption that it was desirable to create an intermediate service for a class of Natives whose social position, it was said, gave them a commanding influence over their own countrymen, and who would not be attracted to the Uncovenanted Service. As a matter of fact, I believe the majority of men selected under this system

have been men who would have gladly entered the Uncovenanted Service; and I deny, at any rate so far as Lower Bengal is concerned, that mere birth or social position, irrespective of merit, is looked upon as any qualification for employment in the public service.

(5). Because the men selected under this system are not and cannot be expected to be placed upon a footing of equality with the members of the Covenanted Civil Service.

(6). Because, as a rule, the men selected under this system, however high their so-called social position, are not received by Europeans in the mufasal as socially their equals, while Indians who have become members of the Covenanted Civil Service by competition in England are apparently received on terms of social equality both by European officials and non-officials in the mufasal.

3375. How would you propose to remove the defects of the present system?—I have no objection to the Statute itself, and if it is to be amended at all, it might be amended in one respect. There seems to be a doubt as to the intention of the framers of the Statute, whether it was or was not intended to convey that persons appointed to offices previously filled by Covenanted Servants of the Crown should not be themselves Uncovenanted Servants. My own view of the matter is that it was not intended to create a separate service; but if there is any doubt about the matter, I am of opinion that it should be removed by legislation. I would preserve the power for exercise by Government in exceptional cases, on recognition of exceptional merit, whether among members of the Uncovenanted Service or among independent men who have distinguished themselves in the exercise of a profession; but I would limit the number of these appointments, because it is only fair that men who enter the Covenanted Service should know exactly how many such appointments are likely to be made. I would do away with the system as it at present exists.

3376. Would you send the selected candidates to England for training?—If the appointments are made as I suggest, in recognition of merit, it may or may not be necessary to send the selected candidates to England; but if the present system is

Mr. Peacock—continued.

retained, I would certainly make it a condition of the service.

3377. You say one of the objects of the Statutory Service was to prevent Natives from entering the Covenanted Service. That object has never been carried out, has it?—No. But it was believed by many to have that object, and I believe with good reason, because it was distinctly stated in the Secretary of State's despatch that that was the object.

Mr. Fitzpatrick.

3378. Have you any reason for supposing that the framers of the Statute had that object in view?—No.

Mr. Peacock:

3379. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service?—Yes, considerable dissatisfaction is felt for a variety of reasons. First, as regards the reduction of the age limit, and how that presses on the people of India. I should like, as part of my evidence, to be permitted to read what I myself had occasion to say in 1884, when the Government did me the honor of asking me for my opinion on this question. In that note my reasons were fully set out as follows:—

In the first place the examinations are held in England, and few parents are willing to take the risk of sending their sons to that country before they are eighteen years of age. Considerations of health, the absence of all parental control and supervision in a foreign country, are in themselves sufficient to deter Indian gentlemen from sending their sons to Europe at the early age of fourteen or fifteen even in the few instances in which they are able to afford the expense of such an undertaking, and are moreover bold enough to disregard the restrictions which the system of caste imposes upon the Hindu community. Having regard to the character of the competitive examination, it may be safely asserted that no Indian student has any reasonable prospect of success unless he is able to go through a course of special training in London, for at least a period of three years, and the lower the limit of age, the longer must be the period of the special training in the case of Indian students. Even when the maximum limit was twenty-one, scarcely a single Indian candidate was able to pass the examination successfully without at least one year's training in London, although Indian candidates were then able to prepare for the examination, to some extent, before leaving India. But under the present rule, no Indian candidate can reasonably expect to succeed unless he proceeds to England at the age of fifteen or even earlier, and goes through

Mr. Peacock—continued.

the necessary special training for at least three years in England.

The objections which are urged on the ground of expense, the uncertainty of success, the risk to the health of the young men, are ordinarily of so serious a character that it is only possible to meet them satisfactorily by holding the first competitive examination simultaneously in India as well as in London; but when, in addition to these serious difficulties, which, apart from the question of age, must necessarily deter most parents from undertaking the risk of sending their sons to England, the maximum limit of age is reduced to an extent which tends greatly to enhance those difficulties, the effect of the reduction must practically be to debar Indian candidates from competing in England for the Civil Service of India.

In addition to the obstacles already referred to, the Indian candidate is ordinarily at a great disadvantage as compared with the English competitor as regards the subjects prescribed for the first examination, and this disadvantage is very considerably increased by the present limit of age. The Indian student has to acquire, by years of diligent study, an amount of proficiency in what, it must be conceded, is to him, a difficult foreign language, to the study of which his English fellow-competitor is seldom called upon to bestow any attention; and without a competent knowledge of which no candidate can possibly express his ideas in any of the subjects of examination (mathematics alone excepted). A Native of India cannot, when educated in this country, possibly acquire the requisite degree of proficiency in the English language before he is nineteen years of age. The knowledge of English possessed by an undergraduate of an Indian University when he has just matriculated is of an extremely superficial character, and scarcely enables him to speak or write the language with idiomatic correctness, unless, as is the case of Eurasians or Armenians, English happens to be his mother-tongue. I think it may be safely asserted that scarcely two out of every 100 Native Indian students who pass the Entrance examination of the Calcutta University are able to write an ordinary letter in the English language with the same ease and correctness as an English schoolboy of twelve or thirteen, though the latter may not possess that amount of knowledge of English literature and grammar which the former does. As a general rule, the facility to speak and write English correctly is acquired by our students after they have passed their First Arts examination, or, in other words, after they have attained the age of eighteen years. There cannot be the slightest doubt that no Native of India can expect to acquire anything like the knowledge required in candidates for the Civil Service of India

Vol. VI.
Sec. II.
Bengal.

Babu
Monomohan
Ghose.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
Babu
Monomohun
Ghose.

within four years from the time of his passing the Entrance examination of an Indian University. A graduate of the Calcutta University, who has just taken his degree of B.A., will find it extremely difficult to answer the questions which are ordinarily set at the competitive examinations in London, even in such subjects as English and mathematics, which every student of an Indian University is compelled to study. An Indian student has to study four years after entering the University before he is competent to pass the B.A. examination. It follows then, that, even assuming that an exceptionally clever B.A. may be able to succeed at the competitive examination for the Civil Service without much preparation in London (which I doubt very much), he will by the time he obtains that degree have exceeded the present limit of age.

Formerly the Calcutta University used to insist upon candidates attaining the age of sixteen before being permitted to matriculate; happily this restriction no longer exists, and although since the year 1880, students have been allowed to go up for the Entrance examination of the Calcutta University irrespective of any minimum limit of age, the result of the annual examinations shows that a very small percentage of students are able to matriculate before attaining the age of sixteen. The following table which I have obtained from the office of the University, shows the number of students who have passed the Entrance examination of the Calcutta University within the last four years since the abolition of the minimum limit of age. It will be seen that the number of students who were able to pass before attaining the age of sixteen is very small as compared with the number of those who passed after attaining that age:—

	Number of candidates	Number passed.	Passed under sixteen.	Passed at sixteen and upwards.
1880 ...	2,793	1,666	34	1,632
1881 ...	2,937	1,409	79	1,330
1882 ...	3,111	1,458	80	1,378
1883 ...	3,591	1,785	195	1,590
Total ...	12,432	6,318	388	5,930

On enquiry, I have further ascertained that out of the 388 candidates who have, within the last four years, entered the Calcutta University before attaining the age of sixteen, so many as 287 were above fifteen years of age. Among these 388, there were 78 candidates whose vernacular was English; so that out of 12,432 candidates, only 310 Native Indian boys were

Mr. Peacock—continued.

able to enter the University during the last four years, before attaining the age of sixteen. The above figures give us a fair idea of the extent of knowledge which an Indian student of more than average intelligence ordinarily possesses at the age of sixteen; and if three or four years' special training is required in the case of an Indian student before he is qualified to go up for the competitive examination for the Civil Service of India, (and I unhesitatingly assert from personal knowledge that such training is absolutely necessary), it follows that the vast majority of Indian students cannot possibly expect to be qualified before they have attained the age of twenty or twenty-one.

The subjects prescribed for the open competition in England are in themselves of such a character as to require special training for years in the case of an Indian candidate. Most of them are not the ordinary subjects of study in an Indian college, and there are no facilities here for learning some of them which English candidates take up as a matter of course and with the greatest ease. Latin and Greek are not taught in our schools here, and they are the most paying subjects in the open competition for the Civil Service of India. I have known many English candidates pass successfully, mainly by reason of their having taken up all or some of the three modern European languages, *viz.*, French, German, and Italian, which they frequently pick up by going over to the Continent for a short time; and these are subjects which no Indian student has any chance of learning in this country. The only subjects in which an Indian competitor may be supposed not to be at any disadvantage, as compared with an English candidate, are:—(1) English Literature and History (when a sufficient knowledge of the language has been acquired); (2) Mathematics; (3) Moral Science; (4) Natural Science; (5) Sanskrit; and (6) Arabic. It is, however, extremely unfortunate (and the matter ought to be prominently noticed) that of late years some of these are the very subjects in which the Civil Service Commissioners, for reasons best known to themselves, have thought fit to reduce the maximum number of marks, and have at the same time increased the number of marks obtainable in some of those subjects which I have pointed out are not studied by Indian students, and in which they necessarily labor under considerable disadvantage. This alteration in the marks is in itself a serious matter; and, although it has escaped public attention in this country as being apparently a matter of detail, it affects, in my opinion, even when taken by itself, the prospects of Indian candidates quite as injuriously as the reduction of the limit of age. But the effect of the two together is absolutely to deprive Indian candidates of any reasonable

Mr. Peacock—continued.

chance of success. I subjoin a table showing the alterations referred to:—

Subjects of examination.	Marks obtainable formerly.	Marks obtainable now.
1. English Composition ...	500	300
2. English Literature and History ...	1,000	600
3. Greek ...	760	600
4. Latin ...	760	800
5. French ...	375	500
6. German ...	375	500
7. Italian ...	375	400
8. Mathematics ...	1,250	1,000
9. Natural Science* ...	1,000	600 or 800
10. Moral Science† (Logic) ...	500	300
11. Sanskrit‡ ...	500	500
12. Arabic‡ ...	500	500
13. Political Economy ...	New	300

A careful examination of the above table will show that with the exception of Greek, in which the marks obtainable now are not quite so high as before, almost all the alterations are calculated to diminish considerably the chance of success of Indian candidates. English Composition, Literature and History are subjects in which Indian candidates have been known to obtain high marks, and we now find that the maximum obtainable in these subjects is reduced from 1,500 to 900, although Lord Macaulay's Committee had advisedly given the "foremost rank" to them among the subjects which they prescribed! I have already said that the subjects which an Indian candidate does not ordinarily learn are Latin, Greek, French, German and Italian, and some of these are precisely the branches of knowledge which seem now to find greater favor with the Civil Service Commissioners.

It is well known that a candidate ordinarily has no chance of success unless he is able to take up and score well in at least seven out of the thirteen subjects prescribed for the examination. An English candidate at the age of eighteen may easily take the following subjects:—(1) English Composition, (2) English History, (3) Greek, (4)

Mr. Peacock—continued.

Latin, (5) French, (6) German or Italian, and (7) Mathematics. The total number of marks obtainable in these subjects is 4,300. On the other hand, an Indian candidate at the same age will find it difficult to take up so many as seven subjects, and even if he should choose so many (excluding the classical and modern languages of Europe, which he does not learn), he will find it impossible to select any seven subjects capable of yielding a total number of 4,300 marks.

As success in this examination depends upon the total number of marks which a candidate obtains, the selection of subjects becomes a matter of the utmost importance. As regards Sanskrit and Arabic, it should be borne in mind that while the former is learnt by Hindu students and the latter by Mahomedans, no Indian student ever studies both these languages in this country; and the foot-note attached by the Civil Service Commissioners to those subjects shows, as is indeed the fact, that they expect a degree of proficiency in those languages which it is simply impossible for a Native of India to attain at the early age of eighteen.

I have thought it necessary to explain at length the manner in which the present distribution of marks and the selection of subjects affect the chances of Indian candidates generally, for it seems to me that in order rightly to understand and estimate the character of the alteration as regards the maximum limit of age—so far as that alteration affects the people of this country—regard must be had to the subjects prescribed for the examination, and the marks obtainable in each. If the vernacular languages of India were to be included among the subjects of examination, and the marks obtainable in what may be called Indian subjects (that is, subjects ordinarily taught in Indian schools and colleges) were to be as high as those obtainable in what are peculiarly English subjects (such as Latin, Greek and the European languages), the reduction of the limit of age would not probably place Indian candidates at any disadvantage so far as the mere subjects of study are concerned. But there can be little doubt that, having regard to the subjects at present prescribed for the competitive examination and the marks assigned to them, an Indian candidate finds it extremely difficult at the age of seventeen or eighteen to compete with any reasonable chance of success.

Languages may be learnt at an early age, but there are many subjects prescribed for the examination which are better learnt and better understood after one has attained the age of eighteen or nineteen years. And these are precisely the subjects which, in the absence of all knowledge of the ancient and modern European languages, a Native Indian candidate is obliged to select.

Vol. VI.
Sec. II.
Bengal.Babu
Mowmohun
Ghose.

* This subject now includes any two of the following sciences:—

(1) Chemistry, 500; (2) Electricity and Magnetism, 300; (3) Experimental Laws of Heat and Light, 300; (4) Mechanical Philosophy with outlines of Astronomy, 300. Formerly the subject included any three of the following:—(1) Chemistry; (2) Electricity and Magnetism; (3) Natural History; (4) Geology; (5) Mineralogy.

† Moral science formerly included Mental and Moral Philosophy (in which Native Indian candidates have been known to get high marks), and Logic. At present Logic alone is retained, and Mental and Moral Philosophy has no place among the list of subjects.

‡ As regards the extent of knowledge required to enable a candidate to get any marks in Sanskrit and Arabic, the C. S. Commissioners now append this significant foot-note:—"The standard of marking in Sanskrit and Arabic will be determined with reference to a high degree of proficiency, such as may be expected to be reached by a Native of good education." It should be noted that no such foot-note was considered necessary prior to 1865, and that it is not appended to any of the other languages.

Mr. Peacock—continued.

Vol. VI.
Sec. II.
Bengal.
Babu
Monomohun
Ghose.

Political Economy and Natural Science are scarcely subjects to be thoroughly comprehended and mastered at the early age of seventeen or eighteen.

Mr. Stokes.

3380. What changes would you propose to make in the present system?—I would revert to the limit of age as originally fixed by Lord Macaulay; that is, nineteen to twenty-three; and as regards the subjects of examination, speaking from personal experience of that examination, I would set a limit to the number of subjects that a candidate may take up. I would limit the number to six. The Civil Service Commissioners have tried their very best to prevent what they called "knowledge of wide surface and little depth," but they have not yet succeeded in providing the best means of preventing it, and it seems to me that the only means of doing so is by limiting the candidate to six subjects, but I would not specify which of the subjects. And in addition to what I have already said, I would propose that Sanskrit and Arabic be placed upon a higher footing than they at present occupy; that is, on the same footing as Greek with 600 marks. As regards the proposal to have two examinations—one in India and the other in England—of course I know that it is a grievance felt by a large class of my countrymen that they should have to undertake a journey to England at enormous expense on the mere chance of succeeding; and in order to remove that grievance, if a scheme can be devised—and I think it possible to devise one—I would have an examination here as well as in London.

3381. At one centre?—Yes, I think so for the present; and with reference to the difficulties of the *vicé rocé* examination, I find that in Lord Macaulay's original scheme, the Committee laid down that the examination should be entirely by means of written papers, and that difficulty therefore need not trouble us much.

3382. Would you have one list from which candidates would be appointed in order of merit?—Yes; because I think fitness should be the only criterion of eligibility.

3383. Would you send the successful candidates at your Indian examination to England for special training?—That should be a necessary condition of the service, otherwise I would have no Indian examination. I would insist on their going and residing for at least three years at Oxford or Cambridge with the other candidates.

Mr. Fitzpatrick.

3384. The result of that would be that some young men would come out here at the age of twenty-six years?—Lord Macaulay contemplated twenty-five as the maximum age, and there are eminent members of the Civil Service who did come out at that age

Mr. Fitzpatrick—continued.

and have since distinguished themselves. It need not necessarily be twenty-five in all cases; we might have men coming out at twenty-two.

Mr. Nulkar.

3385. You would not neutralise the disadvantages of Natives by adding vernacular languages to the subjects of examination, but would rather raise the age?—Yes; I am inclined to think that there is great force in Lord Macaulay's observation, that the vernacular languages of India are not of sufficient importance to be included.

3386. Is it possible to divide the subjects by six and have an apportionment so as not to make the test unequal?—I would fix six as a maximum.

3387. Would you not have a knowledge of English literature compulsory?—It is practically compulsory in one sense. I am inclined to take the same view which those eminent authorities took who framed the scheme, that no subject should be obligatory.

3388. How many candidates do you think would, under your system of simultaneous examinations and with a higher standard of examination, have a chance of passing annually from these Provinces?—For some years to come I have grave doubt as to whether even four candidates a year will pass from India, because the standard of education here is so very different from what it is in England; and I have grave doubts whether, without special training in England, candidates from the Indian Universities will be able to pass in any large numbers. But at the same time I think it would remove a grievance which is very generally felt.

3389. Do you think that a condition making a training in England obligatory would deter many, otherwise desirable candidates, from appearing at the examination?—For some time to come it might deter a few of the more orthodox members of the community, but as people's ideas on this subject improve, I do not think it will. Speaking of my own experience, twenty-five years ago, when I was one of the first to conceive the idea of going to England for this examination, very few people could be found in Bengal to undertake the journey; but since 1867, the year of my return to India, there have been wonderful changes in the country, and I consider that the feeling against going is gradually, but surely, dying out.

3390. And you think a simultaneous examination in India would have the effect of overcoming these scruples to a certain extent?—Yes, for two reasons—(1) it would enable all classes of the community to send up their sons for examination, and (2) it would also obviate the hardship of having to undertake an expensive risk.

Mr. Nulkar—continued.

3391. Assuming that the repugnance to going is disappearing and may be expected to disappear altogether in a few years, would you, on the score of that repugnance alone, advocate the holding of simultaneous examinations?—If the other objections did not exist, I certainly should not advocate it.

Mr. Ryland.

3392. Then the uncertainty of success and the expense are the only remaining disadvantages which your scheme would remove?—Yes, and in my opinion they are very substantial disadvantages.

Mr. Ramaswami Mudaliyar.

3393. If an examination is held in India, do you anticipate that in course of time a larger number of Natives will enter the service?—Yes.

3394. What effect will that have on the administration of the country?—If they are brought up in the way I suggest, that is, exactly as Englishmen are brought up in English Universities, and if they enter the service on a footing of perfect equality with Englishmen, I should think it would have a very good effect.

3395. Some witnesses have told us that Natives as a whole would prefer that all administrative posts should be held by Englishmen; what is your opinion?—My own opinion, based upon personal experience and the experience of those Natives who have been educated in England and are now members of the service, is entirely the other way. From the opportunities I have had of ascertaining the views and feelings of different classes of my countrymen, I think they are very much respected, and would be just as much appreciated as any of the English members of the service.

Sir Charles Turner.

3396. You mean that if a Civilian is fit for his appointment the people do not care whether he is a Native or a European?—Yes.

Mr. Nulkar.

3397. Your scheme would in all probability result in a preponderance of Hindus over Mahomedans among the successful candidates?—That may or may not be the case. The view I take is that fitness should be the only criterion of eligibility, irrespective of religion or race, and that fitness should be of a threefold character, viz., intellectual, moral, and physical.

3398. Would it not cause dissatisfaction among Mahomedans, supposing it should turn out to be the case?—Speaking from my own experience of Bengal, I have no reason to suppose so. At present Hindus and Mahomedans live together in Bengal, and there are Hindus in charge of districts

Mr. Nulkar—continued.

with large Mahomedan populations under them; and, as far as I am aware, not the slightest dissatisfaction is felt.

3399. Under your scheme it is possible that men of humble parentage may succeed; how would the people at large like that?—So far as my experience goes, the only thing the people care for is fitness. Birth does not weigh with them in the slightest, so far as official position is concerned. As a matter of fact, it so happens that those few Native gentlemen who have entered the Covenanted Service do belong to what is called the respectable class.

3400. You returned from England nearly twenty years ago?—That was when I first came out after being called to the Bar.

3401. Were you excluded from caste?—I have never known or felt that I have been excommunicated. No doubt ordinarily a visit to England entails what is called excommunication, but it so happened when I returned that in course of time all my relations and friends gradually came round me; and although I have throughout adopted European modes and habits of living, I have never had occasion to consider myself out of the pale of caste. I have often been asked to the houses of Hindus on occasions of marriages and occasions which are considered peculiarly orthodox.

The President.

3402. What is your caste?—I am a Kyastha.

Mr. Fitzpatrick.

3403. Do other Kyasthas eat with you?—Yes.

Mr. Ramaswami Mudaliyar.

3404. I believe your wife has been to England also?—She went to England last year.

Sir Charles Turner.

