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Memorandum prepared in the Home Department of the Government of India with respect to the Provincial Civil Services together with a collection of papers bearing on this subject.

The Provincial Civil Services have existed in one form or another from early times. Before the last Public Service Commission the officers, who then performed the duties, which now fall to members of the Provincial Civil Services, were included in what was termed vaguely the 'Uncovenanted Service,'. This term, which in ordinary parlance had come to be used in a derogatory sense, covered the cases of a very large number of public servants who filled appointments not reserved by statute for members of the Covenanted Civil Service, and who were recruited from the talent, for the most part Indian, procurable in India. The civil portion of this so-called Uncovenanted Service included, on its executive side, not only the superior class of officers, styled Deputy Collectors in the Regulation, and Extra Assistant Commissioners in the non-Regulation, Provinces but also the inferior grade of employes, known variously as Tahsildars, Mamlatdars, Mukhtiarkars, Myooks and Sub-Deputy Collectors. On its judicial side it comprised officers known as Subordinate Judges in the Regulation, and Judicial Extra Assistant Commissioners in the non-Regulation, Provinces and also Munsifs. The members of this Service were enclosed in a water-tight compartment, and were shut off almost entirely from access to the posts usually held by members of the Indian Civil Service. The Service, moreover, reached down so low in the administrative scale that its standard for recruitment was of necessity debased. The idea of the members of the Public Service Commission of 1886-87 was to cut off the lower grade appointments, so as to permit of recruitment from a better class of candidate, and to add at the top certain highly paid posts, usually filled by members of the Indian Civil Service, so as to afford a career within the limits of the Service itself. At the same time they desired to put an end to the system of direct recruitment for the Indian Civil Service posts, and in this way to get rid of the so-called Statutory Civilians, who had not proved a success. In a word, whilst they continued to set aside for Indians a certain proportion of the Indian Civil Service appointments, they planned to fill them, not with young men selected for the purpose, but with the experienced officers of the Provincial Service. This idea was in so far accepted that the lower grades of the old Uncovenanted Civil Service were separated off and formed into Subordinate Civil Services, and new Provincial Civil Services were organised on the basis of salaries, commencing approximately from Rs. 250 and rising to Rs. 800 a month. The proposal ordinarily to abolish direct recruitment for the specially selected Indian Civil Service posts, and to fill these from the most meritorious of the senior men of the Provincial Civil Services was also accepted, but the posts themselves were not amalgamated with the Provincial, but were kept in the Indian Civil Service cadre, and selected officers from the Provincial Civil Services were promoted out of their own Services to fill them. The details of this arrangement have been explained in the memorandum which has been prepared on the subject of the Indian Civil Service, and need not be discussed further here, but it has to be borne in mind in dealing with the present case, that apart from the posts belonging of right to the Provincial Civil Services proper, there are in each Province several listed posts in the Indian Civil Service cadre to which Provincial Civil Service officers of special capacity are able to rise.

2. To fix the strength of any Provincial Civil Service in its executive branch the system now in vogue is first to count up the exact number of inferior charges in the province concerned, including the number of deputation charges shown by experience ordinarily to be necessary, and from the figure thus arrived at to deduct the number of posts to fill which junior members of the Indian Civil Service of theoretically from 2 to 8 years' completed service, are available. The balance is the number of appointments to be arranged for in the Provincial Civil Service. These appointments are

then spread over the various grades in accordance with the principles laid down in paragraphs 18-25 of Home Department Resolution Nos. 68-2024-35, dated the 15th December 1881, the terms of which

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also govern the rates of salary to be enjoyed. To the total is then added, either in the Rs. 250 grade or in a special grade of Rs. 200, a number of posts to form a leave reserve, equivalent to 14 per cent of the total. There are of course variations of detail in each province, and the grading standards are not everywhere strictly followed, and in Bombay in particular there is as yet no leave reserve, but the principles quoted are those which are recognised as correct, and cause should exist in each case for any deviation therefrom.

3. A similar system exists in the case of the Judicial Branch, with this difference that the number of charges Strength how fixed. Judicial Branch. corresponds with the number of officers needed to dispose of the current work of the courts, and that no deduction on account of junior Indian Civil Service officers is made. There is also no leave reserve in any province.

4. The resulting constitution of the services is as shown in the following Existing strength in both branches with the prevailing rates of pay. statement, so far as is known to the Government of India. For the latest details, however, it will be necessary to refer to the local Governments concerned, who now possess powers under the terms of Finance Department Resolution No. 249-E.A., dated the 15th July 1912, to create any new post on a salary not exceeding Rs. 800 per mensem, and to expend on the reorganisation of any service on accepted lines any sum not in excess in the aggregate of Rs. 50,000 per annum.

Office.	Rate of pay in rupees.	NUMBER OF APPOINTMENTS IN EACH GRADE.													
		Bombay.				Bengal.	United Provinces.			Punjab.	Burma.	Bihar and Orissa.	Central Provinces.	Assam.	Total.
		Madras.	Presidency proper.	Sind.	Total.		Agra.	Oudh.	Total.						
Executive Branch.															
Deputy Collectors in Madras, Bombay, Bengal, the United Provinces and Bihar and Orissa. Extra Assistant Commissioners in the Punjab, Burma, Central Provinces and Assam.	800	3	...	...	2	5	...	...	4	3	3	4	2	1	27
	700	6	...	...	3	7	...	...	6	4	5	5	3	1	40
	600	8	...	...	7	16	...	...	12	5	10	12	6	3	79
	500	29	...	...	23	48	...	...	35	12	36	36	14	10	243
	400	32	...	...	23	71	...	...	53	24	36	52	23	14	328
	300	29	...	...	24	73	...	...	55	25	35	54	24	15	334
	250	30	...	...	...	79	...	...	58	(a)40	...	59	14	16	296
200	...	...	...	...	...	...	...	...	...	...	...	12	...	12	
Total	...	137	...	...	82	299	...	...	223	113	125	222	98	60	1,359
Mamlatdars															
250	...	29	...	...	29	...	...	...	...	...	...	...	...	...	29
225	...	34	...	...	34	...	...	...	...	...	...	...	...	...	34
200	...	39	...	...	39	...	...	...	...	...	...	...	...	...	39
175	...	45	...	...	45	...	...	...	...	...	...	...	...	...	45
150	...	50	...	...	50	...	...	...	...	...	...	...	...	...	50
Total	...	...	197	...	197	...	...	...	...	...	...	...	...	...	197
Total (Executive Branch)	...	137	...	...	279	299	...	...	223	113	125	222	98	60	1,556
Judicial Branch.															
Subordinate Judges (also called Judicial Extra Assistant Commissioners in the Punjab and District Judges in the Central Provinces in the grades of Rs. 500 and upwards).	1,000	...	...	...	...	6	...	...	...	...	...	2	...	...	8
	800	4	3	1	4	12	3	2	5	3	1	6	2	...	37
	700	...	...	...	...	...	...	...	...	4	1	...	3	...	8
	650	5	4	1	5	...	7	3	10	...	...	...	...	...	20
	600	...	...	...	...	24	...	...	...	5	2	12	5	...	45
	500	9	8	1	9	...	9	7	16	12	8	...	5	...	59
	400	...	...	...	...	...	...	...	...	12	8	...	17	...	37
300	...	...	...	...	...	...	...	...	12	9	...	16	...	37	
Total	...	(d)18	15	3	18	(b)42	19	12	31	48	29	(b)20	48	(b)	254
Munsifs (also called Subordinate Judges, 2nd class, in Bombay).	500	...	...	...	...	12	...	...	...	...	...	...	...	...	12
	400	33	19	2	21	61	22	8	30	...	...	20	...	...	165
	300	33	22	4	26	70	24	8	32	...	...	19	...	...	180
	250	33	...	...	...	66	...	...	...	...	...	19	...	...	118
	200	29	36	5	41	36	22	10	32	...	...	10	...	...	148
	175	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	150	...	12	3	15	...	...	...	...	...	...	...	...	...	15
Total	...	(e)128	89	14	103	(b)245	68	26	94	(c)	(c)	(b)68	(c)	(l)	638
Total (Judicial Branch)	...	146	104	17	121	287	87	38	125	48	29	88	48	...	892
Grand Total	...	283	...	...	400	586	...	...	348	161	154	310	146	60	2,448

(a) This grade is common to both the Judicial and Executive branches.

(b) The Subordinate Judges and Munsifs employed in Assam are included in the Bengal cadre and both that cadre and the Bihar and Orissa cadre have been shown above in accordance with the scale proposed by the Calcutta High Court. This matter is under discussion in connection with the recent territorial changes.

(c) Munsifs in the Punjab and the Central Provinces and Judicial Myooks in Burma belong to the Subordinate Judicial Service, and are paid at rates ranging from Rs. 150 to Rs. 250 a month.

(d) Includes 4 appointments which have been added since the last general reorganisation in 1884.

(e) " 3 " " " " " " " " revision of the grades in August 1911

5. Extensive powers are also possessed by all local Governments in the matter of recruitment. The latest pronouncement on the subject by the Government of India was made in their Home Department Resolution No. 1046-1058, dated 19th August 1910, which was issued, like the Finance Department Resolution, above referred to, as the outcome of the deliberations of the Royal Commission on Decentralization. This Resolution lays down the following general principles—

Methods of recruitment employed.

Pages 227-228.

- I.—The rules must be adapted on the one hand to obtain thoroughly efficient candidates, and, on the other, to secure the due representation in the public service of the different classes of the community.
- II.—Every candidate for appointment by recruitment must furnish satisfactory evidence—
 - (a) that he is not over 25 years of age, except in the case of Barristers, Advocates, or Pleaders appointed to the Judicial Branch : these excepted cases will be governed by Article 51 of the Civil Service Regulations ;
 - (b) that he has attained a prescribed preliminary standard of general education to be fixed by local Governments with reference to local conditions, the object being to secure men qualified by as high a standard of general education as the conditions and requirements of the local administration permit. In particular, qualification in one or more of the vernacular languages of the province in which he is to be employed is to be insisted on. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility ;
 - (c) that he is of sound health, good physique, and active habits ; and
 - (d) that he is of good character.
- III.—Every person appointed to the Provincial Civil Service by direct recruitment shall be subject to a period of probation or training during which time his appointment will be probationary only, unless in special cases the local Government declares such probation or training to be unnecessary.
- IV.—The subjects of Native Princes in alliance with His Majesty shall be eligible for appointment, provided they are qualified in other respects.
- V.—Admission to the Provincial Civil Service should usually be confined to persons who are natives of the province or have definitely settled in it ; in the case of candidates who are not natives of the province recent residence of at least three years in the province, should, as a general rule, be an essential condition of admission. No Barrister, Advocate or Pleader should be appointed as such, unless he has been at least three years actually practising his profession in India and can speak the provincial vernacular.
- VI.—Europeans who are not statutory natives of India shall be eligible for appointment, if qualified according to the above conditions, with the sanction of the Government of India.
- VII.—The local Government should reserve to itself the right to make promotion to the superior grades of the Provincial Civil Service without regard to seniority, and seniority alone should not give a claim to appointment to the grade of Rs. 500 a month and higher grades.
- VIII.—The Government of India retain power in very special cases to make direct appointments to offices in the higher grades of the Provincial Civil Services, and whenever the Government of India exercise this power in the case of judicial officers, it will be confined to Barristers, Advocates, or Pleaders of the High Courts who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular.

IX.—No member of the Provincial Civil Service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

6. Local Governments are also guided in framing their rules for recruitment by the terms of paragraphs 9-11 of Government of India's Educational Resolution dated 11th March 1904, in which a view is expressed unfavourable to the institution of special competitive examinations for admission to the various services. Now only in the Punjab is any such system followed in the case of the Provincial Civil Services and there only for a limited number of appointments.

Method of recruitment employed. Competitive system of examination discouraged.

Pages 225-226.

7. The ordinary annual rate of recruitment is fixed at 3.82 per cent per annum, but this is subject to variations in view of the fact that appointments to the Provincial Civil Services are made at such

Annual rate of recruitment and proportion of the services recruited directly and by promotion from subordinate Civil Services respectively.

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varying ages. Officers recruited direct come in young, whilst officers who are promoted from the Subordinate Civil Service may join at almost any period of their careers. The latest figures on this subject so far as the Executive Branch is concerned, are shown in an answer given in the Imperial Legislative Council on 10th January 1912 in reply to a question by the Hon'ble Mr. Subha Rao, and establish the fact that the system of promotion from the lower ranks ordinarily predominates. As regards the Judicial Branch there is no complete information of a recent character in the possession of the Government of India. Attention, however, is invited to an answer given in the

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Imperial Legislative Council on 26th February 1912 in reply to a question asked by the Hon'ble Khan Bahadur Mian Muhammad Shafi about the position of affairs in this respect in Bengal, the United Provinces of Agra and Oudh, and the Punjab.

8. The salaries actually enjoyed at the present moment by members of the Provincial Civil Services have been already explained. The principle followed in fixing them is set out in paragraph 85 of the Report of the Public Service Commission of 1886-87. "The Commission is strongly of opinion" they wrote, "that the grades of pay in the Provincial Service and the pay of appointments to be held by its members, together with the general conditions of such service as to leave and retiring annuity, should be fixed on independent grounds and bear no relative proportion to those of the Imperial Service. In short the simple principle which the Commission would adopt is to adjust the conditions of the Provincial Service by the consideration of the terms which are necessary to secure locally in India the desired qualifications. The rate of pay would thus depend on the place of recruitment and the service to which the officer belongs, independently altogether of questions of nationality, and would cease to be complicated by distinctions such as those attached to the Statutory Service, which are felt to be invidious and are not based on any clear principle".

Principle followed in fixing salaries.

9. The leave rules of the Provincial Civil Services are framed on similar principles, and are the same as those governing the general body of the Indian Services. They are set out in detail in Chapters XI, XII and XIV of the Civil Service Regulations. In so far as short leave is concerned members of the Provincial Civil Services are on the same footing as members of the Indian Civil Service, but there are differences as regards long leave. These were discussed and explained

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in a despatch No. 357, dated 17th December 1908 from the Government of India, in which the desirability of uniform treatment was pointed out. The Secretary of State, however, in his despatch No. 70, dated 11th June 1909, refused to countenance any such sweeping measure and remitted the matter for further consideration. It is now being dealt with by the Government of India in connection with the proposals of the Royal Commission on

Decentralization as explained in the Memorandum on the Indian Civil Service which has been supplied separately to the Commission.

10. In the same way as regards pensions members of the Provincial Civil Services are in the same position as the employés of Government generally outside certain small special services which have their own rules, and the Indian Civil Service which has its peculiar annuity system. The detailed orders on the subject will be found in Chapters XV-XIX of the Civil Service Regulations. Speaking generally it may be said that under these rules a member of a Provincial Civil Service is ordinarily superannuated at the age of 55, but may receive annual extensions of service up to the age of 60. He makes no contribution to his pension, but receives on retirement, after a service of not less than ten years, a pension not exceeding the following amounts, except in the case of certain heads of departments, who may be granted Rs. 1,000 a year in addition on fulfilling certain conditions.

Year of completed Service.	Scale of Pension.	MAXIMUM LIMIT OF PENSION.	
		Per annum.	Per mensem.
		Rs.	Rs.
10	10 Sixtieths of average emoluments.	2,000	166½
11	11 Ditto ...	2,200	183½
12	12 Ditto ...	2,400	200
13	13 Ditto ...	2,600	216½
14	14 Ditto ...	2,800	233½
15	15 Ditto ...	3,000	250
16	16 Ditto ...	3,200	266½
17	17 Ditto ...	3,400	283½
18	18 Ditto ...	3,600	300
19	19 Ditto ...	3,800	316½
20	20 Ditto ...	4,000	333½
21	21 Ditto ...	4,200	350
22	22 Ditto ...	4,400	366½
23	23 Ditto ...	4,600	383½
24	24 Ditto ...	4,800	400
25 and above ...	30 Ditto ...	5,000	416½

11. Members of the Provincial Civil Services can also subscribe for the benefit of their families to the Government General Provident Fund, the rules relating to which have been printed as an enclosure to this Memorandum. Articles 560, 563, 564, 565 and 565-B of the Civil Account Code also refer to certain pension funds. A separate memorandum on this subject is being prepared in the Finance Department of the Government of India.

12. The following statement shows the strength of and rates of pay sanctioned for the Subordinate Civil Services in the various provinces:—

Number of appointments in each grade.

Office.	Rates of pay.	BOMBAY.				UNITED PROVINCES					Bihar and Orissa.	Central Provinces and Berar.	Assam.	Total.
		Madras.	Presidency proper.	Sind.	Total.	Bengal.	Agra.	Oudh.	Total.	Punjab.					Burma.
Tahsildars in Madras, the United Provinces, the Punjab and the Central Provinces, Mukhtiar-kars in Sind, Sub-Deputy Magistrates and Sub-Deputy Collectors in Bengal, Bihar and Orissa and Assam, Myooks in Burma.	250	13	...	5	5	8	32	32	18	47	6	10	3	142
	225	23	...	...	...	...	...	...	...	69	...	...	...	92
	200	78	...	10	10	27	47	47	27	93	18	15	9	324
	175	3	...	22	22	53	65	65	35	103	34	24	18	357
	150	58	...	28	28	51	70	70	52	...	34	34	18	345
	100	...	...	...	...	36	...	...	...	...	24	...	13	73
Total	...	175	...	65	65	175	214	214	132	312	116	83	61	1,333
Deputy Tahsildars	150	104	...	...	...	...	...	...	...	...	...	...	...	104
	125	207	...	...	...	...	...	...	...	...	...	...	...	207
Total	...	311	...	...	...	...	...	...	...	...	...	...	...	311
Naib-Tahsildars	100	...	...	...	...	...	30	30	39	...	...	37	...	106
	80	...	...	...	...	...	45	45	42	...	...	24	...	111
	70	...	...	...	...	...	70	70	...	...	...	...	...	70
	60	...	...	...	...	...	89	89	60	...	...	18	...	167
	50	...	...	...	...	...	...	...	5	...	...	...	...	5
Total	...	...	...	...	...	...	234	234	146	...	...	79	...	459
TOTAL EXECUTIVE BRANCH	...	486	...	65	65	175	448	448	278	312	116	162	61	2,103
JUDICIAL BRANCH.														
Munsifs (also called Myooks in Burma)	250	...	...	...	...	...	...	...	14	23	...	12	...	49

	200	...	...	...	...	...	...	...	25	35	...	16	...	76
	175	...	...	...	...	...	...	...	51	...	...	22	...	73
150	...	...	...	...	...	...	...	...	...	...	24	...	24	
Total Judicial Branch	...	...	...	...	...	...	...	...	90	58	...	74	...	222
GRAND TOTAL	...	486	...	65	65	175	448	448	368	370	116	236	61	2,325

13. Finally attention is drawn to the speeches delivered in the course of the debate in the Imperial Legislative Council on the 17th March 1911 on the Hon'ble Mr. Subha Rao's resolution, and to the memorials of certain members of the Punjab Civil Service, submitted to the Government of India with the Punjab Government's letter No. 1163, dated 30th October 1911, for a statement of the grievances which are now alleged to exist amongst Provincial Civil Service officers.

COLLECTION OF PAPERS REFERRED TO IN THE MEMORANDUM.

No. 58.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

The Right Hon'ble Viscount Cross, G.C.B., Her Majesty's Secretary
of State for India. Simla, the 9th October 1888.

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

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

I.

3. The history of the efforts which have from time to time been made by Her Majesty's Government to admit Natives more largely to the higher posts in the Administration is given with sufficient fullness in Chapter III of the Commission's Report, and we do not propose to repeat it here. It will be sufficient to advert very briefly to the circumstances which led to the appointment of the Commission. Your Lordship is aware that the rules framed in 1879 under 33 Vict., Cap. 3, section 6, with the object of regulating the appointment of Natives of India to posts ordinarily reserved for members of the Covenanted Civil Service were, after a short experience of their working, found to be unsatisfactory. The question of amending them came under consideration towards the close of Lord Ripon's administration; and the Government of India, after consulting Local Governments on the subject, communicated its views to the Secretary of State in the Despatch No. 51 (Public) of 12th September 1884. The Government of India was of opinion that of the two modes by which Natives of India can be admitted to the Civil Service in this country, *viz.*, the competitive

examination held under 21 & 22 Vict., Cap. 106, section 32, and the rules framed under 33 Vict., Cap. 3, section 6, the former should be primarily relied on; and the Statutory system should only be resorted to as a secondary mode of recruitment to the extent to which the number of Natives entering by the competition in London might fall short of the proportion desired. The proportion of Natives to be admitted under the Statutory system had been fixed in the rules at one-sixth of the whole recruitment for the year. Allowing for Natives passing in the open competition, the Government of India considered, on a scrutiny of the results of past years, that 18 per cent might fairly be taken as a proper proportion of the whole recruitment to be reserved for Natives. It was accordingly proposed to make certain changes in the conditions of the competition in England, with a view to afford facilities to Natives to enter by that avenue; and to make up any deficiency in the 18 per cent by Statutory appointments, to be made under revised rules in which wide latitude of arrangements should be left to Local Governments, subject to the control and approval of the Government of India.

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

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

6. The Secretary of State's reply is contained in his Despatch of 15th July 1886, in which he declared it to be very desirable that the question should be reopened and carefully reconsidered in the manner suggested in our Despatch of 9th February 1886. He accordingly requested the Government of India to appoint a Commission, with power (if the Governor General in Council thought

fit) to go into the whole subject independently of the limitations at present imposed by Act of Parliament, and with a view to Parliamentary legislation if necessary. The Commission was to contain a proportion of Native members and to be sufficiently representative of the different classes and modes of thought in India. Particular heads of inquiry were prescribed, which it is unnecessary to repeat in detail; but the object of the Commission was, following our suggestion, broadly defined to be "to devise a scheme which might reasonably be hoped to possess the necessary elements of finality, and to do full justice to the claims of Natives of India to higher employment in the public service."

7. A Resolution embodying the Secretary of State's instructions was issued by us on 4th October 1886; and the sittings of the Commission, which was composed of 15 members, presided over by the Honourable Sir Charles Aitchison, then Lieutenant-Governor of the Punjab, commenced shortly after. On the completion of the work of collecting evidence in regard to the Covenanted Civil Service and the Judicial and Executive branches of the Uncovenanted Service, it was arranged by our orders of 8th March 1887 that the second division of the inquiry, embracing the question of the admission of Natives of India

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

and of Europeans to the marginally noted branches connected with the civil administration of the country, should be conducted by a Sub-Committee, presided over by Sir Charles Turner. On the completion of the Sub-Committee's inquiries, the Commission met in November 1887 for the consideration of the evidence, and presented its Report on 18th January last. This report was subsequently referred to Local Governments and Administrations for opinion on certain points stated in our letter No. 21—621-30, dated the 16th March 1888, of which, as well as of the replies received from Local Governments, we enclose copies for Your Lordship's information.

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

II.

9. Lord Kimberley, in the Despatch of 15th July 1886, to which we have already referred, desired that a careful inquiry should be made as to the existence and extent of the alleged feeling of dissatisfaction on the part of Natives of India with the existing Statutory Service, and also into the question whether it was the Statute of 1870 itself that was objected to, or the rules framed under it. These and other questions relating to the Statutory Service which were laid before the Commission are dealt with in Chapter VI of the Report. The Commission states that the existing Statutory Service has failed to fulfil the expectations formed in regard to it, and that it is for sufficiently good reasons condemned, not only by particular sections of the Native Community, but also by the very large majority of officials, both European and Native, who have had practical experience of its working. Having carefully examined the evidence recorded on this part of the subject, we agree with the Commission's conclusion that the existing Statutory Service should be abolished. Without desiring to add to the Commission's detailed examination of the efforts which have been made to give effect to the Statute of 1870, we would remind Your Lordship that it was originally the purpose of the Government of India to select its Statutory Civilians from among its tried and successful officers in the Judicial and Executive branches of the Uncovenanted Service. From this purpose, however, the Government of India was diverted by the interpretation placed

upon the Statute by the Law Officers of the Crown in England in 1874. New rules were accordingly framed the object of which was declared by the Government of India in 1879 to be "not the transfer to the superior ranks of the civil administration of a class of officers whose services have already been secured by Government in the inferior ranks, but to attract to the service of Government young men of good family and social position, possessed of fair abilities and education to whom the offices opened in the inferior ranks or uncovenanted service, have not proved a sufficient inducement to come forward for employment." The result of this policy was that men experienced in affairs and tried in the public service were passed over, while young men of good family were selected in the hope that they would make up for defective training and education by bringing territorial or political influence to the support of the Government. The earlier selections under the Statute of 1870 were therefore made more on grounds of political expediency than of administrative advantage. The result of this experiment was very disappointing, and accordingly it soon became necessary to widen the field of choice by giving to the Local Governments greater liberty in making their selections. The results of the latter method of appointment have also been unsatisfactory. "The persons appointed," as the Commission states, "do not bear favourable comparison in regard to their work as public servants with Native Civilians who have entered the Civil Service through the channel of the English competition. In the majority of cases such persons cannot be said to be superior, while they are in some cases inferior, in education and ability to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service; and it is doubtful whether any, except a few of them, enjoy a higher social consideration or belong to more influential families." There can thus be no doubt that the Statutory system has failed to secure properly qualified officers for the Public Service.

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

11. In the 73rd and 81st paragraphs of its Report, the Commission explains the principles on which this reconstruction should, in its opinion, be effected. Briefly stated, these principles are, first, that the strength of the Covenanted Service should be reduced by transferring a certain number of appointments now ordinarily filled by Covenanted Officers to the Provincial Service; second, that the Provincial Service (comprising the Judicial and Executive appointments transferred from the Covenanted Service and the higher appointments in the

present Judicial and Executive branches of the Uncovenanted Service) should be locally recruited from Natives and Europeans resident in India who satisfy prescribed conditions; lastly, that the conditions of pay, leave, and retiring annuity of the members of the Provincial Service should be determined on independent grounds, and bear no fixed proportion to those of the Imperial Service. On the second and third proposals we shall offer some observations when we come to deal with the Provincial Service. Here we restrict our remarks to the proposed reduction in the strength of the Covenanted Service.

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

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

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

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

In the next place, while we agree to the exclusion from the Schedule of one of the chief Revenue officers of divisions in all Provinces, except Bombay and Assam, which the Commission excludes from its proposal, we think it undesirable that the appointments so excluded should be amalgamated with the Provincial Service. The Commissioner of a Division holds a post which should be filled by men who possess the highest qualities of tact, firmness, judgment as well as

upon the Statute by the Law Officers of the Crown in England in 1874. New rules were accordingly framed the object of which was declared by the Government of India in 1879 to be "not the transfer to the superior ranks of the civil administration of a class of officers whose services have already been secured by Government in the inferior ranks, but to attract to the service of Government young men of good family and social position, possessed of fair abilities and education to whom the offices opened in the inferior ranks or uncovenanted service, have not proved a sufficient inducement to come forward for employment." The result of this policy was that men experienced in affairs and tried in the public service were passed over, while young men of good family were selected in the hope that they would make up for defective training and education by bringing territorial or political influence to the support of the Government. The earlier selections under the Statute of 1870 were therefore made more on grounds of political expediency than of administrative advantage. The result of this experiment was very disappointing, and accordingly it soon became necessary to widen the field of choice by giving to the Local Governments greater liberty in making their selections. The results of the latter method of appointment have also been unsatisfactory. "The persons appointed," as the Commission states, "do not bear favourable comparison in regard to their work as public servants with Native Civilians who have entered the Civil Service through the channel of the English competition. In the majority of cases such persons cannot be said to be superior, while they are in some cases inferior, in education and ability to the average of those appointed or promoted to the higher ranks of the Uncovenanted Service; and it is doubtful whether any, except a few of them, enjoy a higher social consideration or belong to more influential families." There can thus be no doubt that the Statutory system has failed to secure properly qualified officers for the Public Service.

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In the next place, while we agree to the exclusion from the Schedule of one of the chief Revenue officers of divisions in all Provinces, except Bombay and Assam, which the Commission excludes from its proposal, we think it undesirable that the appointments so excluded should be amalgamated with the Provincial Service. The Commissioner of a Division holds a post which should be filled by men who possess the highest qualities of tact, firmness, judgment as well as

physical ability. It is not desirable that, in selecting an officer to fill even the one unreserved Commissionership, the Government should be restricted to the Provincial Service. But, while we do not think it desirable in the public interests that any of these posts should be amalgamated with the Provincial Service, so as to compel us of necessity to select from that service, we consider that the office of Commissioner is an object of legitimate ambition to the Provincial Service, and that we should not be debarred by law from making occasional selections from that service of men who have proved themselves fit for such advancement. We therefore accept the recommendation to exclude from the Schedule one of the appointments in question in all the Provinces, except Bombay and Assam, but we do not propose to amalgamate it with the Provincial Service.

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

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

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

14. In the 77th and 81st paragraphs of the Report, the Commission points out that the effect of its proposals is to remove about 108 appointments from the list of offices now reserved by law or by the Secretary of State's orders to the Covenanted Service; and it recommends that, if the *cadre* or working body of the Covenanted Civil Service is larger than would be required under the proposals now made to fill the remaining appointments, the Government should in the future recruitment for the Civil Service have regard to the reduced schedule in order to give due effect to these proposals. We intend at an early date to address Your Lordship on the subject of the future strength of the Imperial Service. Meantime we may observe that the ultimate effect of the Commission's proposals will be to fill about one-sixth of the appointments now reserved for Covenanted and Statutory Civilians with members of the Provincial Service.

Thus stated, the result as it affects the recruitment of the Civil Service does not materially differ from that produced by the Statutory system. Since 1881 the Government of India has made arrangements for the recruitment of five-sixths of the requirements of the Covenanted *cadre* in England and of one-sixth in India. As the Commission does not propose a reduction in the aggregate strength of the *cadre*, but a redistribution of offices between the Covenanted or Imperial and the Provincial Services, it would seem that, so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and that, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870 and commence recruiting Provincial officers to the same extent to which Statutory officers have been hitherto recruited. The old system will thus merge in the new without any dislocation of existing arrangements.

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

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

16. In paragraph 80 of the Report, the Commission suggests that, in giving effect to its proposals regarding the higher appointments excluded from the Schedule of 1861, regard should be had to the claims of officers appointed before 1870, that is to say, before the enactment of 33 Vict., Cap. 3, but not to the claims of officers subsequently appointed. This is practically the view taken in paragraph 9 of our Despatch No. 11 of 9th February 1886. But inasmuch as it was not till 1870 that the Statutory system began to be regularly carried into effect, we are of opinion that it would be more equitable to take the later year. In modification, therefore, of the recommendation made in paragraph 80 of the Report, we are of opinion that the year 1880 should be substituted for the year 1870 in the Commission's 2:st recommendation (Report, page 142), and that, in dealing with officers appointed before the year 1880 to the Covenanted

Civil Service, effect should be given to the intentions expressed by the Secretary of State in the Despatch of 27th May 1875 in connexion with the subject. With regard to officers appointed to the Covenanted Civil Service after 1880, we agree with the Commission in thinking that as the measures now recommended will be gradually introduced, the reasonable claims and expectations of such officers will not be injuriously affected.

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

III.

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

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

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

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

While we have arrived at this conclusion on general grounds, the Commission has unanimously and strongly made the same recommendation as regards Native candidates, and its recommendation is supported by evidence of unquestionable authority. Under such circumstances we consider it to be expedient that effect should be given to the recommendation in question. The Commission was precluded by the terms of its instructions from considering the question in its relation to English candidates. But we think that it would be impossible for us to deal with the question satisfactorily under the limitation imposed for good and sufficient reasons upon the Commission, and we could not approve of raising the age for Natives while that for English candidates is retained unaltered. In this view the fact that the evidence taken by the Commission in respect to Native candidates has led it to the same conclusion at which we on independent grounds have arrived on the general question, is an additional argument in

favour of our recommendation that the age at which all candidates shall compete should be raised to 19—23 years. From this conclusion our Honourable Colleague Sir Charles Elliott, who is in favour of retaining the present age-limits, dissents. Our Honourable Colleague Mr. Westland, while not objecting to the raising of the maximum, would prefer to leave the minimum limit of age as it at present stands, or at least not higher than 18 years.

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

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

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

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

but that they be encouraged to look to our Government for an honourable career and lucrative employment conditional on approved and loyal service.

23. But, while thus accepting the scheme for the Provincial Service as a whole, we consider that the recommendations of the Commission require to be supplemented by further provisions on some points of detail, more especially with regard to the method to be adopted in filling the higher appointments to be transferred from the Covenanted Service, and the plan to be followed in recruiting for the junior posts. With respect to the former, we are strongly of opinion that promotion within the Provincial Service to the higher offices (*i.e.*, District Magistrates and Sessions Judges) to be transferred from the Covenanted Service should be altogether special, and that the service rules should contain a distinct provision that such promotion is not to be expected and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service. We feel very strongly that it will be impossible to treat these higher appointments as seniority appointments in a service which will necessarily be mainly recruited with reference to the qualifications required for officers of a less responsible and less independent character. We observe that in paragraph 89 of the Report the principle is laid down that, "inasmuch as the posts of chief administrative officers of districts and Judges involve very responsible duties, the principle of selection should be more completely adopted in regard to these appointments." This principle, which we understand to be applicable to the Imperial as well as to the Provincial Service, is good so far as it goes; but it needs to be emphasized. It must, therefore, be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to, and that for these appointments selection, not limited to any grade of the Provincial Service, is essential. It may also be necessary from time to time to attach such special conditions to those appointments as experience may shew to be necessary, with a view to give effect to the Commission's intention that Natives of India shall enjoy the full advantage of the measures now proposed.

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

25. We do not consider it necessary in this connection, to enter upon a discussion of the subject of open competition in India. The question has a very different aspect in this country from that which it bears in England. In obedience to its instructions the Commission has reported very fully on the subject, but such support as it may be held to give to open competition as a means of recruitment for the Provincial Service is very hesitating and qualified. Its own leaning appears to be to a system of limited competition among candidates previously selected on grounds of general fitness. There are indications in the papers submitted with this Despatch that none of the Local Governments is likely to adopt open competition to any extent, and for our own part we do not consider that it would be a suitable method of recruitment under present circumstances in India. But without anticipating the recommendations of Local

Governments in regard to this or any other possible methods of recruitment, it shall be our care that the rules to be framed, while making due provision for indispensable educational attainments, shall be such as are adapted, on the one hand, to obtain for each Province thoroughly efficient candidates, and, on the other hand, to secure the due representation in the public service of the different classes of the community. It is quite clear, however, that in any system that may be adopted, educational qualifications must be insisted on; and from this point of view we fully approve of the proposal made by the Commission in paragraph 90 of the Report, that a Board of Examiners should be appointed in each of the larger Provinces, which shall perform duties similar to those entrusted to Her Majesty's Civil Service Commissioners in England.

V.

26. Subsidiary to the main proposals for filling up the Provincial Service, the Commission makes two recommendations which, with a slight qualification in the case of one, we approve. One recommendation is, that no barrister, advocate, or pleader should be appointed to the Provincial Service, unless he can speak the Provincial vernacular, and has been at least three years actually practising his profession. The recommendation we accept with the qualification that the barrister or advocate shall have practised his profession for three years in India. This other recommendation, which we accept without qualification, is, that the Government should reserve the power (similar to that conferred by 24 & 25 Vict., Cap. 54, in regard to the Covenanted Service) of making in special cases and under prescribed conditions direct appointments of Natives of India to the higher grades of the Provincial Service. We are willing to agree to the Commission's stipulation, that such appointments when made to judicial offices should be restricted to barristers, advocates, or pleaders of an Indian High or Chief Court of not less than ten years' standing and acquainted with the Provincial vernacular.

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

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

28. In connexion with the Provincial Service, only five of the Commission's recommendations now remain to be considered. The first of these is, that the orders of 1879 forbidding the appointment without previous sanction of persons other than Natives of India to offices carrying salaries of Rs. 200 a month or upwards in certain departments of the Public Service should be cancelled (paragraph 84 of the Report). The second is, that the pay and conditions of leave and pensions of gentlemen appointed to high office by Her Majesty, or by the Secretary of State under 24 & 25 Vict., Cap. 54, should be the same, whether the gentleman appointed be a member of the Imperial or Provincial Service, or hold no appointment in the service of Government (Report, paragraph 85). The third

is, that retrospective effect should not be given to alterations in Pension Rules against the will of persons injuriously affected thereby (Report, paragraph 85). The fourth is that, before dismissal for misconduct, a member of the Provincial Service should be entitled to demand an enquiry into his conduct under whatever law may be at the time in force relating to enquiries into the behaviour of public servants (Report, paragraph 88). The last is, that officers of the Imperial and Provincial Services, if declared ineligible for promotion, should be liable to be compulsorily retired on reduced pensions (Report, paragraph 89).

29. Taking these proposals in inverse order, we wish to point out, in regard to the last, that the proposal here made was put forward by the Government of India in its Financial Despatch No. 39, dated the 17th January 1873; and that the Secretary of State in his letter No. 13 of the 27th March following declined to sanction any general arrangement by which pensions not authorized by existing rules could be granted without reference to him. The Secretary of State, however, added that he would be prepared to consider any proposal which the Government of India might make for the grant of a special pension in a case of the nature referred to. On consideration we think it inexpedient to prescribe any formal rule on the point or to recommend to Your Lordship any relaxation of the procedure thus laid down in 1873 by the Duke of Argyll.

30. With reference to the fourth recommendation mentioned above, we would observe that at present no officer of Government charged with misconduct has a right to demand a Court of Enquiry. It is true that laws do exist which enable the Government to hold a Court of Enquiry into the conduct of an incriminated officer; but the institution of an enquiry under these laws is the prerogative of the Crown, not the privilege of the officer concerned. We consider it undesirable and unnecessary to alter this procedure; but we have no objection to provide by rule that no member of the Provincial Service shall be dismissed otherwise than on the result of a judicial or formal departmental enquiry. Such a rule would practically coincide with the existing custom and with standing orders.

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

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

33. The last recommendation to which we have to refer raises obvious considerations of some little difficulty; but it is in keeping with the general principles on which the Commission's Report is framed and which we have in the main accepted. The high preliminary qualifications in Oriental languages prescribed as a condition of eligibility to the Provincial Service, the requirement of recent residence of at least three years in the Province, the periodical publication of the rules framed with the previous sanction of the Government of India, and generally the considerations indicated in paragraph 84 of the Commission's Report, appear to us to be sufficient safeguards, and to fully meet the objections which naturally present themselves to the withdrawal of the orders of 1879. We therefore concur with the Commission in recommending that European British

subjects resident in the Indian Provinces be eligible in common with others for admission to the Provincial Service under the ordinary rules, but that, when it is considered necessary to recruit persons of that class for the Provincial Service otherwise than under the prescribed local rules, the recruitment shall be effected through the Secretary of State.

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

VI.

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

We enclose a Minute by His Excellency the Viceroy.

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1. Circular to Local Governments and Administrations, Nos. 21—621-30, dated 16th March 1888.
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10. From Chief Commissioner of Coorg, No. 907—4476, dated 19th May 1888.
11. From Resident at Hyderabad, No. 181-G., dated 15th May 1888.

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13. Telegram to the Government of Bombay, No. 1934, dated 18th July 1888.
14. Telegram from the Government of Bombay, No. 956, dated 27th July 1888.
15. Telegram to the Government of Bombay, No. 2032, dated 28th July 1888.
16. Telegram from the Private Secretary to the Governor of Madras, dated 31st July 1888.
17. Telegram from the Government of Bombay, No. 1001, dated 1st August 1888.
18. Schedule referred to in paragraph 13 of the Despatch.
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- (2) Comptroller and Auditor General.
- (3) Accountants-General except one.
- (4) Commissioners of Customs, Salt and Opium.
- (5) Opium Agents.
- (6) Judicial Commissioners. Judicial.
- (7) Two-thirds of Civil and Sessions Judges or Chief Judicial Officers of districts; in the Punjab two-thirds of the officers as aforesaid and of Divisional Judges after deducting the proportion reserved for military officers.
- (8) Two-thirds of Additional and Assistant Judges.
- (9) Nine-tenths of Magistrates or Chief Magisterial Officers of districts, and in the Punjab and Assam nine-tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (10) Five-sixths of Joint Magistrates.
- (11) Five-sixths of Assistant Magistrates or Assistant to Magistrates, or Assistant Commissioners, and in the Punjab and Assam five-sixths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (12) Members of Boards of Revenue and Financial Commissioners. Revenue.
- (13) Secretaries to the Boards of Revenue and Financial Commissioners except one (when there are more than one) in each Province.
- (14) Commissioners of Revenue or Chief Revenue Officers of Divisions except one such appointment in Bengal, in the North-Western Provinces and Oudh, in the Punjab, and in the Central Provinces.
- (15) Nine-tenths of Collectors of Revenue or Chief Revenue officers of districts, and in the Punjab and Assam nine-tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (16) Five-sixths of Deputy or Subordinate Collectors when combined with the office of Joint Magistrate.
- (17) Five-sixths of Assistant Collectors or Assistants to Collectors, or Assistant Commissioners, and in the Punjab and Assam five-sixths of the officers aforesaid after deducting the proportion reserved for military officers.

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

* This Schedule does not apply to Burma.

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- (13) Secretaries to the Boards of Revenue and Financial Commissioners except one (when there are more than one) in each Province.
- (14) Commissioners of Revenue or Chief Revenue Officers of Divisions except one such appointment in Bengal, in the North-Western Provinces and Oudh, in the Punjab, and in the Central Provinces.
- (15) Nine-tenths of Collectors of Revenue or Chief Revenue officers of districts, and in the Punjab and Assam nine-tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
- (16) Five-sixths of Deputy or Subordinate Collectors when combined with the office of Joint Magistrate.
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subjects resident in the Indian Provinces be eligible in common with others for admission to the Provincial Service under the ordinary rules, but that, when it is considered necessary to recruit persons of that class for the Provincial Service otherwise than under the prescribed local rules, the recruitment shall be effected through the Secretary of State.

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

VI.

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

We enclose a Minute by His Excellency the Viceroy.

LIST OF ENCLOSURES.

1. Circular to Local Governments and Administrations, Nos. 21—621-30, dated 16th March 1888.
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4. From the Government of Bengal, No. 2165-A., dated 4th May 1888, and enclosures.
5. From the Government of the North-Western Provinces and Oudh, No. 1895—11.—592-244, dated 19th May 1888, and enclosure.
6. From the Government of the Punjab, No. 145-S., dated 25th June 1888, and enclosures.
7. From the Chief Commissioner, Central Provinces, No. C.—9, dated 21st April 1888, and enclosure.
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9. From Chief Commissioner of Assam, No. 2444, dated 27th April 1888, and enclosures.
10. From Chief Commissioner of Coorg, No. 907—4476, dated 19th May 1888.
11. From Resident at Hyderabad, No. 181-G., dated 15th May 1888.

12. Telegram to the Government of Madras, No. 1933, dated 18th July 1888.
13. Telegram to the Government of Bombay, No. 1934, dated 18th July 1888.
14. Telegram from the Government of Bombay, No. 956, dated 27th July 1888.
15. Telegram to the Government of Bombay, No. 2032, dated 28th July 1888.
16. Telegram from the Private Secretary to the Governor of Madras, dated 31st July 1888.
17. Telegram from the Government of Bombay, No. 1001, dated 1st August 1888.
18. Schedule referred to in paragraph 13 of the Despatch.
19. Minute by His Excellency the Viceroy, dated 5th October 1888.

NOTE.—Only Enclosure No. 18 has been reprinted.

Enclosure No. 18.

Proposed Schedule as referred to in paragraph 13 of Despatch.*

- (1) Secretaries and Junior Secretaries to the several Governments in India, except Secretaries and Junior Secretaries in the Military, Marine, and Public Works Departments. General.
- (2) Comptroller and Auditor General.
- (3) Accountants-General except one.
- (4) Commissioners of Customs, Salt and Opium.
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- (6) Judicial Commissioners. Judicial.
- (7) Two-thirds of Civil and Sessions Judges or Chief Judicial Officers of districts; in the Punjab two-thirds of the officers as aforesaid and of Divisional Judges after deducting the proportion reserved for military officers.
- (8) Two-thirds of Additional and Assistant Judges.
- (9) Nine-tenths of Magistrates or Chief Magisterial Officers of districts, and in the Punjab and Assam nine-tenths of the officers as aforesaid after deducting the proportion reserved for military officers.
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INDIA OFFICE,

London, 12th September 1889.

Public.
No. 104.**His Excellency the Right Honourable the Governor General of India
in Council.**

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

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

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

4. The scheme framed by the Commission does not suggest any very serious change in the main features of the existing system of administration. It proposes that, for the conduct of the higher branches of the Executive and Judicial work throughout India, there should continue to be, as at present, two distinct Services. The first of these would be the existing Covenanted Civil Service, which the Commission has proposed to call the Imperial Service, recruited by competition in England, and open without distinction of race to all natural-born subjects of Her Majesty. Its numbers would continue to be regulated on a scale which would enable it to fill the majority of the highest Civil offices, with such a number of smaller offices as will provide a course of training for the younger men. The second of the two Services would be called the

Provincial Service, and it is to the constitution of this Service that the principal recommendations of the Commission refer. It would be recruited in each Province of India separately, and would hold the higher appointments of the existing Uncovenanted Service, together with a certain number of the appointments now ordinarily reserved by law or practice to the Covenanted Civil Service, which would be transferred to the Provincial Service. It is proposed that the two classes of appointments should be gradually amalgamated, and that recruitment should be effected provincially under various methods adapted to local circumstances. Among the appointments to be transferred to the Provincial Service are one-third of the offices of District or Civil and Sessions Judge, and one-sixth of the offices of Magistrate and Collector of a district, as well as others of both higher and lower rank. To facilitate this measure it is proposed that the transferred appointments in the Regulation provinces should be excluded from the schedule of the Statute 24 & 25 Vict., c. 54, and that the strength of the Covenanted Civil Service should be proportionately reduced. The Provincial Service would be open to all natural-born subjects of Her Majesty, but recent residence of at least three years in a province and thorough knowledge of its language are recommended as among the essential conditions of admission to its Provincial Service. The Commission further proposes that the grades of pay in the Provincial Service, and the pay of appointments to be held by its members, together with the general conditions of that Service as to leave and retiring annuity, should be fixed on independent grounds. The terms offered to the Provincial Service in these respects would be those which are necessary to secure locally in India the desired qualifications.

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

* Report, paragraph 74.

6. To obtain facilities for the introduction of this scheme, the Commission recommends some very important changes in the Acts of Parliament which now regulate the admission of Natives and others, not being members of the Civil Service of India, to offices, places, and appointments therein. The law is comprised in the Act 24 & 25 Vict., c. 54, and Section 6 of the Act 33 Vict., c. 3,—which may be quoted as the Statute of 1861 and the Statute of 1870. By an earlier Statute (38 Geo. III., c. 52) it was enacted that all vacancies in any offices, places, or employments in the civil line of the Company's Service in India (under the degree of Councillor) should be filled up from the Civil Servants of the said Company. As civil offices multiplied, it was found that the number of "Covenanted Civil Servants of the Crown in India" was insufficient to fill them all; and by reason of the exigencies of the public service, appointments were made from time to time, which may not have complied with the terms of this enactment. The object of the Statute of 1861 was first, to legalize all such appointments in the past, and secondly, to empower the authorities in India to make such appointments in like circumstances in future. The method adopted in the Act was to specify in a schedule a number of offices which (with all similar offices thereafter created) were to be filled from amongst the Covenanted Civil Servants of the Crown in India, except under special circumstances and conditions defined by the Act. The offices in the schedule (with a few exceptions) were the higher Judicial and Revenue appointments in the Regulation Provinces, *i.e.*, in Bengal, the North-West Provinces, Madras, and Bombay. And it was enacted that vacancies in any existing offices not named in the schedule, and any others that might thereafter be created in India might be filled up without regard to the qualifications, conditions, and restrictions of 33 Geo. III., c. 52. The Act was passed on grounds of administrative convenience to remove restrictions on the power of appointment to civil offices; and it does not establish a claim in any particular race or class to be admitted to them. The Act of 1870, Section 6, on the contrary, was passed for

the special benefit of the Natives of India, as therein defined ; and it provided additional facilities for their employment, if of proved merit and ability, in the Civil Service of Her Majesty in India. It empowered the authorities in India, subject to rules to be prescribed by the Governor General in Council and sanctioned by the Secretary of State in Council, to appoint any Native of India to any office ordinarily reserved to members of the Covenanted Service although such Native may not have been admitted to that Service by the method of examination prescribed for entrance thereto.

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

7. The Commission unanimously recommended that no change should be made in the principle laid down by the Act of 1861, that all vacancies in certain offices described in the schedule should, except under special circumstances, be filled by members of the Covenanted Civil Service. Appointments in that Service have, as they observe, always been held under Parliamentary guarantee ; and its maintenance is necessary " not only in order to attract the best qualified candidates by providing security of tenure, but also to guard against the possibility of abuses and to protect the Government from the pressure of influences which, as experience has shown, are not always easily resisted."*

* Report, paragraph 76.

Commission advised the amendment of the schedule of the Statute ; first, to facilitate the transfer to the Provincial Service of certain appointments named in the schedule ; and second, because the existing restrictions of the schedule apply only to the Regulation Provinces, and the distinctions between the administration of Regulation and Non-Regulation Provinces having now become little more than historical, the Commission desired to apply to the latter the principle already applied to the former, and in both cases to include, in a revised schedule, the offices to be ordinarily held in future by members of the Covenanted Service.

The Commission also recommended the repeal of Section 6 of the Statute of 1870, on the grounds that the expression " Natives of India " requires better definition ; that it is susceptible of more than one meaning ; that however it may be interpreted, it must operate with inequality ; that although the section allows the appointment of Natives of proved merit and ability to specific offices it does not admit them to membership in an organized service ; and that, if the scheme for the formation of a Provincial Service be adopted, the maintenance of the section will tend to the exclusion of Europeans from its higher posts, and be inconsistent with the principle that, in the recruitment for that Service, all classes of Her Majesty's natural-born subjects shall be treated alike. But while it recommends the repeal of the provision above mentioned, the Commission also recommends that the power conferred on the Government by Section 3 of 24 & 25 Vict., c. 54, should be enlarged so as to permit the appointment to an office specified in the revised schedule, of persons not being members of the Covenanted Service who have exhibited exceptional merit or ability in the public service, and, in the case of reserved judicial offices, of persons of exceptional merit or ability proved in active practice in a High Court.

8. I must observe, as to the first point, that the Commission's proposal to transfer a number of appointments from the schedule, and to amalgamate these and the analogous appointments in the Non-Regulation Provinces with the body of offices to be held by a Service which (in the words of the Government of India Despatch) " will necessarily be mainly recruited with reference to " the qualifications for offices of a less responsible and less independent character," suggests a departure from the principle of individual selection of fit persons of proved merit and ability, which was expressed by the Court of Directors in 1831 in the dictum that fitness was to be the criterion of eligibility, and which has always hitherto been maintained. The Commission no doubt in general terms advocates promotion by merit and not by seniority ; but it

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appears to contemplate something rather in the nature of the establishment of vested rights of the Provincial Service in the higher appointments transferred to it than the existing practice of raising an individual to a Covenanted Service post on the ground that he is fit and competent to hold it. The Government of India did not fail to observe this point in the Commission's scheme, and commented upon it in the following passages of their Despatch :—

Paragraph 23.

“ Promotion within the Provincial Services to the higher offices to be transferred from the Covenanted Service should be altogether special, and the Service rules should contain a distinct provision that such promotion is not to be expected and will not be made as a matter of ordinary course, but that in every case selection will be made of the fittest and most capable men without regard to their individual standing in the Provincial Service.

“ It must be made quite clear that admission to the Provincial Service does not of itself, and apart from special proved fitness, carry with it any claim to promotion to the higher appointments referred to.”

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

9 As to the second point, the repeal of Section 6 of the Act of 1870 would do nothing in itself to advance the purpose of the Commission to make the offices excluded from the schedule a part of the domain of “an organized Service,” or in the words of the Report to remedy the failure of the law “to specify the number of appointments which should be made, and to render it obligatory on the Government to make them to the full limit.” Its repeal would doubtless make it possible to merge the excluded offices in the body of appointments which the men of the Provincial Service are to be recruited to fill; but, as I have observed, the Government of your predecessor were not prepared to accept such unconditional amalgamation, and in this I cannot doubt that they were right. Nor would the wish for an “organized Service” be met by such means. The law, if amended as proposed, would not give effect to the objects of the Commission, which would still have to be attained, if at all, by the executive action of the Government. The Commission proposes no statutory basis for the Provincial Service. The mere exclusion of certain offices from the schedule of the Statute of 1861 would decide nothing as to their future disposal. The analogous appointments in the Non-Regulation Provinces are not reserved by schedule, but they have been dealt with executively on the same principles and with generally the same reservations as the scheduled appointments. Nor is the reduction of the appointments reserved in the schedule a necessary preliminary to the reduction of the strength of the Service recruited by competition, in England. The strength of that Service is regulated by the rate of recruitment which is not controlled by statute but by executive orders; and the Government of India observe that the recruitment for the Covenanted Service has in fact been reduced since 1881 approximately in the proportion desired by the Commission,—

Paragraph 14.

“ so that, so far as the Commission's proposals are concerned, no reduction in the scale of recruitment for the Imperial Service is at present called for; and, in order to give effect to these proposals in regard to the Provincial Service, all that need be done is to cease to recruit officers under the Statute of 1870, and commence recruiting Provincial officers to the same extent. The old system will thus merge in the new without any dislocation of existing arrangements.”

10. I have dealt in the foregoing remarks with the principal reasons for legislation advanced by the Commission. My object has not been to take

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

11. On the other hand, supposing that legislation were unavoidable, I must call your Lordship's attention to the aspect which the particular proposals of the Commission would present when reduced to the form of an enactment. The guarantees and restrictions of the Act of 1861 relate substantially only to offices in the Regulation Provinces, *i.e.*, in Bengal, the North-West Provinces, Madras, and Bombay. The Commission has proposed to extend the guarantee given to the Covenanted Service as regards appointments reserved in the Regulation Provinces so as to include the analogous appointments in the rest

Paragraph 12.

of India; and the Government of India, in accepting the proposal, observe that "it will restrict by law the power now possessed by the Executive Government to appoint Natives of India to such offices at its discretion." At the same time the Commission proposes the repeal of Section 6 of the Act of 1870, which empowers the authorities in India by whom appointments to offices in the Civil Service are made to appoint any Native of approved merit and ability to any such office, although he may not have been admitted to the Civil Service by competition under the Statute of 1858. This would certainly be represented as the withdrawal from the Natives of India of an important statutory right. If it were explained that this loss is counterbalanced by the exclusion or omission from the schedule and transfer to the Provincial Service of a portion of the appointments hitherto reserved for the Covenanted Service, the reply might be made that the fact that an office is not in the schedule by no means implies that it shall be held exclusively by members of the Provincial Service. The

Paragraph 72.

Commission admits that, as regards the higher offices which it proposes to transfer to that Service, "such an arrangement would neither be desirable nor practicable;" for the present these offices are to be regarded as ground common to both Services. On the other hand, it could not be denied that a much larger number than heretofore of certain classes of offices would be reserved in the revised schedule under the full force of the restrictions of the Act of 1861. The Commission says that to the scheduled appointments thus multiplied the Provincial Service will have no claim as of right, and your predecessor's Government declined to weaken the Parliamentary guarantee by relaxing the restrictive clauses of the Act. It is not probable that Parliament would accept with satisfaction a draft enactment of which the provisions appear to reduce rather than to increase the facilities for the admission of Natives to the higher offices, on the assurance that, if it is passed, certain measures of the opposite tendency not defined or prescribed in the Act will be adopted by the executive authorities.

12. It has been clearly recognized, moreover, in the proposals before me, that the difficulties which have really hampered the free action of the Government in using the existing statutes are such as cannot be summarily removed by fresh legislation. They can be overcome only by time, and the operation

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

13. The defects of the existing law are defects rather of form and symmetry than of anything more serious. So far as the admission of Natives of India to the higher offices in the public service is concerned,—and this is the primary question now under consideration,—the Act of 1870 gives to the Government the fullest powers. I cannot do better than repeat the words used by Lord Kimberley, in his Despatch of the 8th January 1885. "The Act" (he said) "remains a measure of remarkable breadth and liberality. It empowers the Government of India and the Secretary of State in Council, acting together, to frame rules under which Natives of India may be admitted to any of the offices hitherto restricted to the Covenanted Civil Service, and appointments made under such rules will override the restrictive provisions of any older Act of Parliament. The opinion of the Law Officers of the Crown was subsequently taken on the construction of the Act of 1870, and it would appear that there is no method of selecting Natives for higher employment in India which the provisions of Section 6 would not allow to be attempted." I agree with Lord Kimberley that the Act of 1870 is the Parliamentary remedy for any defects in the existing system; and I think that it is the duty of the Indian Government to exhaust this remedy before applying to Parliament for further legislation. Nor can I doubt that this conclusion will commend itself generally to Native opinion, which sees in the Act a valuable protection for Native interests. Although dissatisfaction with the rules hitherto passed under the Act was often expressed, I observe that there were very few among the large number of Natives examined by the Commission who did not deprecate the repeal of the Act itself.

14. My conclusion, therefore, is that the legislation proposed to me, while in itself of doubtful expediency, would not really facilitate the scheme of the Commission, because the obstacles to any very early and permanent redistribution of the public offices are due to the circumstances of the case and not to the law. Many of the measures which it is proposed to take must, for a long time to come, be more or less experimental; they can only be brought gradually into operation, and their ultimate consequences can at present be very imperfectly foreseen. After an attentive examination of the scheme as explained in the papers now before me, I have come to the conclusion that it can be accepted

in substance and introduced, without discarding any essential part or disturbing its framework, upon the basis of the existing Acts of Parliament.

15. The important change in the form of the Schedule appended to the Act of 1861, which is proposed by the Commission in furtherance of its scheme for redistributing the higher offices, appears to me to indicate that both the Commission and the Government of India have failed to keep in view the true principle which regulates the reservation of certain offices to the Covenanted Civil Service, and to which it is therefore necessary that I should call attention. The Commission has appended to its Report a revised Schedule which your predecessor's Government have, with some modifications, approved and adopted. The change in form to which I have adverted consists in this, that whereas the existing Schedule reserves whole classes of certain high Judicial and Revenue appointments, the revised Schedule reserves certain proportions of each class, such as (among others) two-thirds of the offices of Civil and Sessions Judge, nine-tenths of the offices of Collector and Magistrate of a District, and all but one of the offices of Commissioner of Revenue, or Chief Revenue Officer of a Division in all provinces except Bombay and Assam. It is intended that the portion of each class of offices which is excluded from the Schedule should be "thrown open," and ultimately transferred to the Provincial Service. Under this plan of excluding from the Schedule a fixed portion of each class of certain offices, there would be a statutory partition of each of those classes of offices between the Covenanted and Provincial Services. It appears to me that this proposal reserves in one sense too little, and in another sense too much. The Commission has quoted and accepted the

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

views expressed by the Government of India,* that the Covenanted Civil Service should be reduced to "a *corps d'elite*, and its numbers limited to what is necessary to fill the chief administrative appointments of the Government and such a number of the smaller appointments as will ensure a complete course of training for junior civilians." But in the detailed proposals by which the Commission would give effect to this proposition, it has deviated from the principle

† Secretary of State to Government of India, Educational, No. 3, 8th April 1863, para. 11.