3405. I believe the ladies of your family assist you in entertaining English friends and mix in society?—Yes.

Mr. Ramaswami Mudaliyar.

3406. Has the fact of your wife having been to England estranged the whole of your caste from you?—It has not made the slightest difference.

3407. Do you think the judicial training which our Civilians undergo is sufficient to qualify them for the work they will be called upon to do?—As regards judicial officers, that is a difficult question to answer; but speaking generally, I do not think that the training they receive fits them as a body for high judicial office. Of course there are exceptions. I know some Civilian Judges who are in every respect as good as Barrister Judges.

Vol. VI
Sec. II.
Bengal.

Babu
Monomohun
Ghosh.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Monomohun
Ghose.

Mr. Ramaswami Mudaliyar—contd.

3408. Comparing them as a class with our Subordinate Judges, do you find the subordinate judiciary inferior to them as judicial officers?—Certainly not; I am inclined to think that the present Subordinate Judges are in many respects superior to them.

3409. If that is the case, why not make provision for the larger admission of Subordinate Judges to District Judgeships?—They are not inferior in legal knowledge and judicial acumen, but I cannot approve of the general training which they undergo in the Uncovenanted Service. In my opinion it affects their independence very much.

3410. In what way?—They lack the independence which you find in men who have been brought up at the Bar, for instance. It is the fault of their early training.

The Hon'ble Kazi Shahabuddin, Khán
Bahádur.

3411. Would people who do not hold your views in matters of caste intermarry with you? For instance, would you find an alliance among orthodox Hindus for your son?—At the present time, if I had a son of a marriageable age, I should say that he would find the circle of choice somewhat limited, but it would not be altogether impossible. The observance of caste restrictions and rules does not, I ought to say, necessarily imply that a person who observes them commands the respect of or has influence with the people at large.

The President.

3412. If you had a son of a marriageable age, would you find any serious difficulty in getting a wife for him from among the people who object to going to England on caste grounds?—The circle of selection would be limited of course.

Sir Charles Turner.

3413. Would that limited circle embrace the most cultivated ladies of your caste?—Certainly it would.

Mr. Nulkar.

3414. Between those who go to England and offend the susceptibilities of the orthodox section, and the latter, is there not an intermediate class who try to conciliate both parties?—Quite so: a very large class. I may mention that it does not at all follow that because a man is out of the pale of Hindu orthodoxy he does not command social influence and position. Take, for instance, the case of a well-known family in Calcutta. There is not a family more respected, nor one which commands greater influence in Hindu society, than the Tagore family.

Mr. Peacock.

3415. Is it not the case, as a general rule, that the men who go to England to study for the Civil Service go with the full intention to get called to the Bar if they fail?—Not all, but some do. I know of some who did not go with two strings to their bow, and who have failed and come back. The only other opening I know of for unsuccessful candidates is the Bar, but of course the Bar, as a profession, is becoming overstocked.

3416. Taking all things together, a Native who has been to England and been called to the Bar has a greater chance of success in his profession—has he not?—than if he stays here and becomes a vakil?—I cannot say that. There are a great many who have not got any practice. The mere fact of a man being a Barrister will not help him to a practice.

The President.

3417. Do you ever regret not having passed into the Civil Service?—There was a time when I did so.

3418. But you do not now?—That is a difficult question to answer when I think of the furloughs and pensions.

Sir Charles Turner.

3419. But when you think of your present professional income?—Well, if you put it in that way, I have no reason to regret it.

Mr. Peacock.

3420. Do you think that if the element of uncertainty were removed there would be no sort of objection on the part of a Hindu to going to England?—I cannot say that; it would depend on the family to which he belonged. Some families are more orthodox than others, and some do not like to part with their children. But, speaking generally, I should say the objection would be very much minimised.

The Hon'ble Mr. Quinton.

3421. Moral fitness is a thing rather hard to test, is it not?—No doubt.

3422. Do you not think that a man who goes to England on the chance of passing the examination, and succeeds, gives a guarantee of rather superior moral fitness to a man who does not?—That is one but not an infallible test.

3423. We were told by a gentleman, the Sanskrit Professor at the Presidency College, that the Sanskrit papers set for the Civil Service examination are exceedingly easy?—I have looked into the papers for several years past, and I should say that some of the questions were not such as a young boy of seventeen could be expected to answer.

Mr. Ryland.

3424. You say that Uncovenanted officers, both executive and judicial, lose much of their independence owing to their training in subordinate posts?—Not exactly that; but I say that, as a matter of fact, the training, for a variety of reasons, is such as to make them less independent than they would be under a different system.

3425. In what way is an officer in charge of a subdivision inferior in independence to a pleader?—It is perhaps due to the system. I do not wish to be taken to say that Deputy Magistrates as a class are not independent of the views and opinions of the District Magistrates.

Sir Charles Turner.

3426. You have been asked whether you thought it desirable that the Subordinate Judges should be appointed to District Judgeships. Do you think that they would be able to do the Sessions work satisfactorily?—With a little experience I see no reason why they should not.

3427. You have practised yourself very extensively before Native Magistrates of all grades?—Yes.

3428. Do you find that Native Magistrates of the upper grades are, as a rule, able men and discharge their duties satisfactorily?—Yes, as a body I should say they discharged their duties very satisfactorily.

3429. And without betraying any prejudices?—As for prejudices, I am bound to say, if I am to be candid, that they are to be found elsewhere also amongst human beings. I have come across them in European Judges and Magistrates as well as in my own countrymen, and the conclusion I have come to is that it all depends upon the individual and not upon the race.

3430. Are the Magistrates of the second and third class, in your opinion, efficient?—They are the same men who eventually rise to the upper grade Magistracy.

3431. And as regards Sub-Deputy Collectors?—I have not had much experience of them; they have not been in existence very long, and moreover they very seldom try cases of any importance.

3432. But as regards the second and third grade Magistrates who are Deputy Collectors?—They belong to the same class. I should say there was a great difference between the subordinate criminal and the subordinate civil judiciary. The subordinate civil is much superior, as a body, to the subordinate criminal judiciary.

3433. I presume that the better educated the officer, the fewer prejudices he has?—Yes.

Mr. Stokes.

3434. How would you recruit the Uncovenanted Service?—From all Her Majesty's subjects.

3435. By what system would you recruit for this Service?—For certain appointments

Mr. Stokes—continued.

competition is the best test that can be devised. For the judicial appointments I think it very important that we should have trained men, and, if possible, men of experience at the Bar; and in order to secure men of that class, I would support the scheme, which has been proposed, of a Board to select men from among Barristers and Pleaders.

3436. Then you would not have competition for judicial appointments?—It would be perhaps unnecessary, as under the present system none but men who have taken University degrees and have passed the legal examination can become pleaders.

The President.

3437. If the Statutory Service is abolished, would you reduce the Covenanted Service by one-sixth, and give the appointments so withdrawn to the Uncovenanted Service?—If the power under the Statute is to be exercised occasionally by Government, I see no reason why these appointments should not continue in the Covenanted Service; otherwise I am not prepared to say what should be done with them.

Mr. Fitzpatrick.

3438. Do you not think that there are some among the most distinguished men in the Uncovenanted ranks who would be fit to be appointed to all or some of these appointments?—I personally know some such men who would certainly be fit to hold some of these offices.

3439. Then would it not be a good thing to bestow some of these offices upon members of the Uncovenanted Service so as to raise the general tone of that Service?—I have said that the Statutory power, if retained, may be very usefully exercised for that purpose.

Sir Charles Turner.

3440. Do you think pleaders in fair practice would accept Munsifships?—Not if they had a chance of getting a better practice.

3441. Do you think a pleader making Rs. 500 to Rs. 600 a month would accept a Munsifship?—Some men might be tempted to take it because of the certainty.

3442. Do you know much about the District Courts?—Yes.

3443. Do you think it would be desirable to appoint a man who has made a small practice as a vakil during three or four years' practice in the District Court, or is there danger (as a witness has suggested) of his being tainted?—I do not think there is, at the present time, the slightest danger of that, because the moral tone of the service is so high.

3444. Are many of the members of the District Court Bars men who have taken University degrees?—Almost all have.

Vol. VI.
Sec. II.
Bengal.

Babu
Monomohun
Ghose.

Mr. Stokes.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Moochund
Ghose.

3445. Have you any opinion to offer on the subject of pay and furlough?—The only thing I have to say is that I should have the same pay and furlough rules for the same office.

Sir Charles Turner.

3446. Would not that entail very heavy expenditure on the country - I mean if you pay Natives the same high salaries as you pay the men you import from abroad?—That is a difficulty which must be put up with. I believe the expenses of men who go to England and are educated there, and even the expenses of some of those who do not, are not a whit less than those of the other members of the service.

3447. Do you think you could at present secure as good Natives for less salaries than are paid to Englishmen in the higher-paid appointments?—I should doubt it. For instance, you would not get the class of men you want for your High Court Judgeships.

3448. Do you think you could get Natives on less salary who would be as efficient administrators of districts?—I doubt it.

3449. And District Judges?—The same. I do not think they are at all too highly paid.

Mr. Fitzpatrick.

3450. Has it ever occurred to you that by insisting upon equality in this respect you abandon what might be used as a most important argument in favor of the larger employment of Natives, viz., the argument based on considerations of economy?—That struck me, and I have given it the best consideration it was in my power to give; but I think it would be fatal to the efficiency of the men and their prestige in the service if on the ground of economy you were to make any distinction.

The President.

3451. In the present state of the Lower Provinces of Bengal, do you consider it necessary that there should be a large preponderance of European officers in the public service?—I do not. It must always be the case that there will be some European officials, but I do not think a preponderance of European officials is necessary in Lower Bengal.

3452. Do you know anything of the other Provinces?—No, except from what I have read and casual visits.

3453. Have you brought out all the points you wish to give evidence upon?—There is one other point, which is this, that I am very strongly of opinion that in the administration of criminal justice the executive functions of a Magistrate should be separated from the judicial; and, as regards the larger employment of Mahomedans, I wish to say that I take it to be one of the fundamental principles of British government in India that no favor should be shown to any religion. I take it that Mahomedans are not a race or nationality in India, but that they are a religious sect, and it seems to me unreasonable to say that if I chose to become a Mahomedan to-day, my son should have advantages which otherwise he would not have. Just in the same way the Jains might say they are kept out of public employment; and therefore I am of opinion that while every encouragement should be given to the Mahomedans, and every other backward class, to come up to the standard which is laid down for other classes, I see not reason why any special favor should be shown to them or to any class of Her Majesty's subjects, whether Mahomedans, Hindus or Europeans.

WITNESS XLIII.—28th February 1887.

Examination of Babu RASH BEHARI GHOSE, LL.D., Pleader, High Court, Calcutta.

Mr. Peacock.

3454. I believe you are a pleader of the High Court. When were you enrolled?—In 1867.

3455. You have taken the degree of Doctor of Laws in the Calcutta University?—Yes.

Mr. Fitzpatrick.

3456. Is the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Service approved of in this Presidency?—It is not generally approved. One ground of disapproval is that it is regarded as inferior to, and a different service from, the Covenanted Service; another is that the provisions of the Statute are not regarded as sufficient compensation for the disadvantages under which Natives of the country labor in competing for the Civil Service.

3457. Are the defects of the existing system susceptible of remedy either by an amendment of the Statute, or by an amendment of the rules?—Yes. As regards the mode of appointing, except where the appointments are made either from the legal profession or the Uncovenanted Service, they should be made by competition.

3458. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training or should they be encouraged to go?—I do not think they should be either required or encouraged to go.

3459. Then you do not attach much importance to an English training?—I do not say that, but there are two sides to the question; no doubt the training in England is a very good thing in its way, but there are difficulties in the way of Hindus, and to a certain extent in the way of Mahomedans also.

3460. Would you approve of a system by which some of the best Uncovenanted officers would be appointed to the Statutory Service?—Yes.

3461. How many District Judgeships are there in Bengal?—About thirty.

3462. Do you think you could satisfactorily fill five of them by promoting Subordinate Judges?—I think so.

3463. Is any dissatisfaction felt with the present system of recruitment for the Covenanted Service?—Yes.

3464. What are the grounds of dissatisfaction?—The compulsory journey to England; the present limit of age for competing;

Mr. Fitzpatrick—continued.

and to a certain extent the unequal distribution of marks among the subjects of examination.

3465. What changes would you make with a view to remove or minimise these grounds of dissatisfaction?—I would raise the age limit to twenty-three and hold simultaneous and, as far as possible, identical examinations in both countries. As regards the marks, I do not feel competent to give an opinion, but I may say that there is a general feeling that the marks at present allotted to Sanskrit ought to be higher.

3466. Should the candidates in England and in India compete with one another and be selected in order of merit, or should a certain number of appointments be apportioned for competition to the candidates at the respective examinations?—I would have only one list to be selected from in order of merit.

3467. Would you require the successful candidates at the Indian examination to go to England and complete their training there?—No.

3468. Are the young Natives obtained under the existing system of the open competition in England the best as regards character and capacity who could be obtained under any system?—I think that if you widen the area of selection you may get better.

Mr. Ramaswami Mudaliyar.

3469. Supposing the Government thought that the efficiency of the service demanded that the candidates should undergo a training in England, would you sacrifice that efficiency to caste prejudices?—If I could be quite sure that the efficiency of a judicial officer, for instance, would be increased by his undergoing a training in England, I might possibly be in favor of making it compulsory.

3470. But if you assume that his efficiency would be increased by it, would you say that that efficiency ought not to be sacrificed to sentiment?—With a certain reservation, the people of the country are not unnaturally desirous of entering the public service, and they might feel it as a grievance if you were to say that unless they fulfilled a condition which they cannot well fulfil, they should not enter the service.

3471. Assuming that their qualifications for the public service will be improved by a training in England, do you think that they

Vol. VI.
Sec. II.
Bengal.—
Babu
Rash Behari
Ghose.

Mr. *Ramaswami Mudaliyar*—contd.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Rash Behari
Ghose.

ought to be compelled to undergo that training?—If residence in England were the only means of increasing the efficiency of the public service of this country, no doubt you ought not to take any mere sentiments or prejudices into account.

Mr. *Fitzpatrick*.

3472. Should the Uncovenanted Service be recruited only from Natives of India as described in Statute 33 Vic., Cap. 3, Section 6, or from all natural-born subjects of Her Majesty?—Only from Natives of India as described in the Statute.

3473. Should the recruitment be by nomination or by competition, or by both systems combined? For instance, how would you recruit the judicial branch of the service?—As it is done at present so far as concerns these Provinces.

3474. And how would you recruit the executive branch?—By nomination and competition; that is to say, I would make the possession of a University degree a condition of entrance to the competition.

3475. Would you require that a man should be nominated by Government before he could enter the competition?—No, I think the feeling of the country is very much against it.

3476. Would there not be a danger that without it the number of Hindus who might get in would be out of proportion to the number of Mahomedans?—No doubt for a number of years there might be a disproportionate number of Hindus in the service.

3477. You do not think it would matter if out of, say, twenty places only one was gained by a Mahomedan?—Not so far as the efficiency of the public service is concerned, and it is primarily that which we ought to pay regard to.

3478. If you have an examination for the Punjab, would you allow Bengalis and Madrassis to go up to the Punjab and win all the appointments in the Punjab?—No; I think the people of the province ought to have a preference.

3479. If the existing Statutory Service is abolished, should the proportion of offices assigned to that Service be allotted to the Uncovenanted Service?—Yes.

3480. Have you anything to suggest as regards the present pay and furlough rules?—I think that where the appointment is the same the pay ought also to be the same.

3481. Have you ever considered that in insisting on the pay being the same, you

Mr. *Fitzpatrick*—continued.

abandon a very powerful argument in favor of the larger employment of Natives, namely, the argument which is based on economical considerations?—I have.

3482. And that does not move you to change your opinion?—No.

Sir *Charles Turner*.

3483. What does it cost a gentleman appointed to the Covenanted Service to live on and to maintain the position of a Covenanted Civilian upon?—That depends upon whether he has a family.

3484. Have young men of twenty-three in this country generally a wife?—I do not know that the present Assistant Magistrates have.

3485. Is Rs. 200 a sufficient salary for a Statutory Civilian to commence on?—Perhaps it ought to be Rs. 250.

3486. You are aware that a Munsif commences on Rs. 200 a month?—Yes.

3487. About what income would a man be making at the Bar who would accept a Munsifship?—That would depend very much on his prospects. I do not think that a beginner on Rs. 150 or Rs. 200 would accept a Munsifship.

3488. Is there not a rule that all pleaders shall be appointed under thirty years of age?—Yes.

3489. At what age does a man as a rule take his B.L. degree?—At twenty-three or twenty-four.

3490. And after three or four years' practice would you find men who would accept Munsifships?—Yes, the Bar is so overcrowded.

3491. It is not, I suppose, every beginner who makes his Rs. 150 a month?—No.

3492. How long does it take a pleader of average ability to obtain a practice of Rs. 150 a month in a District Court?—It may take him two years.

3493. Have you not known pleaders who earned a good deal more than Rs. 150 a month who have taken Munsifships?—I have known three such cases in the High Court Bar, but they occurred under peculiar circumstances. There was a rumour at the time that second appeals were going to be abolished, and some gentlemen here who were making much more than Rs. 250 accepted Munsifships, because they thought their business at the Bar would be reduced.

3494. Do you not know any members of the Bar of the District Courts who were making Rs. 300 and Rs. 400 a month when they accepted Munsifships?—No.

WITNESS XLIV.—1st March 1887.

Examination of Babu OBHOY CHUNDER DAS, Deputy Magistrate, 24-Pergunnahs.

The Hon'ble Mr. Quinton.

3495. When did you enter the Subordinate Executive Service?—I entered Government service in 1848, and am now Deputy Magistrate in the 24-Pergunnahs. I have served in various departments, but mostly in the revenue and executive line.

3496. Have you never been in the judicial line?—Not as a Munsif or Subordinate Judge, but as a Deputy Magistrate I have had to try cases.

3497. Is the existing system of appointing Natives to the Statutory Service approved?—It is not generally approved. The reasons are—1stly, that it was the intention of the Statute that men of proved merit and ability should be appointed, and that principle has not been followed in all cases; 2ndly, the pay is lower and the men who have been appointed are discontented.

3498. What change would you propose in order to remedy the defects of the existing system?—The objection is as to the rules framed under the Statute and not to the Statute itself; I would alter the rules and appoint men of proved merit and ability from the Uncovenanted Service.

3499. Would you include the Bar also?—Yes; when it is found necessary to appoint men from the Bar, that might be done.

Mr. Stewart.

3500. Have you known any of the men who have been appointed to the Statutory Service?—I have known almost all of them.

3501. Would any of those who have been appointed have accepted an appointment as Deputy Magistrate in the Uncovenanted Service?—I cannot say whether any of those who have been appointed would have accepted a Deputy Magistracy; but, as far as the pay is concerned, the difference is not much.

The Hon'ble Mr. Quinton.

3502. As to the Covenanted Service, is any dissatisfaction felt in regard to the mode of recruitment for that Service?—Not as regards the system of examination, but the Natives find it difficult to compete for admission on account of the low limit of age and caste prejudices.

3503. How would you propose to remove those difficulties?—I would raise the age

The Hon'ble Mr. Quinton—continued.

from nineteen to twenty, not merely to give facilities to youths to go to Europe, but in order to have young men of maturer age, who would have more experience and maturer judgment.

3504. Would you have an examination in India to meet caste objections and considerations of expense?—Yes, I would; because now we do not get the best men available in the country, but if an examination was held in India, we should get the best men. When a man has succeeded in passing the examination, his parents would not have so much objection on account of caste, and people would be glad to lend them money. But now there is great uncertainty, and the young men often suffer in health; and there is, moreover, nobody to look after them in a foreign country.

3505. And in order further to facilitate the entry of Natives into the service, would you interfere in any way with the subjects of examination or the marks?—As to the marks, I would equalise the marks for Sanskrit and Arabic with Latin and Greek. I would also add one Oriental modern language, Persian, and class it with German and French. Most of the Indian histories are written in Persian: it is therefore very necessary to know that language. I would also add surveying. In whatever capacity a Civilian is placed, he ought to know surveying: a knowledge of surveying is necessary both in the Executive and Judicial Services in order to understand plans and maps.

3506. Would you compel the selected candidates to proceed to England for further training?—That I consider very necessary. When the successful candidate comes to India, he has to administer justice between Europeans and Natives; and unless he learns the habits and customs of Europeans, he would not be in a position to do so properly. Therefore I think two years' compulsory training is necessary.

Mr. Ramaswami Mudaliyar.

3507. Of what caste are you?—I am a Hindu Kayast.

The Hon'ble Kazi Shahabuddin, Khan Bahadur.

3508. You say that one of the difficulties connected with the existing system is caste prejudice against a journey to England; then how do you say you would get the best

Vol. VI.
Sec. II.
Bengal.
Babu
Obhoy
Chunder
Das.

Mr. Ramaswami Mudaliyar—contd.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Rach Bhabari
Chow.

ought to be compelled to undergo that training?—If residence in England were the only means of increasing the efficiency of the public service of this country, no doubt you ought not to take any mere sentiments or prejudices into account.

Mr. Fitzpatrick.