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

which underlies the statement of the Government of India,† and which has been distinctly enunciated in more than one Despatch by the Secretary of State. I have

no desire to extend the practical application of that principle further than political necessity requires. It is in fact based on the same considerations of fitness in the broadest sense which regulate the admission of Natives of India to the higher public offices of every kind; but it justifies on indisputable grounds of public expediency the necessity of maintaining the special reservations which have hitherto existed in regard to a particular class of executive offices. No share of these offices (among which I include that of chief executive officer of a district, as well as that of Commissioner of a division and the administrative offices of still higher rank) could, without a violation of that principle, be formally excluded from statutory reservation and transferred to a Provincial Service. I do not suggest that the reservation of these offices to the Covenanted Civil Service should be so absolute as to exclude from them military officers in the Non-Regulation Provinces, or that in special circumstances a member of the Provincial Service might not be appointed to one of them on grounds of proved individual fitness. What I desire to establish is that the transfer of a definite portion of them to the Provincial Service is inappropriate. If they are to be named in any list at all, the whole of each class should be specified as reserved to the Covenanted Civil Service, except in special circumstances, as they are in the Statute of 1861.

16. But there are many other classes of offices to which no such restrictions need, on grounds of public policy, be applied, and there is no propriety in reserving by statute a large numerical proportion of each of these to the Covenanted Civil Service. It is in the proposed treatment of offices of this kind in the revised Schedule that the plan of the Commission appears to me to reserve too much. It is true that we cannot now foresee the time when it will cease to be necessary, in all the higher branches of the administration, that a

large proportion of appointments should be held by members of the Covenanted Civil Service. It is only by these means, as the Commission observes, that we can, under existing circumstances, secure an administration conducted on principles and by methods in harmony with Western knowledge and civilization. These considerations, however, setting aside the executive offices to which I have specially referred, do not oblige us to reserve by law to the Covenanted Civil Service either the whole or any fixed proportion of any class of offices. The Commission is doubtless right in reporting that, at the present time, it would not always be possible to find, outside that Service, men qualified to hold such offices as that of member of the Board of Revenue, or of District Judge, or to be Comptroller and Auditor General, or Commissioner of Customs, Salt, and Opium, or Opium Agent; but this appears to me no sufficient reason for the conclusion that these appointments, or a proportion of them, should be declared by law to be tenable by officers of the Covenanted Civil Service only. I agree with many of the observations made on this subject by Mr. Mackenzie, Chief Commissioner of the Central Provinces, in his Minute of the 31st March 1888. If a Native or a member of the Provincial Service of any race is confidently believed by the Government to possess the ability and training, and all the other qualifications requisite for such posts, there is no reason why he should be shut out from them.

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

18. While these lists will definitely indicate the higher offices which are recognized by the Government as the most suitable field for the employment of competent men of the Provincial Service, and in which nothing but unfitness should prevent them from being employed, the papers before me show that the time and extent of their admission to these offices are also definitely prescribed by certain circumstances which cannot be left out of account. With regard to the time, the Commission has admitted that the claims of the Covenanted Civil Service must defer for some years the full introduction of its scheme. I concur with the Government of Lord Dufferin that this preferential right must be accorded to the covenanted civilians and the other officers in the ranks of the several Commissions who entered the service before the reduction of recruitment in 1880. With regard to the extent of admission, the Government of India have rightly indicated in a passage which I have quoted that this question has already been solved by the reduction of recruitment for the Covenanted Civil Service in 1880, which satisfied the requirements of the Commission. In other words, the reduction of the Civil Service recruits by one-sixth, and the substitution for that one-sixth of Natives selected under the Act of 1870, defines the maximum extent to which, under

present arrangements, room in the higher offices will gradually become available for competent members of the Provincial Service. The reduction of the Covenanted Civil Service is already taking effect in respect of the sixth of the junior reserved offices; and when it is completed, that service will cease to have any special claim to the same proportion of the reserved offices as a whole. On the basis of these considerations, it is practicable to calculate the number of reserved offices to which members of the Provincial Service may be appointed after existing prior claims have ceased through efflux of time, and the definiteness of the prospect thus offered to the Provincial Service is precisely what would be secured to it by the proposals of the Commission approved by the Government of India.

19. If these or similar arrangements are made with respect to the higher offices, the remaining steps required for the constitution of the Provincial Services present comparatively little difficulty. The Judicial and Executive branches of the Uncovenanted Service are already occupied almost entirely by Natives of India; so that nothing prevents the transfer, by executive order, of those grades to the Provincial list, down to a limit that will be settled, as the scheme proposes, by each Local Government at its discretion. The result will be to constitute and establish a connected and graduated series of offices, rising from the subordinate classes of administrative business to a very high level of superior and responsible duties, judicial and executive, which will throw open a sure and honourable prospect of employment to persons appointed in India, and of continuous promotion to officers of tried merit and ability.

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

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

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

As to what is known as the Statutory Service, there is an almost universal agreement of opinion among the authorities, both European and Native, who have been consulted, that this service has not fulfilled the expectations with which it was formed. With the constitution of the Provincial Service, the further recruitment under the existing rules framed in accordance with Section 6 of Statute 33 Vict., Ch. 3, will necessarily cease. The only practical question now to be decided is the manner of dealing with the present (so-called) Statutory officers. The Commission has recom-

* Paragraph 87.

mended,* as the most expedient and equitable course, that they should be absorbed into the Provincial Service, in such positions as having regard to the circumstances of each case, the Government of India may consider just. Since the Statutory officers are now appointed

not to a service but to specific posts under the provisions of the Statute of 1870, on the grounds of "proved merit and ability," the Commission was of opinion that by transfer to the organized Provincial Service, "with consequent claims to the usual promotion in ordinary course, they would obtain a distinct advantage over and above that which they now enjoy by virtue of holding particular offices." The Government of your predecessor concurred in the view taken by the Commission; but as a further concession in favour of the Statutory Civilians, it proposed that "*cæteris paribus*, they should, if considered qualified, have a preferential claim over members of the Provincial Services for promotion to the transferred appointments."

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

* Paragraph 15.

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

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

24. Few parts of the report of the Commission are more interesting and important than that in which it is shown how very large a part in the administration of India is already in the hands of Natives. In the superior ranks of the Executive and Judicial branches of the Uncovenanted Service (excluding the so-called Special Departments), there are 2,588 officers, of whom 2,449 are Natives of India, and only 35 are Europeans or Eurasians not domiciled in India at the time of appointment. It is a complete, but not an uncommon, mistake to suppose that the work entrusted to these officers is of minor importance.

† Paragraph 47.

"It is with the officers of this class" (the Commission observes†) "that the great mass of the people are most ordinarily brought into contact, and upon these it devolves to decide a large proportion of the disputes, whether connected with revenue, magisterial, or civil matters, which arise between man and man in ordinary life, and do not, as a general rule, come before officers belonging to the Covenanted grades." Nearly the whole of the civil Judicial business throughout India, including a large portion of that in the Appellate Courts, is transacted by Natives. Native Judges have jurisdiction in

all classes of civil suits, whatever be their value, and over Europeans and Natives alike, without distinction of nationality. The duties of the Executive branch of the Native Service are hardly less responsible and important. The officers in both branches receive salaries which in India are large, which in England would be considered liberal, and which are far higher than those usually assigned in other countries of Europe to posts of corresponding dignity.

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

25. It is not surprising that the Commission should have arrived at the conclusion that, as so little room now remains for reducing the numbers of the Covenanted Civil Service, which may be said to represent the only permanent English official element in India, the importance of recruiting that Service with reference to the maintenance of English principles and methods of government cannot be overrated,—and that, therefore, the idea of holding a competitive examination for Native candidates for the Covenanted Service in India as well as in England is altogether inadmissible. The Government of your predecessor were unanimously of opinion that this view is correct, and I cannot better express my own conclusion than by quoting the words of their

* Paragraph 18.

Despatch:—* “The true principle, on which

the Commission has very strongly insisted, is that the conditions of the open competitive examination should be framed with the object of securing candidates trained in the highest and best form of English education. If, under such conditions, Native candidates succeed, they will then, as Lord Macaulay said, ‘enter the Service in the best and most honourable way.’ The establishment of simultaneous competitive examinations in India and in England would sacrifice the principle we have stated. It would be entirely foreign to the intentions of the framers of the competitive system, and be open to grave practical objections. We therefore fully agree with the Commission in deprecating the entertainment of any such proposal.”

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

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

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

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

29. The Commission has recommended, and the same view has been taken by the Government of your predecessor, that all natural-born subjects of Her Majesty resident in the provinces and fulfilling certain conditions shall be eligible for admission to the Provincial Service. This recommendation is based, the

* Paragraph 84.

Commission says,* "on the cardinal principle, proceeded with throughout, of equality of treatment for all classes of Her Majesty's subjects."

30. Under the orders which were passed by the Government of Lord Lytton in 1879, with the approval of the Secretary of State, and which are still in force, no person other than a Native of India as defined in the Statute of 1870, can be appointed to any office in the Executive or Judicial Service carrying a salary of 200 rupees a month and upwards, without the previous sanction of the Governor General in Council, or (in Madras and Bombay) of the Secretary of State. How completely these orders have been carried out is shown by the facts given in paragraph 53 of the Commission's Report, and noticed in paragraph 24 of this Despatch. Out of a total number of 2,588 persons employed in the higher grades of the Executive and Judicial branches of the Uncovenanted Service throughout India, there were only 35 Europeans or Eurasians who were not domiciled in India at the time of their appointment. Only two of these have been appointed since the orders of 1879, and 23 out of the 35 held offices in Lower Bengal. The total number of Europeans and Eurasians domiciled in India thus employed was 104. Practically, therefore, although these branches of the Service are open, under certain conditions, to all classes of Her Majesty's subjects, they are now manned almost entirely by Natives of India.

31. The primary object with which the Commission was appointed was to extend the employment of Natives of India, and, accepting that object as a proper one, I am unable to agree to the recommendation that the rules of 1879 should be wholly cancelled. The present Uncovenanted Service, in its Executive and Judicial branches, is, as I have shown, essentially a Native Service; and the Provincial Service ought, in my opinion, to retain the same character.

If it should hereafter be found by experience that the orders which now bar the entry of Europeans into the Uncovenanted Service are not altogether applicable to the constitution of the Provincial Services, it will be open to your Excellency's Government to consider them.

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

* Despatch, paragraph 26.
Report, paragraph 82.

† Report, paragraph 84.

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

‡ Despatch, paragraph 21.
Report, paragraph 81.

§ Paragraph 82.

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

|| Paragraph 85.

35. The Commission has advised¶ that for the high appointments made directly by Her Majesty which are very few in number and stand upon a footing of their own, the pay and the rules governing leave and pension should be the same for all incumbents, whether belonging to the Covenanted or the Provincial Service, or appointed from outside the service of Government. Among the principal officers of this class are the Judges of the High Courts. It is already provided by the existing rules that, in their case, no distinction shall be made in regard to pay, but it is otherwise in regard to leave and pension. The distinctions, which were finally laid down in Lord Kimberley's Despatch No. 18, dated 27th May 1886, were based on the

¶ Paragraph 85.

ground that the leave and pension allowances of Natives of India must be regulated on Indian rather than on English considerations; and your predecessor's Government* did not think it desirable to reopen the question.

* Paragraph 32.

Under the circumstances which existed when the orders of 1886 were passed, the conclusions arrived at were, in my opinion, correct. But when the changes of system now proposed are carried out, the case, in regard to the High Court Judges who are Natives of India will be altered, and I think that it will no longer be right that any distinction should be maintained. In the Covenanted Service the rules regarding pay, leave, and pension will be the same for all members, whether they are European or Native. In the Provincial Service they will also be the same for all the members. When, in both these branches of the administration, all distinctions in the conditions of service based on difference of nationality are abolished, it will be impossible to apply another principle in the High Courts, and to say that Judges who are Natives of India shall, because of their nationality, be treated differently from Judges who are Europeans. On other grounds, at the present time, when we are recognising the claims of Natives to a larger share in the higher offices of the Public Service, and are endeavouring, as far as possible, to get rid of distinctions between them and Englishmen, I am glad to be able to remove what I am aware is a cause of dissatisfaction to some of the most distinguished Natives of India who are in the service of Her Majesty. I sanction, therefore, the recommendations of the Commission on this subject.

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

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

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

I have the honour to be,

My Lord Marquis,

Your Lordship's most obedient, humble Servant,

(Signed) CROSS.

NO. 11.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

 PUBLIC.

TO THE RIGHT HONOURABLE

VISCOUNT CROSS, G.C.B.,

*Her Majesty's Secretary of State for India.**Calcutta, the 4th March 1890.*

MY LORD,

WE have the honour to forward, for Your Lordship's information, copies of the letters which we have issued to the different Local Governments and Administrations with the object of carrying into effect the decision conveyed in your Public Despatch No. 104, dated 12th September 1889, upon the recommendations of the Public Service Commission so far as they relate to the Executive and Judicial Branches of the Administration.

2. We desire to ask for a reconsideration of Your Lordship's orders upon one point. We are convinced that the designation of each branch of the Provincial Service by the name of the particular province to which it belongs, *e.g.*, Madras Civil Service, will lead to confusion, and we strongly recommend that the term "Provincial" be used in describing these services, *e.g.*, Madras Provincial Service. This designation will have the threefold advantage of obviating the use of the term Uncovenanted Service, of clearly denoting the character of the service to which it applies and of avoiding the inconvenience which must attach to the transfer of the terms Madras Civil Service, etc., from the services to which they have hitherto applied to services entirely distinct from them. We accept the proposal that the term "Imperial" proposed by the Public Service Commission should not be adopted, and that the title "Indian Civil Service" should be applied to the service hitherto known as the Covenanted Civil Service. We trust that Your Lordship will accept these suggestions which seem to us to provide in the manner least open to objection for the discontinuance of the terms Convenanted and Uncovenanted.

We have, etc.,

LANSDOWNE.

F. S. ROBERTS.

G. CHESNEY.

A. R. SCOBLE.

C. A. ELLIOTT.

P. P. HUTCHINS.

D. M. BARBOUR.

LIST OF ENCLOSURES.

1. Letter to Government of Madras, No. 300, dated 14th February 1890.
2. Ditto of Bombay, No. 301, dated 14th February 1890.
3. Ditto of Bengal, No. 302, dated 14th February 1890.
4. Ditto of the NorthWestern Provinces and Oudh, No. 303, dated 14th February 1890.
5. Ditto of the Punjab, No. 304, dated 14th February 1890.
6. Letter to Chief Commissioner, Central Provinces, No. 305, dated 14th February 1890.
7. Ditto ditto, Assam, No. 305, dated 14th February 1890.

[NOTE—The enclosures have not been reprinted here.]

No. 62 (Public), dated India Office, London, the 22nd May 1890.

From—The Right Honourable Viscount CROSS, G.C.B., Her Majesty's
Secretary of State for India,

To—His Excellency the Most Honourable the Governor-General of India in
Council.

I have considered in Council the letter of your Government, No. 11, dated 4th of March last, forwarding copies of the letters which you have issued to the different Local Governments, with the object of carrying into effect the decision conveyed in my Despatch of the 12th of September last upon the recommendations of the Public Service Commission so far as they relate to the Executive and Judicial branches of the Administration.

2. I await with interest the opinions of the Local Governments on the various questions referred to them. I observe that in the letter to the Government of Madras (paragraph 6), the term "Natives of India" is, no doubt through inadvertence, used instead of "Members of the Provincial Service".

3. I am unable to accept your Excellency's suggestions as to the mode of designating the various branches of the Service, and I prefer the designations given in the 36th paragraph of my Despatch of the 12th of September last. It is not, in my opinion, advisable to introduce the word "provincial," because its use may be deemed to emphasize the distinction between the services somewhat in the same undesirable way as, up to the present time, it has been marked by the use of the term "uncovenanted".

I have, etc.,
CROSS.

Extract paragraphs 18-25, of the Home Department, Resolution
No. 68-2024-35, dated the 15th December 1881.

18. On a study of these two tables three things are very conspicuous—(1) the great differences in rates of pay between different Provinces; (2) the extremely low remuneration in some provinces for duties of a highly responsible character; and (3) the want of uniformity in the proportions of officers in the several grades, and the consequent inevitable irregularity in proportion, which the percentages reveal.

19. Commencing with the Deputy Collector class, it will be noticed that between Rs. 600 and Rs. 250 per mensem there is a stratum of appointments tolerably common to all Provinces. Madras, Burma, and Assam have none above Rs. 600, and Bombay has none above Rs. 700, while in the Central Provinces no grades rise above Rs. 500, and in Sind only Rs. 400 can be attained, except in a few special cases. On the other hand, Bengal and Assam pay some of their Deputy Collectors only Rs. 200 (or Rs. 150 if mere probationers). Burma goes down to Rs. 200, while the minimum is Rs. 250 in the rest of the provinces except in Bombay, where it is Rs. 300. As regards prize appointments, the Punjab is the best off. Bombay and Oudh come next, and Bengal is a little worse off than either, while the Central Provinces and Assam have none. As regards medium appointments, the Central Provinces, Bombay, and Bengal are best off. The great disadvantage of large numbers and low pay at the bottom of the list is shown by the case of Bengal, where at present an officer must enter at the bottom of the Rs. 150 grade, and rise through 122 steps before he gets Rs. 300 a month. The rate of promotion is thus so slow that it must much dishearten young officers.

20. It would appear that, though an absolutely uniform scale of pay for all India is not indispensable, there is room for a considerable measure of equalisation. On the other hand, a uniform percentage proportion between grades, whatever they may be in any locality, is imperatively required, in order to secure due promotion during the period of service, which is, under the Pension Code, the same everywhere.

21. As to rates of pay, there can be no question that a Deputy Collector, who is entrusted with more or less independent authority, should either possess, or have the immediate prospect of attaining to, a salary sufficient to place him above temptation, and enable him to maintain his social position. Similarly, in the case of Tahsildars, although it is probable that officers of sufficient education and ability to discharge the duties which fall to this class could be obtained for very moderate salaries in India, considerations other than that of mere demand and supply come into play, and they should, therefore, receive an adequate salary and have fair prospects of promotion.

22. His Excellency the Governor General in Council is of opinion that, as a broad rule, no officer holding the power and responsibility of a Deputy Collector should receive less than Rs. 300 per mensem. It *may* be that in some parts of India Rs. 250 is really equivalent to Rs. 300 elsewhere. But below Rs. 250 it seems undesirable to go, and this rate, even when retained, should be reserved for probationers, or for a grade which would, in ordinary course of promotion, be passed through in not more than three years. And in no case should the pay of the Deputy and Tahsildar classes overlap, lest free and healthy promotion be checked, though the maximum of the one and the minimum of the other might, if otherwise convenient, be identical. Deputy Collectors who now get less than Rs. 250 per mensem will probably be found on scrutiny to be either underpaid, or to belong in reality to the Sub-Deputy or Tahsildar class, into which they might conveniently be merged. For graduation of salaries from Rs. 300 upwards, steps of even hundreds of rupees are in many ways the most convenient.

23. The minimum pay and rates of increment being thus settled, the next question is that of suitable maximum, and here His Excellency in Council would express his strong belief in the importance, politically as well as administratively,

of the Deputy Collector class. It has been shown that 77½ per cent of the sub-divisional charges of British India will be in their hands, and the sub-divisional officer is the man upon whom, whether in quiet times for efficient and equitable administration, or on occasion of famine or disturbance for energy, resource, and fortitude, the Government have to rely. Whether recruited from among the Tahsildar and Sub-Deputy class, which is, perhaps, the best field, or directly from without, they ought to be the very cream of that portion of the Native community, who are willing to embrace an official career. But to fulfil this requirement and be above temptation, they ought to receive sufficient pay throughout, and be able to look forward to what are relatively prizes, considering ordinary Native incomes and the habits of Native social life. Rs. 800 per mensem appears to be by no means too high a maximum for general adoption. If in any Provinces there be financial or other difficulties in the way of granting so much,¹ then the limit should, at any rate, not be below Rs. 600.

24. The grades being thus preliminarily disposed of, the next point is the proportion of officers to be placed in each, so as to ensure regular and reasonable promotion. This primarily depends on the number of years to be passed as a Deputy Collector. Supposing 30 to be an average age for first attaining the office (it will be rather early for men promoted from the Tahsildar class and rather late for others), 25 years will remain before the termination of service (presumably) at 55, in accordance with the Pension Code. It is not necessary, however, to provide that every Deputy Collector shall, as a matter of course, rise to the highest grade before he retires. The Covenanted Service is not organised on any such expectation; only a certain limited proportion of Covenanted Officers can ever rise to Commissionerships or higher offices. For Deputy Collector, Rs. 500 per mensem may be taken as corresponding to the level of a District or a Judgeship; above that, only a limited number of prizes need be provided for specially able or distinguished officers.

25. As the general result of the remarks in the three preceding paragraphs, it will be seen that the normal service of Deputy Collectors which His Excellency in Council would, in the abstract, consider desirable is one rising from Rs. 300 per mensem, by steps of Rs. 100 up to Rs. 800. But in view of local peculiarities or difficulties, a minimum of only Rs. 250 and a provincial maximum of only Rs. 600, or Rs. 700, might, perhaps, be accepted for some Provinces. Three cases, then, might ordinarily arise, and the proportion of men who should be in each grade, as also the several periods within which each grade would be attained, are estimated to be as under:—

CASE I.				CASE II.				CASE III.			
Grade.	Rate of pay.	Proportion of officers in each grade.	Probable period to be passed in each grade.	Grade.	Rate of pay.	Proportion of officers in each grade.	Probable period to be passed in each grade.	Grade.	Rate of pay.	Proportion of officers in each grade.	Probable period to be passed in each grade.
	Rs.				Years.				Rs.			Years.	Rs.	Years.
1st	350	16	3	1st	300	20	6	1st	250	16	3
2nd	300	25	5	2nd	400	25	6	2nd	300	25	5
3rd	400	27	6	3rd	500	25	7	3rd	400	24	8
4th	500	17	5	4th	600	8	6	4th	500	19	6
5th	600	8	6	5th	700	4		5th	600	6	3
6th	700	4		6	6th	800	2				
7th	800	3									
		100	25			100	25			100	25

The principle upon which the proportion of the "prizes" above Rs. 500 (in Cases I and II) to the rest has been calculated is, that they shall be 14 to 15 per cent of the whole number. Case III is only applicable to a Province in which the system of Deputy Collectors is not fully developed.

¹ In Burma it would seem that, while high cost of living necessitates a minimum of Rs. 300, it may be desirable to hold the posts in excess of Rs. 600 per mensem in abeyance for a time, until suitable promotion can be made to them from the grades below.

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No. 76.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.

Administration.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY OF
BLACKBURN, O.M.,

His Majesty's Secretary of State for India.

Calcutta, the 23rd March 1911.

MY LORD,

WE have the honour to forward for your Lordship's consideration a copy of the papers entered in the annexed list regarding a scheme for the reorganization of the executive branch of the provincial civil service in the Madras presidency.

2. We would invite your attention to the despatch No. 110 (Financial), dated the 20th April 1899, in which Lord Curzon's Government submitted proposals for the formation of a self-contained service of deputy magistrate-collectors in Bengal, including, in addition to its own leave reserve, provision for appointments outside the regular line which were normally held by members of the executive branch of the provincial civil service. The principal reason for the reorganization then proposed was that under the existing system a very large number of officiating deputy collectors had to be appointed in order to provide for offices of a semi-permanent nature and for leave vacancies, and that those of the officiating officers who had no substantive appointments in some other branch of the service were deprived for a long period of the privilege of counting service for leave and pension. Lord Curzon's Government stated in paragraph 2 of the despatch referred to, that the difficulties which had led to their proposing a change of system in Bengal were reported not to exist in the Madras presidency, as there officers without a permanent appointment were not appointed as officiating deputy collectors.

3. They examined the question further, however, in 1900, and observed that while probationary deputy collectors in Madras were practically appointed permanently from the outset, there were a number of acting and special deputy collectors outside the cadre; and that, although most of these officers, since they had a lien on substantive appointments, did not suffer any disability as regards leave and pension owing to the fact that they were not confirmed in the provincial civil service for considerable periods, the officers who acted in their places did so suffer. They, therefore, forwarded to the Government of Madras, in July 1900, a copy of the correspondence on the subject of the Bengal reorganization, explained the advantages of that scheme and inquired whether the local Government were willing that their provincial service should be reorganized on the lines adopted for Bengal. The Madras Government in reply explained that the chains of acting appointments in place of the acting and special deputy collectors were continued to the lowest grades of the service, and that the new-comers had not to wait unduly long for confirmation in substantive posts, as it was usually possible, in the case of a promising recruit, to provide for him in a permanent vacancy

before the termination of his acting appointment. They added that they were not convinced of the advantages of the Bengal scheme and that they were unwilling that any change in the general organization and recruitment of the provincial service in the Madras presidency should be made. The matter was then allowed to drop.

4. Since then the executive branch of the provincial civil service has been reorganized on a self-contained basis in all the other provinces excepting the Madras and Bombay presidencies; and the Government of Madras, having reconsidered the matter, have arrived at the conclusion that conditions very similar to those which led to the reorganization of 1899 in Bengal now exist in the Madras presidency. They are of opinion that, in the interests of the public service, it is necessary to reduce the long period of acting service which an officer appointed to officiate as deputy collector has now to undergo and to prevent such officers from remaining for excessive periods on the pay of Rs. 250 a month as first grade tahsildar, and as officiating and permanent deputy collector of the last grade. They now desire to adopt a scheme for a self-contained service similar to that sanctioned for Bengal, and we support their proposal for your Lordship's approval.

5. The requirements of the executive branch of the provincial civil service in Madras were examined in connection with the general scheme for the reconstitution of the districts and divisions and the regrading of the various services in the presidency, and, in accordance with the sanction conveyed in your despatch No 156-Public, dated the 26th November 1909, the total strength of the provincial service was fixed at 94. The Government of Madras explain that, since the submission of the scheme just referred to, two appointments of deputy collector which were included in it have been abolished, and that an additional appointment in the last grade has been created for a division newly formed in the Madura district. With reference to paragraph 8 of the local Government's letter, we would add that we have sanctioned the abolition of the listed post of Under Secretary to Government and the post of second Presidency Magistrate as separate appointments and their inclusion in the provincial service with a local allowance for the officers holding them. We are, in a separate despatch, No. 81, dated the 23rd March 1911, asking your Lordship to confirm the orders which we have issued regarding the inclusion of the latter appointment in the cadre of the provincial service. If those orders are confirmed, the total sanctioned strength of the service will be 95.

6. The present cadre provides for the regular divisional and treasury charges, and for such extraneous appointments as those of the listed Under Secretaryship to Government, the second, third and fourth Presidency Magistrateships, and the Assistant Secretaryship to the Commissioners of Land Revenue, and does not include any reserve for leave vacancies or for special temporary appointments. In paragraph 4 of their letter the Government of Madras furnish a list of the various branches of work in which the acting officers are employed, and they submit a statement showing the average number of acting and temporary appointments in the last grade which were created to supplement the sanctioned strength of the service during the three years ending 30th June 1910. -Excluding the number of deputy collectors in temporary charge of Indian Civil Service divisions and those employed in leave vacancies, the average number of officers employed during the three years in question on recurring temporary work of the nature specified was 22, and the Government of Madras consider that this number should be added to the permanent cadre as a reserve for recurring temporary duties outside the ordinary duties of the deputy collectors' cadre. The local Government have, moreover, in pursuance of a suggestion made by us in 1909, proposed to abolish the two posts of Assistant Commissioner of Revenue Settlement as separate appointments, to entrust the work done by these officers to deputy collectors in future, and to add on this account two appointments to the cadre of deputy collectors. They further propose to transfer the two existing incumbents of these posts to the Rs. 500 and Rs. 400 grades of deputy collectors, and to grant them personal allowances, which will be extinguished if and when they are promoted to a higher grade.

7. The total number of appointments to be provided for in the executive branch of the provincial civil service, including a leave reserve of 14 per cent of

the cadre appointments which has been sanctioned in the case of the other provinces, will, therefore, be as follows:—

Present sanctioned strength	95
For recurring temporary duties of the kind described in paragraph 4 of the local Government's letter.	22
Addition on account of the abolition of the two posts of Assistant Commissioner of Revenue Settlement.	2
	<hr/>
Total cadre posts ...	119
	<hr/>
Leave reserve at 14 per cent of the 119 cadre posts and the two headships of districts listed as open to the provincial service (<i>i.e.</i> , 14 per cent of 121)=16·94 or	17
	<hr/>
GRAND TOTAL ...	136
	<hr/>

The local Government, in their calculations, have omitted to take into account the two listed headships of districts. We propose, in accordance with the usual practice, to include a leave reserve for these appointments in the cadre of the provincial service, and consequently recommend that the total strength of the cadre should be 136, and not 135, as proposed by the local Government.