3472. Should the Uncovenanted Service be recruited only from Natives of India as described in Statute 33 Vic., Cap. 3, Section 6, or from all natural-born subjects of Her Majesty?—Only from Natives of India as described in the Statute.

3473. Should the recruitment be by nomination or by competition, or by both systems combined? For instance, how would you recruit the judicial branch of the service?—As it is done at present so far as concerns these Provinces.

3474. And how would you recruit the executive branch?—By nomination and competition; that is to say, I would make the possession of a University degree a condition of entrance to the competition.

3475. Would you require that a man should be nominated by Government before he could enter the competition?—No, I think the feeling of the country is very much against it.

3476. Would there not be a danger that without it the number of Hindus who might get in would be out of proportion to the number of Mahomedans?—No doubt for a number of years there might be a disproportionate number of Hindus in the service.

3477. You do not think it would matter if out of, say, twenty places only one was gained by a Mahomedan?—Not so far as the efficiency of the public service is concerned, and it is primarily that which we ought to pay regard to.

3478. If you have an examination for the Punjab, would you allow Bengalis and Madnassis to go up to the Punjab and win all the appointments in the Punjab?—No; I think the people of the province ought to have a preference.

3479. If the existing Statutory Service is abolished, should the proportion of offices assigned to that Service be allotted to the Uncovenanted Service?—Yes.

3480. Have you anything to suggest as regards the present pay and furlough rates?—I think that where the appointment is the same the pay ought also to be the same.

3481. Have you ever considered that in insisting on the pay being the same, you

Mr. Fitzpatrick—continued.

abandon a very powerful argument in favor of the larger employment of Natives, namely the argument which is based on economical considerations?—I have.

3482. And that does not move you to change your opinion?—No.

Sir Charles Turner.

3483. What does it cost a gentleman appointed to the Covenanted Service to live on and to maintain the position of a Covenanted Civilian upon?—That depends upon whether he has a family.

3484. Have young men of twenty-three in this country generally a wife?—I do not know that the present Assistant Magistrates have.

3485. Is Rs. 200 a sufficient salary for a Statutory Civilian to commence on?—Perhaps it ought to be Rs. 250.

3486. You are aware that a Munsif commences on Rs. 200 a month?—Yes.

3487. About what income would a man be making at the Bar who would accept a Munsifship?—That would depend very much on his prospects. I do not think that a beginner on Rs. 150 or Rs. 200 would accept a Munsifship.

3488. Is there not a rule that all pleaders shall be appointed under thirty years of age?—Yes.

3489. At what age does a man as a rule take his B.L. degree?—At twenty-three or twenty-four.

3490. And after three or four years practice would you find men who would accept Munsifships?—Yes, the Bar is overcrowded.

3491. It is not, I suppose, every beginner who makes his Rs. 150 a month?—No.

3492. How long does it take a pleader of average ability to obtain a practice of Rs. 150 a month in a District Court?—It may take him two years.

3493. Have you not known pleaders who earned a good deal more than Rs. 150 a month who have taken Munsifships?—I have known three such cases in the High Court Bar, but they occurred under peculiar circumstances. There was a rumour at the time that second appeals were going to be abolished, and some gentlemen here who were making much more than Rs. 200 accepted Munsifships, because they thought their business at the Bar would be reduced.

3494. Do you not know any members of the Bar of the District Courts who were making Rs. 300 and Rs. 400 a month when they accepted Munsifships?—No.

WITNESS XLIV.—1st March 1887.

Examination of Babu OBHOY CHUNDER DAS, Deputy Magistrate, 24-Pergunnahs.

The Hon'ble Mr. *Quinton*.

3495. When did you enter the Subordinate Executive Service?—I entered Government service in 1848, and am now Deputy Magistrate in the 24-Pergunnahs. I have served in various departments, but mostly in the revenue and executive line.

3496. Have you never been in the judicial line?—Not as a Munsif or Subordinate Judge, but as a Deputy Magistrate I have had to try cases.

3497. Is the existing system of appointing Natives to the Statutory Service approved?—It is not generally approved. The reasons are—1stly, that it was the intention of the Statute that men of proved merit and ability should be appointed, and that principle has not been followed in all cases; 2ndly, the pay is lower and the men who have been appointed are discontented.

3498. What change would you propose in order to remedy the defects of the existing system?—The objection is as to the rules framed under the Statute and not to the Statute itself; I would alter the rules and appoint men of proved merit and ability from the Uncovenanted Service.

3499. Would you include the Bar also?—Yes; when it is found necessary to appoint men from the Bar, that might be done.

Mr. *Stewart*.

3500. Have you known any of the men who have been appointed to the Statutory Service?—I have known almost all of them.

3501. Would any of those who have been appointed have accepted an appointment as Deputy Magistrate in the Uncovenanted Service?—I cannot say whether any of those who have been appointed would have accepted a Deputy Magistracy; but, as far as the pay is concerned, the difference is not much.

The Hon'ble Mr. *Quinton*.

3502. As to the Covenanted Service, is any dissatisfaction felt in regard to the mode of recruitment for that Service?—Not as regards the system of examination, but the Natives find it difficult to compete for admission on account of the low limit of age and caste prejudices.

3503. How would you propose to remove those difficulties?—I would raise the age

The Hon'ble Mr. *Quinton*—continued.

from nineteen to twenty, not merely to give facilities to youths to go to Europe, but in order to have young men of maturer age, who would have more experience and maturer judgment.

3504. Would you have an examination in India to meet caste objections and considerations of expense?—Yes, I would; because now we do not get the best men available in the country, but if an examination was held in India, we should get the best men. When a man has succeeded in passing the examination, his parents would not have so much objection on account of caste, and people would be glad to lend them money. But now there is great uncertainty, and the young men often suffer in health; and there is, moreover, nobody to look after them in a foreign country.

3505. And in order further to facilitate the entry of Natives into the service, would you interfere in any way with the subjects of examination or the marks?—As to the marks, I would equalise the marks for Sanskrit and Arabic with Latin and Greek. I would also add one Oriental modern language, Persian, and class it with German and French. Most of the Indian histories are written in Persian: it is therefore very necessary to know that language. I would also add surveying. In whatever capacity a Civilian is placed, he ought to know surveying: a knowledge of surveying is necessary both in the Executive and Judicial Services in order to understand plans and maps.

3506. Would you compel the selected candidates to proceed to England for further training?—That I consider very necessary. When the successful candidate comes to India, he has to administer justice between Europeans and Natives; and unless he learns the habits and customs of Europeans, he would not be in a position to do so properly. Therefore I think two years' compulsory training is necessary.

Mr. *Ramaswami Mudaliyar*.

3507. Of what caste are you?—I am a Hindu Kayast.

The Hon'ble *Kazi Shahabuddin, Khan Bahadur*.

3508. You say that one of the difficulties connected with the existing system is caste prejudice against a journey to England; then how do you say you would get the best

Vol. VI.
Sec. II.
Bengal.—
Babu
Obhoy
Chunder
Das.

Vol. VI.
Sec. II.
Bengal.
—
Babu
Uthoy
Chunder
Das.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhádúr—continued.

men by holding examinations in India when you would compel successful candidates to go to England for training?—Well-educated men would certainly be willing to go. The young educated men don't feel these prejudices of caste, but they have no funds, and unless their parents help them, they cannot go. But when they have passed the examination, their friends would come forward to help them, and they would then be independent of their parents.

3509. Then they would proceed against the wishes of their parents?—Yes, after having secured the appointment, because then they would receive some allowance from Government, and their friends would also come forward to help them.

The Hon'ble Mr. *Quinton*.

3510. As to the Uncovenanted Service, would you recruit only from Natives of India as defined in the Statute, or from all Her Majesty's natural-born subjects?—From all Her Majesty's subjects: Europeans might enter as well as Natives.

3511. How would you recruit them?—By both nomination and competition—I should say one-fourth by nomination and three-fourths by competition. In the Uncovenanted Executive Service it would be necessary to give a discretionary power to nominate for political or other reasons.

3512. Would you confine the recruitment to the province; or would you make it general?—I would confine it to each province; each Administration should make the selection from the people of the province.

3513. If the existing Statutory Service is abolished, should the Covenanted posts now given to the Statutory Service be given to the Uncovenanted Service?—Yes, I think they should.

Mr. *White*.

3514. By the Uncovenanted Service the Commission means the Subordinate Executive and Subordinate Judicial Services; do your proposals as to the recruitment of the Uncovenanted Service apply to both those branches of the Service?—The present mode of recruiting for the Subordinate Judicial Service is good and requires no change. My proposals as to nomination refer only to the Subordinate Executive Service.

Mr. *Nulkar*.

3515. You say you would recruit from all Her Majesty's subjects, and you would make the recruitment provincial?—Yes.

3516. Would you permit the appointment of Englishmen, Australians or Canadians?—I would make no distinction. I would make it open to any of Her Majesty's subjects.

3517. What is your object in making the examination provincial?—One great advan-

Mr. *Nulkar*—continued.

tage would be that we should secure men who were familiar with the people and the local circumstances, and they would be able to administer justice better than strangers.

3518. How do you reconcile the attainment of this object with the opening of the service to foreigners?—I mean only those who reside in the country and have learned the habits and customs of the people and who have passed the prescribed examinations.

3519. Then you would require a residential qualification of some period?—That would be the probationary period.

3520. Would you allow an Australian colonist who had just landed to appear at the examination?—He would have to pass an examination in the language of the country. He would take his chance.

3521. You would have no objection to admission into the service of utter strangers who do not mean to stay in the country a day longer than the service requires?—No; I would not have the least objection.

Mr. *Ramaswami Mudaliyar*.

3522. Would you exclude altogether people who do not belong to the province?—No; it being an open competition, anybody might appear. I would also give power to the Local Government to nominate persons from any province up to a certain limit.

Mr. *Stewart*.

3523. In what grade did you enter the service?—I entered it as a ministerial officer in the executive department in 1848, and then I became Personal Assistant to the Commissioner of the Chittagong Division, assistant to the Abkari Commissioner, and so on.

3524. To what grade should the successful candidates in the competitive examination be appointed in the executive branch?—To the lowest grade, beginning with the Deputy Collector on Rs. 200. The competition would be for the office of Deputy Collector. There are also Sub-Deputy Collectors, but the qualifications required for that office are different; they are altogether a separate service; they are not eligible as Deputy Collectors.

3525. Do you not think it would be good to allow them to rise to the Deputy Collector class?—Yes, certainly it would.

3526. Would you get University graduates to try for Sub-Deputy Collectorships on Rs. 100 a month?—Yes; they would.

3527. Do you think if magisterial duties were taken away from you, your influence would in any way be diminished with regard to the revenue part of your work?—Yes; I think it would. It is the impression of the people that a Magistrate has more influence over the masses of the people than even the Judge of the district.

Mr. Stewart—continued.

3528. Then you would not be in favor of separating the magisterial and revenue duties of Deputy Collectors and Sub-Deputy Collectors?—It is a question of expediency. If it be an object to separate altogether revenue from judicial duties, it would increase the expenditure. Establishments would have to be almost doubled all over the country. But I don't see any harm in keeping them together.

Mr. Peacock.

3529. I suppose you have heard the complaint that a certain amount of pressure is often apt to be put on a Deputy Magistrate to decide a case in a way in which he does not think it ought to be decided. In your experience have you ever heard of any authenticated case of the kind?—I do know of some cases.

3530. Has such a case ever happened to you?—No, because practically I have not had much criminal work; I was mostly employed in revenue work; but such cases are not very uncommon. Now and then, for maintaining order in a certain locality, the Magistrate tells his Deputy to bind people over to keep the peace.

3531. Do you think a Deputy Magistrate has ever attempted to decide a case in a way he does not think proper, because the Magistrate thinks it is proper?—It is now and then done. Some particular Magistrate may think that a case ought to be decided in a particular way, and he communicates to the Deputy Magistrate his ideas on the subject.

3532. And does the Deputy Magistrate act accordingly?—Not always. I know of a case where the Deputy Magistrate refused to submit to the Magistrate's orders.

3533. Do you think Natives are better qualified to try civil or criminal cases?—They are more capable of dealing satisfactorily with civil suits than with criminal cases; that is my conviction founded on a personal experience of thirty-five years.

Mr. Fitzpatrick.

3534. You have just made a statement in regard to which there should be no misunderstanding. Do I understand you to say that a Deputy Magistrate would decide against his own conscience to please the Magistrate and Collector, or that the Magistrate would only advise the Deputy Magistrate in a particular way; and that if on any suggestion so made he thinks the Magistrate's view right, he would adopt it?—As a rule, a Deputy Magistrate would not decide a case against his own conscience.

3535. Do you know any case in which a Deputy Magistrate decided against his own conscience to please the Magistrate?—I cannot say that I know of my own personal knowledge any case in which a Deputy Magistrate has decided a case in accordance

Mr. Fitzpatrick—continued.

with the instructions of the Magistrate and against his own conscience. It is difficult to know whether a particular decision was or was not given against a man's own conscience.

Mr. Peacock.

3536. I asked whether, as a matter of fact, you know of any such case?—Do you know of any case in which a Deputy Magistrate decided against his conscience?—No.

Mr. Nulkar.

3537. You cannot say whether in any case in which the Magistrate expressed his own views to the Deputy Magistrate, the latter decided against his conscience or not?—It is very difficult to say.

3538. But you know cases in which the Magistrate of the district did communicate his opinion about a case pending before the Deputy Magistrate to that officer?—Yes, and the Deputy Magistrate has refused to submit to it. The Magistrate asked his Deputy to dispose of a case in a way in which he thought it ought to be disposed of, and the Deputy Magistrate has refused, because he did not agree with the Magistrate.

3539. Have you heard more than once of cases in which the Magistrate has explained to the Deputy Magistrate how the case should be decided?—Yes.

3540. Have you also heard that in every such case the Deputy Magistrate differed from the Magistrate and decided the case according to his own opinion, or are there any cases in which they both agreed and the Deputy Magistrate decided accordingly?—I know of one or two cases in which the opinion of the Magistrate and the Deputy Magistrate was the same.

Mr. Fitzpatrick.

3541. It is a very serious matter. When you speak of a Magistrate asking the Deputy Magistrate to decide a case in a certain way, do you mean that the Magistrate would say—"I wish this case decided in this way;" or would he advise and say "this is a case which I think should be decided in this way"?—It ought to be clearly understood that the Magistrate's suggestion was not made from any personal motive, but the Magistrate believed it should be decided in a particular way. It would come in the form of a suggestion or of advice, and not in the form of a request or command.

Mr. Ryland.

3542. Would the Magistrate interfere only if he were consulted by the Deputy Magistrate, or have you known of a case in which the Magistrate has of his own motion attempted to influence the decision of a Deputy Magistrate?—He would not attempt

Vol. VI.
Sec. II.
Bengal.
—
Babu
Obhoy
Chunder
Das.

Mr. Ryland—continued.

Vol. VI.
Sec. II.
Bengal.

Babu
Obhoy
Chunder
Das.

to influence the decision of the Deputy Magistrate from any private or personal motive.

3543. If such a case occurred, do you not think every Uncovenanted Deputy Magistrate would indignantly refuse to decide against his conscience?—Yes.

The Hon'ble Kazi *Shahabuddin*, Khán
Báhdúr.

3544. Have you heard of such a case in recent times, or are you speaking of former times?—I don't know of any such case occurring from personal motives, but such suggestions are made on public grounds, and in many difficult cases the Deputy Magistrate goes to the Magistrate and asks for advice.

The President.

3545. You mean that the Magistrate who is charged with the maintenance of the peace, thinks that a particular case may be a serious one and expresses his view to the Deputy Magistrate, and intimates his own opinion on the case; sometimes the Deputy Magistrate agrees with the Magistrate and decides accordingly; sometimes he differs and decides according to his own conscience?—Yes, that is what I mean.

The Hon'ble Mr. *Quinton*.

3546. As regards pay, should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service according as the posts are held by

The Hon'ble Mr. *Quinton*—continued.

members of that Service or by members of the Statutory or Uncovenanted Services?

—I would give staff pay to those who enter the Covenanted Service. I would reduce the pay all round, and give to the Covenanted Servant the pay of the appointment plus the staff pay. That would create no heart-burnings.

3547. Should any distinction be made in the furlough rules applicable to the Statutory and Uncovenanted branches of the service according to the nationality of the officer or on any other ground?—I would give more furlough according to the nationality of the officer, because a European coming to this country requires more leave than a Native: the latter has no need for frequent or long furlough, whereas it is necessary in the case of a European.

3548. Would you make any distinction in the pension rules?—As regards the Covenanted Service, they might remain as they are. When an Uncovenanted Servant is promoted to an appointment usually held by a member of the Covenanted Service, I think he should have the option of taking the more advantageous conditions of pension granted to the Covenanted Service, or the pension of his own grade in the Uncovenanted, as he wishes.

3549. Is there any other point on which you would like to give an opinion?—I think the Judicial Service might be wholly reserved for Natives. But as regards the Executive Service, as things at present stand, I don't think the Natives of the country are so fitted as Europeans. I would not appoint a Native in the Covenanted Service to the office of Commissioner of a division.

WITNESS XLV.—1st March 1887.

Examination of Babu AMBICA CHURN SEN, of the Statutory Service, Assistant Magistrate and Collector, Shahabad.

Mr. Peacock.

3550. You are a Statutory Civilian, appointed in 1844?—Yes; I am a graduate of the Calcutta University and of the Royal College of Agriculture at Cirencester. I am now an Assistant Magistrate.

3551. Is the existing system of appointing Natives to the Statutory Service approved?—There is not another service in the whole administration of India which is nearly so unpopular as this Statutory Civil Service.

3552. On what grounds is it disapproved?—This unpopularity can ultimately be traced to the peculiarly unfortunate way in which the Government of India made use of the very ample powers it was given by Section 6, Statute 33 Vic., Cap 3. Instead of appointing deserving Natives already in the Government Service, or those who had distinguished themselves in any of the learned professions, to important and responsible posts, to which, before the passing of the Statute, they were eligible only through the door of the competitive Civil Service—instead of doing simply this, the Government of India created an intermediate service between the Covenanted and the Uncovenanted Services. When the Statute was passed the Natives of India did not expect a regular service, but only a few important appointments. But when a service was offered, the expectation was naturally raised that it would be something comparable with the Covenanted Civil Service; or at all events something that would be decidedly superior to what they already had, namely, the Uncovenanted Civil Service; but the Statutory Service is neither the one nor the other.

3553. How would you remedy the defects?—If the disadvantages under which the Natives of India now labor, as regards the Covenanted Civil Service, be sufficiently removed, I do not think the Government can do better than abolish this service altogether. If this service is to be retained, the rules as well as the Statutory provisions, but especially the former, should be so amended as to bring the Statutory Service more on a level with the Covenanted Civil Service. If the Statute is not repealed, in exercising the powers conferred by it, the Government of India should confine itself to rewarding the merits and abilities of men of long standing in the Uncovenanted Service or those of men in the legal, medical, and other learned professions.

Mr. Peacock—continued.

3554. Should the selected candidates be required to proceed to England for training?—If the Statutory Service is retained, the selected candidates should only be encouraged to proceed to England for training.

3555. Have you considered the question of the definition of "Natives of India" in Section 6?—I think the definition is sufficiently comprehensive.

3556. You are aware that it necessitates a man being born as well as domiciled in India?—I think it should mean a person having a permanent interest in India?—

3557. Then you are not satisfied with the definition, because that is not the meaning?—It means something of the kind.

The President.

3553. Would you alter the definition so as to include the children of a British subject born, say, in Gwalior or in Goa?—Yes, I think such persons should be included. The definition should include all persons who are permanent residents in India, whether they are born in British India or not.

3559. You said the expectation was that a service would be created at all events comparable with the Civil Service. It surely is comparable with that service, though it may not be quite such a good service?—The pay of the Statutory Service is only 64 per cent. of the Covenanted Civilian's pay.

3560. You say also that people thought it would be something better than the Uncovenanted Service. Surely it is?—I do not think it is inferior; but my future prospects as a Statutory Civilian are more uncertain than those of the members of the Uncovenanted Service.

Mr. Ramaswami Mudaliyar.

3561. Do you refer to the fact that you are appointed to posts and that you are not a member of a service?—It comes to that.

Mr. Hudson.

3562. You lay great stress on belonging to a regular service. I think ordinarily if a man, especially a Native of India, obtained the pay and position of a post, he would be satisfied, although he did not belong to a

Vol. VI.
Sec. II.
Bengal.
Babu
Ambica
Churn Sen.

Mr. Hudson—continued.

VOL VI.
Sec. II.
Bengal.
—
Babu
Ambica
Churn Sen.

regular service. I should myself look on it as a personal distinction, and would prefer it to belonging to a regular service. What is the reason why you regard it in another light?—What was expected was something on an equality with the Civil Service. Had the pay, pension, and furlough been the same, there would have been less objection. It is equality that is aimed at.

The Hon'ble Mr. Quinton.

3563. You attended the Agricultural College in England. Did you receive a scholarship from Government?—I got a scholarship of £200 a year. I was there for two years and six months.