8. The Government of Madras propose to re-arrange the grading of the suggested cadre of deputy collectors on the scale sanctioned in your Lordship's despatch no. 156-Public, dated the 26th November 1909. We have considered whether, in view of the reorganization of the cadre on the lines of the Bengal scheme, a separate grade on Rs. 200 should not be created to include the appointments representing the leave reserve. The pay of the lowest grade of the provincial civil services in Bengal, Eastern Bengal and Assam and the Central Provinces is Rs. 200, while in the United Provinces and the Punjab it is Rs. 250 and in Burma Rs. 300. In Bombay, where the provincial service is not constituted on a self-contained basis, the pay of the lowest grade is Rs. 300. Having regard to the rates of pay prevailing in the United Provinces, the Punjab and Bombay, and in view of the fact that in Madras the provincial service is recruited mainly from the subordinate service, the pay of the highest grade of which is Rs. 250, we are of opinion that the pay of the lowest grade of the Madras provincial service should be fixed at Rs. 250 and that no separate grade on Rs. 200 for the leave reserve need be created. We also agree that the grading should be based on the scale sanctioned in the despatch of the 26th November 1909 above referred to. The proposed grading of the 136 appointments is shown in the 'proposed scale' column of the revised proposition statement. The extra cost will be, as shown in that statement, Rs. 14,855⁵/₈ a month, or Rs. 1,78,266²/₃ a year. But, as is explained in paragraph 11 of the Madras Government's letter, the cost of 33 acting and temporary deputy collectors at present required to fill temporary appointments and leave vacancies should be deducted from this amount. The net extra cost is therefore Rs. 1,78,266²/₃—Rs. 99,000, or Rs. 79,266²/₃ a year.

9. The Governor in Council presumes that when the provincial civil service is reorganized on a self-contained basis, it will be possible for him to make additional temporary appointments in the last grade of deputy collectors, should the necessity arise, for purposes other than those provided for in the sanctioned strength. This is in accordance with the orders contained in your Lordship's despatch No. 100-Financial, dated the 19th July 1907.

10. It is stated in paragraph 2 of the Madras Government's letter that of the 36 acting and temporary appointments referred to in statement A annexed to that letter, an average number of 3·3 has been made on account of vacancies in the Indian Civil Service, and in paragraph 6 of the letter the local Government propose to reserve power to create additional temporary appointments of

deputy collector to provide officers to hold charge of Indian Civil Service divisions as necessity arises. It is not explained, however, in what class of vacancies in the Indian Civil Service acting deputy collectors have in the past been employed and will be employed in the future. Temporary posts of deputy collector may be created by local Governments in order to make good any depletion in the ranks of the Indian Civil Service when the provision in the cadre of that service for temporary appointments and deputations has been exhausted by the deputation of officers on settlement or other duties. They may likewise be created to meet temporary deficiencies in the cadre caused by the employment of an excess number of officers under the Government of India or when there is a deficiency in the sanctioned strength of the Indian Civil Service. But the creation of such posts to fill leave vacancies among the members of the Indian Civil Service is opposed to the fundamental principles underlying the scheme for the recruitment of that service, which is intended to be a self-contained body, including within itself a reserve sufficient to provide for leave vacancies. We propose to explain this to the Government of Madras in due course.

11. We agree in the proposal made in paragraph 12 of the local Government's letter regarding the period of probation for persons appointed to the deputy collectors' grade.

12. We trust that your Lordship will be able to sanction the proposals stated above.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) HARDINGE OF PENSHURST.

„ O'M. CREAGH.

„ G. FLEETWOOD WILSON.

„ J. L. JENKINS.

„ R. W. CARLYLE.

„ H. S. BUTLER.

„ S. A. IMAM.

„ W. H. CLARK.

Schedule of papers.

1. Letter from the Government of Madras, no. 2431, dated the 22nd July 1910, and enclosures, *viz.* :—
 - (i) Statement showing the number of acting deputy collectors.
 - (ii) Proposition statement.
2. Revised proposition statement.

[NOTE—The enclosure have not been reprinted here.]

Public,
No. 116.

India Office, London.
7th July 1911.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have considered in Council the Financial letter of Your Excellency's Government, No. 76, dated the 23rd March last, in which you submit proposals for the reorganization of the executive branch of the provincial civil service in the Madras Presidency.

2. Your Excellency is convinced of the necessity for reconstituting the service on a self-contained basis ; and to this end you recommend that the sanctioned strength of the cadre should be raised to 136. You also propose that the pay of the lowest grade of the service should be fixed at Rs. 250 a month, and that officers appointed to the grade of Deputy Collector should be placed upon probation for a period of two years.

3. I am satisfied of the expediency of the course that you suggest, and I sanction your proposal.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servant,

CREWE.

No. 3028, dated the 11th October 1911.

From—The Secretary to the Government of Madras, Revenue Department,
To—The Secretary to the Government of India, Home Department.

I am directed to request a reference to the correspondence ending with the Home Department letter No. 4481, dated the 17th July 1902, sanctioning the creation of three probationerships on a pay of Rs. 75 per mensem in the grade of Deputy Tahsildar in this Presidency. This scheme has now been in operation for about 11 years, and in view of the experience of its working which has been obtained, His Excellency the Governor in Council has come to the conclusion that the rate of pay which is provided for these probationers is insufficient to attract candidates of the class and stamp which are desired. As was explained in the letter from this Government, No. 3099, dated the 18th April 1899, the object of the creation of these probationerships was to open to educated young men possessing special claims on the ground of birth or otherwise an avenue of advancement to the higher offices of the public service more direct than that which is secured by entry in the lower subordinate posts. It is found, however, that young men of the class described are unwilling nowadays to accept appointments on so low a rate of pay as Rs. 75 per mensem. Since the scheme of appointing these Revenue Probationers was sanctioned in 1902, the introduction of direct appointments to the Police Department in the grade of Deputy Superintendent on Rs. 250 per mensem has occurred. Similar direct appointments are made in the Postal Department. Proposals for filling comparatively well-paid appointments in the Educational Department by direct recruitment are now under consideration. In the Forest Department direct recruitment of the Provincial Forest Service has been introduced. The result of these changes is that the sons of Indian gentlemen of good position now prefer to enter the Police Department as Deputy Superintendents of Police or some of the other departments above named rather than accept a Revenue Probationership on Rs. 75 a month, to further promotion beyond which the probationer has only the same claims as his compeers in service. At the same time, the arguments in favour of associating young men of good family and education with the administration of the country, far from having lost their force, have greatly gained in importance, and His Excellency the Governor in Council is strongly impressed with the necessity of making some provision for the admission of men of this class into the service of Government in the Revenue Department. I am accordingly to propose that, in lieu of the three posts of Revenue Probationer on Rs. 75 a month which were sanctioned in 1902, there may be created the same number of probationary posts in the grade of Deputy Collector. The probationers would, on selection, be placed under the supervision of the Collector of a district and would receive training in Revenue and Magisterial duties similar to that which is given to an Assistant Collector of the Indian Civil Service. During the period of probation, which would ordinarily run for three years, they would be required to pass all the tests which are now prescribed for the post of Deputy Collector. The Government consider that the age of candidates for appointment to these probationary posts should not be less than 22 and not more than 25 years. It is considered that during the first year of probation a probationer should be paid a salary of Rs. 150 per mensem. During the second year, if the probationer has completed certain tests and has been considered fit to receive the powers of a Magistrate of the second class, he will be eligible for a salary of Rs. 175 per mensem, while during the third year, if he has completed all the tests required for the post of Deputy Collector and has been found qualified to exercise the powers of a Magistrate of the first class, he will be given Rs. 200 per mensem. With the object of protecting the State from loss in the event of a probationer proving unsuited for the public service and also with the object of deterring Indian gentlemen from recommending their relatives for appointments for which they are unsuited, it is proposed to require every probationer before appointment to execute an agreement with one or more sureties binding himself and his sureties to refund to the Secretary of State half the stipend which he may receive, should he fail either to complete the prescribed tests within three years of his appointment as probationer, or from any other cause, to take up an appointment at the

close of that period. The precedent for this course is found in the agreements which are taken in England from selected candidates for the Indian Civil Service. If the probationer completes the prescribed tests and is found to be by character and conduct fit for permanent appointment to the grade of Deputy Collector, he will, on the expiry of his three years' probation, or as soon after as may be convenient, be confirmed in the next vacancy which may occur in the seventh grade of Deputy Collector on Rs. 250 per mensem.

2. I am to explain that the three probationary appointments which it is now proposed to create are in addition to the *cadre* of Deputy Collectors recently sanctioned by the Secretary of State in his despatch No. 116, dated the 7th July 1911. This is necessary because during the period of probation no probationer will be employed in independent charge. It will be understood, however, that no probationer will be confirmed except in a vacancy existing within the *cadre* as sanctioned by the Secretary of State. If this scheme receives the approval of the Government of India, the three appointments of Revenue Probationer in the Deputy Tahsildar grade on Rs. 75 per mensem which was sanctioned in 1902 will be abolished.

3. The number of probationers proposed to be created, namely three, is small and will enable not more than one appointment annually to be filled up by direct appointment. The great majority of the vacancies in the Provincial Revenue Service will continue to be filled, as at present, by promotion from the lower grades of the service. It may possibly be desirable later to go further and to make some additional provision for the direct appointment of young men of good family and education to the Provincial Revenue Service, but for the present His Excellency the Governor in Council does not propose to increase the number of probationerships which was approved by the Government of India in 1902.

4. A proposition statement verified by the Accountant-General, together with a copy of his letter No. G.A. 8—23, dated 29th September 1911, is enclosed. With reference to paragraph 2 of that letter I am to state that the Accountant-General has, in the communication referred to therein, raised the question whether the Local Government was competent to add a permanent appointment to the last grade of Deputy Collectors thus raising the number of appointments in the sanctioned *cadre* of Deputy Collectors from 135 to 137. This question is now under the consideration of this Government and will be disposed of separately.

I have the honour to be,

Sir,

Your most obedient servant,

A. G. CARDEW,

Secretary to Government.

Statement of proposition for revision of establishment.

Order sanctioning present establishment. Government of Madras, Revenue Department.	Office to which the proposition refers.	NATURE OF CHARGE.												PROPOSITION.						Grounds of proposition.		
		PRESENT SCALE.						PROPOSED SCALE.						PERMANENT.		TEMPORARY.						
		Number.	Designation.	Pay.			Average cost.	Number.	Designation.	Pay.			Average cost.	Increase per month. Amount.	Decrease per month. Amount.	Increase per month.		Decrease per month.				
Minimum.	Increment.			Maximum.	Period.	Amount.				Period.	Amount.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
G. O., No. 2273, Revenue, dated 25th July 1911. Government of India No. 4621-Ex., dated 28th July 1911, communicating Secretary of State's despatch No. 116, Public, dated 7th July 1911, received by Government of India on 23rd July 1911.	3	Deputy Collectors on Rs. 800 ...	...	...	Rs. 2,400	...	3	Deputy Collectors on Rs. 800 ...	...	...	Rs. 2,400	...	...	...	...	...	...	...	...
		6	Do. on ,, 700 ...	...	...	4,200	...	6	Do. on ,, 700 ...	...	...	4,200	...	...	...	...	...	...	...	...	...
		8	Do. on ,, 600 ...	...	...	4,800	...	8	Do. on ,, 600 ...	...	...	4,800	...	...	...	...	...	...	...	...	...
		29	Do. on ,, 500 ...	...	...	14,500	...	29	Do. on ,, 500 ...	...	...	14,500	...	...	...	...	...	...	...	...	...
		32	Do. on ,, 400 ...	...	...	12,800	...	32	Do. on ,, 400 ...	...	...	12,800	...	...	...	...	...	...	...	...	...
		29	Do. on ,, 300 ...	...	...	8,700	...	29	Do. on ,, 300 ...	...	...	8,700	...	...	...	...	...	...	...	...	...
		30	Do. on ,, 250 ..	...	...	7,500	...	30	Do. on ,, 250 ...	...	...	7,500	...	...	...	...	...	...	...	...	...
					3	Probationary Deputy Collectors—											
											1st year Rs. 150.	450	...	600	525	525
											2nd year, Rs 175.											
									3rd year, Rs. 200.													
		137	Total ...	...	...	54,500	...	140	Total ...	...	...	55,500	525	525	...	...	...	...	...	...
21 G. O., No. 80 (Contd). No. 125) Revenue, dated 1st August 1902.	..	3	Revenue Probationers on Rs. 75 each.	225	225		

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No. 109, dated the 15th January 1912.

From—The Government of India, Home Department.

To—The Secretary to the Government of Madras, Revenue Department.

In reply to your letter no. 3028, dated the 11th October 1911, I am directed to convey the sanction of the Government of India to the creation of three probationerships for the provincial civil service on the conditions mentioned in paragraphs 1 and 2 of your letter, in lieu of the three existing posts of probationer in the grade of Deputy tahsildar.

Submitted with Bombay Government letter No. 10806 dated the 6th November 1909.

ORDER SANCTIONING PRESENT ESTABLISHMENT. GOVERNMENT OF DEPARTMENT.		Office to which the proposition refers.	NATURE OF CHARGE.											PROPOSITION.		
			PRESENT SCALE.					PROPOSED SCALE.						PERMANENT.		
			No.	Designation.	Pay.			Average cost.	No.	Designation.	Pay.			Average cost.	Increase per month.	Decrease per month.
		Minimum.	Increment.	Maximum.				Minimum.	Increment.	Maximum.		Amount.	Amount.			
			<i>Presidency Proper.</i>													
					Rs.	Rs.	Rs.	<i>Presidency Proper and Sind.</i>								
G. R., R. D., 1003	27th February 1908	Deputy Collectors in the Presidency Proper.	1	1st grade Deputy Collector	...	...	800	800	A 2	1st grade Deputy Collectors	...	...	800	1,600	800	...
G. R., R. D., 1185	4th February 1908		2	2nd grade Deputy Collectors	...	...	700	1,400	3	2nd ditto	...	...	700	2,100	700	...
			3	3rd ditto	...	...	600	1,800	B 7	3rd ditto	...	...	600	4,200	2,400	...
			15	4th ditto	...	...	500	7,500	C 23	4th ditto	...	...	500	11,500	4,000	...
			14	5th ditto	...	...	400	5,600	23	5th ditto	...	...	400	9,200	3,600	...
			19	6th ditto	...	...	300	5,400	E 24	6th ditto	...	...	300	7,200	1,800	...
			53				22,500	82					35,500	13,000	...	
			<i>Temporary.</i>													
G. R., R. D. 4977	22nd May 1909	Deputy Collectors in Sind.	1	6th grade Deputy Collector	...	...	300	300	2	6th grade Deputy Collectors	...	...	300	0.0	...	...
G. R., R. D., 7072	21st July 1909		1	6th ditto	...	...	300	300	...	...	...	...	...	...	...	...
			<i>Sind.</i>													
		Deputy Collectors in Sind.	1	2nd grade Deputy Collector	...	...	700	700	...	...	...	...	...	...	...	700
			1	3rd ditto	...	...	600	600	...	...	...	...	...	...	...	600
			7	4th ditto	...	...	500	3,500	...	...	...	...	...	...	...	3,500
G. R., R. D., 402	15th January 1908		D 6	5th ditto	...	...	400	1,400	...	...	...	...	...	...	...	1,400
			8	6th ditto	...	...	300	2,400	...	...	...	...	...	...	...	2,400
			21				9,600	...					...	...	9,600	
																Total net increase
																1,200

A. Includes one appointment of City Magistrate, Karachi, which will be kept vacant until the permanent incumbent retires. He is in receipt of a personal allowance of Rs. 200 per mensem.
 B. Inclusive of three appointments to be added on the retirement of the statutory civilians holding the posts of First Assistants.
 C. Inclusive of the appointment to be added on the retirement of one of the three statutory civilians now holding the post of Collector (vide G. R., R. D., no. 6268, dated the 23rd August 1907).
 D. Reduced to six appointments (vide Government of India, Department of Commerce and Industry, no. 5,01-5, dated the 10th June 1903-G. R., R. D., no. 6381, dated the 1st July 1903 and 9011-6, dated the 28th September 1903, G. R., R. D., no. 10093, dated the 6th October 1908).
 E. Includes one additional appointment proposed for the new Nawabshah district in Sind (vide Government letter to Home Department, no. 9561, dated the 30th September 1907).

Present scale verified.

BOMBAY;

21st September 1909.

J. R. GUNJIKAR,
Assistant Accountant General.

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No. 248, dated the 3rd March 1910.

From—The Government of India, Home Department,

To—The Chief Secretary to the Government of Bombay.

I am directed to refer to your letter No. 10806, dated the 6th November 1909, regarding the amalgamation of the cadre of the executive branch of the Provincial Civil Service in Bombay with that in Sind.

2. The Government of Bombay while prepared to accept the suggestions regarding constitution of the amalgamated cadre on a total strength of 82 are unable to agree to the grading proposed in the Home Department letter no. 466, dated the 15th April 1909. They have no objection to the proposal to fix the number of appointments in the first three grades at 2, 3 and 7, provided that the Government of India agree to the remaining seventy appointments being placed in the next three grades at 23, 23 and 24 respectively.

3. In reply I am to say that the Governor General in Council is pleased to sanction the amalgamated cadre of the Provincial Civil Service in the Bombay Presidency and Sind and the distribution of the appointments in the various grades as proposed by the Government of Bombay subject to the following conditions:—

- (i) that the four appointments corresponding to four appointments of assistant collector, which have still to be transferred to the provincial service but which are now held by statutory civilians, are not actually filled up until they are vacated by the latter;
- (ii) that the appointment required for the proposed new district of Nawabshah, which is provided for in the sixth grade (Rs. 300) of the revised cadre is also not filled up unless and until the Secretary of State sanctions the formation of that district, and
- (iii) that an appointment in the first grade is kept vacant until Mr. Cumming retires from, or vacates the office of City Magistrate, Karachi. When that even occurs and the appointment is actually held by a member of the provincial service the proposal made in Mr. DuBoulay's letter no. 1178, dated the 25th February 1909, to attach a local allowance of Rs. 200 a month to the appointment will be recommended to the Secretary of State.

No. 12466, dated the 28th December 1909.

From—The Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Department of Revenue and Agriculture.

SIR,

I am directed to refer to the correspondence ending with your letter No. 793-208-2, dated 18th June 1908, on the subject of the revision of the grading of Mámlatdárs in the Bombay Presidency. In that letter the Government of India declined to reconsider the orders conveyed in their letter No. 7-393-2, dated 3rd January 1908, on the proposal made by this Government for the creation of a new grade of Mámlatdárs on Rs. 275 per mensem, stating that they would prefer to retain the maximum grade of Rs. 250, and observed that the revision of the intermediate grades suggested in their letter of 3rd January 1908 was better calculated to remove any dissatisfaction that might exist in the body of the service. The Government of India at the same time desired, in case the Government of Bombay were unable to concur in the views expressed by the Government of India, to be furnished with information regarding the grievances said to exist amongst the Mámlatdárs and how far the creation of a new grade on Rs. 275 per mensem was expected to remove them, and also regarding the class from which Mámlatdárs were ordinarily recruited and the class it was expected to attract by raising the maximum pay of the service. I am now to furnish the information desired by the Government of India and to submit a modified scheme for the revision of the cadre of Mámlatdárs.

2. The grievances set forth by the Mámlatdárs in their memorials to this Government are as follows:—

(1) that at present it takes on an average twelve years for a Mámlatdár to rise from the lowest grade of Rs. 150 to the highest grade of Rs. 250 and that in future it is likely to take sixteen;

(2) that after reaching the highest grade of Rs. 250, the majority of Mámlatdárs have very small prospects of further promotion. The chances of rising to a Deputy Collectorship are comparatively rare, as vacancies are now often filled by outsiders;

(3) that the number of appointments in the two higher grades is small, and that in the two lower grades is inordinately large; as a natural consequence of this distribution, promotion from the two lower to the two higher grades is very slow;

(4) that the increment of grade promotion is inadequate, being only Rs. 25 for the three lower grades, which contain the majority of posts, and Rs. 50 only when the incumbent passes from the second to the first grade, which grade has only a small number of posts; the last increment is, in consequence, not obtained till after very long service;

(5) that in point of number of appointments and amount of pay in superior grades the Subordinate Judicial Service stands on far higher ground than the Subordinate Revenue Service;

(6) that in point of hard work and multiplicity and volume of duties and avocations, the Mámlatdár presents a strong contrast to the Sub-Judge;

(7) that while the Sub-Judge is a Gazetted officer, the Mámlatdár is not;

(8) that in other Departments emoluments have been revised and prospects have been improved as time and circumstances rendered necessary, but no similar relief has been given to Mámlatdárs.

3. As regards the first of these complaints, it appears from a scrutiny of the Civil Lists for several years past that in the Northern Division after his substantive appointment in the fourth grade it takes a Mámlatdár 11 to 12 years, in the Central Division 11 to 15 years, and in the Southern Division 14 to 16 to reach the first grade.

Respecting the second complaint it appears that out of a total of 57 men appointed Deputy Collectors since 1897, 42 have been Mámlatdárs. The

average number of Mámlatdárs promoted to Deputy Collectorships is therefore 3·5 per annum, or only one man per Division. This slow rate of promotion was one of the reasons which led this Government to propose a new grade on Rs. 275 per mensem.

The third and fourth complaints are such as can be remedied by a suitable rearrangement of the appointments in the several grades.

As regards the fifth complaint the following statement shows for the Executive and Judicial Branches of the Public Service in the Presidency proper the number of appointments on Rs. 150 and upwards:

Executive Branch.

Serial No. of appointment.	Appointment.	Pay Rupees per mensem.	Remarks.	
*1	Magistrate and Collector ...	} Rs. 1,600 or Rs. 1,200 according as the ap- pointment is made to a Senior or Junior Collectorship.	}	
*2	Do. do. ...			
3	Tálukdári Settlement Officer ...	800	} Ranked in the Provincial Service.	
4	Deputy Collector and Magistrate, 1st Grade.	800		
5-6	Two Deputy Collectors and Magis- trates, 2nd Grade.	700		
7-12	Six Deputy Collectors and Magis- trates, 3rd Grade.	600		
13-28	Sixteen Deputy Collectors and Ma- gistrates, 4th Grade.	500		
29-42	Fourteen Deputy Collectors and Magistrates, 5th Grade.	400		
43-60	Eighteen Deputy Collectors and Magistrates, 6th Grade.	300		
61-83	Twenty-three Mámlatdárs, 1st Grade	250		} Ranked in the Subordinate Service.
84-121	Thirty-eight do. 2nd Grade.	200		
122-175	Fifty-four do. 3rd Grade	175		
176-257	Eighty-two do. 4th Grade.	150		

* These appointments are open to members of the Provincial Service in the Province of Sind also.

Judicial Branch.

Serial No. of appointment.	Appointment.	Pay Rupees per mensem.	Remarks.
1	District and Sessions Judge ...	Rs. 1,600 or Rs. 1,200 according as the appointment is made either to the 1st and 2nd or to the 3rd Grade Judgeships.	} Ranked in the Provincial Service.
2	Do. do. ...		
3	Registrar of the High Court, Appellate Side.	1,200	
4	Judge of the Small Cause Court, Poona.	800	
5	Judge of the Small Cause Court, Ahmedabad.	800	
6	Judge of the Small Cause Court at Surat and Broach.	800	
7-9	Three Subordinate Judges, 1st Class, 1st Grade.	800	
10-13	Four Subordinate Judges, 1st Class, 2nd Grade.	650	
14	Assistant Judge and Sessions Judge.	} Rs. 600 or Rs. 500 according as the appointment is to the 1st or 2nd Grade.	
15	Do. do. ...		
16	Do. do. ...		
17-26	Ten Subordinate Judges, 1st Class, 3rd Grade.	500	
27-45	Nineteen Subordinate Judges, 2nd Class, 1st Grade.	400	
46-68	Twenty-three Subordinate Judges, 2nd Class, 2nd Grade.	300	
69-103	Thirty-five Subordinate Judges, 2nd Class, 3rd Grade.	200	
104-115	Twelve Subordinate Judges, 2nd Class, 4th Grade.	150	

It will be seen at a glance that the Revenue Branch is at a very great disadvantage compared with the Judicial. In the first place the latter, numbering 115 only, has 68 appointments on Rs. 300 and over and only 47 on less, while the former, numbering 257, has only 60 appointments on Rs. 300 and over and 197 on less. Moreover of the 68 higher judicial appointments 9 are on Rs. 800 and over, while out of the 60 higher revenue appointments only 4 are on Rs. 800 and over.

It is also a substantial though partly sentimental advantage to the Judicial Service that the whole of its members on Rs. 150 and upwards are ranked in the Provincial Service, while over three-fourths of the Executive branch are ranked in the Subordinate Service. The only result can be that for appointments of Rs. 150 and upwards a decidedly inferior stamp of man is likely to be obtained in the Revenue than in the Judicial branch. Such a result is highly undesirable, and the only possible excuse for it is the fact that virtually the whole of the Judicial Service is recruited direct, while the Mámldár

portion of the Revenue side is recruited to a considerable extent from the Subordinate Service. No one can become a Mámíatdár without passing an apprenticeship at least in lower posts; but a large number of the Mámíatdárs, at present 65 per cent, are graduates whose time in the lower posts is served only for purposes of training. This proportion must be regarded as recruited to all intents and purposes direct, the time passed in lower posts corresponding with the time during which a Sub-Judge was practising at the bar or doing other work prior to his appointment.

This brings us to the sixth complaint, which is that the duties of a Mámíatdár are more onerous, more multifarious and more responsible than those of a Subordinate Judge. Thus stated, the complaint is perhaps to some extent exaggerated; but there can be no question that there is a large amount of truth in it. Compared with the great majority of Sub-Judges, certainly those of the second class, the Mámíatdár has duties far larger in volume, infinitely more varied in character, with far heavier financial responsibilities, and far wider opportunities for doing good or evil. Even in judicial or *quasi*-judicial matters his powers are in many respects comparable to those of Sub-Judges. He has considerable Magisterial powers, not unseldom those of the first class, and on the civil side has a wide jurisdiction in the grant of assistance to landlords in the recovery of their rents, and the decision of summary possession suits under the Mámíatdárs' Courts Act. It is unnecessary to enlarge on his responsibilities in connection with land revenue. The whole of the collections both of land revenue and tagái and the enforcement of summary powers of recovery are in his hands. As stated by the Decentralisation Commission the Mámíatdár stands in the eyes of the people as the representative of Government, while to the superior officer he is of course the principal official source of information on an inconceivably wide variety of subjects.

The seventh complaint of the Mámíatdárs is closely connected with the fifth. The Sub-Judges even in the lowest grades of the lower class are Gazetted officers of the Provincial Service; the Mámíatdárs, even of the highest grade, are relegated to the Subordinate Service.

The eighth and last complaint is true and would be met by the creation of a higher grade as proposed by this Government.

4. The present rules for the recruitment of Mámíatdárs are contained in the Resolution of this Government, No. 4517, dated 14th June 1904, as modified by Resolution No. 6147, dated 26th June 1906. Mámíatdárs have hitherto consisted in the proportion of at least two to one of graduates in the Subordinate Revenue Service who have passed the Higher Standard Departmental Examination. Non-graduates holding specified appointments who have been permitted to appear for and have passed the Higher Standard Examination have also been eligible in the proportion of not more than 1 to 2 for appointment as Mámíatdárs. No change in the method of recruitment of Mámíatdárs was contemplated when the proposals contained in this Government's letter No. 8383, dated 24th August 1907, were submitted to the Government of India, except that promotion to Mámíatdár was to be open equally to graduates and non-graduates who had passed the Higher Standard Examination. As stated in that letter and in letter No. 3599, dated the 6th April 1908, the main objects of the proposals were (1) to improve the general prospects of the service and (2) to compensate the Mámíatdárs for the loss of their Magisterial allowance.

5. In their letter of 3rd January 1908, the Government of India objected to the creation of a new grade on Rs. 275 on the ground that it was necessary to preserve uniformity with other provinces. In their subsequent letter No. 793, dated 18th June 1908, the objection taken is that the new grade, which (it is supposed) is intended to provide a higher scale of pay for officers who are passed over for promotion, will not have any appreciable effect on recruiting; since the attraction of the Mámíatdár's service for the best men obviously lies in its being one of the avenues to the Provincial Civil Service, as the best Mámíatdárs have the prospect of being promoted to the rank of Deputy Collector.

With reference to the second objection I am to observe, in the first place, that the proposed new grade was not intended to provide a higher scale of pay. It was intended to provide a substitute for the present pay of a 1st Grade

Mámlatdár with the Magisterial allowance, namely, Rs. 250 × 40 = Rs. 290. It thus provided a lower, not a higher, scale of salary. Secondly, it was intended not only, and not chiefly, for officers passed over for promotion, but for officers whom owing to the slow rate of promotion from Mámlatdárs to Deputy Collectors, it is not possible to promote to the higher grade before they come to the end of their service, or who gain such promotion only towards the end of their service. The object was to give something nearly equal to the present emoluments of Rs. 290 attainable by a good Mámlatdár who is still waiting and hoping for promotion to a Deputy Collectorship on Rs. 300, or to a good Mámlatdár whom it is not intended to promote.

With reference to the observation that the attraction of the Mámlatdár's service for the best men obviously lies in its being one of the avenues to the Provincial Service, I am to submit that the question is hardly what constitutes the attraction of the Mámlatdár's service for the best men but rather what is required to be done in order to make the Mámlatdár's service sufficiently attractive to induce an adequate number of good men to enter the Executive Branch of the service with a view to becoming Mámlatdárs and so supplying Government with a body of competent officers from whom to select the best for promotion to Deputy Collectors. It is true, as observed by the Government of India, that the best Mámlatdárs have the prospect of being promoted to the rank of Deputy Collector, but I am to point out that the prospect is one which comparatively few only can realize. Only the pick of the best men can hope to become Deputy Collectors; on an average, only one per Division per annum. Many therefore who are fit for promotion to higher rank must get left in the 1st grade of Mámlatdárs, and not a few can obtain promotion to the lowest grade of Deputy Collectors only in the closing years of their service, with no hope of rising further. These considerations, in the opinion of the Governor in Council, amply justify the creation of another grade of Rs. 275.

Further examination of the subject, however, has led to the conclusion that something much more substantial has to be done. The comparison with conditions in the Judicial branch of the service, the volume, importance and responsibility of the Mámlatdár's work, combined with difficulties now experienced in recruitment, have convinced this Government that in order to maintain a reasonable standard of efficiency in the Revenue Branch of the public service, the grading and emoluments of the Mámlatdárs must be materially improved. Financial considerations alone preclude the proposal of much greater changes than are suggested in the following paragraphs.

6. The present scale and the scale proposed by the Government of India are shown below. The total number of Mámlatdárs' appointments is at present 197 instead of 196 owing to the creation of an additional appointment on Rs. 150 due to the conversion of the Hukeri Mahál in the Belgaum District of the Southern Division into a taluka, and the new appointment is added to the number of appointments on Rs. 150 shown in the scale proposed by the Government of India.

PRESENT SCALE.		Cost per mensem.	SCALE PROPOSED BY THE GOVERNMENT OF INDIA.		Cost per mensem.
Appointments.	Pay.		Appointments	Pay.	
	Rs.	Rs.		Rs.	Rs.
23	250	5,750	24	250	6,000
38	200	7,600	25	225	5,625
54	175	9,450	30	200	6,000
82	150	12,300	40	175	7,000
197		35,100	78	150	11,700
Add monthly cost on account of Magisterial allowances.		1,000	197		36,325
		36,100	Additional cost	...	225 per mensem.

7. In the scale proposed by the Government of India the number of appointments left in the lowest grade is disproportionately large. Two of the grounds on which the Mámíatdárs complain are the larger number of appointments in the superior grades of the Judicial Branch and the excessive number of appointments in the two lower grades of the Mámíatdárs' cadre, and the Governor in Council desires to impress on the Government of India that the complaints are not at all likely to be satisfied or the service rendered more attractive unless the number of appointments in the lowest grade is considerably reduced. If the proportion of posts on Rs. 150 were the same in Judicial and Revenue Services, the number of mámíats on Rs. 150 would not exceed 21. For financial reasons alone it is impossible to allow such a small number of appointments in the lowest grades of Mámíatdárs, and for men who reach Mámíatdárships after long service in lower posts, a certain number of such posts are admissible; but it is, in the opinion of the Governor in Council, absolutely necessary to reduce the number of low-paid Mámíatdárships more than is proposed by the Government of India. At the same time it would not be reasonable to reduce the existing number of appointments in the highest grade. A modification of the scale will therefore be impossible unless the pecuniary limit imposed by the Government of India in their letter of 3rd January 1908 is materially exceeded.

8. In this connection I am to observe that the openings in private life—the professions (law and medicine), industrial enterprises, and commerce—attract men by superior prospects and render necessary a more liberal improvement of the scale than is possible under the restriction of cost laid down by the Government of India. In present circumstances graduates and other eligible candidates will not be attracted into the Revenue Service unless the scheme of grades in the highest rank of that service, *viz.*, the rank of Mámíatdár, is materially improved. Men are not coming forward to the same extent as formerly for employment in the subordinate Revenue Service, owing to the more numerous openings for employment with good prospects which present themselves elsewhere, and to the comparatively poor prospects of reaching in that service good rates of pay within a reasonable time. It is therefore imperative that a rationally graded scale of promotion should be introduced in order to attract good men into the Revenue Service.

9. The Governor in Council accordingly proposes the following revised scale for Mámíatdárs in this Presidency :—

Scale proposed by the Government of India.				Revised scale now proposed by the Government of Bombay.			
			Cost per mensem.				Cost per mensem
			Rs.				Rs.
First grade, 24 appointments on Rs. 250 ...			6,000	29 appointments on Rs. 250	...		7,250
Second " 25 " " 225 ...			5,625	34 " " 225	...		7,650
Third " 30 " " 200 ...			6,000	39 " " 200	...		7,800
Fourth " 40 " " 175 ...			7,000	45 " " 175	...		7,875
Fifth " 78 " " 150 ..			11,700	50 " " 150	...		7,500
		197	36,325			197	38,075

It will be observed that in the revised scale now proposed by this Government the higher grade of Rs. 275 does not occur. On the other hand, the material reductions made in the lowest grade, and the provision made for a larger number of appointments in the two higher grades will secure a more rapid flow of promotion. The cost will exceed by Rs. 1,750 per mensem the cost proposed by the Government of India, and the next extra cost after taking into account the

magisterial allowances will amount to Rs. 1,975 per mensem, or Rs. 23,700 per annum. Although the total cost surpasses by a substantial amount the limit laid down by the Government of India, the Governor in Council is strongly of opinion that the revised scale now recommended for adoption is entirely appropriate and represents the minimum required to secure Mámíatdárs of the class required to maintain the requisite efficiency in Revenue administration.

10. The distribution of appointments amongst the three Divisions will be as shown below:—

Divisions.	NUMBER OF APPOINTMENTS.					Total.
	First grade on Rs. 250.	Second grade on Rs. 225.	Third grade on Rs. 200.	Fourth grade on Rs. 175.	Fifth grade on Rs. 150.	
Northern Division	8	9	10	12	13	52
Central Division	12	14	16	18	21	81
Southern Division	9	11	13	15	16	64
Total	29	34	39	45	50	197

The requisite proposition statement, of which the present scale has been verified by the Accountant General, is appended to this letter.

11. In the opinion of this Government there are strong reasons for ranking Mámíatdárs in the Provincial Service. The concession would be highly appreciated and would cost nothing. The question has been discussed on a former occasion. It arose out of the recommendation made by the Public Service Commission of 1886-87 that the line of demarcation between the Provincial and Subordinate Civil Services should be drawn between the appointments of Deputy Collectors and of Mámíatdárs. The Governor in Council, after considering certain alternative suggestions made by the Commission, expressed his opinion that the best division would be that between gazetted and non-gazetted appointments, with the addition of a few appointments of a *quasi* executive or *quasi*-judicial character. In their letter of 14th February 1890 the Government of India stated their objections to the line of division proposed by this Government and intimated that it would be preferable to fix the line of demarcation between the two services according to pay and that all officers drawing pay proper of less than Rs. 200 should be included in the Subordinate Service. This Government in their letter, dated 2nd October 1890, explained how it would, in practice, be found inconvenient to make the division between the two services on the basis of salary and stated that the best plan would be to include in the Provincial Service whole classes of appointments embracing within it entire groups of appointments, instead of drawing a hard and fast line at Rs. 200 a month. It was further observed that all ought to be members of the Provincial Service who in a regular course of promotion must become members of it, such as Subordinate Judges and Mámíatdárs, and that the whole class in each instance ought to be embraced in the Provincial Service. In their letter No. 1536, dated 27th May 1892, the Government of India, while agreeing in the view expressed by this Government, which was also held by other Local Governments and Administrations, declared that the test should rather be the method of recruitment and the prospect of regular promotion to higher employment. As regards Mámíatdárs, they observed that if respect were had only to their position and authority, they might fairly be placed in the superior service; but that if in any province it was the custom to promote them only by selection and in special circumstances to be Deputy Collectors and Magistrates, and if persons were appointed to be Mámíatdárs from interior offices, then the line should be so drawn as to include them in the Subordinate Service. They added that this was the view taken by the Governments of Madras and the North-West Provinces and Oudh (now the United Provinces of Agra and Oudh) in regard

to Tahsildárs and that the rule should be followed in the Bombay Presidency where Mámlatdárs were appointed by Commissioners from amongst ministerial officers and outside candidates. The Government of Bombay, acquiescing in the decision of the Government of India, did not make any further representation, but in letter No. 2093, dated 20th March 1894, transmitting the memorial of the Poona Sarvajanic Sabha on the subject of the Provincial Service rules, this Government remarked that the Government of India were aware that the Governor in Council would have preferred the inclusion of Mámlatdárs in the Provincial Service, but that he did not then wish to reopen the question if, as he understood, it was the case that officers of corresponding rank in other provinces had been excluded from that service. In the orders passed by the Government of India in their letter No. 1007, dated 4th June 1894, on the Sabha's memorial, they stated that they had fully considered the matter on that and previous occasions and were altogether unable to apply to the Bombay Presidency a rule different from that which had been accepted in other provinces, and added that, in their opinion, the Bombay Subordinate Civil Service did not possess any better claim to a higher status than the Subordinate Civil Service in some of the other provinces and that for that and other more general reasons it would be impossible to apply to it in Bombay any more favourable measure of treatment than was elsewhere approved.

It will be seen from the above *resumé* of the previous correspondence that the proposal to include Mámlatdárs in the Bombay Presidency in the Provincial Service was negatived by the Government of India largely on the ground that officers of similar status in other provinces were not so included. With reference to this I am to observe that it appears from paragraphs 595—601 of Chapter XIV of the Decentralization Commission's Report that the position of Tahsildárs, who correspond in rank with Mámlatdárs in this Presidency, varies considerably in different provinces. In paragraph 597 it is stated that only in Bombay and Burma are some of these officers invested with first class magisterial powers. The functions, powers and responsibilities of the Mámlatdárs in this Presidency are mentioned in paragraph 3 of this letter. The Governor in Council believes that they are, as a body, more influential than, and superior to, the Tahsildár class of other provinces, in which case no sufficient ground remains for insisting on similar treatment. There are, besides, other circumstances affecting the position of the Mámlatdárs which have to be borne in mind in considering the question. The Mámlatdár is the backbone of the executive administration in its higher branches and to regard him as part of the Subordinate establishment is misleading and impolitic. He is the most important official in a *táluka*, the local magistrate, and to exclude him from the Provincial Service while Subordinate Judges even of the lowest grade—who occupy precisely the same position in the Judicial system as is occupied by Mámlatdárs in the Revenue administration, but the magnitude and importance of whose duties is relatively less—are included in that Service is to lower him and his influence in popular estimation, and distinctly tends to weaken the administration. In Indian public opinion as well as in official estimation the Mámlatdár and Magistrate of a *táluka* is regarded as a decidedly more influential and important personage than the average Subordinate Judge, and it appears to the Governor in Council to be unjust to class a First Grade Mámlatdár and Magistrate as a "warrant officer" whilst a Fourth Grade Subordinate Judge is classed as a "commissioned officer," for in the popular estimation that is what the distinction between "Subordinate" and "Provincial" Service means. The respect in which Subordinate Judges are held is undoubtedly due in considerable measure to the fact that they are included in the Provincial Service, and it appears certain that, apart from the fact that the present important position of Mámlatdárs justifies their inclusion in that Service, such inclusion would strengthen their position and attract to the lower ranks of the revenue service a better class of men who would aspire to the position of Mámlatdár. It has been pointed out in paragraph 2 of this letter that much discontent prevails at present among Mámlatdárs in respect of their pay, but the Governor in Council desires to emphasise the fact that the grievance regarding their status, though founded partly on sentimental grounds, is not less genuine and acutely felt. He hopes that the question will not be decided solely on the principle of uniformity with

other provinces and that the Government of India will take account of special circumstances. The lapse of time since the last expression of opinion by the Government of India on the subject has only served more fully to convince the Governor in Council of the necessity of meeting in the interests of the administration of the Presidency the aspirations of this most useful, honourable, and responsible body of public servants ; and I am to express the earnest hope of the Governor in Council that the Government of India will be pleased to reconsider the question in the light of the observations now made and issue orders directing the inclusion of Mámlatdárs in the Provincial Service.

I have the honour to be,

Sir,

Your most obedient servant,

R. A. LAMB,

Chief Secretary to the Government of Bombay.

Statement of proposition for revision of establishment of Mámlatdárs in the Bombay Presidency.

Present scale.				Proposed scale.			Increase per month.	Decrease per month.		
No.	Designation.	Pay.	Average cost.	No.	Designation.	Pay.			Average cost.	
		Rs.	Rs.			Rs.	Rs.	Rs.		
<i>Northern Division.</i>				<i>Northern Division.</i>						
7	Mámlatdárs, 1st Grade ...	250	1,750	8	Mámlatdárs, First Grade ...	250	2,000	250	...	
				9	Do. Second Grade ..	225	2,025	2,025	...	
10	Do. Second Grade ...	200	2,000	10	Do. Third Grade ...	200	2,000	...	...
14	Do. Third Grade ...	175	2,450	12	Do. Fourth Grade ...	175	2,100	...	350	
21	Do. Fourth Grade ...	150	3,150	13	Do. Fifth Grade ...	150	1,950	...	1,200	
52			9,350	52			10,075	2,275	1,550	
6	Magisterial allowances ...	40	240	}	<i>Nil.</i>				280	
1	Additional do. ...	40	40							
7			280							
<i>Central Division.</i>				<i>Central Division.</i>						
10	Mámlatdárs, First Grade ...	250	2,500	12	Mámlatdárs, First Grade ...	250	3,000	500	...	
				14	Do. Second Grade ...	225	3,150	3,150	...	
13	Do. Second Grade ...	200	3,000	16	Do. Third Grade ...	200	3,200	200	...	
22	Do. Third Grade ...	175	3,850	18	Do. Fourth Grade ...	175	3,150	...	700	
24	Do. Fourth Grade ...	150	5,100	21	Do. Fifth Grade ...	150	3,150	...	1,950	
31			14,450	81			15,650	3,850	2,650	
3	Magisterial allowances ...	40	320	}	<i>Nil.</i>				360	
1	Additional do. ...	40	40							
5			360							
<i>Southern Division.</i>				<i>Southern Division.</i>						
6	Mámlatdárs, First Grade ...	250	1,500	9	Mámlatdárs, First Grade ...	250	2,250	750	...	
				11	Do. Second Grade ...	225	2,475	2,475	...	
12	Do. Second Grade ...	200	2,600	13	Do. Third Grade ...	200	2,600	...	...
13	Do. Third Grade ..	175	3,150	15	Do. Fourth Grade ...	175	2,625	...	525	
17	Do. Fourth Grade ...	150	4,950	16	Do. Fifth Grade ...	150	2,400	...	1,650	
1			11,300	64			12,350	3,225	2,175	
1	Magisterial allowances ...	40	320	}	<i>Nil.</i>				360	
1	Additional do. ..	40	40							
2			360							
2	Total Mámlatdárs ...		35,100	157			33,075	9,350	6,575	
1	Total Magisterial allowance.		1,000						1,000	
	GRAND TOTAL ..		36,100			Net increase ...		1,975		

No. 1212, dated the 2nd September 1910.

From—The Secretary to the Government of India, Home Department,

To—The Chief Secretary to the Government of Bombay.

In continuation of the letter from the Department of Revenue and Agriculture no. 234, dated the 28th February 1910, regarding the revised grading of Mámíatdárs in the Bombay Presidency, I am directed to say that the Governor General in Council sanctions the inclusion of Mámíatdárs in the Provincial Service, subject to the conditions :—

- (1) that it must be made clear in the rules regarding the recruitment of Mámíatdárs that their admission to the provincial service shall not *per se* give the Mámíatdárs any claim for promotion to the rank of Deputy Collector, such promotion being made rigidly by selection as heretofore ;
 - (2) that the rules for appointment to Deputy Collectorships shall remain unaffected ; and
 - (3) that the grading of Deputy Collectors and Mámíatdárs shall continue to be separate and distinct as at present.
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GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.Administration.

To

THE RIGHT HON'BLE LORD GEORGE FRANCIS HAMILTON,
Her Majesty's Secretary of State for India.

Simla, the 20th April 1899.

MY LORD,

We have the honour to submit for Your Lordship's sanction a scheme for the reorganization of the Executive Branch of the Bengal Provincial Service which is designed to place the Deputy Magistrate-Collectors of the Lower Provinces upon a more satisfactory footing as regards the method of counting their service for leave and pension.

2. In 1896 the Government of the Punjab brought to our notice that officers appointed to act as Extra Assistant Commissioners in that Province were not usually confirmed until after five or six years' service; and the result was that unless such officers had substantive appointments in some other branch of the service they were practically deprived of all leave for a long period. In a Circular letter No. $\frac{\text{Public}}{18-23}$, dated the 11th January 1897, we inquired of the other Local Governments and Administrations whether a similar difficulty was experienced by them. The replies showed that no such difficulty had been experienced in the Madras and Bombay Presidencies and the North-Western Provinces and Oudh as there Deputy Collectors are not appointed as officiating officers without a permanent appointment. The Government of Bengal and the Chief Commissioners of the Central Provinces and Assam reported difficulties similar to those observed in the Punjab. In our Resolution No. 2614—2625—Public, dated the 21st December 1897, we suggested that so far as the Punjab, Central Provinces, and Assam were concerned these difficulties might be met if newly-appointed Extra Assistant Commissioners were confirmed in their office, irrespective of the occurrence of vacancies, after a fixed period of probation.

3. The service in Bengal appeared to us to require special treatment as the number of Officiating Deputy Magistrate-Collectors in that Province had grown very large, being over 100, with the result that an officer had to serve for some five years in the officiating grade and then to be only substantive *pro tempore* for some three years more in the 7th grade. Consequently unless an officer had a substantive appointment elsewhere, he could not count this period of eight years for leave or pension, and would have to render a total service of about 14 years before being entitled to leave on private affairs and a service of about 18 years before earning furlough. Not only does this state of things deprive many Deputy Magistrate-Collectors in Bengal of leave for many years, and make it necessary for them to serve much longer for their pensions, but in those cases in which the officers retain a lien on substantive appointments elsewhere they cause the same evils to result to those filling their places in the line of vacated appointments by keeping the latter out of the rights of substantive officers. Before 1891 the officiating grade of Deputy Magistrate-Collector in Bengal consisted solely of officers appointed to act in the places of Deputy Magistrate-Collectors on leave or deputation. The large increase

which has since taken place in the number of that grade is due to the inclusion in it of all Special Deputy Collectors, who formerly constituted a separate class; the employment of a large number of officers on Settlement duty, and the appointment of Additional Officiating Deputy Magistrate-Collectors in order to make up the deficiency caused in the ranks of the Indian Civil Service.

4. We pointed out, in our Resolution of the 21st December 1897, that practically under the present arrangements in Bengal a lower class of Deputy Magistrate-Collectors is maintained in order to provide for offices which, though each of them taken by itself is temporary, yet may be regarded as permanent, inasmuch as a certain number of them are sure to be always in existence, and that the term "officiating" is not appropriate for officers who are not acting in any vacant post. We suggested that duties of a permanent character which will always require Deputy Magistrate-Collectors to perform them should be provided for by the requisite addition to the number of posts in the lowest grade, or in other words that the Local Government should first of all fix the number of appointments to be filled by reckoning up the number of offices in connection with Settlement, Survey, Partition, Court of Wards, etc., besides those in the ordinary line, and then appointing to the public service the number of officers required to fill them. For the discharge of offices which require a purely temporary and special addition to the staff thus fixed we considered that a substantive member of the staff of Deputy Magistrate-Collectors might in some cases be deputed and an officer of lower rank appointed to officiate for him or an additional appointment of Deputy Magistrate-Collector of the lowest grade might be created for a fixed period and a qualified person be appointed to it. We also considered that Deputy Magistrate-Collectors appointed on probation to the public service should be appointed on definite probationary conditions and should be confirmed if they give satisfaction on the expiry of their probation.

5. The Government of Bengal has accepted the principle of our proposals for remedying the undoubted evils which now exist in the conditions of the service of Deputy Magistrate-Collectors in that Province. But His Honour

* Bengal letter No. 1918 A., dated the 10th March 1898.

the Lieutenant-Governor has taken occasion* to draw attention to the fact that the sanctioned number (now 266) of such officers is intended only to meet the ordinary duties of the administration and contains no provision for leave vacancies. We find that in a letter to the Government of Bengal, No. 1159, dated the 17th May 1882, the Government of India expressed the opinion that advantage should be taken of the opportunity which then presented itself to increase the sanctioned staff in Bengal, so as to provide a suitable proportion of officers as substitutes for absentees on leave, and to discontinue the existing practice of appointing officiating officers. Lord Ripon's Government thought that the expense would be inconsiderable, and that the Bengal Government would not object to it as a charge on the Provincial revenues. The expenditure involved, however, was found to be larger than had been anticipated, and as the Local Government was unwilling to meet the cost the Government of India expressed themselves unable to give assistance for the purpose from the Imperial revenues, and did not press the proposal. It appears to us that there was some misapprehension as to the expense involved, for that would ordinarily be confined to the cost of allowing the service of the officiating officers appointed in place of the absentees to count for leave and pension. The Bengal Government now states that it is very necessary for efficient work that leave should be granted more freely than hitherto, and that provision should be made accordingly. In 1882 the Government of Bengal stated that an addition of 7 per cent to the sanctioned staff would be required for the officers on leave other than privilege leave, whilst an equal addition would be required for those absent on privilege leave. The Lieutenant-Governor accordingly asks for an addition of 14 per cent to the sanctioned staff. We have, however, caused an examination to be made of the statistics of leave taken by Deputy Magistrate-Collectors in Bengal during the last three years. From the results obtained it appears that an allowance of 3 per cent for vacancies caused by leave other than privilege leave and 7 per cent for vacancies due to privilege leave will be sufficient. We accordingly ask Your Lordship's sanction

to the addition of 10 per cent to the strength in order to make due provision for vacancies caused by leave of all kinds. If from future experience it appears that the margin of 10 per cent is insufficient, it might be increased on due cause being shewn, but the system of appointing officiating officers in place of those on leave should entirely cease even though the number of officers on leave may at any time exceed 10 per cent of the staff required for duty. Your Lordship will observe that the addition now proposed to the sanctioned standard strength does not *per se* involve extra expenditure as we do not propose to employ more officers than are employed under present conditions. The proposal is practically to convert the officers who are now treated as officiating in leave vacancies into substantive officers holding appointments on a sanctioned staff. This will lead indirectly to increased cost on account of their being able to count their service towards leave and pension. It is not possible to estimate approximately what such cost will be.

6. We are unable to accept entirely the proposals of the Government of Bengal with regard to the addition of permanent posts to the service on account of those which are not in the ordinary line. It is represented by the Local Government that the following are at present required :—Settlement—42, Survey—2, Public Works Department—25, Partition—3, Road and Public Works Cess Revaluation—8, Management of Government and Wards' Estates—3, Land Registration—1, Income-tax —2, and Secretariat—1, Total—87. It is stated that it is difficult to estimate future requirements as these will vary from year to year and may be more or less than at present. It is, however, estimated that on the completion of the Orissa Settlement the number of officers on settlement duty will be reduced. The Lieutenant-Governor would not make for the future any reduction in the present number (87) of officers for duties outside the ordinary line, because it is said that the present staff for the ordinary work is not fully adequate and that allowance must be made for occasional indisposition. We think that if the staff for the ordinary line in any district require to be increased that question should be dealt with separately, cause being shewn in the usual way, and that the allowance to be given for leave vacancies must cover all arrangements for sickness. A permanent provision of 42 Deputy Collectors for settlement operations in a Province which is nearly all under permanent settlement seems to us to be excessive. Whilst otherwise accepting the existing figures as the best which can be given for duties outside the ordinary line, we consider that 20 Deputy Collectors will be a sufficient permanent provision for settlement work in Bengal. If additional officers are required from time to time, they should be treated as purely temporary and special additions to the permanent staff. Accordingly we recommend that the cadre appointments of the Executive Branch of the Bengal Provincial Service be as follows :—

266 District appointments (including Excise).
25 Public Works Department appointments.
20 Settlement appointments.
20 Miscellaneous appointments.

331 Total appointments.

These will form a consolidated service which will make provision for all officers who are ordinarily required. The bringing of the above 65 outside appointments into the cadre of the service will involve no direct extra expenditure. The strength of officers required to fill the 331 appointments will be 331 plus 10 per cent on account of leave vacancies as proposed in the preceding paragraph, *viz.*, 364.

7. In this newly-constituted service sub. *pro tem.* promotions in lieu of officers deputed to the various appointments (65) which have now been added to the cadre will cease. No officiating promotion from grade to grade is allowed in the case of the Provincial Executive Service. To prevent loss to officers on account of the sub. *pro tem.* promotions which have hitherto been made, we

think that the appointments in the existing grades should be increased by the appointments which are at the present time held sub. *pro tem.* in them, up to the limit of the number (65) of new appointments added to the cadre. This arrangement will not involve extra expense as it amounts practically to giving back what it takes away. According to the Bengal Civil List corrected up to the 1st April 1898 (this is taken as being the nearest to the date of the letter of the Lieutenant-Governor's proposals) the sub. *pro tem.* appointments were:—In the 4th grade—1, in the 5th grade—12, in the 6th grade—29, in the 7th grade—62, Total 104. The numbers in the grades will thus become:—

Rs.		As now.	As proposed.
1st grade on 800 a month	...	7	7
2nd „ 700 „	...	9	9
3rd „ 600 „	...	19	19
4th „ 500 „	...	40	41
5th „ 400 „	...	69	81
6th „ 300 „	...	68	97
7th „ 250 „	...	54	77
		266	331

The remainder of the 364 officers of whom the consolidated service will be comprised, *viz.*, 33, should, we propose, form an 8th grade on Rs. 200.

The strength (364 in all) as now proposed is intended to provide for all the ordinary work of the Province, which Deputy Magistrate-Collectors are called upon to perform, and also for leave vacancies as well as for actual duty.

8. It is necessary to consider the question of counting service for leave and pension in the case of officers not appointed substantively to be Deputy Magistrate-Collectors until a considerable time after entering upon their duties. Under the system of a consolidated service now proposed there will be no difficulty except in the case of officers appointed temporarily in special circumstances, but it is necessary to consider the question especially with reference to the officers who of late years have not been confirmed till after long periods. After giving this part of the subject our careful consideration we think that a rule should be adopted on the lines of that suggested by Sir Alexander Mackenzie, when Lieutenant-Governor of Bengal, *viz.*, all Deputy Magistrate-Collectors appointed at the beginning of their service to officiate as such will count for leave and pension the service rendered after two years of continuous officiating service, or after the date of fully passing the departmental examinations, whichever is later; officers who are confirmed as Deputy Magistrate-Collectors before the expiry of two years of continuous officiating service will count their service from the date of confirmation; this rule is subject to the condition specified in Chapter XVI. of the Civil Service Regulations that an officer's service does not qualify until he has completed 20 years of age. A similar concession is already admitted by Articles 228 (b) and 409 of the Civil Service Regulations to probationers, etc., of the Police Department.

9. In our Resolution of the 21st December 1897, we suggested that Deputy Magistrate-Collectors should be appointed on probation to the public service and confirmed if they give satisfaction on expiry of the period of their probation. The Government of Bengal does not desire to alter the existing arrangements under which the young men selected for appointment as Deputy Magistrate-Collectors have to wait as probationers on a subsistence allowance for about six months on the average, when they are appointed as vacancies occur among

the Deputy Magistrate-Collectors. We think that if the number of recruits required is carefully estimated each year, no difficulty will result from the Bengal system in this respect and we would accordingly leave it unchanged.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) CURZON OF KEDDLESTON.

„ W. S. A. LOCKHART.

„ E. H. H. COLLEN.

„ A. C. TREVOR.

„ C. M. RIVAZ.

„ C. E. DAWKINS.

„ T. W. RALEIGH.

SCHEDULE OF PAPERS.

1. Home Department Circular No. $\frac{1\text{-Public}}{18-22}$, dated the 11th January 1897.
2. Letter from the Government of Bengal, No. 335-A.D., dated the 21st June 1897.
3. Home Department Resolution No. 2614—2625, dated the 21st December 1897.
4. Letter from the Government of Bengal, No. 1918-A., dated the 10th March 1898.
5. Letter to the Government of Bengal, No. 582-Public, dated the 18th April 1898.
6. Letter from the Government of Bengal, No. 114-A.D., dated the 31st May 1898, and enclosure.

[NOTE.—The enclosures have not been reprinted here.]

No. 78 (Public), dated India Office, London, the 15th June 1899.

From—The Right Honourable Lord George Francis Hamilton, Her Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor General of India in Council.

I have considered in Council the Financial letter from your Government, No. 110, dated the 20th April 1899, in which you propose a re-organization of the Executive Branch of the Bengal Provincial Service. The effect of the re-organization will be to increase the present sanctioned number (266) of Deputy Magistrate-Collectors to 364, by the addition of an eighth grade on Rs. 200, and by the absorption in the permanent grades of officers who are now treated as officiating or substantive *pro tempore*. It is intended that the establishment now proposed shall provide for all the ordinary work of the province which Deputy Magistrate-Collectors are called upon to perform, as well as for leave vacancies. It is understood that if any officers of this description are required, in addition to the 20 allowed in the scheme, for settlement work in Orissa or elsewhere, they will be temporary and special appointments on not less pay than that at present given (Rs. 200 a month), and not "officiating" in the ordinary sense.

2. I sanction these proposals.

3. I also approve the rule suggested in paragraph 8 of your letter for counting service for leave and pension in the case of officers not appointed substantively to be Deputy Magistrate-Collectors until a considerable time after entering upon their duties.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Land Revenue.

To

THE RIGHT HONOURABLE LORD GEORGE FRANCIS HAMILTON,
His Majesty's Secretary of State for India.

Simla, the 11th July 1901.

MY LORD,

WE have the honour to refer to Your Lordship's Public Despatch No. 78, dated the 15th June 1899, sanctioning a reorganization of the Executive Branch of the Bengal Provincial Service. The effect of that reorganization was to increase the number of Deputy Collectors in Bengal from 266 to 364 by the absorption into permanent grades of officers who were then treated as officiating or substantive *pro tempore*, and by the addition of an eighth grade on Rs. 200 to provide for leave vacancies, in the proportion of 10 per cent calculated on the number of officers required for active duty.

2. We have now the honour to forward, for Your Lordship's consideration, a copy of a letter from the Government of Bengal, submitting a representation from the Indian Association at Calcutta, in which the attention of Government is invited to the grievances from which members of the Executive Branch of the Bengal Provincial Civil Service are said to be suffering. The Association points out that, as a result of the reorganization of 1899, promotion is likely to be slower than before, and suggests the creation of grades on Rs. 900 and Rs. 1,000, and an increase in the number of posts in the higher grades.