3564. What pay do you get now?—Rupees 320 a month. I have been nearly three years in the Statutory Service and have passed all the examinations.

3565. What pay did you get in the Educational Department?—I was in the grade of Rs. 120 rising to Rs. 150.

3566. Have you ever officiated as Joint-Magistrate?—Yes, I acted in that capacity and drew acting allowance. I then got Rs. 448.

3567. Have any of the Statutory Civilians yet served long enough to entitle them to promotion to a permanent Joint-Magistracy?—Not to a permanent Joint-Magistracy.

3568. And the men who had served long enough to entitle them to acting promotion, did they or did they not get it?—Yes, they got it. They have not yet been superseded by any members of the Covenanted Service.

Mr. Peacock.

3569. Is any dissatisfaction felt with the existing system of recruiting for the Covenanted Civil Service?—The question has been asked whether, as far as the Natives of India are concerned, having among them so many different communities very unequally advanced in education, and it may be differing much also in their intellectual capacities, an open competition, pure and simple, could be considered as the best system of recruitment for the Covenanted Civil Service. Whatever the interests of individual parties may be, there cannot be any doubt that in the interest of the country as a whole, in the selection of men for the highest and most responsible appointments of the Government, the efficiency of the service should be the first consideration: and for the proper administration of the Government in the way it is being now done in all civilised countries, some sort of intellectual test for the highest offices of the Government has become a necessity, and of intellectual tests an open competitive examination is the best, safest, and on the whole most satisfactory yet discovered. Just at present it may be that some of the Native communities have got an advantage over

Mr. Peacock—continued.

others, but this will soon remedy itself. Till very recently, Madras was spoken of as the bountied presidency of India, but the Madrasis are now quite able to hold their own against any of their countrymen.

3570. Should any, and if any what, changes be made in that system?—Many of the rules now in force for the Civil Service examination, however, require alteration. The foremost among these is the maximum age at which candidates are admitted to go up for their examination. The age should be raised in the interest of Indian as well as English candidates.

3571. Do Natives of India labor under any disadvantage, in competing?—The Natives of India at present labor under great many disadvantages in competing for employment in the Covenanted Civil Service:—

- (a) The examination being held in England, all students, unless they happen to be the sons of comparatively well-to-do parents or fortunate in securing any Government or other scholarship, are excluded from the service. This I consider is an important fact in connection with an assertion often made by Englishmen in this country that, in justice to the great bulk of the Indian population, it would not be safe greatly to reduce the number of Englishmen in the Covenanted Service, because Natives of India occupying important positions in the Government service mostly come from the upper classes, and as a rule have little or no sympathy with the poor. If there is any truth in this statement, the fault lies chiefly with the Government, for the whole tendency of the administration in this country is to exclude the children of the poorer classes from all responsible appointments. In confirmation of this, I may refer to the Subordinate Executive, the Statutory, and the Covenanted Services, the system of recruitment for all of which excludes the poorer classes, or at least has a tendency in that direction.
- (b) Those sections of the Native community who on grounds of religious convictions are unable to proceed to England have no opportunities given them to enter the Covenanted Service.
- (c) To compete with any reasonable hope of success, the Indian candidates must now proceed to England at an age at which it is not desirable that they should

Mr. Peacock—continued.

be deprived of home influences and the benefits to be derived from the control of their natural guardians.

- (d) In the examination for the Indian Civil Service some of the subjects not taught in Indian schools and colleges have been marked disproportionately high.

3572. By what changes may those disadvantages be removed?—These disadvantages may be removed by—

- (a) Raising the maximum age to twenty-three. The age question, however, loses its special importance with the Indian candidates if the examination be simultaneously held in England and India.
- (b) Putting Greek and Latin on the same level with Sanskrit, Arabic, and the modern European languages.
- (c) Holding the examination simultaneously in England and India.

3573. Should the examinations be simultaneous and identical?—(1) The examination in India should be identical with that held in England in all respects; (2) and should be held in the metropolis of India; (3) the candidates should be selected in order of merit irrespective of the centres of examination at which they may appear, and irrespective of creed and color. If this arrangement be made, there is no doubt that for years to come the number of successful Indian candidates will be comparatively very small, but in an open competition like the examination for the Civil Service of India, it would not be right to make any sort of apportionment of appointments. On the other hand, there are some Englishmen in India who fear that in an open competition, pure and simple, and simultaneously held in England and India, the Civil Service will in a very short time be overcrowded with "Bengali Babus and Puna Brahmins." These gentlemen need simply be told that they have a very exaggerated opinion of the intelligence and abilities of the Indian communities, and that they ought to know their countrymen better.

3574. Should the successful candidates at the Indian examination be required to proceed to England?—The successful candidates should only be encouraged to proceed to England.

3575. Are the young Natives obtained under the existing system the best, as regards character and capacity, who could be obtained under any system?—The young Natives obtained for the Civil Service under its present system of recruitment are not the best that could be obtained if the examination be simultaneously held in England and India, as can be proved by the fact that in the examinations of the Indian Universities,

Mr. Peacock—continued.

which they attended before proceeding to England, Native gentlemen now in the Civil Service did not occupy the highest position.

Mr. Fitzpatrick.

3576. In making these suggestions for improvement of the system of examination, I presume you have been chiefly influenced by the desire to see a larger number of Natives succeed?—That is my object.

3577. You have not gone into the question of making the examinations the best test of efficiency or culture?—A competitive examination is the best test.

3578. One competitive examination may be a more efficient test of ability and culture than another. Have you considered whether the modifications you propose will make the examination a better or a worse test of ability and culture?—As regards the examinations themselves, I have not made any suggestions.

3579. You have suggested changes in marking and in the limit of age?—The change in age I have suggested in the interests of both English and Indian candidates. In my opinion, many intelligent young Englishmen are excluded from appearing at the examinations owing to the limit of age.

Mr. Nulkar.

3580. You have been to England and have derived considerable benefit from an English training. You attach some importance to an English training either before or after the competitive examination?—Yes, I attach considerable importance to an English training either just before or after appointment.

3581. But you would not make it a condition that a man who passes the examination should undergo the same training as an English candidate, and you say also that some evils attend an English training. How do you reconcile these statements?—The objection on the part of some of the Native communities is an objection on religious grounds, and I do not think it can be made obligatory to go to England either before or after selection, without in some way violating the Queen's Proclamation of 1858, which states that all persons, of whatever creed, color or race, are equally eligible for any appointment in India.

3582. You have said that an identical examination should be held in India. How would that be an advantage to Indian candidates if, while the English candidates undergo a further training in England under the supervision of English educational institutions, they themselves would undergo only such training as Indian institutions offer?—I do not think the Government attaches much importance to training under

Vol. VI.
Sec. II.
Bengal.

Babu
Ambica
Churn Sen.

Mr. Nulkar—continued.

Vol. VI.
Sec. II.
Bengal.
Babu
Ambea
Churn, Sen.

the supervision of the English Universities, because it was only the other day that this question was raised and decided.

3583. The question was discussed and decided, as a necessary consequence of the change of age to nineteen, that the selected candidates must undergo further training under the supervision of an English University. That condition could not be enforced in the case of Indian candidates if they are not to be obliged to go to England for training?—If at any time much importance was attached to that condition, as you think it was, I think the difficulty would not be insurmountable, because a college might be established in India at which Indian candidates might have almost the same training under very able European supervision.

3584. We attach special importance to your evidence, because you have had an English training. How long did you reside in England?—Two-and-a-half years.

3585. I suppose you have become acquainted with the University system in England: how young men are trained and their education, morals, and physical welfare looked after. Does the same condition of things exist in India?—I cannot speak from personal experience of English Universities, because I did not belong to any of them.

3586. But what is your opinion. Is the system of education and training in England very different from the system in India?—I think it is.

3587. Would it not take a long time to supply the defects in the educational institutions here?—It would take time, no doubt. But we can have at least one special college for the training of selected candidates.

3588. Suppose there are two sets of candidates who pass at the Indian examinations with the same test in every respect, that they belong to respectable families and obtain an equal number of marks, but that one set of men goes to England for training and the other refuses to go on religious grounds—which of these two sets of candidates would you choose in the interests of the public service?—I would choose the men who have had an English training.

Mr. Ryland.

3589. Is it simply on account of caste and religious prejudices that you advocate the examination in India?—The lower classes are not prevented from going to England so much on account of caste prejudices as from want of means; caste prejudices affect all the members of the Hindu community, both the upper and lower classes.

3590. Do you not find men going to England without loss of caste?—I do not know a single instance of a gentleman who has gone to England being re-admitted to caste.

Mr. Ramaswami Mudaliyar.

3591. What is your caste?—I am a Bodho.

3592. You say that Greek and Latin should be marked in the same way as modern languages. Can you say what marks are given to Latin and Greek?—I think to Greek 500 and to Latin 800.

3593. Why would you reduce the marks for Latin?—In the examination some of the subjects not taught in Indian colleges have been marked disproportionately, and that gives some sort of artificial advantage to English students: they learn Greek and Latin in their schools.

3594. Would you regulate the marks according to the importance of the subjects, or in accordance with the fact that they were or were not taught in India?—The marks ought to be regulated according to the importance of the subjects; but I have said that Greek and Latin should be brought on a level with Sanskrit and Arabic. Every member of the Civil Service, I think, should know either Sanskrit or Arabic.

3595. Do you know Sanskrit?—I know a little of it. I took it up for my degree.

The Hon'ble Kazi Shahabuddin, Khán
Bábádúr.

3596. In your scheme of competitive examination you speak only of an educational test; what is your opinion of a physical or moral test?—The examination held in India should be in every respect identical with the English examination. The physical and intellectual tests should be the same at both examinations. A moral test is of so vague a nature that I do not think you can have any such test.

3597. Do I understand you to say that the lower classes of the people are unable to enter the Covenanted Service?—I have qualified it by saying that the system at least has a tendency in that direction. I mean that students of the lower classes find very great difficulty in getting admission into that service.

3598. Do you know how Munsifs are appointed?—I have referred only to the Subordinate Executive Service. The Judicial branch is selected by open competition—the B.L. test.

Mr. Pearce.

3599. You have not told us how the poorer classes are excluded from the Covenanted Service except on the score of means?—Take, for instance, the Statutory Service. Great importance is attached to parentage. I was the first man appointed, in whose case the question of parentage was not enquired into.

3600. Are men of humble parentage at all excluded?—I think they are. Rather undue importance is attached to caste.

3601. You say you were the first Statutory Civilian appointed without reference to

Mr. Peacock—continued.

the question of birth. Are not the appointments now made without regard to birth?—I think undue importance is attached to it.

3602. Who attaches undue importance?—In Bengal I do not think the poorer classes are altogether excluded, but they are, I think, to a certain extent. There was for some two years a sort of limited competition.

3603. I am asking you respecting the manner in which the Statutory Service is recruited at the present time. Has not the objection been removed in Bengal?—I do not know whether the objection has been removed.

Mr. Fitzpatrick.

3604. As a matter of fact, the question of your birth was not enquired into?—In my case the question whether I belonged to a respectable family or not was not mooted.

Mr. Peacock.

3605. When you have simultaneous examinations in England and in India, would you have one list of the successful candidates in order of merit?—Yes, I would have one list.

3606. Is the existing system of recruiting the Uncovenanted Service approved?—It having been satisfactorily proved that to fill up the appointments in the Uncovenanted Service, men of sufficient intelligence and ability could be found in all the Indian Provinces and among all sections of the Indian community, this service should better be regarded as altogether a local and provincial service, and should be recruited from such classes only as have permanent interests in the Province. Circumstanced as India now is, having so many different interests of so many different sections and classes, the recruitment for this local and inferior service should be made by a sort of limited competition. The best plan, I think, would be at the beginning of every year to apportion the number of appointments that may be available for that year between members of the different communities according to their numerical strength, and then to have a competition between members of each of these communities. If for the very highly paid agency of the Covenanted Civil Service there could be substituted, even to a very limited extent, any cheaper agency without in any way impairing the efficiency of the service, this should be done by all means.

Mr. Ramaswami Mudaliyar.

3607. You say you would make an apportionment among members of the different communities?—I would make the apportionment according to the relative strength of the communities.

Mr. Ramaswami Mudaliyar—contd.

3608. How would you define the particular section of the community which ought to have a particular portion of the appointments—by intermarriages amongst themselves or according to religious beliefs?—Without considering all these minor points, I think we can pretty generally divide the communities into a number of parts. But I would rather not enter into details; there are Mahomedans, Hindus, Eurasians, Parsis, and so on. In some cases it would be determined by religious differences; in other cases according to birth. If a Eurasian is by belief a Mahomedan, I would still include him as an Eurasian.

Vol. VI.
Sec. II.
Bengal.

—
Babu
Ambica
Churn Sen.

Mr. Peacock.

3609. Would you make any distinction in the pay and furlough rules according to nationality?—Persons doing the same work, whether they belong to the Covenanted, the Statutory or the Uncovenanted Service, ought to get the same pay. But on the principle that imported labor is generally dearer than indigenous labor, and having special regard to the economical side of the question, I would give Englishmen not permanently settled in the country a little higher pay than Natives of India doing the same work. The best arrangement would be to make the pay of an appointment a fixed sum to be drawn by the holder, whether an Englishman or a Native of India, with a staff allowance of about 20 per cent. to be drawn only when the holder happens to be an Englishman. The same economical consideration, however, requires us to supplement this principle by another, namely, that whenever indigenous labor is available, imported labor ought not to be made use of. I have no doubt if these two principles be judiciously and conscientiously adopted, both the country and the Government will be greatly benefited.

The furlough rules should be made the same for all Government servants, for this will encourage the Natives of India to visit England and other civilised countries. The fact that when on furlough a person is entitled to a portion only of his ordinary salary, is, I think, a sufficient guarantee that no reckless use will be made of this rule by the Natives of India.

Rules for pension should be the same for all Government servants, except that the annuity granted to an Englishman will be about 20 per cent. more than what a Native of India will get, both being in the same service and having served for the same length of time.

The Hon'ble Kazi *Shahabuddin*, Khan
Bahádur.

3610. You said that if the country supplied a sufficient number of candidates

The Hon'ble Kazi *Shahabuddin*, Khán
Bahádur—continued.

Vol. VI.
Sec. II.
Bengal.
Babu.
Ambica
Churn Sen.

you would not import foreign labor. Do you mean that if a sufficient number of men are forthcoming in India, you would not get out Englishmen?—Yes, if it can be done without impairing the efficiency of the service or endangering the safety of the Empire.

The *President*.

3611. You mean that Native agency should be employed as far as possible in preference to European agency?—Yes.

Mr. *Stewart*.

3612. When you joined the Statutory Service did you find Rs. 200 a month sufficient for all your wants?—On the contrary, I was put to very great inconvenience.

WITNESS XLVI.—1st March 1887.

Examination of the Hon'ble CHANDAR MADHUB GHOSE, Judge, High Court,
Bengal.

The President.

3613. You are a Judge of the High Court?—Yes, and for many years previous to my appointment to the Bench I practised as a vakil of the High Court. I was enrolled in 1861.

3614. Is the existing system of appointing Natives to the Statutory Service approved, or is it disapproved?—It is not generally approved. As far as I can discover, the object with which the Statute 33 Vic. was passed has been lost sight of, that object being to employ men of proved merit and ability in the Statutory Service. That was the avowed object of the Statute. Appointments have been made without reference to proved merit and ability, and they are not made by open competition. The next ground of disapprobation is that by reason of the Statutory Civilians not enjoying the same pay and privileges as Covenanted Civilians, they are looked upon as members of a lower service. These are the three main grounds of objection.

3615. What steps would you take to minimise or remove these objections?—I would amend the rules so as to carry out the intention of the Statute, and so as to provide for the appointment of men of proved merit and ability either in the legal profession or in the Uncovenanted Service, and equalise the pay and privileges of the service with those of members of the Covenanted Service.

3616. You would not appoint any young men to the lower posts?—No, I would always appoint men of tried merit and ability.

3617. Do you think the definition of "Native of India" given in the Statute is satisfactory?—There is no objection to the Statute itself except perhaps in one particular, and that is the definition of "Native of India." The difficulty arose in a recent case when a Sub-Committee of the Syndicate was appointed to select a candidate to go to England with a State scholarship. The father of one of the candidates was an Englishman, who had come out as a missionary and afterwards given up his engagement and become a teacher; the mother was a Native of India, and the question raised was whether the candidate could be taken to be a Native of India within the meaning of the Statute. I, amongst others, thought he could not. With reference to a difficulty like this, there is an ambiguity in the definition which ought to be removed. I would suggest the words "persons settled

The President—continued.

in India." The words in the Statute are "habitually resident in India and not established there for a temporary purpose."

3618. In preference to the definition given in the Statute, would the expression "resident" as given in the Charter Act, 3 and 4 William IV., cap. 85, section 87, meet your objection?—I do not think the words "resident therein" would quite meet the purpose.

3619. Will you describe the classes you would like to include or to exclude?—If a Civilian comes out to this country to serve for a certain number of years and a son is born to him in India, I do not think that son could be called a Native of India, and his father would not like him to be so called. I do not think it is the intention of the Statute to include such people within the category of Natives of India. Under the word "resident" they would be eligible, but, under 33 Vic. they would not be eligible. Instead of the words "of parents domiciled and habitually resident in India," I would use the words "of parents settled in India." One can at once see what the expression "settled in India" means, but one cannot quite see what is the meaning of the expression used in the Statute.

3620. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training, or should they be encouraged to do so?—If men of proved merit and ability are appointed, it would not be necessary to do either.

3621. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service?—I think considerable dissatisfaction is felt with the existing system of recruitment, but I do not know whether I can give the Commission any ideas in addition to what they have heard over and over again. I would hold simultaneous examinations in England and in India, and would raise the limit of age to twenty-two or twenty-three, and I would add some of the Indian vernacular languages, including Persian, to the subjects of examination. I would divide the service into two branches, the Judicial and the Executive, and raise the number of marks for Sanskrit and Arabic.

3622. Would you recruit separately for each of these branches?—After a candidate's two years of probation he must say which branch he intends to join.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Chandar
Madhub
Ghose.

Mr. Fitzpatrick.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
Chandar
Madhub
Ghose.

3623. When you speak of introducing the vernacular languages of India as subjects of examination, I gather that you are influenced partly by a desire to facilitate the admission of Natives of India to the service, and that you do not advocate the step as a test of ability and culture?—I must confess that I do not know any of the modern European languages which are now subjects of examination—French, German and Italian; but, as far as I have been given to understand, English youths enjoy in some degree an advantage over Indian candidates in respect of these languages. In the Universities and educational institutions in England, French, German and Italian, and Latin and Greek are taught, whereas youths trained in India have no opportunity of learning them, and therefore cannot approach the number of marks which English students obtain, and the result is that they are generally unsuccessful. I am not in a position to compare these modern European languages with the vernacular languages of India, and therefore I am not prepared to give any views of my own as to their educational value; but considering that they are the languages of this country, I think they ought to be included in the subjects of examination.

3624. Having regard to the fact that French, German and Italian have a rich and copious literature, and that the study of them is a valuable means of culture, and that Hindustani and other vernacular languages of India, as we know, have no literature to speak of, would you still consider that they ought to be put on an equal footing?—In that case I would give to the Indian languages lower marks.

Mr. Nulkar.

3625. Would you not leave the Civil Service Commission to adjust any differences as regards languages and other subjects after making suggestions on behalf of parties who suffer from any inequalities?—Yes, I would only mention the difficulties they labor under. I would leave the Civil Service Commission to adjust inequalities, if necessary.

3626. Would you make a two years' training in England a condition of service?—It is a difficult question. A large number of my countrymen are against making it obligatory. My own opinion is that it ought to be made obligatory in the interests of the service; but I am bound to say that if it be made obligatory, it would probably exclude some good men from entering owing to social and religious prejudices.

3627. We have been told by some influential witnesses that there are many important communities who do not care to study the English language. How would you treat the claims of such persons to service?—If they do not care to study English they must be excluded.

Mr. Nulkar—continued.

3628. Is not this division of the service into two branches, which you recommend, already effected, and is it not the case that after two or three years' service a Civilian is required to choose between the executive and judicial branches and must then stick to the line he has chosen, unless he is transferred to the other on public grounds?—As far as appointments in the executive branch of the service are concerned, I do not object to transfers. But as regards the judicial line, a gentleman who has served as Joint-Magistrate for a certain number of years is promoted to be a District Judge. His experience of the administration of civil justice is almost *nil*, and he comes to the office with no experience whatever, and it takes a pretty good time to gain the experience and knowledge which ought to entitle him to hold the position.

3629. You would give Civilians a practical training in the judicial line as well as in the executive?—Yes, in the judicial civil as well as in the criminal branch.

3630. Do not Assistant Magistrates in their earlier years do judicial work?—The experiment was tried for a year or two, but it has been abandoned.

Mr. Ryland.

3631. Would you admit Natives more largely into the judicial than into the revenue branch?—It is a difficult question. As far as we can see, Natives are more fit for the exercise of judicial than executive functions; but if they are allowed opportunities of learning the work, I do not see why they should not be more largely employed in the executive branch.

3632. One of the reasons for dividing the service into two branches would be to allow Natives to enter the judicial branch more largely?—I would make it optional with all classes of assistants to choose the branch for which they thought themselves qualified.

Mr. Ramaswami Mudaliyar.

3633. Do you not think that after passing the preliminary examination such a training should be given as will fit them for their duties in after-life, principally a training in law?—I do not think the simple study of law would enable a man to choose between the two branches; they could not make their choice until they had actually seen the work of both branches of the service.

Mr. Penock.

3634. Have you thought what vernaculars you would add to the list of subjects?—I would add Persian, Guzerati and Bengali. I have not thought of other languages. My object is to give Indian candidates an equal chance with Europeans; and because also these languages are useful for a career in India.

Mr. Peacock—continued.

3635. Suppose you had four or five of these vernaculars, would you limit the number which any candidate could take up?—I would limit each candidate to one vernacular.

Sir Charles Turner.

3636. Do you recognise an advantage in having among the High Court Judges gentlemen possessing a knowledge of the executive administration of the country?—I do not think so; what the Judges have to do is simply judicial work.

3637. Are there not many cases for the decision of which an intimate knowledge of the executive system of the country is desirable?—Certainly it is desirable, but such cases very seldom occur; and if a Native Judge feels any difficulty about the matter, he has his colleague to consult with. I think the difficulty is not of a character which cannot be surmounted.

3638. But suppose his colleague had not more information on the subject than himself?—There are Judges who are Covenanted Civil Servants and possess this knowledge.

3639. You think it then desirable to have some Judges in the High Court who possess this knowledge?—Yes, it is desirable.

3640. Is it not also desirable to have among the District Judges gentlemen who possess such knowledge?—Yes.

3641. Do you think it desirable to make this separation of the branches of the service when the officers are young and before they have entered upon the discharge of any important duties?—No, I would so arrange the time of selection that a gentleman should be able to say from experience which branch of the service he felt himself most fitted for.

3642. With regard to officers who are charged with the higher executive duties, do you not think it of importance that they should have some judicial experience?—Certainly, I should prefer it if it is possible. But I don't think it is possible to get men having the same amount of judicial and executive knowledge.

3643. Have you any recollection of officers who were appointed Judges of the High Court before the separation of the Judicial and Executive branches of the Service?—I recollect some of them.

3644. Do you know whether it was or was not the case that some of the officers who had evinced the greatest aptitude for executive work were also found to be the best Judges?—I cannot recollect that it was so. To the best of my recollection it was not so; but I will not say positively.

Mr. Fitzpatrick.

3645. You seem to feel some difficulty in conceiving a system which would give young officers a training both in judicial and executive work?—If the Judicial and Executive branches are divided, it does not

Mr. Fitzpatrick—continued.

occur to me that there is any way by which the same officer can be trained in both departments.

3646. Would you approve of introducing a system in the Bengal establishment like that in vogue in Non-Regulation Provinces, by which young men, until they reach the point of separation, are employed in both judicial and executive work; that is, they try civil and criminal cases, and do revenue work as well?—I have already said that they ought to be employed for a certain number of years in both branches, and then they should make their choice.

Sir Charles Turner.

3647. Is it not an objection to the system which Mr. Fitzpatrick suggests, that the trial of civil suits requires an officer to be at a particular station on a particular day, and that frequently an officer charged with the performance of executive duties is unable to attend to his judicial work with the requisite punctuality?—It is a serious difficulty, and it has been felt in these Provinces; but if it can be managed in Non-Regulation Provinces, I suppose the difficulty can be surmounted here also.

3648. Have you any officers here who are charged with both revenue and judicial functions?—Yes; in Non-Regulation Provinces.

3649. Have complaints been made that an officer has not been able to attend to his judicial work and dispose of it promptly? Yes; such complaints have been made.

The Hon'ble Mr. Justice Mitter.

3650. Was it not on that ground that the training of junior Civilians in Civil work was abandoned in Bengal?—I think it was abandoned because they did not care to apply their minds to civil judicial business.

3651. Was it not the case that they had no time?—It is my impression that they never applied their minds to the work.

Sir Charles Turner.

3652. You know that amongst other duties, the District Judge has the supervision of subordinate Courts and their establishments. Do you regard that as an important duty?—I think it a most important one.

3653. Suppose the District Judgeships were thrown open to the Bar and the subordinate judiciary. Do you think you would obtain as efficient Sessions Judges as the Covenanted Civilians make?—A man appointed from the Bar would, I think, do well in both Civil and Criminal work. I do not think the subordinate judiciary, as at present recruited, would do so well: they have had no training.

3654. Is that the only reason?—I believe so.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Chandar
Mudhub
Ghose.

The President.

Vol. VI.
Sec. II.
Bengal.
The Hon'ble
Chandar
Madhub
Ghose.

3655. Would you recruit the Uncovenanted Service from Natives of India as defined in the Statute, or from all Her Majesty's natural-born subjects?—I would confine it to Natives of India, the term being amended in the way I have suggested.

3656. Would you select by competition or by nomination, or in what way?—Either by competition or by nomination from amongst the graduates of the University. I would reserve a small proportion of the appointments in the hands of the Local Government, to be disposed of among men in the lower ranks of the service who may be found worthy of promotion.

3657. Would you apply that system to Subordinate Judges and Munsifs?—My proposal applies principally to the executive branch of the service. I think the present system of recruitment for the judicial line works well.

3658. Would you recruit provincially or generally?—Chiefly provincially; but if a good man cannot be had in the province, I would get one from another province.

3659. If the Statutory Service is abolished, would you give the posts reserved for that Service to the Uncovenanted Service?—If simultaneous examinations are held in England and in India, and the limit of age is raised, and the other suggestions which I have made are accepted, I would abolish the Statutory Service.

Mr. Ramaswami Mudaliyar.

3660. How do Subordinate Judges compare with District Judges as judicial officers?—It is a difficult question to answer. As I have already stated, District Judges are appointed from the ranks of the Joint-Magistrates with little or no experience in Civil cases, and it takes them a pretty long time to master the law. Some of them turn out good Judges; others do not. Subordinate Judges are appointed from the ranks of the Munsifs after having been a number of years in service and having had a great deal of experience. Many of them give great satisfaction, and generally they do well.

3661. We have been told that District Judges are able to deal with cases involving intricate questions of fact better than Subordinate Judges, and we have been told that that is not the case. What is your opinion?—I am not prepared to give a decided opinion. I do not think the contrary view is correct; there are, of course, some Judges in the Covenanted Service who are very good judges of fact. In a matter like this it is very difficult to compare class with class. If you took an instance from each Service, you might compare them.

3662. In your opinion are there Subordinate Judges who would be able to discharge the duties of District Judge with satisfaction?—I think there are some in Bengal who would do well as District Judges; not many.

Mr. Ramaswami Mudaliyar—contd.

3663. What is your opinion of the Munsifs as a class?—I think they are efficient officers. I should like to make one remark applying to both Munsifs and Subordinate Judges. They are most hard-working officers and are overburdened with work; they have hardly any time to consider their judgments, and sometimes their work is largely in arrear. With more time at their command they would turn out much better officers than they do at present.

3664. As a vakil did you practise in Magistrates' Courts?—Not much. I seldom went out of Calcutta; I used to take up criminal business in the Appellate Court.

Sir Charles Turner.

3665. About how many contested cases does a Munsif try in the course of a year?—Formerly there was a rule that they should decide at least twenty-five cases in a month. I do not know whether that rule is still in force.

3666. Munsifs in Bengal are not generally invested with Small Cause Court powers?—Not generally.

3667. Many of the cases would, however, be of the nature of Small Cause Court cases?—Not generally. Many involve complicated questions. The majority of the cases are on contract.

3668. What class of pleaders are generally willing to take Munsifs' appointments?—Those who have not much chance of succeeding as vakils; those who have some chance do not think it worth their while to accept the appointment.

3669. What is the reason of that?—Because they have a wide prospect before them, and they enjoy the independence of the Bar.

3670. Do you think the salary of a Munsif of the lowest grade is not sufficient to attract good men?—Yes; it is not sufficient.

3671. What practice would a pleader surrender to take an appointment as Munsif?—The man who would give up his practice at the Bar to take a Munsif would be a man who would not make more than Rs. 150 a month.

3672. In Madras, pleaders give up even a leading practice in a District Court to take a Munsif—pleaders earning Rs. 400 or Rs. 500 a month. Is that the case in Bengal?—I do not know. Probably the pleaders of whom you speak consider the certainty of the position of a judicial officer of more value than the uncertain prospects of a profession, and are willing to sacrifice income for that certainty.

The President.

3673. Would you make any distinction of pay between men doing the same duties but belonging to different Services?—I

The *President*—continued.

would give the same privileges and the same pay to any one who holds the appointment.

3674. Would you make any difference in the furlough rules according to nationality?—Furlough rules may be divisible into two heads—the period of furlough and the allowances. I would give a European officer longer furlough because he would go to his own country, but a Native officer does not require the same length of furlough. As to allowances, I would regulate them according to the pay of the officer.

Mr. *Nulkar*.

3675. With respect to the definition of "Native of India," you say that instead of

Mr. *Nulkar*—continued.

"born" and "domiciled" you would say "settled in India." Would it not be better to say that the definition should apply to those who have transferred their homes permanently to India?—At one time I thought of adding the word "permanently" to "settled," but I think "settled in India" is sufficiently explicit. It means that the person has made up his mind to live in India and to make it his home.

Mr. *Ramaswami Mudaliyar*.

3676. Is it the case that in several instances Natives have preferred to have their cases tried by Europeans?—I am not aware of its being the case. It has taken me by surprise to hear it.

Vol. VI.
Sec. II.
Bengal.

The Hon'ble
Chandar
Madhub
Ghose.

WITNESS XLVII.—1st March 1887.

Examination of B. L. GUPTA, Esq., c.s., Officiating District and Sessions Judge,
Faridpur.

The Hon'ble Mr. Justice *Mitter*.

Vol. VI.
Sec. II.
Bengal.
B. L.
Gupta, Esq.

3677. You are a member of the Covenanted Civil Service?—Yes, I am officiating District and Sessions Judge of Faridpur. I have been over fifteen years in the service.

3678. Is the existing system of appointing Natives to the Statutory Service approved?—As a matter of fact it is not approved.

3679. What are the grounds of disapprobation?—It is supposed that the men nominated by Government are incompetent, and that worthier men could be easily had. The service is also looked down upon because the pay given is less than that of the Covenanted Service. The lower scale of pay tells with greater effect in the lower grades than in the higher grades. Two-thirds of the pay of a District Judge might satisfy the men, but two-thirds of the pay of an Assistant Magistrate is hardly more than that of a Deputy Magistrate.

3680. In what way would you remove these grounds of dissatisfaction?—First, I consider that the service as constituted is not consistent with the Statute, and is not the service contemplated by it. I am going to advocate simultaneous examinations in England and in India. If that course is adopted, I think it would be unnecessary to continue the Statutory Service in its present form. I would, however, retain the power given by the Statute to the Government of India with the view of rewarding officers of distinguished merit in the Uncovenanted Service. But it is a power which I think should be very sparingly exercised, and I think the posting of an Uncovenanted officer to a District Judgeship or a District Magistracy over the head of a Covenanted Civilian would involve some injustice and hardship. I think the maximum number of such appointments ought to be declared beforehand, so that young men competing for the Covenanted Service should know what prospects they have.

3681. Then for the purpose of appointing Uncovenanted officers from time to time in a fixed proportion, you would retain the Statute. Would you propose any amendment in the rules?—I would abolish the Service as a service.

3682. But Section 6 of the Statute provides that rules should be framed?—Rules should be framed in accordance with the view I have just expressed.

The Hon'ble Mr. Justice *Mitter*—contd.

3683. Have you considered the definition of "Native of India" given in the Statute?—I think all restrictions ought to be removed. I am of opinion that there ought to be fair play in all departments of the government. I do not see why a European in the Uncovenanted Service should not be rewarded for merit.

3684. Would you encourage or compel the selected candidates to go to England for training?—It would not be necessary to send them to England under the system I am advocating.

Mr. *Nulkar*.

3685. Would you propose that officers from one service should be promoted to another on account of exceptional merit?—As the first appointment of Statutory Civilians would be made on account of merit, so their subsequent promotion should also be by merit.

3686. Might you not set apart appointments in all the grades to which men of merit might rise?—In the earlier stages of an officer's career it is difficult to judge of his ability and merit. The exceptional power I propose to give would only apply to the case of officers of some standing in the service.

Mr. *Ramaswami Mudaliyar*.

3687. You say you would reserve the Statutory Service for the promotion of men of ability from the Uncovenanted Service. Would you exclude members of the Bar, or would you appoint them in the same way for ability and merit?—My idea is to reform the Service altogether, and to separate the executive from the judicial branches. I would reserve a certain portion of District Judgeships for Covenanted Civilians, and give the rest to members of the Bar and of the Uncovenanted Service under this Statute.

The Hon'ble Mr. Justice *Mitter*.

3688. Is there any feeling of dissatisfaction regarding the mode of recruiting for the Covenanted Service?—I think there is some dissatisfaction.

3689. What are the grounds of dissatisfaction?—The first general ground is the

The Hon'ble Mr. Justice *Mitter*—contd.

very low limit of age. Although under the existing system we can get good men, I think we could get much better men if the limit of age was raised to twenty-two or twenty-three. The other ground of dissatisfaction is that the examinations are held exclusively in England. I would suggest raising the limit of age and holding simultaneous and identical examinations in England and India in one centre.

3690. Have you considered the difficulty of the *ex aequo* examinations being identical?—I have. They would have to be carried on by different examiners or abolished altogether.

3691. Would you have one list of the successful candidates?—I would have one list. The Civil Service Statute does not say where the examination is to be held, and the place where it ought to be held is the country where the service is required. There were many reasons formerly why the examination should be held in England, because competent examiners could then hardly be found in this country. But now competent men may be found here, and there is no reason why the examination should be confined to England.

3692. Would you make it obligatory on the successful candidates to go to England for training?—I would make it obligatory.

3693. What is the limit of age you propose?—Twenty-one.

3694. Did you receive any collegiate education in this country?—I went to England from the B.A. class.

3695. How long did you study in England before you appeared in the competitive examination?—I attended the London University College for one year. I passed on the first trial.

Mr. *Fitzpatrick*.

3696. How old were you when you passed?—I was nineteen. I went to England at the age of eighteen.

Mr. *Ramaswami Mudaliyar*.

3697. What subjects did you take up?—The subjects then were somewhat different from what they are now. I took up English literature, language, history, and composition, Sanskrit, Political Economy, Moral Philosophy, two branches of science, and Mathematics.

3698. To what extent would you throw open the judicial branch of the Civil Service to outsiders?—I would give one-fourth or one-fifth of the District Judgeships to the Uncovenanted Service and the Bar. Possibly at first I would reduce the powers of the Sessions Judges so appointed, because the members of the Subordinate Judicial Service have had no criminal experience.

3699. Have you before acted as a District Judge?—Yes, twice before.

Mr. *Ramaswami Mudaliyar*—contd.

3700. When you were first appointed to act, did you in any way find it difficult to discharge your duties?—I felt that I should have done very much better if I had had more experience of civil work.

3701. Is it not necessary that members of the Covenanted Service who are appointed as District Judges should have had some previous training?—Yes, certainly. I am deeply convinced of it, for although after some years' experience District Judges may be as good Judges as any one, yet for the first three years they must be at a great disadvantage in deciding appeals from Subordinate Judges and Munsifs who have had longer training.

3702. In what form would you give the training?—It is a difficult question, unless the whole service is reorganised, but junior Civilians might be appointed to try civil and criminal cases, and after some years they might be appointed District Judges.

3703. In the competitive examination would you not put Sanskrit and Arabic on a par with the European classics?—I would give to Sanskrit full marks (800) and to Arabic the same as Greek, because in India I think Sanskrit is of much greater importance.

3704. Would you not add Persian to the number of languages?—I would certainly add Persian as one of the languages, and place it on the same footing as French or German.

The Hon'ble Mr. *Quinton*.

3705. You passed in Sanskrit; what were the maximum marks allotted to it in your time?—Either 400 or 500; I forget which.

3706. Did you get high marks?—Pretty high. I knew Sanskrit here, but for one year I took regular lessons in England.

3707. Did you find the examination in Sanskrit stiff?—It was not stiff. I cannot say it was very easy: it was very fair.

The Hon'ble *Syad Ahmad*, Khán Bahádúr.

3708. Did any other Natives of India pass with you?—Yes, three others. The rest were just under twenty-one. I was nineteen.

The Hon'ble Mr. *Quinton*.

3709. Were they all Bengalis?—No; one was from Bombay; the other three were Bengalis.

The Hon'ble Mr. Justice *Mitter*.

3710. From what class would you recruit the Uncovenanted Service?—From all Her Majesty's natural-born subjects.

3711. By competition or nomination?—I think competition is the best test. In the judicial branch I think the present system of appointing Munsifs is found to work well, and I would not disturb it. For the

Vol. VI.
Sec. II.
Bengal.

B. I.
Gupta, Esq.

The Hon'ble Mr. Justice *Mitter*—contd.

Vol. VI.
Sec II.
Bengal.
B. J.
Gupta, Esq.

rest I do not think it would be objectionable to reserve a certain proportion of the appointments for nomination by Government, but the bulk of the appointments I would throw open to free competition.

3712. Would you allow residents of the whole of India to appear at the examination, or only of the particular province?—I would not limit it to the residents of any particular province.

3713. Suppose the Statutory Service is abolished, would you make over the proportion of appointments now allotted to that Service to Uncovenanted officers?—That has been answered in the scheme I have suggested. I would relegate them to the Covenanted Service.

Mr. *Fitzpatrick*.

3714. If, as you suggest, competition for the Uncovenanted Service is to be open to residents of other provinces, would there not be a danger in the Punjab or in the Central Provinces, for example, that a very large majority of the Uncovenanted appointments might in time be filled by Bengalis or Madrasis or people from Bombay?—I do not consider that a danger. I think Government ought to get the best officers.

3715. You admit that there would be a probability of it happening, but you do not think it would be an evil?—It is evident that the more advanced provinces would supply more officers than others; but I do not think there would be either a monopoly, nor do I think there would be a danger. The inevitable consequence would be to stimulate emulation and healthy competition in the other provinces.

3716. You said you would not give the appointments set free by the abolition of the Statutory Service to the Uncovenanted Service, but would throw them back into the Covenanted Service. Do you not think some stimulus should be offered to the Uncovenanted Service?—If you wish to make them over to the Uncovenanted Service, a special Act of the Legislature would be needed. It would be tantamount to accepting my suggestion that the Government ought to retain some such power.

3717. Then you would modify your answer to Mr. Justice *Mitter*: in fact, you would say you prefer to give them to the Uncovenanted Service?—I would give the Government of India power to appoint Uncovenanted officers to this Service.

Mr. *Nulkar*.

3718. Then the Statute may be retained to that end?—Yes.

Mr. *Ryland*.

3719. The age limit being twenty-one, do you consider that those who passed with you

Mr. *Ryland*—continued.

experienced any particular disadvantage or difficulty in going to England to compete?—It was an exceptional year. I do not know how it happened that all four of us got in. It would hardly be fair to judge from one year's experience—an experience which has not been repeated since. Three of us—Messrs. R. C. Dutt, S. N. Banerjee, and I—got the same training in England. There might be something in that. There were hardly any Indians then in England, and great interest was taken in us.

Mr. *Nulkar*.

3720. How many years before you went to England did you think of going?—I meditated going about a year before we went.

3721. Had you any family difficulties to experience?—Yes, I had to run away from home.

The Hon'ble Mr. Justice *Mitter*.

3722. Would you make any difference in the pay of an appointment according as it was held by members of different services?—I think it a vicious principle altogether. It would detract from the self-respect of the officer. If it is found necessary to reduce salaries, it should be done all round, and the pay of an office should not be made to depend upon the nationality of the incumbent, or the branch of service to which he belongs.

3723. Would you make any difference in the furlough rules according to nationality?—That is a matter of detail upon which I do not wish to express an opinion.

3724. Have you any suggestions to make on the subject of pensions?—I think the pay and pension ought to be the same for all.

3725. Have you any suggestions to make on any other point?—Yes, I wish to say that I think the work of the Magistrate should be purely judicial. The supervision of the police may remain with the District Magistrate, but he should no longer be called the District Magistrate. He should be the executive chief of the district. He should be debarred from the power of trying cases, and the appellate work should go to the officer who, under the new system, would represent the District Magistrate as defined in the Code of Criminal Procedure, and his powers of supervision should be transferred to the District Judge.

3726. Would not that interfere with the prevention and detection of crime?—If the police are efficient, I think it would be for the public good that the two officers should work independently of each other. In the Presidency towns the Magistrates are purely judicial officers and have nothing to do with the police.

Mr. Ramaswami Mudaliyar.

3727. In what districts have you served?
—In Purneah, Backergunge, and the 24-
Pergunahs.

3728. We see from a memorandum given to us by the Government of Bengal that the Mahomedan population in Bengal Proper is larger than the Hindu population. Did you find any difficulty in the performance of your duties from the fact that the Mahomedan population was greater than the Hindu?—Not the least difficulty.