3. The Government of Bengal does not recommend the creation of appointments on Rs. 900 and Rs. 1,000 on the ground that such grades of appointments do not exist in the Executive Branches of the Provincial Services in other Provinces. The Lieutenant-Governor, however, thinks that the complaint regarding the slowness of promotion among the Deputy Collectors in Bengal is a real and substantial one, and accordingly recommends the following redistribution of the existing grades:—

					Rs.	Present strength.	Proposed strength.
1st grade on	...	..	...	800	7	7
2nd „ „	...	...	...	700	9	9
3rd „ „	...	...	...	600	21	21
4th „ „	...	...	...	500	43	62
5th „ „	...	...	...	400	83	91
6th „ „	...	...	...	300	98	94
7th „ „	...	...	...	250	77	54
8th „ „	...	...	...	200	33	47
			Total	...	371	385	

4. The principle upon which the appointments in the first seven grades under the proposed scale have been fixed, is explained in paragraph 6 of the Local Government's letter. The 3rd, 4th, 5th, and 6th grades under both scales, as explained in paragraph 3 of the same letter, includes seven posts corresponding to the same number of Joint and Assistant Magistrateships which are in course of transfer to the Bengal Provincial Service and were not included in the total strength of 364 officers sanctioned in 1899. Your Lordship will observe that the recommendation of the Government of Bengal is based generally on the average percentage of similar appointments in each grade in other Provinces; but that even the revised grading falls short of the standard laid down in paragraph 25 of the Resolution of Lord Ripon's Government, No. ^{68-Public}₂₀₂₄₋₂₀₃₅, dated the 15th December 1881, to which the Marquis of Hartington gave his general approval in paragraphs 2 and 3 of his Despatch No. 81 (Public), dated the 13th July 1882.

5. The number (33) of appointments in the 8th grade fixed in 1899 represented the number of officers required to fill leave vacancies at 10 per cent of the sanction cadre of 331. We considered that an allowance of 7 per cent to provide for privilege leave vacancies, and 3 per cent for leave vacancies other than privilege leave, or 10 per cent in all, would be sufficient. This margin was fixed on an examination of the statistics of leave taken by Deputy Collectors during the preceding 3 years; but, as pointed out by the Government of Bengal in paragraph 7 of its letter, it did not take into account the number of applications for leave which had been disallowed or which were not submitted owing to the knowledge that they would be refused. The Lieutenant-Governor, therefore, strongly urges that the provision for the officers required for leave vacancies should be raised to 14 per cent. At this rate the number in the 8th grade has been fixed at 47.

6. The proposals of the Local Government are embodied in the proposition statement enclosed in its letter, which shows an increased expenditure of Rs. 1,02,600 a year, but the amount will be reduced to Rs. 84,600 a year when the 7 posts of Joint and Assistant Magistrates referred to are actually amalgamated with the grades of Deputy Magistrates. We strongly support the proposals of the Bengal Government for the increase in the 8th grade and the readjustment of the other grades which we consider to be necessary in the interests of good administration. We are convinced that it will be for the benefit of the Provincial Service generally if members of it are not compelled to remain continually on duty as they have hitherto done, and we agree that the present prospects of promotion in the service are far from being satisfactory. We trust that Your Lordship will sanction the proposals which we now place before you.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) CURZON.

„ A. P. PALMER.

„ C. M. RIVAZ.

„ T. RALEIGH.

„ E. FG. LAW.

„ E. R. ELLLES.

„ A. T. ARUNDEL.

Schedule of papers.

Letter from the Government of Bengal, No. 1868-A., dated the 12th March 1901, and enclosures.

[*Note*—The enclosures have not been reprinted here.]

No. 133 (Public), dated the 11th October 1901.

From—The Right Honourable Lord GEORGE FRANCIS HAMILTON, His Majesty's Secretary of State for India,

To—His Excellency the Right Honourable the Governor General of India in Council.

I have considered in Council the Financial letter of Your Excellency's *The Executive Branch of the Bengal Provincial Service.* Government, No. 229 of the 11th of July last, submitting for my approval certain proposals of the Bengal Government for remedying the slowness of promotion which prevails in the Executive Branch of the Bengal Provincial Service, as compared with other provinces.

2. To these proposals, which involve the redistribution of certain of the grades and the addition of 14 posts to the lowest grade, thereby raising the provision for leave vacancies from 10 to 14 per cent of the cadre, I give my sanction. I understand that the estimate, on which this last requirement is based, is that 14 per cent of the sanctioned establishment will always be absent on leave, and not merely that that proportion of absentees may at certain seasons be attained as a maximum. I understand also that the condition laid down in paragraph 5 of the letter of Your Excellency's Government of the 20th of April 1899 will be adhered to, namely, that the establishment is to be self-contained, and is sufficient to provide for leave vacancies without the addition of officiating appointments in the ordinary sense.

3. These orders may be brought into effect as soon as financial provision can be made for the expenditure.

No. 339, dated the 27th March 1912.

From—The Secretary to the Government of India, Home Department,
To—The Chief Secretary to the Government of Bengal.

I am directed to address you on the subject of the cadres of the executive branch of the provincial civil services and the subordinate civil services in the reconstituted provinces of Bengal, Bihar and Orissa and Assam.

2. Excluding the 11 appointments sanctioned in the letter from the Department of Revenue and Agriculture, no. 540, dated the 5th June 1911, in connection with the revision of the record-of-rights in Bengal, to which the Government of India understand that effect has not yet been given, the sanctioned number of appointments in the provincial civil service in Bengal appears to be 354. I am now to communicate sanction to the addition of one appointment on Rs. 300 to the cadre of deputy collectors, as asked for in your letter no. 4637-A., dated the 17th November 1911, thus raising the total number to 355.

3. The sanctioned number of appointments in the provincial service in Eastern Bengal and Assam is 226. In its letter no. 810-A., dated the 13th February 1912, the Government of Eastern Bengal and Assam proposed that in view of the impending amalgamation of the provincial civil service in Eastern Bengal and Assam with the corresponding service in Bengal, the eighth grade of deputy magistrates and deputy collectors on Rs. 200 should be abolished, on the analogy of recent action in Bengal, and that the appointments therein contained should be amalgamated with the seventh grade on Rs. 250 with effect from the 1st January 1912. The Government of India agree that, apart from all questions of symmetry, the proposal is justified on its merits and accordingly sanction the amalgamation with effect from the date of the introduction of the territorial changes, *viz.*, the 1st April 1912. A proposition statement was not submitted with the letter of the 13th February 1912, cited above, but the local Government calculated the cost of its proposal to be Rs. 29,400 per annum. As the sanctioned number of deputy magistrates and deputy collectors in the eighth grade is 27 only, the extra cost will presumably be Rs. 16,200 per annum.

4. When effect is given to the above changes the cadres of deputy magistrates and deputy collectors in Bengal and Eastern Bengal and Assam will stand as shown below:—

Grade and pay.	BENGAL.		EASTERN BENGAL AND ASSAM.		TOTAL.	
	No.	Cost per mensem.	No.	Cost per mensem.	No.	Cost per mensem.
1st grade on Rs. 800 ...	6	Rs. 4,800	4	Rs. 3,200	10	Rs. 8,000
2nd „ Rs. 700 ...	8	5,600	5	3,500	13	9,100
3rd „ Rs. 600 ...	19	11,400	12	7,200	31	18,600
4th „ Rs. 500 ...	57	28,500	37	18,500	94	47,000
5th „ Rs. 400 ...	84	33,600	53	21,200	137	54,800
6th „ Rs. 300 ...	87	26,100	55	16,500	142	42,600
7th „ Rs. 250 ...	94	23,500	60	15,000	154	38,500
TOTAL ...	355	1,33,500	226	85,100	581	2,18,600

The total number of appointments available for distribution to the three new provinces of Bengal, Bihar and Orissa, and Assam, as reconstituted, is thus 581. The Government of India observe that at the time of the constitution of the provincial service of Eastern Bengal and Assam in 1905, 33 permanent appointments of extra assistant commissioners and 8 appointments of probationers on Rs. 200 were taken over from Assam and added to the number obtained from Bengal, the total forming the permanent cadre for Eastern Bengal and Assam. Assam thus afforded 46 permanent appointments. Since that time, 68 appointments have been added to the cadre of the provincial civil service in Eastern Bengal and Assam, of which the following appear to have been added on account of the needs of Assam proper:—(i) Assistantship to Director of Land Records—1; (ii) for civil judicial work in the Assam Valley Districts—4; (iii) Personal Assistantships to the Commissioners of the Surma Valley and Assam Valley Hill districts—2; (iv) share of 19 appointments sanctioned for settlement and survey work—6; and (v) share of three appointments added on account of leave reserve—1; total 14. The Government of India therefore consider that 60 appointments including leave reserve should be made over to Assam. They understand that to meet the needs of Bengal and Bihar and Orissa (including a leave reserve at the rate of 14 per cent of the cadre posts) 299 appointments for Bengal and 223 for Bihar and Orissa, or 522 in all have been estimated to be required. As, however, 60 out of the total of 581 appointments must be made over to Assam, 521 appointments, *i.e.*, one less than what is estimated for, are left for distribution between Bengal and Bihar and Orissa. The Government of India therefore decide that 299 appointments may now be retained in Bengal and 222 made over to Bihar and Orissa, and, subject to confirmation by the Secretary of State, sanction is accorded to the following provisional distribution and grading of the 581 appointments with effect from the date of the impending territorial changes:—

Grade and pay.	BENGAL.		BIHAR AND ORISSA.		ASSAM.		TOTAL.	
	No.	Cost per mensem.	No.	Cost per mensem.	No.	Cost per mensem.	No.	Cost per mensem.
		Rs.		Rs.		Rs.		Rs.
1st grade on Rs. 800 .	5	4,000	4	3,200	1	800	10	8,000
2nd „ Rs. 700 .	7	4,900	5	3,500	1	700	13	9,100
3rd „ Rs. 600 .	16	9,600	12	7,200	3	1,800	31	18,600
4th „ Rs. 500 .	48	24,000	36	18,000	10	5,000	94	47,000
5th „ Rs. 400 .	71	28,400	52	20,800	14	5,600	137	54,800
6th „ Rs. 300 .	73	21,900	54	16,200	15	4,500	142	42,600
7th „ Rs. 250 .	79	19,750	59	14,750	16	4,000	154	38,500
TOTAL	299	1,12,550	222	83,650	60	22,400	581	2,18,600

5. The Government of India understand that there are at present 41 probationary deputy collectors in Bengal and 8 in Eastern Bengal and Assam, and that of the former it is necessary that 22 be assigned to the province of Bihar and Orissa. They direct that 25 probationers shall remain in Bengal, that 22 shall be assigned to Bihar and Orissa and that 2 be posted to Assam. The subsistence allowance for probationers will, as at present, be Rs. 100 a month, provided that probationers already drawing more than Rs. 100 a month in Government service will receive an allowance equal to the salary of their former appointment, or to the pay of a deputy collector of the lowest grade, whichever is less.

6. The present strength and grading of the subordinate civil service in Bengal (excluding for the present purpose the 19 appointments of sub-deputy collector sanctioned in the Revenue Department letter of the 5th July 1911 above referred to, in connection with the revision of the record-of-rights, to which the Government of India understand, effect has not yet been given) and Eastern Bengal and Assam appear to be as shown below :—

Grade and pay.	BENGAL.		EASTERN BENGAL AND ASSAM.		TOTAL.	
	No.	Cost per mensem.	No.	Cost per mensem.	No.	Cost per mensem.
		Rs.		Rs.		Rs.
1st grade on Rs. 250 .	9	2,250	8	2,000	17	4,250
2nd „ Rs. 200 .	28	5,600	26	5,200	54	10,800
3rd „ Rs. 175 .	54	9,450	51	8,925	105	18,375
4th „ Rs. 150 .	54	8,100	49	7,350	103	15,450
5th „ Rs. 100 .	37	3,700	36	3,600	73	7,300
TOTAL .	182	29,100	170	27,075	352	56,175

It appears that 50 appointments were obtained from Assam in 1905, and that of the additions since made to the cadre of the Eastern Bengal and Assam service, the following were due to the requirements of Assam proper, *viz.*, (i) Income-tax work, Assam valley—2; (ii) Assistantship to Registrar, Co-operative Credit Societies—1; (iii) for Karimganj tahsil—1; (iv) share of 24 appointments sanctioned for settlement work—5; and (v) share of four appointments added on account of leave reserve—2; total 11. The number of appointments to which Assam can thus lay claim is 61. The Government of India understand that to meet the needs of Bengal and Bihar and Orissa (including a leave reserve at the rate of 14 per cent. of the cadre posts) 175 and 116 appointments respectively are estimated to be required. Subject to confirmation by the Secretary of State, the following provisional distribution and grading of the 352 appointments are sanctioned by the Government of India, with effect from the date of the impending territorial changes :—

Grade and pay.	BENGAL.		BIHAR AND ORISSA.		ASSAM.		TOTAL.	
	No.	Cost per mensem.	No.	Cost per mensem.	No.	Cost per mensem.	No.	Cost per mensem.
		Rs.		Rs.		Rs.		Rs.
1st grade on Rs. 250 .	8	2,000	6	1,500	3	750	17	4,250
2nd „ Rs. 200 .	27	5,400	18	3,600	9	1,800	54	10,800
3rd „ Rs. 175 .	53	9,275	34	5,950	18	3,150	105	18,375
4th „ Rs. 150 .	51	7,650	34	5,100	18	2,700	103	15,450
5th „ Rs. 100 .	36	3,600	24	2,400	13	1,300	73	7,300
TOTAL .	175	27,925	116	18,550	61	9,700	352	56,175

7. The Government of India understand that there are at present 23 probationary sub-deputy collectors in Bengal and 11 in Eastern Bengal and Assam. They direct that these be distributed in the following manner:— Bengal—17; Bihar and Orissa—13; and Assam—4. The subsistence allowance of probationers will be Rs. 50 per mensem as at present.

8. As regards the 11 appointments of deputy collector and 19 appointments of sub-deputy collector sanctioned in the letter from the Department of Revenue and Agriculture no. 540, dated the 5th June 1911, in connection with the revision of the record-of-rights in Bengal, I am to suggest that their distribution between Bengal and Bihar and Orissa may be settled in accordance with any further instructions on the subject that may be issued by the Government of India in the Department of Revenue and Agriculture, and in consultation with the Government of Bihar and Orissa, and that the result may be communicated to the Government of India in the Home Department in due course. The appointment on Rs. 200 in the eighth grade of deputy collectors in accordance with the sanction conveyed in this Department letter no. 1109, dated the 24th July 1911, should be treated as belonging to the seventh grade on Rs. 250.

9. It must be clearly understood that the orders communicated in this letter are provisional only, and that they are liable to such modification as may hereafter be directed by the Secretary of State, and I am to request that proposals in regard to the reconstituted services, supported by duly verified proposition statements, may be submitted as soon as practicable after the constitution of the new province in order that the sanction of the Secretary of State may be obtained to them.

10. Finally, I am to point out that revised rules for admission to the provincial civil service should be framed with reference to the instructions contained in the Home Department Resolution nos. 1046—1058, dated the 19th August 1910, and submitted to the Government of India for information.

11. Copies of this letter are being communicated to the Chief Secretaries-designate to the Government of Bihar and Orissa and the Chief Commissioner of Assam for information and further necessary action.

I have the honour to be,

SIR,

Your most obedient servant,

H. WHEELER,

Offg. Secretary to the Government of India.

No. 340, dated the 27th March 1912.

From—The Secretary to the Government of India, Home Department,

To—The Chief Secretary Designate to the Government of Bihar and Orissa.

I am directed to forward for the information of His Honour the Lieutenant-Governor and for further necessary action, a copy of a letter addressed to the Government of Bengal on the subject of the distribution of the cadres of the executive branch of the provincial civil service and the subordinate civil service in Bengal and Eastern Bengal and Assam between the three new provinces of Bengal, Bihar and Orissa, and Assam.

No. 339, dated the 27th March 1912.

I have the honour to be,

SIR,

Your most obedient servant,

H. WHEELER,

Offg. Secretary to the Government of India.

No. 341, dated the 27th March 1912.

From—The Secretary to the Government of India, Home Department,

To—The Chief Secretary Designate to the Chief Commissioner of Assam.

SIR,

I AM directed to forward, for the information of the Chief Commissioner and for further necessary action, a copy of a letter addressed to the Government of Bengal on the subject of the distribution of the cadres of the executive branch of the provincial civil service and the subordinate civil service in Bengal and Eastern Bengal and Assam between the three new provinces of Bengal, Bihar and Orissa, and Assam.

No. 339, dated the 27th March 1912.

2. It will be observed that, unlike the provincial and subordinate services in Assam as constituted before the amalgamation of the province with Eastern Bengal in 1905, these services are now to be organized as in Eastern Bengal and Assam, on a self-contained basis, including within them a provision for leave reserve and all ordinary requirements, any additions being permissible only in the circumstances stated in the Secretary of State's despatch no. 100-Finl., dated the 19th July 1907, a copy of which was communicated to the Government of Eastern Bengal and Assam with this Department letter no. 1116, dated the 3rd October 1907. The authorised leave reserve is 14 per cent of cadre posts, and of the total strength of 60 officers in the provincial civil service and 61 officers in the subordinate civil service, 7 in each should be treated as representing the leave reserve.

I have the honour to be,

SIR,

Your most obedient servant,

H. WHEELER,

Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.
FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Administration.

To

THE MOST HONOURABLE THE MARQUIS OF CREWE, K.G..

His Majesty's Secretary of State for India.

Simla, the 6th June 1912.

MY LORD MARQUIS,

We have the honour to forward, for your Lordship's consideration, a copy of the papers noted in the annexed list regarding a scheme for increasing the number and revising the grading of the deputy collectors employed in the United Provinces. This scheme is the outcome of a detailed local enquiry conducted by Mr. H. W. Pike, a senior Collector, and has the support of the Board of Revenue and of the Lieutenant Governor. We are satisfied that the Province is dangerously undermanned, and subject to the remarks, which follow, we support the recommendations of the local Government.

2. In Lord George Hamilton's despatch No 90 (Public), dated the 7th August 1903, the strength of the United Provinces provincial civil service was fixed at 211 deputy collectors and 25 probationers. An addition to the cadre of 11 deputy collectors, including one as leave reserve, and of two probationers was sanctioned in Lord Morley's despatch No. 57 Public, dated the 19th April 1907. One more post of deputy collector was created in 1908, by Lord Minto's Government for the Assistant Registrar of Co-operative Credit Societies, and by a slight alteration in the rate of recruitment, provisionally adopted about the same time, one more probationer came to be added. In this way the total sanctioned strength of the provincial service in the United Provinces now stands at 223 deputy collectors and 28 probationers or 251 in all. This number we desire to raise to 310, as shown in the revised proposition statements which forms the sixth enclosure to this despatch, so as to supply 276 deputy collectors and 34 probationers. This number falls short by two deputy collectors of that calculated by the local Government as explained in paragraphs 10, 11, 16 and

17 of their letter of the 10th December 1910, owing to the fact that, in view of the changes in the I. C. S. cadre, which we are proposing separately to your Lordship, in connection with the reorganisation of the judicial services in the United provinces, instead of the 33 officers, referred to in the despatch of Lord Minto's Government, No. 56 dated the 21st February 1907, 35 will be available for the charge of sub-divisions. This point will be clear from the detailed calculation given below :—

Proposed total number of Indian Civil Service officers holding inferior posts in accordance with the scheme for the reorganisation of the judicial services	...	...	48
<i>Deduct.—Special appointments—</i>			
1-3 Under Secretaries to Government.			
4. City Magistrate, Lucknow.			
5. Judge of the Small Cause Court at Dehra.			
6. Personal Assistant to the Collector, Gorakpur.			
7. Registrar, Judicial Commissioner's Court.			
8-11. Appointments under the Government of India.			
12-13. Temporary appointments and deputations.			
Total	...	...	13
<hr style="width: 10%; margin-left: auto; margin-right: 0;"/>			
Balance available for subdivisional charges	...	...	35

3. We also compare in the following table, for facility of reference, the present position, with that proposed by the local Government and that recommended by ourselves.

	Present scale.	Scale proposed by the local Government.	Scale proposed by the Government of India.
(1) Full powered officers required for general administrative charges, including treasury charges, <i>minus</i> I.C.S. officers available for such charges	159	207	205
(2) Nazul officer, Lucknow	1	1	1
(3) Personal Assistant to the Director of Land Records and Agriculture.	1	1	1
(4) Assistant to the Commissioner of Excise	1	1	1
(5) Junior Secretary, Board of Revenue	1	1	1
(6) Assistant Director of Agriculture	1	Omitted ...	Omitted
(7) Assistant Settlement officers [Provincial Civil Service]	2	2	2
(8) Settlement Department	10	10	10
(9) Court of Wards	10	10	10
(10) Temporary appointments and deputations	9	9	9
(11) Political Deputy Collector in Almora	(a)	1	1
(12) Assistant Registrar of Co-operative Credit Societies ..	1	1	1
(13) Leave reserve at 14 per cent	27(b)	34	34
	223	278	276
(14) Probationers	28	34	34
	251	312	310

(a) Not shown in previous reorganization papers, but included under present strength, in paragraph 7 of the local Government's letter of the 10th December 1910.

(b) The number given in the despatch of 21st February 1907 is 27, but 26 (nominally 27) is the figure stated in paragraph 7 of the local Government's letter of the 10th December 1910.

4. We now turn to the question of improving the grading of the service, which is discussed in paragraphs 18 and 19 of the local Government's original letter. We concur in the view held by Sir John Hewett that the present grading is unsuitable for men of the stamp now required for the Provincial Civil Service, and that it should eventually be brought up to the standard prescribed in 1881. We therefore support the local Government's proposals on this point, subject only to the modification necessitated by the change in the total number required as explained in paragraph 3 above. To protect the interests of junior members of the Indian Civil Service, we also propose that so long as two appointments of joint magistrate of the first grade are held by Statutory Civil Servants, one post of Deputy Collector in each of the grades on Rs. 700 and 600 per mensem will be kept vacant and two posts added to the grade of joint magistrates on Rs. 1,000 per mensem; when the first of these officers retires, one of these additional joint-magistracies will be abolished and the vacant deputy collectorship on Rs. 600 per mensem filled up, the cadres being finally readjusted when the second of the officers retires.

5. The ultimate result of these proposals is an additional recurring expenditure amounting to Rs. 3,47,486 a year, and the Lieutenant-Governor proposes to incur the expenditure gradually, by extending the introduction of the scheme over a period of five years, in the manner indicated in paragraph 19 of his letter of the 10th December 1910. Your Lordship will observe from

the subsequent correspondence with the Government of the United Provinces, a copy of which is annexed, that having regard to the heavy expenditure involved and the state of the provincial finances, we were at first reluctant, to forward these proposals without obtaining from the local Government a definite assurance that funds would be available for the introduction of the scheme. Since, however, we last addressed the local Government on the subject, the financial condition of the province has shown a marked improvement. In view of this fact, and the important and urgent nature of the proposals, we feel that we cannot delay their submission further.

6. We should add that, in order to meet the more urgent needs of the moment, the Lieutenant-Governor in 1911 entertained 11 temporary deputy collectors for ordinary duties, and 9 in connection with census work. We have also recently sanctioned the creation of 5 temporary appointments of deputy collector, in order to provide for certain officers of the Opium Department who were thrown out of employment in consequence of the recent reductions. All these appointments will be absorbed in the general cadre if the scheme now submitted is sanctioned by your Lordship.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

(Signed) HARDINGE OF PENSHURST.

„ O'M. CREAGH.

„ R. W. CARLYLE.

„ HARCOURT BUTLER.

„ S. A. IMAM.

„ W. H. CLARK.

„ R. H. CRADDOCK.

„ R. W. GILLAN.

Schedule of papers.

1. Letter from the Government of United Provinces, No. 5937, dated the 10th December 1910 and enclosure.
2. Letter to the Government of the United Provinces, No. 969, dated the 1st July 1911.
3. Letter from the Government of the United Provinces, No. 3871, dated the 25th August 1911.
4. Letter to the Government of the United Provinces, No. 1623, dated the 12th October 1911.
5. Letter from the Government of the United Provinces, No. 104, dated the 10th January 1912.
6. Revised proposition statement.

[NOTE.—Only enclosure No. 6 has been reprinted here].

Order sanctioning present establishment of Department.		Office to which proposition refers.	NATURE OF CHARGE.											PROPOSITION.									
Number.	Date.		PRESENT SCALE.					PROPOSED SCALE.					PERMANENT.										
			Number.	Designation.	Pay.			Average cost.	Number.	Designation.	Pay.			Average cost.	Increase per month.	Decrease per month.							
Minimum.	Increment.	Maximum.			Minimum.	Increment.	Maximum.				Amount.	Amount.											
			Rs.	Rs. A. P.	Rs.	Rs. A. P.	Rs.		Rs.	Rs. A. P.	Rs.	Rs. A. P.	Rs.	Rs. A. P.	Rs.								
G. G. O. No. 629.	17th May 1907.	Deputy Collectors' cadre.	4	1st grade at 800 each ...	3,200	0	0	...	3,200	0	0	...	8	1st grade at 800 each ...	6,400	0	0	...	3,200	0	0	...	
			6	2nd „ at 700 „ ...	4,200	0	0	...	4,200	0	0	...	*11	2nd „ at 700 „ ...	7,700	0	0	...	3,500	0	0	...	
			12	3rd „ at 600 „ ...	7,200	0	0	...	7,200	0	0	...	*22	3rd „ at 600 „ ...	13,200	0	0	...	6,000	0	0	...	
			35	4th „ at 500 „ ...	17,500	0	0	...	17,500	0	0	...	47	4th „ at 500 „ ...	23,500	0	0	...	6,000	0	0	...	
			53	5th „ at 400 „ ...	21,200	0	0	...	21,200	0	0	...	73	5th „ at 400 „ ...	29,200	0	0	...	8,000	0	0	...	
			55	6th „ at 300 „ ...	16,500	0	0	...	16,500	0	0	...	69	6th „ at 300 „ ...	20,700	0	0	...	4,200	0	0	...	
			58	7th „ at 250 „ ...	14,500	0	0	...	14,500	0	0	...	46	7th „ at 250 „ ...	11,500	0	0	...	...	3,000	...	
			28	Probationary Deputy Collectors at Rs. 176½.	4,933	9	7	...	4,933	9	7	...	34	Probationary Deputy Collectors at Rs. 176½.	5,990	12	9	...	1,057	3	2	..	
			251	TOTAL ...	89,233	9	7	...	89,233	9	7	...	310		1,18,190	12	9	...	1,18,190	12	9	...	31,957	3	2	3,000

* One appointment in each grade to be kept vacant so long as Messrs. Habibullah and Hashmat-ullah (statutory civilians) hold the appointments of Joint Magistrate, 1st grade, an addition of two posts being made for the time being in the first grade of joint magistrates.

4107

No. 1226, dated the 9th August 1911.

From—The Secretary to the Government of India, Home Department,

To—The Chief Secretary to the Government of the Punjab.

SIR,

I am directed to refer to the correspondence ending with your letter no. 580 (Gazette), dated the 19th April 1911, regarding a reorganization of the executive branch of the Punjab provincial civil service.

2. The memorandum appended to Mr. Fenton's letter no. 177, dated the 10th February 1911, furnishes a revised estimate of all appointments in the province which must be held by members of the Punjab Commission, statutory civilians or members of the provincial civil service. The total number of cadre posts is shown as 254, but it has been suggested in the memorandum that this number can be reduced by one as representing one appointment of subordinate judge not actually required. As regards the five posts of personal assistants to Commissioners of Divisions provided for in the revised memorandum, the Government of India while agreeing that a case is made out at present for one such officer, namely, for the Lahore division, consider that it is not necessary that the Commissioners of the other divisions should be provided with personal assistants. The net number of appointments which require to be filled is thus $254 - (1 + 4) = 249$. From this number again should be deducted the eleven listed posts, for, though these are to be filled by statutory civilians or members of the provincial civil service, the appointments are outside the regular grades of extra judicial assistant commissioners, subordinate judges and extra assistant commissioners. The net number of cadre posts which have to be filled by members of the Commission and of the provincial service together is therefore 238.

3. As stated in the memorandum appended to Mr. Fenton's letter of the 10th February 1911, 97 officers of the Punjab Commission are available to hold 97 of these 238 appointments. The total number of cadre posts to be filled by the provincial service thus amounts to 141. Adding the usual provision for a leave reserve, at the rate of 14 per cent for 141 provincial service posts and 11 listed posts, the net total for the provincial service works out to $141 + 21$ or 162. The present sanctioned strength for the judicial and executive branches of the service, including the ungraded appointment of Assistant Secretary to Government in the Financial Department, is 155, and it is thus necessary to add seven appointments to the present strength, instead of six only according to the estimate of the Government of the Punjab.

4. Out of the total of 162 appointments to be provided for in the provincial service, the Assistant Secretaryship in the Financial Department carries a special rate of pay, and the grading of 48 posts for the judicial branch was sanctioned in the Secretary of State's despatch no. 21 (Judicial), dated the 7th May 1909. The grading of the remaining 113 appointments which will form the executive branch of the provincial civil service,—the last grade (Rs. 250) continuing, however, to be common to both branches of the service,—has now to be settled. In recommending the addition of six appointments to the strength of the executive branch of the service, the Government of the Punjab, in its letter no. 63, dated the 13th January 1910, suggested their distribution as follows:—one to the first grade, two to the second, one to the third, and two to the fourth. The Government of India are pleased to decide that, of the seven additional appointments, six should be distributed over the grades as shown above, and that the seventh appointment should be added to the sixth grade. The present and

the revised strengths and grading of the provincial civil service (judicial and executive) are shown below :—

Designation.	Pay.	PRESENT SCALE.		SCALE NOW SANCTIONED.	
		No.	Cost.	No.	Cost.
	Rs.		Rs.		Rs.
Extra Judicial Assistant Commissioners, 1st grade	800	3	2,400	3	2,400
Ditto ditto 2nd grade	700	4	2,800	4	2,800
Ditto ditto 3rd grade	600	5	3,000	5	3,000
Ditto ditto 4th grade	500	12	6,000	12	6,000
Subordinate Judges, 1st grade	400	12	4,800	12	4,800
Ditto 2nd grade	300	12	3,600	12	3,600
Extra Assistant Commissioners, 1st grade ...	800	2	1,600	3	2,400
Ditto ditto 2nd grade ...	700	2	1,400	4	2,800
Ditto ditto 3rd grade ...	600	4	2,400	5	3,000
Ditto ditto 4th grade ...	500	10	5,000	12	6,000
Ditto ditto 5th grade ...	400	24	9,600	24	9,600
Ditto ditto 6th grade ...	300	24	7,200	25	7,500
Ditto ditto 7th grade (judicial and executive).	250	40	10,000	40	10,000
Assistant Secretary to Government in the Financial Department.	700—20—800	1	766½	1	766½
Total ...	...	155	60,566½	162	64,666½

5. The Government of India regret that they are unable to sanction the reorganization of the executive branch of the provincial service with effect from the 1st January 1911, as recommended by His Honour the Lieutenant-Governor, but are pleased to sanction the scheme as set forth in paragraph 4 above with effect from the 1st July 1911.

6. With reference to the appointment of a personal assistant to the Commissioner of the Lahore Division, I am to say that it should be understood that the officer referred to will not be employed to inspect offices on behalf of the Commissioner. Further, the Government of India understand that the Commissioner of the Lahore Division has at present a head clerk on a pay of Rs. 300 a month. Now that the Commissioner will have a personal assistant of superior status, I am to inquire whether the pay of the post of head clerk might not be materially reduced.

I have the honour to be,

SIR,

Your most obedient servant,

A. EARLE,

Secretary to the Government of India.

No. 59 OF 1909.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.

Administration.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY

OF BLACKBURN, O.M.,

*His Majesty's Secretary of State for India.**Calcutta, the 11th March 1909.*

MY LORD,

WE have the honour to invite a reference to the correspondence ending with Your Lordship's despatch No. 138 (Public), dated the 6th September 1907, and to forward for your consideration a copy of the papers, entered in the annexed list, regarding a proposal to increase the strength of the provincial civil service in Burma.

2. The sanctioned strength of that service is 109. The Government of Burma proposes to increase it by nineteen officers, who will be employed as follows:—one to hold charge of a sub-division; one to be the second additional Magistrate, Rangoon; one to provide a permanent assistant to the Registrar of Co-operative Credit Societies; twelve as *Akunwuns*; one to provide an assistant to the Collector of the Rangoon Town District; one as an addition to the reserve for training; and two to provide for the leave vacancies in the sixteen cadre posts, at the sanctioned rate of 14 per cent.

3. When the provincial service was reorganized in 1906 the number of sub-divisions in Burma was 80, of which 43 were to be held by extra assistant commissioners. The number of sub-divisions is now 81, and to provide for this additional charge the Government of Burma added an appointment to the subordinate service. The Lieutenant-Governor does not, however, consider this arrangement to be satisfactory as a permanent measure, and proposes instead to include this sub-division in the list of charges to be held by members of the provincial service and to make a corresponding reduction of one appointment in the subordinate civil service. We support his proposals.

4. In the reorganization of 1906, provision was also made in the provincial service for an appointment of additional magistrate in Rangoon. Since then the magisterial work in the town has increased to such an extent that the local Government has found it necessary to appoint a second additional magistrate in order to prevent the work of the courts from falling into serious arrears. The appointment was in the first instance a temporary one, as it was hoped that with a re-distribution of the work it might be found possible for the three assistant magistrates to dispose of it without further assistance. This however has not proved to be the case; and the Judges of the Chief Court have recommended that a second additional magistrate should be permanently appointed. As this officer's duties are precisely the same as those of the first additional magistrate, whose appointment is included in the provincial service, the Burma Government proposes an additional appointment in the cadre of that service. We are satisfied that this is necessary.

5. On the representation of the Registrar of Co-operative Credit Societies, the Government of Burma in July 1907 placed a Burmese extra assistant commissioner on special duty for a period of six months to assist the Registrar in explaining to the people the advantages of co-operation and in organizing the newly formed societies. The period was subsequently extended by us to one year. For the reason stated in paragraph 5 of its letter dated the 9th June 1908, the Burma Government recommended that a permanent appointment of Assistant Registrar of Co-operative Credit Societies should be created and included in the cadre of the provincial service. The Lieutenant-Governor at the same time requested that he might be authorized to appoint as Assistant Registrar an assistant commissioner or extra assistant commissioner as might be most convenient, on the understanding that when an assistant commissioner is selected for the post his duties in the ordinary line will be performed by an extra assistant commissioner. We admitted the necessity for this appointment but, as the arrangements for the control and supervision by Government of the co-operative credit societies have been sanctioned* up to the 31st March 1911

*Vide Your Lordship's Revenue despatch No. 72 dated the 29th May 1908.

only, we could not agree to include a permanent provision for the Assistant Registrar in the provincial service; and we therefore sanctioned for the present the continued deputation of an extra assistant commissioner, on the understanding that his pay is not to exceed Rs. 500 a month. We consider it reasonable, however, that one appointment should be added to the provincial service temporarily, up to the date mentioned above, in order to replace the officer deputed as Assistant Registrar in the regular line. Subject to this modification we accept the local Government's proposal in respect of this appointment. If Your Lordship sanctions our recommendation we propose to inform the local Government that our sanction should be obtained whenever it desires to appoint an assistant commissioner to be Assistant Registrar.

6. The reasons for providing for a certain number of appointments of *Akunwun* in the provincial service are fully explained in paragraphs 6 and 7 of the local Government's letter of the 9th June 1908. These appointments are at present included in the subordinate service. We would explain that the *Akunwun* is the personal assistant to the Deputy Commissioner in revenue matters and that his duties are very responsible; in fact in large districts they are even more responsible than those of sub-divisional officers. We therefore agree with the Lieutenant-Governor that service as *Akunwun* in an important district is suitable employment for officers of the provincial service, and we accept the recommendation that twelve out of the thirty-five posts of *Akunwun* should be included in the provincial service, on the understanding that a corresponding reduction is made in the cadre of the subordinate service.

7. In its letter of the 28th September 1908 the Burma Government explained the necessity for the appointment of an officer as assistant collector for the Rangoon Town District, and asked that an additional appointment might be added to the cadre of the provincial service on this account and that the holder of the post might receive a local allowance of Rs. 200 a month, on the analogy of the allowance attached to the appointments of assistant superintendent of stamps and of sub-divisional magistrate of the western sub-division of the Rangoon Town District. In its letter of the 13th October 1908 the local Government stated that it had placed an extra assistant commissioner of the fifth grade on special duty to assist the collector for six months, and requested that the period might be extended to one year or until the date on which orders are passed on the general scheme for increasing the provincial service. We recognised the necessity for an additional officer for this appointment, but as we were not yet prepared to ask for Your Lordship's sanction to the whole scheme we sanctioned his deputation for a further period of six months or until we received Your Lordship's decision on the proposal to create a permanent appointment of assistant collector whichever might be earlier. We now solicit your sanction to the creation of this appointment on the terms recommended by the Government of Burma.

8. The number of appointments at present provided in the provincial service for officers under training is two. The Burma Government proposes to raise this number to three, as a consequence of the increase to the strength of the service now proposed. We approve this proposal. We would explain, however, that under the terms of the reorganization sanctioned in 1906* the existing probationers draw pay at the rate of Rs. 250 a month throughout the period of their probation. We consider that this rule should also apply to the third probationer. The addition of two officers on account of leave reserve for the sixteen new cadre posts is in accordance with the rules and practice and has our support.

*Vide paragraph 6 of the Government of India's despatch No 395, dated the 30th November 1905

9. In paragraph 4 of its letter dated the 28th September 1908 the Government of Burma proposes to distribute the revised strength of the service in the various grades as follows:—

Grades.	Rates of pay.	Present number.	Proposed number.
	Rs.		
First grade	800	2	3
Second „	700	4	5
Third „	600	9	10
Fourth „	500	31	36
Fifth „	400	31	36
Sixth „	300	32	38
Total . . . . .	...	109	128

This distribution is in accordance with the principles explained in paragraphs 5 and 6 of our despatch No. 395, dated the 30th November 1905, and sanctioned in Your Lordship's despatch No. 15 (Public), dated the 26th January 1906, and we accept it. But we would observe that the above grading includes the appointment of Assistant Registrar of Co-operative Credit Societies which, as explained in paragraph 5 above, is a temporary post and has been allowed to stand provisionally. Should Your Lordship not sanction the continuance of the supervision by the State of those societies beyond the 31st March 1911 one appointment in the fifth grade will accordingly be abolished. In the meantime the last post in that grade will be treated as temporary.

10. We now turn to the question of the reduction in the subordinate service. In its letter of the 9th June 1908 the local Government suggested a reduction of thirteen posts in that service, corresponding to the twelve posts of *Akunwun* and the one post of sub-divisional officer which it is proposed to transfer to the provincial service; but it has not suggested any reduction on account of the leave reserve for these thirteen posts. As the subordinate civil service includes a leave reserve at 7.48 per cent. of the total strength, we suggested that another appointment should be reduced on this account, and that following the principles on which the subordinate service is graded the fourteen appointments should be reduced in the following grades:—

First grade on Rs. 250	2
Second „ on Rs. 225	3
Third „ on Rs. 200	4
Fourth „ on Rs. 175	5

The local Government has accepted our suggestion.

11. The financial effect of the whole scheme is explained in the proposition statement forwarded with the local Government's letter dated the 29th January 1909, which shows an extra cost of Rs. 5,550 a month. This sum does not, however, include the local allowance of Rs. 200 a month proposed for the assistant collector of the Rangoon Town District. If this amount is included, the extra cost comes to Rs. 5,750 a month, or Rs. 69,000 a year.

12. We would now request Your Lordship's sanction to the scheme as detailed above. We are satisfied that the additions proposed to the service are necessary in the interests of administration.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) MINTO.

„ KITCHENER.

„ H. E. RICHARDS.

„ C. H. SCOTT.

„ H. ADAMSON.

„ J. O. MILLER.

„ W. L. HARVEY.

„ G. F. WILSON.

Schedule of papers.

1. Letter from the Government of Burma, No. 252—7P.-6, dated the 9th June 1908 (without enclosure).
2. Telegram from the Government of Burma, No. 291-C., dated the 22nd June 1908.
3. Telegram from the Government of Burma, No. 327-C., dated the 7th July 1908.
4. Telegram to the Government of Burma, No. 740, dated the 14th July 1908.
5. Letter from the Government of Burma, No. 1174—7P.-6, dated the 28th September 1908, and enclosure, *vis.* :—
Letter from the Financial Commissioner, Burma, No. 118—8T.-31, dated the 3rd April 1908, and accompaniments Nos. I to V.
6. Letter from the Government of Burma, No. 1032T.—3A.-19, dated the 13th October 1908.
7. Telegram to the Government of Burma, No. 20, dated the 9th January 1909.
8. Letter from the Government of Burma, No. 1192—3A.-1, dated the 29th January 1909, and enclosure, *vis.* :—
Proposition statement.

[*Note*—Only enclosure No. 8 has been reprinted here].

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Enclosure No. 8.

No. 1192—3A.-1, dated the 29th January 1909.

From—The Chief Secretary to the Government of Burma,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your telegram No. 20 (Establishments), dated the 9th January 1909, requesting to be furnished with a complete proposition statement showing the reduction in the subordinate civil service on account of the proposals for the reorganization of the provincial civil service submitted in the correspondence ending with my letter No. 1174—7P.-6, dated the 28th September 1908.

2. In reply I am to submit a complete proposition statement as requested, of which the present scale has been verified by the Accountant-General.

Statement of proposition for revision of establishment.

Order sanctioning present establishment.		Office to which the proposition refers.	NATURE OF CHARGE.												PROPOSITION.						
			PRESENT SCALE.					PROPOSED SCALE.					PERMANENT.								
			No.	Designation.	Pay.			Average cost.	No.	Designation.	Pay.			Average cost.	Increase per month.	Decrease per month.					
Minimum.	Increment.	Maximum.			Minimum.	Increment.	Maximum.														
No.	Date.												Amount.	Amount.							
Secretary of State's despatch (Judicial). Appointment Department letter No. 721-235.	6th September 1907	Provincial Civil Service.	2	Extra Assistant Commissioners, 1st grade	...	...	...	800	1,600	3	Extra Assistant Commissioners, 1st grade	...	...	...	800	2,400	800	...
			4*	Ditto ditto, 2nd grade	...	...	...	700	2,800	5*	Ditto ditto, 2nd grade	...	...	...	700	3,500	700	...
			9	Ditto ditto, 3rd grade	...	...	...	600	5,400	10	Ditto ditto, 3rd grade	...	...	...	600	6,000	600	...
			31	Ditto ditto, 4th grade	...	...	...	500	15,500	36	Ditto ditto, 4th grade	...	...	...	500	18,000	2,500	...
			31	Ditto ditto, 5th grade	...	...	...	400	12,400	36	Ditto ditto, 5th grade	...	...	...	400	14,400	2,000	...
			32†	Ditto ditto, 6th grade	...	...	...	300	9,600	38‡	Ditto ditto, 6th grade	...	...	...	300	11,400	1,800	...
			109	TOTAL	...	...	...	...	47,300	128	TOTAL	...	...	...	...	55,700	8,400	...
			Secretary of State's despatch No. 19 (Judicial). Appointment Department letter No. 721-235.	10th May 1907. 18th January 1909.	Subordinate Civil Service.	47	Myöoks, 1st grade	250	11,750	45	Myöoks, 1st grade	50	11,250	...	500
						69	Myöoks, 2nd grade	225	15,525	66	Myöoks, 2nd grade	225	14,850	...	675
						94	Myöoks, 3rd grade	200	18,800	90	Myöoks, 3rd grade	200	18,000	...	800
104	Myöoks, 4th grade	...				...	...	175	18,200	99	Myöoks, 4th grade	...	...	...	175	17,325	...	875
9	Myöoks, 5th grade	...				...	...	100	900	9	Myöoks, 5th grade	...	...	...	100	900	...	...	
1	Myöok, 6th grade	...				...	...	50	50	1	Myöok, 6th grade	...	...	...	50	50	...	...	
324	TOTAL	...	...	...	...	65,225	310	TOTAL	...	...	...	...	62,375	...	2,850			
433	GRAND TOTAL	...	...	...	...	1,12,525	438	GRAND TOTAL	...	...	...	...	1,18,075	5,550	...			

* Excluding the appointment which exists till Mr. Ripley retires.
† ... ‡ ...

W. F. RICE,

India Office, London,
7th May 1909.

Public,

No. 73.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have considered in Council the letter of Your Excellency's Government, no. 59 (Finance), dated the 11th March last, in which you submit for my sanction a scheme for an addition of 19 appointments to the strength of the Provincial Civil Service in Burma.

Addition of 19 appointments to the strength of the Provincial Civil Service, Burma.

2. This proposed increase in the Provincial Service is accompanied by the reduction of 14 posts in the Subordinate Service, and the total increased cost amounts to Rs. 69,000 a year.

3. The scheme has been carefully reviewed by Your Excellency's Government in consultation with the local Government, and you are satisfied of the need for 19 additional posts in the Provincial Service, to be distributed in the manner described in the second paragraph of your letter.

4. I sanction your proposals.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servant,

MORLEY OF BLACKBURN.

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No. 322.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Convenanted and Unconvenanted Civil Service.

To

THE RIGHT HONOURABLE JOHN MORLEY, O.M.,
His Majesty's Secretary of State for India.

Simla, the 22nd August 1907.

SIR,

WE have the honour to forward for your consideration a copy of a letter from the Chief Commissioner of the Central Provinces in which he submits proposals for the reorganization of the executive branch of the provincial civil service of those provinces.

2. In Lord George Hamilton's despatch no. 129 (Public), dated the 14th November 1902, the strength of the Central Provinces provincial civil service was fixed at 101 appointments, including a leave reserve of 13. On the amalgamation of Berar with the Central Provinces an addition of twenty-four appointments was sanctioned in Mr. Brodrick's telegram of the 28th March 1905. Twelve more appointments, one of which represented the leave reserve, were sanctioned in his despatch no. 115 (Revenue), dated the 14th July 1905. In his despatch no. 8 (Public), dated the 8th January 1904, Mr. Brodrick also sanctioned four appointments for the Drug district, which was formed with effect from the 1st January 1906. Besides these, the Chief Commissioner has, in exercise of his financial powers, created four appointments in the lowest grade, in order to cope with the work which has increased rapidly in the past few years. The total number of appointments in the provincial service thus amounts to 145. But out of this number five appointments were made over to Bengal with the transfer of the Sambalpur district to that province, and as explained in paragraph 3 of the Chief Commissioner's letter no. 701, dated the 3rd October 1906, sixty appointments have been separated to form the judicial branch of the provincial service. The balance available for the executive branch of the service, exclusive of probationers, thus amounts to 80, the grading of which is shown under the head "present scale" of the proposition statement submitted with the Chief Commissioner's letter.

3. Before stating the various requirements of the executive branch of the provincial service it is necessary to consider how many assistant commissioners can be made available for ordinary district work. In paragraph 4 of his letter the Chief Commissioner calculates that out of the total number of junior officers in the Commission not more than fifteen assistant commissioners are available for this purpose. We do not, however, consider that so many as fifteen officers can be

counted on. In paragraph 7 of our Home Secretary's letter nos. 532—539, dated the 17th May 1906, regarding the scheme for the recruitment of the Indian Civil Service, we provisionally calculated that

Vide enclosure no. 2 of the Government of India's Establishments despatch no. 20, dated the 24th May 1906, the number of officers of the Commission in the Central Provinces who would be

available to hold inferior charges was 20. Since that letter was written certain modifications have been proposed in the list of superior appointments, as a result of which the number of officers of the Commission available to hold inferior appointments will be raised from 20 to 21. From this number, however, the following special appointments, which are treated as inferior, should be deducted :—

Under Secretaries to the local Administration	...	...	2
Registrar of the Judicial Commissioner's Court	...	...	1
Assistant to the Commissioner of Settlements	...	...	1
District Judges in the Central Provinces	...	...	3
Appointments under the Government of India	...	...	2
Temporary appointments and deputations in the Commission (39 per cent. of 2 superior appointments)	...	...	1
			—
	Total	...	10
			—

Only eleven assistant commissioners will therefore ordinarily be available to hold charge of general administrative appointments.

4. In paragraphs 5 to 7 of his letter the Chief Commissioner discusses the requirements of the executive branch of the provincial service. He calculates that the minimum staff required for ordinary district executive work is 71. As, however, eleven assistant commissioners will, as shown in the preceding paragraph, be available for such work, sixty extra assistant commissioners will suffice for the remaining charges. At present the service contains a provision of four extra assistant commissioners for employment on foreign service, four for settlement work, three for special duty, one as assistant to the Director of Agriculture, one as personal assistant to the Commissioner of Excise, and ten for ordinary excise work. For the reasons stated in paragraph 6 of the Chief Commissioner's letter it is estimated that three instead of four officers will in future be sufficient for foreign service, but that four more officers are needed for settlement work; while no change is proposed as regards the other items. The total requirements of the service will therefore be as shown below :—

(a) Ordinary district work	...	...	...	60
(b) Foreign service	...	...	...	3
(c) Assistant settlement officers	...	...	...	8
(d) Assistant to the Director of Agriculture	...	...	...	1
(e) Personal Assistant to the Excise Commissioner	...	...	...	1
(f) Excise work in districts	...	...	...	10
(g) Special duty	...	...	...	3
				—
	Total	...	...	86

Add—

(h) Leave reserve at the rate of 14 per cent. calculated on the above 86 appointments and on 1 or 2 deputy commissioner-ships listed as open to the provincial service	...	...	...	12
				—
	Total	...	...	98
				—

An addition of 18 officers is thus required to the present number of extra assistant commissioners available for executive work. It will be seen that the Chief Commissioner asks for 12 additional officers. As shewn above the excess of six is due to the Chief Commissioner's miscalculation in respect of the number of assistant commissioners available for ordinary district work, and of the leave reserve.

5. The grading proposed by the Chief Commissioner does not follow the standard adopted in 1902, inasmuch as a comparatively large number of appointments has been placed in the top grades, and appointments in excess of the number representing the leave reserve have been placed in the lowest grade. We are disposed to follow as closely as possible the distribution sanctioned in 1902, subject to the modification that the executive branch shall not be worse off than the judicial branch. We therefore recommend the following grading :—

Grade and pay.	PRESENT SCALE.		PROPOSED SCALE.	
	Number.	Cost.	Number.	Cost.
		Rs.		Rs.
1st grade on Rs. 800 ...	2	1,600	2	1,600
2nd " " " 700 ...	1	700	3	2,100
3rd " " " 600 ...	4	2,400	6	3,600
4th " " " 500 ...	10	5,000	14	7,000
5th " " " 400 ...	15	6,000	23	9,200
6th " " " 300 ...	18	5,400	24	7,200
7th " " " 250 ...	14	3,500	14	3,500
8th " " " 200 ...	16	3,200	12	2,400
Total ...	80	27,800	98	36,600.

The extra cost involved is Rs. 8,800 a month, or Rs. 1,05,600 a year.

6. In paragraph 9 of his letter the Chief Commissioner raises the question of the number of probationers in the provincial service. In paragraph 6 of their despatch no. 221, dated the 24th July 1902, Lord Curzon's Government approved the estimate of the local Administration that one probationer should be appointed every year. The Chief Commissioner considers that it was never intended that a fixed limit should be imposed on the number of probationers who should be appointed in any given year, and asks that it may be definitely declared that the number may be determined from year to year by him and that no fixed scale is prescribed. We agree that the Chief Commissioner may be allowed to appoint probationers as he thinks necessary but, in accordance with the principle laid down by the Government of Lord Curzon in 1900 and adopted* in the case of the United Provinces provincial service, we recommend that the number of probationers at any one time should never exceed the normal number of two years' recruits. The normal rate of recruitment of a service recruited in India being 3.82 per cent. of the strength, the number of probationers for the provincial service (executive branch), should be limited to seven.

* *Vide* paragraph 3 of the despatch of Lord Curzon's Government no. 129 (Financial), dated the 21st May 1903.

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7. We consider that the Chief Commissioner has shewn good reasons for an increase to the strength of the executive branch of the provincial civil service, and we strongly recommend that the proposals above set forth may be sanctioned.

We have the honour to be,

SIR,

Your most obedient, humble servants,

(Signed) MINTO.

„ KITCHENER.

„ H. E. RICHARDS

„ E. N. BAKER.

„ C. H. SCOTT.

„ H. ADAMSON.

„ J. F. FINLAY.

„ J. O. MILLER.

ENCLOSURE.

Letter from the Chief Commissioner of the Central Provinces, no. $\frac{476}{1-9-10}$, dated the 27th February 1907, and enclosure, *viz.*, proposition statement.

[*Note.*—The enclosures have not been reprinted here.]

India Office, London,
22nd November 1907.

Public,
No.183.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have had under my consideration in Council the letter of Your Excellency's Government, no. 322 (Finance), dated the 22nd August last, in which you submit proposals for the reorganisation of the executive branch of the provincial civil service of the Central Provinces.

2. Your Government has considered it advisable, for reasons in which I concur, to modify in some respects the proposals originally submitted by the Chief Commissioner. You ask my sanction for an addition of 18 officers to the cadre, and for a re-grading of the executive branch, at an estimated extra cost of Rs. 8,800 a month. You also recommend that the Chief Commissioner may be allowed to appoint probationers to the executive branch of the provincial civil service as he thinks necessary, provided that the number of probationers at any one time should not exceed seven.

3. The scheme has received the careful consideration of Your Excellency's Government, and you are of opinion that the Chief Commissioner has shown good reasons for an addition to the strength of this branch of the service.

4. I sanction your proposals.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servant,

JOHN MORLEY.

No. 395, dated the 14th March 1884.

From—The Secretary to the Government of India, Home Department,
To—The Secretary to the Government of Madras.

I am directed to acknowledge the receipt of the communications marginally

No. 3198, dated 4th December 1883.
No. 3199, dated 4th December 1883.
No. 3311, dated 14th December 1883.
No. 3380, dated 22nd December 1883.
No. 147, dated 18th January 1884.

noted, submitting for sanction proposals regarding—

- (i) the grading of the District Judges and the appointment of a fifth Puisne Judge to the Madras High Court ;
- (ii) the grading and scale of pay for Subordinate Judges and Munsifs and the establishment of a Subordinate Judge's Court at Palghat ; and
- (iii) the amendment of the Madras Civil Courts Act III of 1873 in the manner suggested by the High Court.

2. With regard to the scheme for the re-organization of the Subordinate

<i>Sub-Judges.</i>	<i>Increase.</i>	
	Rs.	
* 3 1st grade ...	800	}
5 2nd do. ...	650	
6 3rd do. ...	500	
<i>District Munsifs.</i>		
25 1st grade ...	400	}
25 2nd do. ...	300	
25 3rd do. ...	250	
31 4th do. ...	200	
Total Increase ...	7,100	ditto.
Establishment for Subordinate Court, Palghat ...	355	ditto.
Grand Total ...	7,455	ditto.
Deduct—		
Savings at Cochin ...	137	
By abolition of Munsifs establishments including Kollegal ...	810	
By abolition of establishments of District Courts ...	1,272	
	2,219	ditto.
Net extra expenditure ...	5,236	ditto.
	or Rs. 62,832 per annum.	

† Rs. 11,196 appears to have been erroneously stated—*vide* Proposition Statement submitted under endorsement No. 147 (Judicial), dated the 18th January 1884.

Judicial Service which involves an additional expenditure of Rs. 62,832 per annum, as shown in the margin,* it is stated in your letter No. 3198, dated the 4th December 1883, that Rs. 51,744 have already been sanctioned by the Government of India for entertaining 11 District Munsifs who are shown by recent investigation to be unnecessary, and that if to the sum so saved there be added Rs. 11,088† which will be available from the savings anticipated under the revised organization of process service establishments recently sanctioned, no more is needed for effecting the improvements required in the uncovenanted judicatory of the Madras Pre-

sidency.

3. In reply, I am to say that the Governor General in Council sanctions, with effect from the 1st April next, the scheme for the reorganization of the Subordinate Judicial Service as shown in the table set out in the foregoing paragraph. This sanction covers the establishment on a permanent footing of a Subordinate Judges's Court at Palghat. It is observed that the savings under Process Service Fees are provincial. I am to add that orders on the other proposals referred to will be issued hereafter.

GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Law and Justice.

To

THE RIGHT HONOURABLE VISCOUNT CROSS, G.C.B.,

Her Majesty's Secretary of State for India.

Simla, the 18th May 1892.

MY LORD,

WE have the honour to forward for Your Lordship's consideration copy of correspondence with the Government of Madras on the subject of the regrading of District Munsifs and the appointment of certain additional officers of this class in the Madras Presidency.

2. In consequence of a reorganisation of the subordinate Judicial Service, which was effected in the year 1884, the following scale of District Munsifs was sanctioned in the Madras Presidency:—

	Rs.
25 at Rs. 400 each a month	10,000
25 at Rs. 300 each ,,	7,500
25 at Rs. 250 each ,,	6,250
31 at Rs. 200 each ,,	6,200
<u>Total 106</u>	<u>29,950 a month.</u>

In the year 1889 two officers were added to the lowest grade; and it was recently found necessary, on account of a steady increase in the number of suits instituted in the District Munsifs' Courts, to strengthen the staff by the appointment

	Rs.
• Pay of six Munsifs at Rs. 200 each a month ...	1,200 a month.
Cost of establishments ...	1,296 a month.
<u>Total</u> ...	<u>2,496 a month.</u> <u>29,952 a year.</u>

ment of six more officers to that grade at a total cost of Rs. 29,952* a year. (We may explain that our sanction to the increase of the staff of munsifs was given before the receipt of Your Lordship's Despatch

No. 33, dated 25th February 1892.) This addition renders a regrading of the whole staff of District Munsifs in the Madras Presidency desirable, and after fully considering the recommendations originally made by the High Court and the Local Government, we invited the Governor in Council to consider certain alternative proposals which will be found described in our Home Secretary's letter of the 26th February 1892, to the address of the Madras Government (enclosure No. 4 of this Despatch). His Excellency in Council and the Honourable Judges of the High Court have now expressed themselves in favour of the regrading suggested in paragraph 6 of our letter, which is shown below:—

<i>Present scale.</i>			<i>Proposed scale.</i>		
	Rs.	A. P.		Rs.	A. P.
25 at Rs. 400 each a month ...	10,000	0 0	30 at Rs. 400 each a month ...	12,000	0 0
25 " 300 " " ...	7,500	0 0	30 " 300 " " ...	9,000	0 0
25 " 250 " " ...	6,250	0 0	30 " 250 " " ...	7,500	0 0
39 " 200 " " ...	7,800	0 0	24 " 200 " " ...	4,800	0 0
<u>114</u>	<u>31,550</u>	<u>0 0</u>	<u>114</u>	<u>33,300</u>	<u>0 0</u>
	Total			Total	

The proposed changes involve additional expenditure of Rs. 1,750 a month (Rs. 21,000 a year), and, as pointed out in our letter of the 26th February 1892, the grading now settled will correspond as nearly as possible with that which was sanctioned last year in your Despatch No. 38 (Judicial), dated the 20th August 1891, for Munsifs in the Lower Provinces of Bengal.