3729. Were you at all popular or unpopular with any particular section of the community?—It is very difficult for me to say.

Sir Charles Turner.

3730. Did you notice any want of respect for you?—I never observed it.

Mr. Ramaswami Mudaliyar.

3731. Were you paid the same respect as was paid to European officers?—Yes; I have often found it so.

3732. Have you served on any occasion of emergency, such as a riot or a famine?—I was on famine-relief duty in Chota Nagpore.

3733. Were your services appreciated by the Government or the people?—I was honorably mentioned in the famine report. I have not served in any other case of emergency.

3734. Have you had anything to do with a district in which there are planters?—I was Joint-Magistrate in Purneah, which is full of planters, and Sessions Judge in Berhampore, which is also full of planters. I was on cordial terms with them.

3735. I believe you were the writer of the letter to the Local Government which led to the introduction of the Ilbert Bill?—Yes; I was.

Vol. VI.
Sec. II.
Bengal.

—
B. L.
Gupta, Esq.

WITNESS XLVIII.—1st March 1887.

Examination of Nawab ABDUL LATIF, Bahadur, C.I.E.

Mr. Fitzpatrick.

Vol. VI.
Sec. II.
Bengal.
Nawab
Abdul
Latif,
Bahadur.

3736. You have just retired from the service of Government?—Yes, I was for nearly 36 years Deputy Magistrate and Deputy Collector, and before that nearly three years in the Educational Department. I have served in the 24-Pergunnahs and Hooghly districts.

3737. Since you left Government service you were specially selected for high political employment?—Yes.

3738. Will you kindly state your views to the Commission?—I wish, in the first place, to state briefly the disadvantages suffered by Mahomedans in the matter of competing for the public service in British India, and the special measures which I think it is just should be taken to remove those disadvantages. It is an admitted and well-ascertained fact that the Mahomedans have not the same amount of English education as the Hindus. Amongst other reasons, there is the necessity of studying Urdu and Persian for their social and religious necessities, and in those of the best families, some amount of Arabic. Urdu of course being the vernacular throughout Upper India (outside Bengal) does not there handicap Mahomedan students as against Hindus, and in consequence we there see better progress. But even there, Persian, and in a small number of cases Arabic, acts as a serious handicap,—for the Hindu student has not any social or religious necessity for thoroughly mastering any language beyond the vernacular. If some of them take to Persian, the curriculum prescribed in the public schools and Universities is not at all so severe and thorough as that required by the Mahomedan for his own purposes; and much more so is this the case with Arabic. This handicap for the Mahomedans has become more serious in Bengal by reason of Urdu not being the current vernacular of the masses.

In the interests of employers and employed alike, it is necessary that a certain amount of education in English and vernacular should be possessed by candidates for the public service. Outside the Covenantured Civil Service, the University offers the best machinery for testing the possession of the necessary qualifications; and in that view the possession of certain University passes or degrees should be encouraged in the case of candidates for every post in the public service of any importance or responsibility.

Mr. Fitzpatrick—continued.

The following changes in the rules of the University examinations are necessary in order to enable the Mahomedans to have a better chance of obtaining University qualifications. Such changes, whilst specially benefiting the Mahomedans, will, I think, be acceptable to all classes of students, and will not lower the standard of education in the country. The first change was suggested by me in a Memorandum, dated the 28th February 1883, on "The Present Condition of the Indian Mahomedans, and the best means for its improvement," drawn up by me at the instance of the Local Government. I said there:—

"The Entrance examination is, as suggested by its very name, simply the passport to other examinations in the University. The number of persons who annually pass it is so great that success therein does not necessarily qualify for any appointment in the Government service or even for the practice of any of the learned professions. Consequently there would be no injury to any department or profession should the conditions of that examination be in any way relaxed. As previously observed, there are peculiar causes which make it more difficult for Mahomedan students to pass this examination than any of the higher ones. This is owing to the fact that all Mahomedan students of good birth are expected to learn Persian, well enough to read and write in that language, as a medium of social intercourse and a standard of culture in respectable society. To acquire such familiarity with the Persian language demands far greater exertions than mastering the Persian or any other 'language' course of the University Entrance examination. This parallel course of studies hampers the Mahomedan students and leads to the failure of many of them in the Entrance examination, often for a small number of marks, and they are thus shut out from the further pursuit of knowledge unless they again undergo an examination in *all* the branches. I believe it will very much encourage the pursuit of higher University studies amongst Mahomedans and Hindus alike, if 'Entrance' candidates who have failed at one examination are allowed the option of taking up at the next examination only the particular subjects in which they failed in the previous year, and be not compelled, as now, to pass an examination in the whole course, for

Mr. Fitzpatrick—continued.

which purpose they have to suffer the humiliation and risk of going over the whole ground next year. This concession might be hedged about with two conditions, namely, that candidates who have passed through partial examinations should not be eligible for competition-scholarships; and secondly, that the ratio of marks to be attained at such partial examinations should be such as would have entitled the said candidates to be placed in the First Division if they had appeared in an ordinary examination."

As the Entrance examination is the place where the largest number of candidates come to grief, any means which would accelerate the passage of candidates will, without changing the rules for the higher examinations, increase the number of persons passing the higher examinations. At the same time, if the experiment of partial examinations for failed Entrance candidates succeeded, it might be tried in the higher examinations.

The second change that I propose would be to allow all classes of candidates in the Entrance examination an option *ad initio* to take up a second Asiatic language, dead or living, as a supplemental subject, which would be allowed to help them in obtaining grace marks on some recognised principle. The Mahomedans could thus find an advantageous use for the multiplicity of their linguistic education rendered compulsory by their religious and social necessities, whilst at the same time an encouragement would be afforded to many Hindus to take up the additional study of Sanskrit, Persian, or a second vernacular which would undoubtedly be beneficial from an educational point of view. A failed candidate would thus have two courses open, namely, either to submit to a more rigorous re-examination in the particular subjects in which he had been found to be deficient, or to try his chance again (as he has now to do) in the whole range of subjects with the additional help of the supplemental language subject.

I should, as a general rule, be quite willing to retain or impose upon all candidates for public employment a sliding test from the Entrance upwards to the B.L. examination, power being reserved in the Local Government to dispense with such tests in the case of persons who may by other methods be found to be sufficiently well educated; and also in the case of persons whose employment in the public service is very desirable on political grounds, as, for instance, to satisfy a large class or to reward the loyal services of a particular family. But if any further departmental examinations are insisted upon as preliminaries for admission into the public service, I would not insist upon employment being given in an absolute order of merit amongst the entire body of successful candidates. The Mahomedan can by great

Mr. Fitzpatrick—continued.

exertion, under existing conditions, bring himself up to the qualifying standard and obtain the pass marks, and I think it best in the interests of all parties that he should be encouraged, assisted, and even compelled so to qualify himself; but at the same time it will be very difficult for him to succeed in an absolutely competitive test as against Hindu competitors who are not so handicapped in their studies. I would therefore reserve a fair proportion of public employments for qualified Mahomedan candidates, irrespective of their position in order of merit in a general competition.

It is necessary on political grounds that each community interested in the good government and prosperity of the country should be adequately represented in the administration. This goes a great way towards allaying public discontent, and at the same time conduces to the efficiency of the administration. The Mahomedans as the immediate predecessors of the British in political power over the greater portion of India, naturally feel their exclusion from positions of power and trust more keenly than the Hindus, who were not so circumstanced.

3739. Is the existing system of appointing Natives as Statutory Civilians to posts reserved for the Covenanted Civil Service approved?—The existing system is not approved of by the Native community.

3740. If it is not, what are the grounds of disapprobation?—The grounds for disapprobation are that the appointments have often been improperly made. In the beginning too much attention was directed to distinction of birth without any proper test of educational qualifications, and latterly the scale seems to have turned to the other extremity, as it must always be in the case of a competitive examination. Under either system the Mahomedans of Bengal Proper have failed to obtain any share of the public patronage.

3741. Are the defects of the existing system (if any) susceptible of remedy—(a) by an amendment of the rules; (b) by an amendment of the Statutory provisions in that behalf; or should those provisions be repealed?—The defects of the existing system may be remedied by making it clear in the rules that the persons nominated as probationers must be persons of influential families, possessing sufficient educational qualifications; and also by providing more regularly for the direct promotion thereto, without probation, of persons of good birth and position who have proved their merit and ability by service under Government or in the practice of a profession.

3742. If the provisions of the Statute 33 Vic., Cap. 3, Section 6, are not repealed nor substantially amended so as to take away the power conferred on the Local Administrations, should they be amended in respect of

Vol. VI.
Sec. II.
Bengal.

Nawab
Abdul
Latif,
Bahadur.

Mr. Fitzpatrick—continued.

Vol. VI.
Sec. II.
Bengal.
—
Nawab
Abdul
Latif,
Bahadur.

the description of persons on whose behalf such powers may be exercised or in respect of the sanction required for appointments made thereunder?—I think that in approving of the nominations for the Statutory Civil Service, submitted by the different Local Governments, care should be taken by the Government of India that upon the whole a fixed proportion, say one-third or one-fourth, is given to the Mahomedans, and keeping that principle in view, Mahomedans might be appointed in turn to every province. The Local Governments should, therefore, be directed always to include a fair number of Mahomedans in their nominations.

3743. If the Statutory Service is retained, should the selected candidates be required to proceed to England for training, or should they be encouraged to do so?—I do not consider that the selected candidates for this service should be required to proceed to England or even encouraged to do so, for, in my humble judgment, a journey to England is not at all necessary to make a good judicial or executive officer.

Mr. Peacock.

3744. With reference to the admission of Mahomedans into the service, you consider that they should be educationally sufficiently qualified?—Yes.

3745. You do not mean that the Government is to take men of inferior qualifications, but that they should be sufficiently educated for the purpose for which they are wanted?—Yes, they should be sufficiently qualified.

Mr. Fitzpatrick.

3746. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Civil Service?—Dissatisfaction is felt by the Mahomedans with the existing system of recruitment for the Covenanted Civil Service. I have already dwelt upon the difficulty experienced by Mahomedan candidates in passing the ordinary examinations of the Indian Universities. It may be imagined, therefore, that it is a hundred times more difficult for a Mahomedan candidate to pass the competitive Civil Service examination in England, which is admittedly one of the most difficult examinations prevailing in any country. I believe it is impossible for any Mahomedan student, especially within the present low limits of age, to pass that examination without completely renouncing the mode of education which is compulsory upon him for his social and religious needs. I believe that the only Mahomedan who has yet succeeded in passing the competitive examination in England did so last year from Bombay, where there are several influential and wealthy sets of Mahomedans, mostly engaged in commercial pursuits,

Mr. Fitzpatrick—continued.

who are to a great extent free from those religious and social necessities for the study of Urdu, Persian and Arabic which I have described to be necessary in the case of the bulk of the Indian Mussulmans. That necessity is felt most in Upper India, as that tract of country contains the bulk of the Indian Mahomedan population. In Southern India (Deccan) the Mahomedans are not so numerous, and they have (perhaps partly on the ground of relative paucity of numbers) adopted some one of the local vernaculars as their common language, discarding Urdu. I am aware also that considerable dissatisfaction prevails amongst the orthodox classes of the Hindu community, in connection with the system of recruiting the Covenanted Civil Service; the difficulty with them being social and religious in connection with journeying upon the high seas and residing in a foreign country. Again, the class of Hindus who have broken through orthodox observances, and the class amongst Mahomedans who have not the usual regard for the old forms and requirements of Mahomedan society, are dissatisfied with the great risks which an Indian candidate must undergo in competing at a very difficult examination in England. As it is practicable for the young relations of this class of persons to compete, they would be quite satisfied if the examination is made a more fair one for Indian students, by raising the age and re-arranging the subjects and marks for the examination.

3747. Should any, and if any what, change be made in that system?—The changes which I advocate in the system of recruitment for the Covenanted Civil Service are as follows: At some central point in India, or if the finances permit, at the head-quarters of each of the Presidencies of Bengal, Bombay and Madras, I would establish a special College on the model of the late Haileybury College. Each Local Government and University would be entitled to nominate persons of good birth, education and character as students for this institution, provided they should have already acquired the rudiments of a good English education: the number of nominations to bear some proportion to the administrative requirements of each province. At this institution, considering the expenses guardians have now to undergo in sending young men to compete for the Civil Service in England, students might be expected to pay such fees as will cover most, if not all, of the expenses. They would be kept as boarders in this college and undergo two or three years' training in the special subjects of study which might fit them to compete for the Civil Service examination. The students of this institution alone should be allowed to compete in India for the Civil Service; and provided they obtained the qualifying pass marks, a certain proportion of

Mr. Fitzpatrick—continued.

appointments, say $\frac{1}{4}$ th, $\frac{3}{4}$ th or $\frac{1}{2}$ th, would be given, as a matter of right, to the Indian candidate. I would nevertheless have no objection to keep it quite open to any Native of India or domiciled European to proceed to England in order to compete for the Civil Service as now, should the Government see no objection to the continuance of that privilege. For reasons previously set forth, out of the total appointments given to Indian candidates, a further proportion, say $\frac{1}{4}$ th or $\frac{1}{2}$ th of the Indian total, should be reserved for Mahomedans.

3748. Do Natives of India labor under any, and if any what, disadvantages in competing for employment in this branch of the service?—The disadvantages which Natives of India now labor under in competing for employment in the Covenanted Civil Service are the following:—

Special disadvantages.

- (a) As far as the Mahomedans are concerned, the difficulty with them is educational, as already explained. Their backward education in English and the handicap which a study of Urdu, Persian and Arabic places upon them on religious and social grounds, prevent them from hoping to succeed by pure competition in an examination of this nature.
- (b) As regards the orthodox classes of the Hindu community, the difficulty is a religious and social one arising from restrictions of food and drink.

General difficulties.

- (c) The heavy expenses incurred in sending a student to and keeping him in England; and the great risk of the whole expense proving infructuous if he fails to obtain the proper position in the competition.
- (d) The risks to health and morals in sending unprotected young men without friends and acquaintances to a distant country possessing a radically different climate and abounding with temptations of many descriptions.
- (e) The low limit of age now prevailing.
- (f) The nature of the subjects of the examination and the number of marks allotted to them, which are unfair to Indian students, who start, moreover, with the initial difficulty of having to thoroughly master the English language, which is foreign to them.

Mr. Fitzpatrick—continued.

3749. By what changes may those disadvantages be minimized or removed, e.g.,—

- (a) By the establishment of scholarships and allowance of passage-money to Native candidates?
- (b) By altering the limit of age?
- (c) By adding to the subjects of examination, or by altering the maxima marks obtainable in certain subjects?
- (d) By holding simultaneously examinations in England and in India?—

The establishment of the special college in India with the simultaneous examinations which I have already recommended, will materially remove the existing disadvantages (a, b, c, and d) enumerated by me. If that scheme were adopted, the age limit might remain as it is, although on general grounds an increase of the age is desirable for all candidates, as affording a better chance for University men, English and Indian, to compete, for which purpose twenty-three years would be the best limit. But whether such a college be established or not, a revision of the curriculum and marks is very necessary on the lines set out hereafter.

I now proceed to answer the particular branches of this question upon the basis that a special institution is not to be established in India:—

- (a) It will be obviously impracticable to pay the passage of all Indian candidates, nor will it be fair to do so. At the same time so much special training is necessary for the open competitive examination, that no previous examination in India will satisfactorily decide the question as to which of the candidates has the best chance of ultimately passing in England. It will, I believe, under these circumstances, be better to repay the passage-money of all those Indian candidates only who finally succeed in obtaining the qualifying marks, but fail to get within the list of successful competitors, and to give them a lien upon appointments in the Subordinate Executive Service. I may say in this connection that the necessity for incurring the expenditure beforehand would be some test of the respectability of the family. Scholarships for two or three years might also be conferred upon such of the aforesaid qualified but unsuccessful candidates as expressed a desire to pursue their studies in Europe in special subjects upon which thorough instruction was not available in India, and they

Vol. VI.
Sec. II.
Bengal.

Nawab
Abdul
Latif,
Bahadur.

Vol. VI.
Sec. II.
Bengal.
Nawab
Abdul
Latif
Bahadur.

Mr. Fitzpatrick—continued.

might be offered reasonable prospects of employment in India should they qualify themselves in those particular subjects.

(b) The present age is too low, considering the responsible work a Civilian is expected to perform almost from the day of his arrival in India; and the lowness of the age makes it extremely difficult for Indian students to prepare themselves in the present subjects of examination, many of which are outside the curriculum of Indian schools.

(c) I find that in the open competition curriculum the following languages are included:—

Language.	Marks.	Language.	Marks.
Greek	... 600	Sanskrit	... 500
Latin	... 800	Arabic	... 500
French	... 500		
German	... 500		1,000
Italian	... 400		
	2,800		

This gives to the European candidate a decided advantage over the Indian competitor, although in the interests of the service a knowledge of Sanskrit and Arabic would be far more useful than that of the classical or modern European languages enumerated above. I would add Persian and the vernacular languages of India to the curriculum for the open competition, and arrange the marks in some such way as the following, the object being to equalise the chances of success for Indians and Europeans:—

Language.	Marks.	Language.	Marks.
Greek	... 600	Sanskrit	... 800
Latin	... 800	Arabic	... 800
French	... 500	Persian	... 600
German	... 500	Urdu	... 300
Italian	... 400	Hindi	... 300
	2,800		2,800

For Urdu and Hindi the candidates might be allowed to substitute any other two recognised vernacular languages of India.

The History and Geography of India should also, in my opinion, be included amongst the subjects for the open competition and given the same marks, 300, as are now allotted to English History. Even with these re-adjustments the balance will be hardly equal, for the subjects of English composition and English literature are all subjects in which the Native starts with a fearful handicap, and as the examinations are conducted through the medium of the English language, that disadvantage continues throughout the examination. At the

Mr. Fitzpatrick—continued.

same time, Greek and Latin are far more thoroughly within the curriculum of ordinary instruction in the public schools of England than are Sanskrit, Arabic, or Persian in Indian schools. When a candidate has taken up particular subjects in the open competitive examination and obtained sufficient pass marks to denote competent knowledge, he need not be examined probationally in the same subjects.

(d) I would not advocate simultaneous examinations in India and England, unless my scheme for the establishment of a special College, &c., were carried out in full. That alone could ensure to the Mahomedan community a fair prospect of participation in public employment by this channel.

3750. If an examination is held in India—

(1) Should it be identical with that held in England?

(2) Should it be held at one or more centres in India?

Should the candidates in England and in India compete with one another and be selected in order of merit, or should a certain number of appointments be apportioned for competition to the candidates at the respective examinations?

(3) If such an apportionment is made, on what principle is it to be regulated?

(4) Should there be an apportionment between the residents in the territories of the several Administrations respectively, or between the members of the principal religious sects?—

No examination should be held in India without the establishment of the special College I have already described, in which case—

(1) The examination should be identical with that held in England.

(2) It may be held at one or more centres in India as may best suit practical convenience. Perhaps a beginning might be made with one centre, and any important centre in India would now-a-days be sufficiently accessible to avoid the chance of hardship to any province on the ground of difficulty of approach. A certain number of appointments should be apportioned for competition in India, out of which again a certain number should be reserved for Mahomedans.

(3) The principle as between Englishmen and Indians should be political expediency—that between Hindus and Mahomedans numerical proportion.

(4) The apportionment, as already suggested, should be between the principal religious sects in proportion to population.

3751. If an examination is held in India, should the successful candidates be required, as a condition obligatory, to proceed to England to complete their training?—If an examination is held in India, the

Mr. Fitzpatrick—continued.

successful candidates should not be required, as an obligatory condition, to proceed to England to complete their training, as, in my humble judgment, a journey to England is not necessarily a *sine qua non* for making a good executive or judicial officer.

3752. Are the young Natives obtained under the existing system of the open competition in England the best as regards character and capacity who could be obtained under any system?—I cannot say that they are the best. The young Natives obtained under the existing system are good men, but it is impossible to say that none better could be found in this vast continent with its numerous races, many of whom are, for various reasons (not at all affecting character and capacity) prevented from competing in England under present conditions.

3753. You say that the political exigencies of the Empire should determine the proportion of European and Indian officers to be appointed each year?—Yes, I think it is highly expedient. The English are the ruling power, and it is most necessary that such power should remain in the hands of Government.

Mr. Ryland.

3754. If the establishment of the special colleges to which you refer is not conceded, you would not have simultaneous examinations in England and in India?—No, I would not. I would only have such examinations if special colleges are established.

3755. Would you then also make those redistributions of marks in subjects which you suggest?—Yes, certainly.

3756. Would you not then place Indian candidates in a more favorable position than English candidates?—I do not think so.

The Hon'ble Syad Ahmad, Khán Bahádur.

3757. Are you acquainted with any Mahomedan gentlemen who have been to England? Are they received in Native society in the same way as before, or do they command less respect?—Yes. They are not received with the same respect as before by the very orthodox Mahomedans, unless they respect the religious feelings of the latter; but by other classes, who are less orthodox, they are received with respect. Orthodox people do not generally look upon those who have been to England and who have without any great necessity adopted European habits and ways, and shown little regard for the religious feelings of their brethren, as strict Mahomedans.

3758. My question refers to their social position?—Amongst Mahomedans religious and social matters are mixed up in such a manner that it is very difficult to make a distinction between the two.

The Hon'ble Syad Ahmad, Khán Bahádur—continued.

3759. And Mahomedans who act against the tenets of their religion here in India, without having been to England, are they regarded in the same manner as Mahomedans who go to England?—Not necessarily; because those Mahomedans who act sinfully in India, without having been to England, believe in the sinfulness of their action; while those who, on their return from England, act against their religion and openly argue against the sinfulness of actions held objectionable by their creed, are supposed to have been shaken in their religious convictions.

3760. If a Mahomedan does not sin against his religion, but simply goes to England and comes back?—Then he does not lose his social position. There is nothing to prevent my going to England or to any other part of the world.

3761. Have you entertained at dinner any Mahomedan gentlemen who have been to England?—Yes.

3762. And did other Mahomedan gentlemen take part in the dinner?—Yes.

3763. Are you acquainted with certain Mahomedan gentlemen (named) who have been to England and have since their return married into their own class?—Yes.

3764. Their visit to England made no difference in their social position?—No, because there is nothing to show that they have in any way acted against the Mahomedan religion.

The Hon'ble Mr. Justice Mitter.

3765. You do not think it necessary for the efficiency of the service that men who have passed their examination in India should go to England for training?—No.

3766. You think they would be equally efficient if they passed a certain test?—Yes.

3767. You also say you would not have a simultaneous examination in India unless special institutions are established here. What are your reasons for making examinations in India conditional on the establishment of such institutions?—By having an open competition in India, Mahomedans will have no chance of getting a fair share of the appointments; that is my reason.

Mr. Fitzpatrick.

3768. Should the Uncovenanted Service be recruited only from Natives of India as described in Statute 33 Vic., Cap. 3, Section 6, or from all natural-born subjects of Her Majesty?—The Uncovenanted Service should be recruited only from the Natives of India, as described in the Statute 33 Vic., Cap. 3, Section 6, and the persons claiming employment as such should be required to accept the position of Natives of India for all legal and administrative purposes such as pay, furlough, pension, and other privileges.

Vol. VI.
Sec. II.
Bengal.
Nawab
Abdul
Latif,
Bahadur.

Mr. Fitzpatrick—continued.

Vol. VI.
Sec. II.
Bengal.
—
Nawab
Abdul
Latif,
Bahadur.

3769. Should the recruitment be by competition, or by nomination, or by both systems combined; and if by both combined, should one system be applied to all offices or classes of offices, or should the system be varied with the class of offices?—The recruitment should be partially by competition and partially by nomination. There are political reasons for the employment of one class of persons who, though they make excellent officers when appointed to the service, would have little or no chance in a preliminary competition which was purely literary. At the same time, there are many excellent educated men whose employment in the public service is very desirable, but who would have little or no chance in a system of exclusive nomination. This double system of recruitment should be applied to all classes of offices. A fixed proportion of the entire number of posts under recruitment should be reserved for the Mahomedans, and if the Mahomedans failed to pass in proper numbers by competition, the deficiency should be made up by giving a larger number of the nomination appointments to them. So long as the Government recognize the desirability of giving a fair proportion of public employment to the Mahomedans, no exclusive system of competition for recruitment is possible, for it is impracticable under present circumstances for the Mahomedans to compete on equal terms with Hindus.

3770. Whatever system be adopted, should the recruitment be made by the several Administrations only from persons resident in the territories under such Administrations, respectively, or with a preference for such residents?—The recruitment should be provincial by each Local Government, and so long as Natives of the Province, in the sense of persons born and domiciled within the provincial territory of parents habitually resident therein, are available, I would not appoint residents of other parts of India. Such a measure assimilates the rules for recruitment with the principle of the Statute 33 Vic., Cap. 3, Section 6, and ensures justice being done to local claims without detriment to the public service.

3771. If the existing Statutory Service is abolished, should the proportion of offices assigned to that Service be allotted to the Uncovenanted Service?—I am against the abolition of the Statutory Service; but should such a course be adopted, I think the proportion of offices assigned to that Service should be allotted to the Uncovenanted Service, by giving promotions to distinguished members of the latter service.

Mr. Ryland.

3772. When you entered the Uncovenanted Service, was it not composed more equally than it is at present of Mahomedans, Hindus, Europeans and East Indians?—Yes.

Mr. Ryland—continued.

3773. Was any inconvenience or dissatisfaction then felt in the distribution of appointments?—I do not think so.

3774. What has led to the present disparity of appointments amongst Mahomedans and Hindus?—The tendency has been to give a great deal of consideration to University degrees and the ability to pass competitive examinations, and under this system both Mahomedans and Eurasians have been unable to compete with Hindus.

3775. Do you consider that the present system excludes many good men?—Undoubtedly it does.

Mr. Ramaswami Mudaliyar.

3776. Do you consider that the service twenty-five or thirty years ago was on the whole equally good in efficiency and integrity as it is now?—That is a very difficult question to answer. To a certain extent there has been an improvement.

3777. And is it not your experience that the more educated men are employed, the better the tone of the service in which they are employed?—Undoubtedly.

3778. Then you would not in any way lower the efficiency of the service as far as educational qualifications are concerned?—No; I would not.

3779. In what way do you think the Government can benefit the Mahomedan community and other backward classes if not by reducing the standard of the educational qualifications required?—Government can benefit the Mahomedan community by allotting a proportion of the appointments to qualified Mahomedans. I do not wish the educational qualifications to be reduced, but I say that the present educational test is not a proper and just one. University instruction is not a correct test of sound education. A man may be very well educated although he is not a graduate of the University.

3780. Is that the exception or the rule?—I do not think it is the exception. There are many very good officers who are not graduates. To fill up all the appointments with graduates only is an injustice to a large number of men who are qualified in every way but may have failed by a few marks only to take a degree.

Mr. Fitzpatrick.

3781. Should any distinction be made in the salaries attached to posts reserved for the Covenanted Civil Service according as the posts are held by members of that branch of the service, or by members of the Statutory or Uncovenanted branches?—Considering the financial resources of the country, I think that Natives of India appointed to the Statutory Service, or promoted from the Uncovenanted Service,

Mr. Fitzpatrick—continued.

should draw lower pay than that allowed for Covenanted Civilians when occupying the same posts.

3782. If such a distinction should be made, on what principle should it be regulated?—I think the existing proportion of two-thirds is fair and should be retained for the Natives of India so appointed or promoted.

3783. Should any distinction be made in the furlough rules applicable to the Statutory and Uncovenanted branches of the service according to the nationality of the officer, or any other, and what ground?—I am of opinion that no distinction should be made in the matter of furlough rules applicable to the Statutory and the Uncovenanted services, firstly, on the ground of public economy, and secondly, on the ground that both services are meant for Natives of India, who have the same requirements as regards furlough.

3784. Are the privileges in regard to pay, promotion, and retiring annuity, and the general conditions of office belonging to the Covenanted Civil Service suitable to Natives obtaining office under the Statutory rules?—I do not think all the privileges in regard to pay, promotion and retiring annuity, belonging to the Covenanted Civil Service, to be suitable to the case of Natives of India who are appointed Statutory Civilians.

Mr. Nulkar.

3785. Do you wish the Government to establish special educational institutions to prepare candidates for the Civil Service, or does your opinion refer to education generally?—I mean special institutions like the Haileybury College for the preparation of candidates for the Covenanted Civil Service.

3786. What are your reasons for asking the Government to incur this heavy addi-

Mr. Nulkar—continued.

tional expenditure, seeing that at present under the competitive system the Government have got the best men they could get?—I do not admit that the Natives who pass in England are the best men that could be got under any system.

3787. Are they equal to the English youths who come out?—I have not had opportunities of judging. Natives have only been coming out for a few years. Until they get to the highest positions we cannot form any decided opinion of them. They have only as yet attained to the positions of Assistant and Joint-Magistrates: only one has become an officiating Judge.

3788. Neither has the time come to condemn the system under which Natives now enter the service?—I do not say I condemn the system. I object to it because it acts prejudicially towards the Mahomedans, and also towards the orthodox Hindoos who object to go to England.

3789. Would not the establishment of such a college entail additional expenditure on Government?—I do not think so. The money which is now spent in training students in England would be well applied in keeping up a Haileybury in India. If it is not sufficient, Government may supplement it.

3790. Your system would have the merit of increasing the number of Natives in the Civil Service, but not the efficiency of the service?—The same number or proportion of appointments which the Government are now inclined to give to Natives of India might be continued. I do not believe that by going to England a man becomes more efficient. If the same standard is fixed for the examination in both places, I do not see why the same efficiency should not be secured.

3791. Have you calculated the cost of this experiment?—I have not calculated it, but in my opinion the fees to be paid by students might suffice for the maintenance of the institution.

Vol. VI.
Sec. II.
Bengal.

Nawab
Abdul
Latif,
Bahadur.

WITNESS XLIX.—1st March 1887.

Examination of ROMESH CHUNDER DUTT, Esq., c.s., Joint-Magistrate and Deputy Collector, Backergunge.

Mr. Stokes.

Vol. VI.
Sec. II.
Bengal.
Romesh
Chunder
Dutt, Esq.

3792. You are a member of the Civil Service?—Yes, I passed in 1869 and came out in 1871. My last appointment was as officiating Magistrate and Collector of Bankoora. I think I am to be appointed officiating Magistrate of Pubna in a fortnight. I passed the examination in my 21st year. I passed at the same time as Mr. Gupta.

3793. Is the existing system of appointing Natives to the Statutory Service approved?—It is not approved for these reasons—

- (1) Selections were in many instances made under the nomination system with the inevitable result that many incapable men entered the Service of whom some were too inefficient to remain in it.
- (2) Although expecting to hold the same district appointment, Judicial and Executive, as the Covenanted men, they have not the same training in England after selection as the Covenanted men.
- (3) The lower pay which they receive while doing the same work with Covenanted men degrades them somewhat in the eyes of the public.

3794. Would you insist on Statutory Civilians being sent to England for training?—I would insist on their going, but it would answer just as well if they were encouraged by scholarships to do so. Practically the result would be the same, for every young man selected by Government would go.

3795. Should not the best men in the Covenanted Service be appointed to the Statutory Service by way of reward for meritorious service?—I think they should be rewarded otherwise than by appointment to the Statutory Service.

3796. Are there not Subordinate Judges in Bengal of some years' standing who are far more competent to be District Judges than any young man could be?—Most of the judicial work in the district may be made over to Uncovenanted officers and men at the Bar, but appointments which are reserved for the Statutory Service should not be given to the men of the Uncovenanted Service. I would not reserve District Judgeships for Statutory men.

Mr. Ryland.

3797. You would retain the Statutory Service?—I would, unless simultaneous examinations in England and in India are held for the Covenanted Service. If they are not held, then I would maintain the Statute with these modifications.

The Hon'ble Mr. Justice Mitter.

3798. How long after you arrived in England did you pass the examination?—Nearly a year. I studied at University College, London, and also attended some private lectures. I was in the B.A. class when I left India.

Mr. Stokes.

3799. Is any dissatisfaction felt with the existing system of recruitment for the Covenanted Service?—Yes.

3800. Should any, and if any what, change be made in that system?—The limit of age should be increased to twenty-three, or at least to twenty-two. Success at an examination at seventeen or eighteen is not a good test of sound judgment and strong intellect in a man. Clever boys often succeed at an early age who do not turn out sound men. An examination at twenty-one is a much truer test of sound intellect, and secures a much more efficient class of men. The maxima marks in the European classics are fixed too high, and those for Oriental classics too low. The marks in Sanskrit and Arabic should be equal to those for Latin and Greek; the value of Persian should also be recognized. Besides this, examinations should be held simultaneously in England and in India. I am strongly in favor of an identical examination on paper by the same examiners, so that Indian candidates may have a fair chance and no favor as compared with the English candidates. I believe such a scheme will satisfy the legitimate aspirations of my countrymen to have a share, and a share only, in the administration of their country; and, speaking from my experience as a Civil Servant of over fifteen years' standing, I am confident that the Service itself will also be very considerably strengthened by taking into its ranks a proportion of men who are of the people and who represent the feelings and the wishes of the people. The absence of this element in

Mr. Stokes—continued.

the Service is at present its notable weakness. A Service almost entirely closed to the people of the country will, in spite of almost every honest effort, sometimes misunderstand the people, and will oftener be misunderstood by the people. Some alterations in the organization of the Service are also necessary. Civil judicial work in districts should be made over to the Uncovenanted Service and to members of the Bar. The Revenue and Executive and Criminal work in a district should not be entrusted to the same district officer. Such concentration of various powers and functions in the same officer is unsuited to the present advanced state of the country, and necessarily gives rise to frequent and well grounded complaints and much unpleasantness.

Mr. Fitzpatrick.

3801. In proposing to alter the scheme of subjects, and to give the same marks to Sanskrit and Arabic as to Greek and Latin, do you rest your recommendation on the ground that it would be more useful to the Service and give greater facilities to Natives to enter the service, or because the altered examination would afford a better test of culture?—On both grounds.

3802. You think the study of Sanskrit is as important in securing intellectual training and culture as the study of the classical languages of Europe?—Yes; coupled with the fact that it is the mother of all the languages in India.

Mr. Nulkar.

3803. You would require the young men selected in India to go to England for training?—Yes; those who are selected in India should be required to go to England and receive the same University training as those who pass in England.

3804. Would you have any limit to the number of men so appointed?—The majority would always be Englishmen. Many of the subjects—Latin, Greek, French, German—are not taught in India, and English is a foreign language to us. I think that out of forty appointments we might get ten.

3805. When you say the people of the country would prefer to see a larger number of Natives in the Service, of what classes do you speak?—I spoke of all classes; both the educated and the uneducated.

3806. What opportunities have you had of learning the opinion of the uneducated classes?—Most of my time has been spent in subdivisions where I have had to deal with the uneducated classes. Properly educated Natives understand the people better than Europeans can.

3807. Of what caste are you?—I am a Kvartha.

3808. Have you been excommunicated for going to England?—It is difficult to answer the question. The more orthodox Natives

Mr. Nulkar—continued.

have nothing to do with me now, but less orthodox people act towards me in the same way as if I had not been to England; they attended the marriage of my daughter according to Hindu rites. There is a schism amongst themselves. Religious prejudices are less now than they were a few years ago, and I think they will die away in about ten years.

3809. Have you served in any districts where there are European planters?—No; except for a very short time in Nuddea, where there are not many planters.

The Hon'ble Kazi Shahabuddin, Khán Bahádur.

3810. Would your caste-fellows intermarry with you?—I have not tried to find out.

3811. You think only a share in the higher administration of the country should be given to Natives?—Yes, I think it should be somewhat less than a third.

3812. If the Natives are successful in thirty out of forty cases, why should you not appoint them?—My own opinion is that we still require a majority of Englishmen in the Service. We require to learn a great deal yet from them.

3813. In your opinion the men who could obtain the ten appointments you mentioned would not come up to the standard of Englishmen?—They would be the very best that could be had, having had to contend with Englishmen and having passed a period of training in England.

3814. If in the course of time the Natives succeeded in securing thirty out of forty appointments, would you appoint them?—By the rule of open competition they must be appointed; but I do not think that within the next fifty years we will be able to get even half the appointments.

The Hon'ble Mr. Quinton.

3815. When you said the Service was almost entirely confined to Englishmen, you alluded to the Covenanted Service; you did not take into consideration the Statutory men?—No. The Natives in the Covenanted Service are mostly junior men. In Bengal out of about fifty appointments there are only ten held by Natives.

3816. When you said that out of about forty appointments Natives might succeed in about ten, did you speak of the whole of India, or of Bengal only?—I spoke of the whole of India.

3817. Do you think the successful candidates would be more numerous from one Province than from another?—I think the successful candidates would be chiefly from Bengal and Bombay for the next ten or fifteen years.

3818. Do you see any political disadvantages in a preponderance of Civil

Vol. VI.
Sec. II.
Bengal.

Ramesh
Chunder
Dutt, Esq.

The Hon'ble Mr. Quinton—continued.

Vol. VI.
Sec. II.
Bengal.

Ramesh
Chunder
Dutt, Esq.

Servants from only two Provinces?—None whatever; because there would be only about ten appointments annually.

Sir Charles Turner.

3819. Do you consider it desirable that Judges should have experience of the executive administration?—Not beyond what they derive from administering civil justice.

3820. You are aware that in this country suits against the Crown are more frequent than they are in England. In India the Crown submits in all cases to the arbitration of its own Courts, and the acts of its executive officers may be challenged by civil proceedings. It is also a large landholder, and for that reason is frequently a party to litigation. Do you not think it desirable, therefore, that Judges should have some knowledge of executive administration?—If they have not sufficient knowledge, they have the means of obtaining it.

3821.—Munsifs are generally appointed from the younger members of the Bar, and for some years they have to be trained in the actual performance of their duties?—Yes.

3822. Appeals from their decisions go to the Subordinate Judges and District Judges who, under your system, would have had no executive experience?—By the time a man became a Subordinate or a District Judge, he would have all the qualifications for deciding the cases you have alluded to.

3823. Suppose you made over the whole of the judicial work to Natives?—I proposed to appoint to District Judgeships men selected from the Subordinate Judicial Service and from the Bar. I did not mean to confine the selections to Natives.

3824. With regard to men appointed from the Bar, do you consider the inspection of the Subordinate Courts and their offices an important portion of the work of a District Judge? Do you think men appointed from the Bar would be as well fitted for the performance of that duty as men who are accustomed to the supervision of offices?—Men who are acquainted with the High Court circulars could always do the work in accordance with these circulars.

3825. But it requires experience of the working of offices. You have to see how the registers are kept, and to draw inferences from them as to the manner in which the work of the Court is done, and whether any branch of the Court's duty is neglected; would not that work be better done by men familiar with office work?—Yes; but Munsifs, Subordinate Judges, &c., have all their offices as well as District Judges.

3826. But would men from the Bar have the same experience?—I would not appoint them all to District Judgeships at once. I would appoint them as Subordinate Judges as well.

Sir Charles Turner—continued.

3827. Do you think the class of men you desire to have would accept a Subordinate Judgeship?—Young Barristers and successful Pleaders would accept Subordinate Judgeships on Rs. 400 or 500 a month.

The President.

3828. You took up Sanskrit as one of your subjects in the examination. Was the examination a difficult one?—Not to me, because I had studied Sanskrit before going to England as well.

3829. Do you think the standard as high as that required in French or German?—I do not know either French or German.

3830. Did you ever regret entering the Covenanted Service?—No.

Mr. Stokes.

3831. Would you allow Europeans and Natives to compete at the examinations both in England and in India?—I should make both the examinations open to all Her Majesty's subjects. I should allow Natives of India to compete in England, and Englishmen who are not domiciled in India to come to India to compete if they chose.

3832. How would you recruit for the Uncovenanted Service? Would you recruit it from Natives of India only, or from all natural-born subjects of Her Majesty?—I would recruit it from Natives of India only.

3833. Should the recruitment be by competition, or by nomination, or by both?—I would recruit it by open competition. It is not only the best system all over the world, but it is the only safe system in India; for in India the authorities have seldom the opportunity of knowing the merits of the candidates; public opinion is weak in India, and there is more room here for favoritism. Experience shows also that the nomination system has led to many lamentable results both in the Statutory Civil Service and in the Subordinate Executive Service. I speak from personal experience when I say that men have been appointed who, as regards their capacity and character, are not fit to be clerks in the offices under them. And the evil effects are far reaching; the inefficiency of such men adds to the work of their superiors, creates dissatisfaction among the people, and tells on the administration generally. I may add, also, that the only objection which is sometimes brought against the competitive system has less force in India than elsewhere. In India high education is still to a very great extent traditional among the higher classes, and, as a rule, men belonging to good respectable families succeed in competitive examinations. Enquiry would show that generally men of good social status have succeeded best in examinations, and men who have distinguished themselves by ability and integrity in the Services are

Mr. Stokes - continued.

as a rule, men who have been born in worthy families and have received in their own homes the first elements of that sound moral education which is the secret of their success.

3834 Should the recruitment be made provincially or generally?—For the Subordinate Service the recruitment should be made by the several Administrations only from persons resident in the territories under each Administration.

3835. If the Statutory Service is abolished, should the proportion of offices assigned to that Service be allotted to the Uncovenanted Service?—No. The training which members of the Subordinate Services receive does not, as a rule, fit them for district appointments, and besides, in

Mr. Stokes—continued.

making selections, there would be room for favoritism which always creates much dissatisfaction.

3836. Should any distinction be made in the pay attached to posts reserved for the Covenanted Service according as the posts are held by members of that branch of the Service or by members of the Statutory or Uncovenanted branches?—I would not make any distinction. I would fix the pay of an appointment irrespectively of the person who holds it.

3837. Should any distinction be made in the furlough rules according to nationality?—I would make no distinction in the furlough rules, and keep the same privileges for all the members of the Covenanted Service.

Vol. VI.
Sec. II.
Bengal.

—
Ramesh
Chunder
Dutt, Esq.

WITNESS L—2nd March 1887.

Examination of J. KNOX WIGHT, Esq., B.A., C.S., Deputy Commissioner, Nowgong, Assam.

The President.

Vol. VI.
Sec. II.
Bengal.—
J. Knox
Wight, Esq.

3838. You are at present Deputy Commissioner of Nowgong?—I am.

3839. Have you served all your time in Assam?—Part of the time in Bengal, in Backergunge and Dacca.

3840. Is the present system of recruiting for the Statutory Service approved?—I believe it is not.

3841. What are the grounds of dissatisfaction?—Do you wish me to give my own view, or the view of Natives?

3842. The views of the Natives as well as your own.—As far as I have learned from Native sources and from conversations I have had with leading members, the reason they assign is that it gives room for jobbery—I mean favoritism. That persons who have the greatest amount of influence, although not of merit or proved ability, are able to get in on the ground of family, and that consequently many persons of the highest ability are excluded.

Mr. Fitzpatrick.

3843. And as regards your own views?—They agree to a great extent with those of the Natives.

3844. Are the defects in the system susceptible of remedy?—I certainly would not repeal the Statute, but would let it remain as it is.

3845. What would you do? What course would you adopt?—The rules should either be amended or carried out in their true spirit. For my own part, I should not have an intermediate service at all, and would rather abolish the system as a service.

3846. Suppose the service was retained, what change is necessary in order that the present evils may be remedied?—I would carry out the Statute in a different way. The appointments in it should be filled partly by competition and partly by nomination. I would not have nomination alone.

3847. If the Statute be not repealed or amended, should it be amended in regard to the description of the persons on whose behalf power should be exercised?—I think the definition of the term "Native of India" should be extended to persons born or domiciled in India. It would be fairer and more just, according to English ideas, if it included British-born subjects. Of course it would always be open to the Government to make any appointments they might think proper.

3848. If the Statute was retained, should selected candidates be compelled to

Mr. Fitzpatrick—continued.

go to England for training?—I would not go in for compulsion on any account, as it would amount, for the present at least, to giving away with one hand and taking back with the other. I would encourage them by all means.

3849. Would you, under the powers of the Statute, appoint some of the best men from the Uncovenanted Service?—Undoubtedly.

3850. Are there men in the Uncovenanted Service who are qualified to be so appointed?—Most distinctly so.

3851. If power is given to appoint European British subjects, pure and simple, might there not be jobbery?—I think this would equally apply to all countries, and I do not apprehend any difficulties at all.

3852. The Governor of a Province might put in relations of his own into a department: would not this open a door to nepotism?—It might distinctly, but I think public opinion is strong enough to prevent anything of that sort.

Mr. Stewart.

3853. Does it not strike you that if you appoint men of proved merit and ability in the Uncovenanted Service to the Covenanted Service, there would be great complaints on the part of junior members of the Covenanted Service that they had been superseded?—There would be complaints, and I am not prepared to deny that individual interests would suffer, but the welfare of individuals would have to give way to the welfare of the State. The Covenanted Service have great cause of complaint in reference to appointments. I was myself at Cambridge University with a Native of this country. I passed all my examinations. He did not, but he is about twenty years ahead of me now, although I am senior. He came out here, and he has now superseded us all by about 20 years.

3854. How did he supersede you?—By direct appointment.

3855. Did he get the appointment he got *qua* a Civilian?—I am not able to answer that. I merely give this as an instance of the complaints which are sometimes made in regard to supersession.

3856. Did he take up a post which would otherwise have fallen to a Civilian?—That I could not say.

The President.

3857. The only case in which any member of the service would have a right to complain would be if an appointment were given away which had been reserved to them by law?—I merely say that people would complain, rightly or wrongly.

Mr. Fitzpatrick.

3858. If a man were appointed Chief Justice of Bengal, no complaint by a Civilian would be well founded?—I understand that.

3859. Have any Statutory Civilians been appointed to Assam?—I have no personal information.

3860. Is any dissatisfaction felt with the existing system of recruitment for the Civil Service?—Amongst Natives undoubtedly there is.

3861. What are the complaints?—That the existing rule respecting age closes the door to Natives. That is the principal Native complaint, and the holding of the examination in England is the other.

3862. Have you anything to say as regards the age? What change do the Natives desire?—They object to send their sons home at so early an age as is requisite. I have heard a very large number of Natives declare that the age was made low purposely so as to prevent them from competing.

3863. Have you anything to say on the subject of the examinations?—That of course would be included in another question. I would personally prefer to see the age raised.

3864. About the place of examination, have you any opinion of your own?—A very strong one. I would certainly not have an examination held in India.

3865. Have you any proposals to make which would remove the objections urged?—My own opinion is that I would not increase in any way the facilities for the admission of Natives into the Covenanted Service. My view is that we are here in India chiefly for Imperial reasons, and that we intend to stay here. Taking that view, I think it is absolutely essential that certain high appointments in India should be retained by Europeans, and that under no circumstances for the next twenty-five years should a Native be allowed to hold one. It would not be politically safe. In the Opium, Police, and other departments certain appointments are closed to them; there are other departments in which Natives preponderate.

3866. Could you indicate those appointments which should be chiefly held by Natives?—I think, for the most part, judicial appointments might be held by Natives. In the case of executive appointments, such as Magistracies of districts, there are certain districts, perhaps, in Assam in which the Magistrate or Collector might be a Native, but there are distinctly very many other districts which could not be safely held by Natives. I mean those in which faction spirit is strong.

Mr. Fitzpatrick—continued.

3867. Are the young Natives obtained under the existing system of open competition the best as regards character and capacity that could be obtained under any system?—As to capacity, I think so distinctly; about character, one is not able to judge.

3868. You have heard nothing against their character?—Certainly not.

The President.

3869. You said that most judicial appointments should be held by Natives; you mean a large proportion?—Yes, including District Judgeships.

3870. Do you not think that some small proportion should be held by Europeans in the interests of the Administration generally?—Not necessarily so.

3871. In Assam, as regards executive appointments, you say there are districts which could be held by Native Magistrates or Deputy Commissioners?—I think so.

3872. Would you indicate one or two districts?—For instance, my own district, Nowgong.

Sir Charles Turner.

3873. Have you held the office of District Judge?—Yes; I was District Judge of Cachar for four years.

3874. Is Cachar a Regulation Province?—It is called a Non-Regulation Province, but to all intents and purposes it is a Regulation Province.

3875. Are the same duties attached to a District Judgeship in Cachar as in Bengal?—Entirely and completely so. The office is held in conjunction with that of Deputy Commissioner.

3876. Did you inspect Courts in Cachar?—Yes.

3877. How many courts had you under you?—Two, sometimes three; generally two.

3878. In a Bengal district there would be perhaps ten or twenty courts under the District Judge?—Yes.

3879. The work of examining courts is of some importance?—Very considerable.

3880. Do you think Natives would discharge this duty as efficiently as Europeans?—I think so, and in some respects more so, if they did their work as inspecting officers, because they would be able to examine the registers themselves, and would not be so dependent upon sheristadars.

3881. Have you found any difficulty in Cachar in consequence of the entertainment by a Munsif of too many ministerial officers of his own caste?—I have not.

3882. Do too large numbers of any one caste get into offices in Bengal?—I have no experience of Bengal.

3883. In the administrative offices you have held, have you heard no complaints

Vol. VI.
Sec. II.
Bengal.

J. Knox
Wight, Esq.

Sir Charles Turner—continued.

Vol. VI.
Sec. II.
Bengal.
J. Knox
Wright, Esq.

about the preponderance of one caste or class in the office?—Very great complaints indeed. I imagine Sylhet is the most notorious instance.

3884. In that case any irregularities are more likely to escape the notice of the head of the office or the inspecting officer?—Quite so.

3885. Do you think, in view of this difficulty, a Native Judge would exercise the same control over the nomination of ministerial officers as an English Judge has and does?—Perhaps not to the same extent.

3886. What class of Natives would you appoint as District Judges? Where would you take them from?—I would leave the Civil Service as it is, and there would be another service which would be filled partly by competition and partly by nomination. In the case of District Judgeships, I would give the Government power to nominate outsiders or promote deserving Uncovenanted officers.

3887. Would you promote men to District Judgeships from the Munsifs and Subordinate Judges, or from the Subordinate Judges only?—From the Subordinate Judges, and I would nominate pleaders.

3888. A pleader would have very little experience of the executive administration of the country, and until he had been appointed to a judicial office he would not have had any experience of the supervision of the staff of clerks?—The moment a Covenanted Civilian in Bengal elects the Judicial branch, he has nothing to do with executive work, and until he is appointed a Judge he has had no experience of civil judicial work.

3889. Are you aware that all Magistrates have a certain amount of judicial training in the Revenue department?—My experience has been limited to Bengal.

3890. In Cachar, have not Deputy Commissioners considerable experience of judicial work in the Revenue department?—Very little.

3891. In Assam?—It is much the same there.

3892. Are not rent and enhancement suits tried by Deputy Commissioners?—I have never had one in the course of four years as Civil Judge.

3893. With regard to the criminal jurisdiction of the District Judge, do you think it might be safely entrusted to Natives?—If it was possible to dissociate the two, it would be better. The criminal functions of a Magistrate are far better performed by Europeans than Natives.

3894. Have you had any experience of educated Natives as Magistrates?—Many of them are graduates.

3895. Do these men make bad Magistrates?—Not in the subordinate grades; but when they come to the higher grades, they are much more exposed to the influence of their societies and their *samitis*. In the case

Sir Charles Turner—continued.

of a party dispute there would be much more pressure brought to bear upon them.

3896. Would not these difficulties arise in civil matters?—I think not.

3897. Why not in civil as well as in criminal cases?—For one such case which would come before a court in the Civil department, there are dozens on the criminal side.

3898. Would not cases arise respecting the right to worship in a temple, and so forth?—I do not mean disputes arising between Hindus *inter se*, but among different sects.

3899. Are there not suits brought by Mahomedans against Hindus to prevent the performance of particular acts connected with their religion?—Undoubtedly such cases do occur.

3900. The cases most frequently result in criminal proceedings?—I think criminal courts are the courts where they are generally tried.

Mr. Fitzpatrick.

3901. Should the Uncovenanted Service be recruited only from Natives of India, or from all natural-born subjects of Her Majesty?—I would prefer having it recruited from all natural-born subjects of Her Majesty. I would, of course, leave a discretion to the Government to limit the number of appointments to be filled by any class.

3902. Should the recruitment be by competition or by nomination?—I would have both systems. I should have, say, three-fifths recruited by competition and two-fifths, or perhaps half, by nomination. In India certain necessities may arise which may compel us to nominate persons for political reasons, and I would resort to that, but in as few cases as possible.

3903. Would you have the competition open to all persons, or would you restrict it to Natives resident in the province?—I would have it open only to the province in which the recruitment has to be effected.

3904. If the existing Statutory Service is abolished, should the proportion of offices allotted to that service be allotted to the Uncovenanted Service?—I would not throw them back.

Mr. Stewart.

3905. Do the people in Assam entertain any objection to be ruled by men of other provinces? No, I do not think I have heard any objection on that score.

3906. Are the members of the Uncovenanted Service there chiefly Bengalis?—Do you mean in the higher grades?

3907. Deputy Collectors and so on?—I am not prepared to answer that. A great number are Assamese, pure and simple.

3908. Would they have any objection to the appointment of a Madrassi or a Punjabi to these offices?—I think not.

3909. You would fill appointments in the Uncovenanted Service partly by competition?—Yes.

Mr. Stewart--continued.

3910. Would you have competition for entrance to the Sub-Deputy Collector grade, or would you draw the line higher?—I do not think I would go so low as that—say the Deputy Collector grade.

3911. Would you leave an opening for ministerial officers to rise to be Deputy Magistrates?—I do not think they would make very successful officers.

3912. Do you not think that one way to increase their efficiency would be to allow them some prospect of promotion?—No doubt.

3913. Do you think it would be good policy to afford such an opening to all ministerial officers?—If a man showed himself deserving, there would be an opening through nomination.

Sir Charles Turner.

3914. What has been your experience of the result of promoting ministerial officers?—I do not think they receive a good training. They often learn certain ways and do certain things in an office which are not altogether to be approved.

3915. You mean that their official morality is not good?—That is what I mean.

Mr. Fitzpatrick.

3916. Have you formed any opinion on the questions relating to the pay and furlough rules?—I think it is most unnecessary and improper to have the same scale of pay for men who are appointed in this country. In this country the cost of education is not so great, and these people have not the same wants as Europeans, as they live in their own homes. I think all this represents so much less pay; and, moreover, I think men from England require some inducement to come out here.

3917. Do you think that a difference in pay causes any difference in the respect paid to an officer?—I think that idea is quite unsound.

3918. You don't think that the officer who receives less pay would be held in less estimation?—I do not think so.

3919. Have you any opinion on the furlough rules?—Where furloughs are taken to England, I think there should be an exception made. Natives should be placed upon the same footing as Europeans in other respects; but in this there should be a difference.

Vol. VI.
Sec. II.
Bengal.

J. Knox
Wight, Esq.

WITNESS LI.—2nd March 1867.

Examination of Babu SARAT CHUNDER BANNERJI, M.A., B.L., Extra Assistant Commissioner, Kamrup, Assam.

Mr. Peacock.

Vol. VI.
Sec. II.
Bengal.
Babu Sarat
Chunder
Bannerji.

3920. You are an Extra Assistant Commissioner in Assam: when were you appointed?—In 1873.

3921. What were you before that?—I was Law Lecturer at the Gauhati High School and College.

3922. Are you an enrolled Pleader of the High Court?—I am.

3923. Is the present Statutory system, generally speaking, favorably regarded or the reverse?—It is not favorably regarded.

3924. What are the grounds of objection?—First, that it is a system of nomination, pure and simple, which Natives have long since discussed and discarded in favour of competition. Second, that the position and prospects of Statutory men are considered inferior to those of the Covenanted Service. The original object of the Statute has been, I think, lost sight of in making appointments and in the working of the rules. The object was to give appointments in it to men of proved merit and ability, and this has not been done. I do not object to the Statute.

3925. Are you satisfied with the definition of the term "Natives of India" as contained in the Statute?—I think it might also include Natives residing in Feudatory States.

3926. Would you insist upon the qualification of birth as well as domicile in India?—Yes, birth and domicile, and of parents habitually resident in India.

3927. Why would you include the subjects of Feudatory States?—Because Natives from British India are appointed to Native States, and I see no reason why they should be excluded.

3928. You say that this service is looked upon as something inferior to the Covenanted Service?—Yes, because, although they are called Civilians, they do not belong to the Covenanted Service, and their status is lower.

3929. Why should not it be something lower than the Covenanted Service when they are not subjected to the same tests for admission?—I would subject them to the same. I would deal with the service in this way: I would have appointments made principally from two classes—the Uncovenanted Service, and from men selected in India by an open competitive examination; the same as in England. I would recruit the first class from B. As. and M. As. I

Mr. Peacock—continued.

would increase the number of reserved posts assigned to the Statutory Service from one-fifth to one third.

3930. The selections from the Uncovenanted Service would be of men specially distinguished?—Yes.

3931. Would you compel the men appointed to go to England?—I would encourage them to do so. If they went to England, I would give them the same pay as Covenanted Civilians.

3932. If they did not go, you would give them less?—Yes.

Mr. Fitzpatrick.

3933. You object to giving the whole of the appointments at present reserved for this service to the Uncovenanted Service?—I think there would be an objection. I would limit the appointments to certain classes of the Uncovenanted Service.

3934. Do you think that a competitive examination can ever be a certain test of merit?—It is considered so, so far as the Civil Service is concerned.

Mr. Peacock.

3935. In regard to the Covenanted Service, is there any objection to the present system of recruitment?—Natives have objections to it. The first is, the risk and expense to which candidates in England are not exposed in an equal degree; another objection is that Native candidates are obliged to pass an examination through the medium of a foreign language, which it takes them years to acquire. Then there are the caste objections. Again, more marks are allotted to the European classical languages, which Europeans acquire more easily, than to Sanskrit.

3936. Is there any objection on the score of age?—The present maximum limit is too low.

3937. How would you remove that objection?—I would raise the age to twenty-three years as a maximum, and twenty as a minimum.

3938. As regards the place of examination, you say that Natives are subject to more risks than Europeans? What do you mean?—The risk of not passing the examination.

3939. Europeans run exactly the same risk?—But Natives have to bear the expense of going all the way to England.

Mr. Peacock—continued.

3940. How would you get over the difficulty?—I would raise the age limit, but Natives would still be under disadvantages.

3941. Would you be content if the age limit was raised?—I would.

3942. What about the place of examination?—I would throw open a certain number of appointments to competition in India among Natives under the Statutory rules.

3943. Would you have this examination identical with the one in England?—Yes, with some alterations made in the language test. For the modern European languages I should substitute Indian vernaculars.

3944. In other respects would the examination be identical?—Identical.

3945. What proportion would you throw open?—One-third of the appointments reserved for the Covenanted Service.

3946. Would you compel those who succeeded to go to England for training?—No, but I would have differences in the pay. I would give Rs. 1,000 as the highest pay for an Uncovenanted man, and I would make no distinction between a Statutory Civilian who has been to England and a Covenanted Civilian. Natives who go to England should be allowed one-half more pay than those who do not.

Mr. Fitzpatrick.

3947. When you spoke of reserving one-third of the appointments for Natives to be competed for in India, did you mean that this would exclude those given to the Uncovenanted Service?—Yes, and I think there should be a maximum to be held by Natives, viz., two-thirds, and the number reserved for Europeans should be one-third.

3948. You mean one-third of the total number of appointments in the service?—Yes.

Sir Charles Turner.

3949. What appointments would you reserve for Europeans?—I am not speaking of particular appointments, but of the numbers.

3950. I wish to know how you arrive at the number. Do you arrive at it from any consideration of the number of posts which it is expedient to fill with Europeans, or do you merely suggest a proportion without any consideration of details?—Of course for a long time to come the highest administrative posts should be filled by Europeans.

3951. How many Europeans would you require for these high administrative posts?—The appointments of Commissioners and Secretaries to Government should be reserved to Europeans, but District Magistracies might be held by Natives as well as by Europeans.

3952. You want Europeans to fill only the posts of Commissioners and Secretaries to Government?—There are certain appointments which are exclusively reserved for

Sir Charles Turner—continued.

Europeans. I do not mean that most of these should be held by Natives; but there are some appointments which ought to be reserved for Europeans, not for all time, but for a very long time to come. Secretaries to the Board of Revenue and such appointments.

3953. Are there any others?—If these do not make up one-third, the number would be made up from District Magistracies.

3954. All these appointments would require training?—Yes.

3955. Have you taken that into account?—I cannot say I have.

3956. Do you think there should be any European Civil Servants in the High Court?—Yes.

3957. Would you have European Barrister Judges in the High Court?—Not Barristers only. I do not think there should be any alteration in the rules relating to the High Court.

3958. You would have to keep some District Court Judgeships to train your High Court Judges?—Yes, and they would also be trained as Magistrates.

3959. Have you ascertained how many officers you would require for this purpose, and do you not think that the number would be greatly in excess of the one-third you mention?—I do not think so.

3960. Have you made any calculation?—I have not.

Mr. Peacock.

3961. As regards the Uncovenanted Service, do you think it should be recruited from all natural-born subjects of Her Majesty, or only from Statutory Natives of India?—From Statutory Natives only, with the exception I have mentioned in favor of Natives of Feudatory States.

3962. How would you recruit them—by competition or nomination?—I object to nomination, pure and simple.

3963. Would you have competition, pure and simple?—I would have competition.

3964. Would you recruit generally or provincially?—I would not restrict the competition, but there would be some objection to Natives of the unwarlike provinces being appointed to a warlike province.

3965. You would not exclude the residents of other provinces?—I would not.

3966. If the Statutory Service were abolished, would you throw open the appointments in it to the Uncovenanted Service, or give them back to the Covenanted Service?—I would give them to the Uncovenanted Service.

The Hon'ble Mr. Justice Mitter.

3967. Do you exercise civil and criminal powers?—Yes, but I am now a settlement officer.

3968. Have you heard any complaints that the work of Extra Assistant Commissioners is not satisfactory?—No, I have not

Vol. VI.
Sec. II.
Bengal.
Babu Sarat
Chunder
Bannerji.

The Hon'ble Mr. Justice *Mitter*—contd.

Vol. VI.
Sec. II.
Bengal.
—
Babu *Sarat*
Chunder
Banerji.

heard so. In two districts there are Assistant Commissioners, who decide civil cases occasionally, and they try a few criminal cases now and then, but in other districts they exercise both powers. If Natives were first appointed to the Statutory Service, there need be no distinction in making the appointment between judicial and executive. People of unwarlike races should not be appointed to a

The Hon'ble Mr. Justice *Mitter*—contd.

province where there are warlike races, unless there was some guarantee that they would be able to handle a rifle. This would prevent their being looked down upon by the people and by the other members of the service.

3969. You would keep these people in places where their courage would not be of much use to them?—Yes, but I believe they would qualify themselves.