3. In recommending the scheme to Your Lordship we request that, in the event of its being sanctioned, permission may be accorded to the introduction of the new gradation with effect from the 1st July next after the recess of the Madras High Court.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) LANSDOWNE.

„ ROBERTS.

„ P. P. HUTCHINS.

„ D. BARBOUR.

„ A. E. MILLER.

„ H. BRACKENBURY.

„ C. H. T. CROSTHWAITE.

Schedule of Papers.

1. Letter from the Government of Madras, No. 2371, dated the 18th November 1891, and enclosures.
2. Telegram to the Government of Madras, No. 1696, dated the 19th December 1891.
3. Telegram to the Government of Madras, No. 15, dated the 7th January 1892.
4. Letter to the Government of Madras, No. 269, dated the 26th February 1892.
5. Letter from the Government of Madras, No. 342, dated the 24th February 1892, and enclosure.
6. Letter from the Government of Madras, No. 699, dated the 8th April 1892, and enclosure.

[*Note*—The enclosures have not been reprinted here.]

135

No. 26 (Judicial), dated India Office, London, the 23rd June 1892.

From—The Right Honourable Viscount Cross, G.C.B., Her Majesty's Secretary of State for India,

To—His Excellency the Most Honourable the Governor General of India in Council.

I have considered in Council your Financial letter No. 118, dated the 18th of May last, recommending for my sanction a scheme for the re-grading of the staff of District Munsiffs in the Madras Presidency, at total cost of Rs. 33,300 a year instead of Rs. 31,550 as at present.

2. I approve this measure and authorize that effect be given to it from the 1st of July next.

I have, etc.,

CROSS.

No. 1568—6, dated the 14th August 1911.

From—The Chief Secretary to the Government of Madras,

To—The Secretary to the Government of India, Home Department.

I am directed to address the Government of India on the subject of the regrading of District Munsifs in the Madras Presidency.

2. In Lord Cross's Despatch no. 26-Judicial, dated the 23rd June 1892, a copy of which was forwarded to this Government with Home Department endorsement no. 1000, dated the 26th July 1892, the following scale of District Munsifs was sanctioned for this Presidency :—

R				R
30 at 400 each a month ...	...	...	...	12,000
30 at 300 each a month ...	...	...	...	9,000
30 at 250 each a month ...	...	...	...	7,500
24 at 200 each a month ...	...	...	...	4,800
<hr/>				<hr/>
114		Total	...	33,300
<hr/>				<hr/>

Since 1892, 11 additional appointments of District Munsifs have been created with the previous sanction of the Government of India, and eight of these appointments were added to the last grade. The result is that not only has the percentage grading sanctioned in 1892 been departed from, but the fourth grade now actually preponderates in numbers, and the prospects of the service have been prejudiced thereby. The Governor in Council considers that the additions made since 1892 render a regrading of the whole staff of District Munsifs in this Presidency desirable and that the appointments should be re-arranged on the scale approved by the Secretary of State in 1892, as shown below :—

Present scale,		Proposed scale.			
R		R	R	R	R
31 at 400 each a month	...	12,400	33 at 400 each a month	...	13,200
31 at 300 each a month	...	9,300	33 at 300 each a month	...	9,900
31 at 250 each a month	...	7,750	33 at 250 each a month	...	8,250
32 at 200 each a month	...	6,400	26 at 200 each a month	...	5,200
<hr/>		<hr/>	<hr/>		<hr/>
125	Total	...	35,850	125	Total
<hr/>			<hr/>		<hr/>

Extra cost R700 per mensem.

This regrading will improve the prospects of the District Munsifs, amongst whom there is at present much discontent. I am accordingly to request the sanction of the Government of India to the introduction of the proposed scheme.

3. A proposition statement duly verified by the Accountant-General is enclosed.

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No. 1351, dated the 28th September 1911.

From—The Government of India, Home Department,

To—The Chief Secretary to the Government of Madras.

In reply to your letter no. 1568—6, dated the 14th August 1911, I am directed to say that the Government of India sanction the scheme forwarded therewith for the regrading of District Munsifs in the Madras Presidency.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.

Law and Justice.

To

THE RIGHT HON'BLE JOHN MORLEY, O.M.,

*His Majesty's Secretary of State for India.**Simla, the 25th April 1907.*

SIR,

WE have the honour to forward for your consideration a copy of the correspondence noted in the annexed list regarding the pay and prospects of the subordinate judges in Sind.

2. In their letter No. 3991, dated the 8th August 1905, the Government of Bombay represented that the first class subordinate judges in Sind exercised the same judicial powers as those in the Presidency proper, that their duties and responsibilities were similar, and that their educational attainments were equal. They pointed out, however, that while a subordinate judge in Sind could only look forward to a salary of Rs500 a month his colleague in the Presidency proper had prospects of rising to Rs800 a month. In order, therefore, to secure the same prospects of promotion to the subordinate judges in both places the Bombay Government proposed that the two first class subordinate judges in Sind should be graded with those in the Presidency proper by the addition of their appointments at the bottom of the third grade of the first class subordinate judges in the Presidency. Although it was realized that the prospects of the latter under the proposed arrangement would necessarily be to a certain extent impaired, the Government of Lord Curzon accepted the local Government's assurance that it could be worked without difficulty, and sanctioned their proposal.

3. The Bombay High Court, however, who were not consulted in the matter, have since represented to the local Government that the new arrangement benefited the subordinate judges in Sind entirely, at the expense of their *confrères* in the Presidency proper, and have pointed out the difficulties of arranging the promotion, on a combined list, of subordinate judges who are subject to different authorities. After discussing the matter with the High Court, who consider that the promotion of the subordinate judges in the Presidency proper should be independent of that of their colleagues in Sind, the Bombay Government in their letter No. 5378, dated the 8th October 1906, have submitted a scheme, which, while giving effect to the wishes of the Honourable Judges of the High Court, secures to the subordinate judges in Sind the same pay and prospects as are open to similar officers in the Presidency proper.

4. Briefly, the Bombay Government's proposals are to remove again the two appointments of first class subordinate judges in Sind from the cadre of the Presidency proper, to add one to their number, to divide these appointments equally between the three grades on Rs800, Rs650, and Rs500 a month, respectively, and to re-arrange the grading of the second class subordinate judges. We concur with the local Government in thinking that the reorganization of the court of the Judicial Commissioner in Sind affords a sufficient justification

for the additional appointment proposed, and with this addition the grading now proposed conforms very closely to the standard scale generally adopted for the cadres of provincial services. We have carefully considered the proposals of the Bombay Government, which command our entire approval, and we have no hesitation in recommending them for your sanction.

5. The additional expenditure involved is R600 a month. If the scheme is approved by you, we propose to accept the suggestion of the Bombay Government to abolish note 3 under Article 140 of the Civil Service Regulations by which the four grades of second class subordinate judges in Sind are treated as distinct classes for the purpose of acting allowances. It is estimated that this measure will result in an annual saving of R100. The concession was granted in 1880 with the object of compensating the subordinate judges in Sind for the inferiority of their prospects as compared with those of the subordinate judges in the Presidency proper. With the improvement which will be effected in their position under the proposed reorganization the concession will be no longer necessary.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) MINTO.

„ H. E. RICHARDS.

„ E. N. BAKER.

„ H. ADAMSON.

„ J. F. FINLAY.

„ J. O. MILLER.

Schedule of papers.

1. Letter from the Government of Bombay, No. 3991, dated the 8th August 1905, and enclosure, namely,—
Proposition statement.
2. Letter to the Government of Bombay, No. 1422, dated the 14th September 1905.
3. Letter from the Government of Bombay, No. 5378, dated the 8th October 1906, and enclosures, namely,—
 - (a) Proposition statement.
 - (b) Letter from the Registrar, High Court, Bombay, No. 672, dated the 11th April 1906.
 - (c) Resolution by the Government of Bombay, No. 3939, dated the 21st July 1873.

[*Note.*—Only enclosure No. 3 (a) has been reprinted here.]

Orders sanctioning present Establishment.		Office to which the proposition refers.	NATURE OF CHARGE.					PROPOSITION.		
			PRESENT SCALE.			PROPOSED SCALE.		PERMANENT.		
			No.	Designation.	Average cost.	No.	Designation.	Average cost.	Increase per month.	Decrease per month.
No.	Date.						Amount.	Amount.		
				Rs.			Rs.	Rs.	Rs.	
Letter from the Government of India, Department of Finance and Commerce, No. 2572, dated the 31st August 1880.		}		<i>First Class Subordinate Judges in the Bombay Presidency including Sind.</i>			<i>First Class Subordinate Judges in the Presidency proper.</i>			
			3	First Class, First Grade, Subordinate Judges at Rs. 800 per mensem each.	2,400	3	First Class, First Grade, Subordinate Judges at Rs. 800 per mensem each.	2,400	...	...
			4	First Class, Second Grade, Subordinate Judges at Rs. 650 per mensem each.	2,600	4	First Class, Second Grade, Subordinate Judges at Rs. 650 per mensem each.	2,600	...	...
Letter from the Government of India, Home Department, No. 1422, dated the 14th September 1905.		}	10	First Class, Third Grade, Subordinate Judges at Rs. 500 per mensem each.	5,000	8	First Class, Third Grade, Subordinate Judges at Rs. 500 per mensem each.	4,000	...	1,000
				<i>Second Class Subordinate Judges in the Presidency proper.</i>			<i>Second Class Subordinate Judges in the Presidency proper.</i>			
Letters from the Government of India, Home Department, No. 1512, dated the 21st November 1883, No. 1508, dated the 19th December 1893, and No. 1549, dated the 17th October 1902.		}	19	Second Class, First Grade, Subordinate Judges at Rs. 400 per mensem each.	7,600	19	Second Class, First Grade, Subordinate Judges at Rs. 400 per mensem each.	7,600	...	...
			22	Second Class, Second Grade, Subordinate Judges at Rs. 300 per mensem each.	6,600	22	Second Class, Second Grade, Subordinate Judges at Rs. 300 per mensem each.	6,600	...	...
			36	Second Class, Third Grade, Subordinate Judges at Rs. 200 per mensem each.	7,200	36	Second Class, Third Grade, Subordinate Judges at Rs. 200 per mensem each.	7,200	...	...
			12	Second Class, Fourth Grade, Subordinate Judges at Rs. 150 per mensem each.	1,800	12	Second Class, Fourth Grade, Subordinate Judges at Rs. 150 per mensem each.	1,800	...	...

1111

Order sanctioning present Establishment.		Office to which the proposition refers.	NATURE OF CHARGE.					PROPOSITION.		
			PRESENT SCALE.			PROPOSED SCALE.			PERMANENT.	
			No.	Designation.	Average cost.	No.	Designation.	Average cost.	Increase per month.	Decrease per month.
			<i>First Class Subordinate Judges in Sind.</i>	Rs.		<i>First Class Subordinate Judges in Sind.</i>	Rs.	Rs.	Rs.	
					1	First Class, First Grade, Subordinate Judge at Rs. 800 per mensem.	800	800	...	
					1	First Class, Second Grade, Subordinate Judge at Rs. 650 per mensem.	650	650	...	
					1	First Class, Third Grade, Subordinate Judge at Rs. 500 per mensem.	500	500	...	
			<i>Second Class Subordinate Judges in Sind.</i>			<i>Second Class Subordinate Judges in Sind.</i>				
		3	Second Class, First Grade, Subordinate Judges at Rs. 400 per mensem each.	1,200	2	Second Class, First Grade, Subordinate Judges at Rs. 400 per mensem each.	800	...	400	
		4	Second Class, Second Grade, Subordinate Judges at Rs. 300 per mensem each.	1,200	4	Second Class, Second Grade, Subordinate Judges at Rs. 300 per mensem each.	1,200	...	...
		4	Second Class, Third Grade, Subordinate Judges at Rs. 200 per mensem each.	800	5	Second Class, Third Grade, Subordinate Judges at Rs. 200 per mensem each.	1,000	200	...	
		4	Second Class, Fourth Grade, Subordinate Judges at Rs. 150 per mensem each.	600	3	Second Class, Fourth Grade, Subordinate Judges at Rs. 150 per mensem each.	450	...	150	
			Total ...	37,000		Total ...	37,600	2,150	1,550	

Memorandum from the Government of India, Home Department, No. 1870, dated the 8th December 1900, and letter from the Government of India, Home Department, No. 723, dated the 22nd April 1904.

The present scale of the Proposition Statement has been verified.

BALAK RAM,

(Signed) S. W. EDGERLEY,

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India Office, London,
12th July 1907.

Judicial.
No. 39.

**To His Excellency the Right Honourable the Governor General of
India in Council.**

MY LORD,

Having considered in Council Your Government's Financial letter no. 135,
dated 25th of April last, I sanction your
Judl. A., June 1907, nos. 5-7. proposals regarding the revision of the
grading of the subordinate judicial service in Sind.

I have, etc.,
JOHN MORLEY.

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NO. 324.

GOVERNMENT OF INDIA.
FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, &c.
Law and Justice.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY OF
BLACKBURN, O.M.,

His Majesty's Secretary of State for India.

Simla, the 6th August 1908.

MY LORD,

WE have the honour to forward for Your Lordship's consideration a copy of the correspondence entered in the annexed list, regarding the constitution of the judicial branch of the provincial civil service in Eastern Bengal and Assam and the formation of a separate cadre for that service distinct from the cadre of the corresponding service in Bengal.

2. In its letter No. 5522-C., dated the 5th June 1906, the Government of Eastern Bengal and Assam represented that it was necessary that that province should have a provincial judicial service entirely distinct from the corresponding service in Bengal, and proposed that the cadre of the existing service should be divided between the two provinces in the following manner :—

Sub-Judges.	Bengal.	Eastern Bengal and Assam.
1st grade on Rs. 1,000 a month	... 5	3
2nd " " 800 "	... 10	7
3rd " " 600 "	... 20	13
	—	—
Total	... 35	23
	—	—
Munsifs.	Bengal.	Eastern Bengal and Assam.
1st grade on Rs. 400 a month	... 50	42
2nd " " 300 "	... 47	41
3rd " " 250 "	... 45	39
4th " " 200 "	... 24	22
	—	—
Total	... 166	144
	—	—

We agreed with the local Government that it was desirable to separate the cadres for the two provinces, but, adopting a slightly different basis of calculation (which is explained in paragraphs 4 to 6 of our Home Secretary's letter

No. 1113, dated the 10th August 1906), we suggested that the appointments should be distributed as follows:—

Sub-Judges.			Bengal.	Eastern Bengal and Assam.
1st grade	...	...	5	3
2nd „	...	...	10	7
3rd „	...	...	20	14
Total			35	24
Munsifs.			Bengal.	Eastern Bengal and Assam.
1st grade	...	...	50	43
2nd „	...	...	49	41
3rd „	...	...	46	39
4th „	...	...	25*	20†
Total			170	143

* 3 temporary.

† 2 „

We asked the local Government to ascertain whether these proposals met with the approval of the Government of Bengal and the Calcutta High Court, and at the same time accepted the suggestion contained in paragraph 9 of its letter of the 5th June 1906 regarding the settlement of the *personnel* of the services, and expressed our readiness to approve of such arrangements as might be agreed upon in consultation with the Bengal Government and the High Court.

3. After consulting the Government of Bengal and the High Court, the Government of Eastern Bengal and Assam replied to our Home Secretary's letter of 10th August 1906 in its letter No. 7889-C., dated the 4th July 1907. It forwarded a letter, No. 310, dated the 28th January 1907, from the Registrar of the Calcutta High Court in which it was stated that the Hon'ble Judges, while recognizing the necessity for the formation of a separate cadre for the judicial branch of the provincial civil service in Eastern Bengal and Assam, deprecated the immediate division of the existing service on the following grounds:—that it would be unpopular among a large number of the officers allotted to the new province; that it would necessitate a very large number of transfers, and would temporarily disturb and dislocate the work of the courts in many districts; and that it would create a great inequality in promotion. The Hon'ble Judges accordingly recommended that, for the present, the officers serving in the two provinces should be formed provisionally into two cadres, but should be retained on one list for purposes of promotion; that, as occasion arose, officers not originally placed in the cadre to which it was proposed to assign them permanently should gradually be transferred from one province to the other, and that all new appointments should be made definitely to one particular cadre. They also suggested that they should be allowed in special cases to recommend the transfer of individual officers from one province to the other. They anticipated that in this way a separate and permanent cadre for the new province would be formed in the course of two or three years. In order to remedy possible inequality in the rates of promotion from the grade of munsifs to that of subordinate judges in the two provinces, the High Court recommended either that the transfer of senior munsifs from one province to the other should be permitted when the rates of promotion varied greatly, or that special allowances should be given to officers in the new province who might suffer loss in promotion as compared with their contemporaries in Bengal, or that

the number of subordinate judgeships assigned to Eastern Bengal and Assam should be increased. The Government of Bengal expressed its readiness to accept the provisional arrangements proposed by the High Court for the gradual separation of the cadres, and considered that the transfer of officers from one province to the other would be the best method of correcting inequality in the rates of promotion to the grade of subordinate judges. The Government of Eastern Bengal and Assam, while also agreeing that the division of the service should be effected in the manner proposed by the High Court, considered that the final separation should not be deferred beyond the 1st January 1909. Sir L. Hare also expressed the opinion that promotions to the grade of subordinate judges should ordinarily be made from among the munsifs of the province in which the vacancy occurred, and that the transfer of munsifs from one province to another should only be made when the inequality of promotion in the two provinces had been really serious.

4. We had no objection to the gradual separation of the two services in the manner proposed by the High Court, but considered that, as proposed by the Government of Eastern Bengal and Assam, it should be completed not later than the 1st January 1909. We agreed with the Honourable Judges that all new appointments should be made permanently to one province or the other, and with Sir Lancelot Hare that, after the separation of the cadres had been effected, officers should only be transferred from one province to the other in exceptional cases, when there had been serious inequality in the rates of promotion to the grade of subordinate judges. We accepted the proposal that the distribution of the subordinate judgeships between Bengal and Eastern Bengal and Assam should be left to the decision of the High Court, which is in the best position to judge of the relative needs of the two provinces. These conclusions were communicated to the Government of Eastern Bengal and Assam in paragraphs 3 and 4 of our Home Secretary's letter No. 1195, dated the 14th August 1907, and the local Government was asked to obtain and submit for sanction the final proposals of the High Court in regard to the distribution of the subordinate judgeships between the two provinces.

5. These proposals are contained in the High Court's letter No. 645, dated the 25th February 1908. It is stated in paragraphs 11 and 12 of that letter that the Honourable Judges accept the numerical distribution which was suggested in our Home Secretary's letter dated the 10th August 1906, but that they are of opinion that the grading of the appointments of subordinate judges to be allotted to Eastern Bengal and Assam is unfavourable as compared with the grading suggested for the appointments which will remain in Bengal. To remedy this they propose that an appointment should be added to the second grade of the Eastern Bengal and Assam cadre, an appointment in the third grade being reduced. The Honourable Judges also observe that, for the reasons given in paragraphs 4 and 5 of their letter, the position of munsifs in Eastern Bengal and Assam, after the separation of the cadres, will be considerably worse than that of the munsifs in Bengal, and that it is necessary that the prospects of the former should be improved. They accordingly propose that a new grade, consisting of twelve appointments, of munsifs on Rs. 500 a month, should be created in Eastern Bengal and Assam and that twelve appointments in the grade of munsifs on Rs. 400 a month should be reduced. Both the local Governments support the High Court's proposals; but the Government of Eastern Bengal and Assam recommends that the appointment to be transferred from the third grade of subordinate judges in that province should be added to the first grade on Rs. 1,000 a month, instead of to the second grade on Rs. 800 a month as proposed by the Hon'ble Judges. The local Government has not, however, given any reasons for its modification of the High Court's proposal, which in our opinion is sufficient to meet the needs of the case. We agree with the High Court that it is necessary to offer the munsifs allotted to Eastern Bengal and Assam, in order to compensate them for the disadvantages attached to service in that province, somewhat better prospects than the grading previously suggested by us would afford them, and we support the recommendation that a

new grade of twelve appointments of munsifs on Rs. 500 a month should be created. These proposals involve an additional expenditure of Rs. 1,400 a month, and we commend them to Your Lordship's favourable consideration.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) MINTO.

„ KITCHENER.
„ H. E. RICHARDS.
„ C. H. SCOTT.
„ H. ADAMSON.
„ J. O. MILLER.
„ W. L. HARVEY.
„ J. S. MESTON.

Schedule of papers.

1. Letter from the Government of Eastern Bengal and Assam, No. 5522-C., dated the 5th June 1906.
2. Letter to the Government of Eastern Bengal and Assam, 1113, dated the 10th August 1906.
3. Letter from the Government of Eastern Bengal and Assam, No. 7889-C., dated the 4th July 1907, and enclosures :—
 - (a) Letter from the Calcutta High Court, No. 310, the 28th January 1907.
 - (b) Letter from the Government of Bengal, No. 695-A.D., dated the 13 May 1907.
4. Letter to the Government of Eastern Bengal and Assam, No. 1195, dated the 14th August 1907.
5. Letter From the Government of Eastern Bengal and Assam, No. 1375-T., dated the 27th March 1907, and enclosure namely :—

Letter from the Calcutta High Court, No. 645, dated the 25th February 1908.
6. Letter From the Government of Eastern Bengal and Assam, No. 1968-A., dated the 23rd May 1908, and enclosure, namely :—

Proposition statement.

[*Note.*—Only the enclosure to No. 6, has been reprinted here.]

Enclosure No. 6.

Statement of proposition for revision of the establishment of the judicial branch of the provincial civil service in Bengal and in Eastern Bengal and Assam.

Present scale.	PROPOSED SCALE.¶	
	Bengal.	Eastern Bengal and Assam.
1	2	3
<i>Subordinate Judges.</i>	<i>Subordinate Judges.</i>	<i>Subordinate Judges.</i>
Rs.	Rs.	Rs.
8 subordinate judges, 1st grade, on Rs. 1,000 each ... 8,000	5 sub-judges, 1st grade, on Rs. 1,000 each ... 5,000	4 || sub-judges, 1st grade, on Rs. 1,000 each ... 4,000
17 subordinate judges, 2nd grade, on Rs. 800 each 13,600	10 sub-judges, 2nd grade, on Rs. 800 each ... 8,000	7 || sub-judges, 2nd grade on Rs. 800 each ... 5,600
35* subordinate judges, 3rd grade, on Rs. 600 each ... 21,000	21 sub-judges, 3rd grade, on Rs. 600 each ... 12,600	13 sub-judges, 3rd grade, on Rs. 600 each ... 7,800
—	—	—
60	36	24
<i>Munsifs.</i>	<i>Munsifs.</i>	<i>Munsifs.</i>
93† munsifs, 1st grade, on Rs. 400 each ... 37,200	50 munsifs, 1st grade, on Rs. 400 each ... 20,000	12 munsifs, 1st grade, on Rs. 500 each ... 6,000
89 munsifs 2nd grade, on Rs. 300 each ... 26,700	48 munsifs, 2nd grade, on Rs. 300 each ... 14,400	31 munsifs, 2nd grade, on Rs. 400 each ... 12,400
85‡ munsifs, 3rd grade, on Rs. 250 each ... 21,250	46 munsifs, 3rd grade, on Rs. 250 each ... 11,500	41 munsifs, 3rd grade, on Rs. 300 each ... 12,300
45§ munsifs, 4th grade, on Rs. 200 each ... 9,000	26 munsifs, 4th grade, on Rs. 200 each ... 5,200	39 munsifs, 4th grade, on Rs. 250 each ... 9,750
—	—	—
312	170	142
1,36,750	76,700	61,650
	1,38,350	
	Increase Rs. 1,38,350—1,36,750=1,600 || per mensem or Rs. 19,200 per annum.	

* Including 1 transferred from Central Provinces.

† Including 1 ditto ditto.

‡ Including 1 ditto ditto.

§ Including the additional post for Dacca and Narayanganj now made permanent.

|| These figures, 4, 7, 1,600 were altered by the Government of India to 3, 8 and 1,400 respectively vide despatch to Secretary of State No. 234, dated 6th August 1908.

¶ In view of the recent territorial distribution this scale has been modified. The provisional cadres proposed by the Calcutta High Court for (1) Bengal and Assam, and (2) Behar and Orissa are shown in the consolidated statement contained in the memorandum.

P. C. LYON,
Chief Secretary to the Government of
Eastern Bengal and Assam.

Present scale checked and verified, subject to the remark that the orders for the permanent retention of an additional munsif for Dacca and Narayanganj has not yet been received in this office.

W. L. BRYNING,
Assistant Accountant-General, Bengal.

Sanctioned on 31st March 1908 by the Government of Eastern Bengal and Assam on the recommendation of the Hon'ble Judges of the High Court. Sanction communicated to the Government of Bengal on the same date.

The 23rd May 1908.

C. TINDALL,
Under Secretary to Government.

Judicial.
No. 44.

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India Office, London,
23rd October 1908.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

Having considered in Council your Government's Financial letter no. 234, dated 6th of August last, I sanction your proposals regarding the constitution of the judicial branch of the provincial civil service in Eastern Bengal and Assam, and the formation of a separate cadre for that service distinct from the cadre of the corresponding service in Bengal.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

MORLEY OF BLACKBURN.

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No. 110-D. L., dated the 12th February 1912.

From—The Secretary to the Government of India, Home Department,

To—The Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side.

With reference to the correspondence ending with the Home Department letter no. 1465, dated the 9th December 1908, I am directed to address the Honourable the Chief Justice and Judges regarding the cadres of the Judicial Branch of the Provincial Civil Service in Bengal and Eastern Bengal and Assam.

2. In accordance with the announcement made by His Imperial Majesty on the 12th December 1911, the Provinces of Bengal and Eastern Bengal and Assam will be reconstituted as follows :—

- (1) the Presidency of Bengal, comprising the existing Burdwan, Presidency, Chittagong, Dacca and Rajshahi Divisions ;
- (2) the Province of Bihar and Orissa, comprising the existing Bhagalpur (except the Darjeeling District), Patna, Tirhut, Chota Nagpur and Orissa Divisions ; and
- (3) the Province of Assam, comprising the existing Divisions of the Assam Valley Districts and the Surma Valley and Hills Districts.

3. The Government of India are of opinion that a separate cadre should be formed for the Judicial Branch of the Provincial Civil Service in each of the above Provinces, and as the High Court are in the best position to judge of the relative needs of the new Provinces, I am to request that the Government of India may be furnished with the proposals of the Honourable the Chief Justice and Judges for the division between those provinces of the present cadres of the Provincial Judicial Service in Bengal and Eastern Bengal and Assam.

No. 1035, dated Calcutta, the 18th March 1912.

From—R. L. Ross, Esq., I.C.S., Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of Mr. Wheeler's letter no. 110-D.L., dated the 12th February, stating that in pursuance of the announcement made by His Imperial Majesty on the 12th December 1911 that the two provinces of Bengal and Eastern Bengal and Assam will be reconstituted into three provinces, *viz.*, the Presidency of Bengal, the Province of Bihar and Orissa, and the Province of Assam, the Government of India are of opinion that a separate cadre should be formed for the Judicial Branch of the Provincial Civil Service in each of these three provinces. The Government request that they may be furnished with the proposals of the Hon'ble the Chief Justice and Judges of the High Court for the division between those provinces of the present cadres of the Provincial Judicial Service in Bengal and Eastern Bengal and Assam.

2. In reply I am to say that the Chief Justice and Judges assume from the terms of Mr. Wheeler's letter that the Government have determined that the Provincial Judicial Service is to be divided and that they are only asked to offer proposals for the formation of separate cadres.

3. With regard to the creation of a separate cadre for Assam I am to point out that there are at present only 2 subordinate judges and 10 munsifs serving in that province, all of whom are stationed in the district of Sylhet. In the other districts the functions of the civil courts are discharged by executive officers and the High Court presume that it is not intended at present that this arrangement should be changed. The Judges do not think that a separate cadre should be formed consisting of 12 officers, and desire to suggest that the subordinate judges and munsifs serving in Assam should be included in the Bengal cadre.

4. If this suggestion meets with the approval of the Government and the service is divided into two cadres for Bengal and Assam and for Bihar and Orissa respectively, and if the grades are to correspond in structure to the existing grades of the recombined services of Bengal and Eastern Bengal and Assam, the strength of the different grades in each province will be as follows.

The total number of subordinate judges is 62, of whom 8 are in the 1st grade, 18 in the 2nd grade and 36 in the 3rd grade. Forty-two subordinate judges serve in Bengal and twenty in Bihar and Orissa. The grading will therefore be—

Bengal—

1st grade	$\frac{4}{3}$	$\times 8 =$	5.42
2nd grade	$\frac{4}{3}$	$\times 18 =$	12.19
3rd grade	$\frac{4}{3}$	$\times 36 =$	24.38

Bihar and Orissa—

1st grade	$\frac{2}{3}$	$\times 8 =$	2.58
2nd grade	$\frac{2}{3}$	$\times 18 =$	6.8
3rd grade	$\frac{2}{3}$	$\times 36 =$	11.6

The total number of munsifs is 313, of whom 93 are in the first grade (which is here considered as including not only the Rs. 400 grades in Bengal and Eastern Bengal and Assam, but also the Rs. 500 grade in Eastern Bengal and Assam), 89 in the 2nd grade, 85 in the 3rd grade and 46 in the 4th grade. Two hundred and forty-five munsifs serve in Bengal and sixty-eight in Bihar and Orissa. The grading will therefore be—

Bengal—

1st grade	$\frac{2}{3}$	$\times 93 =$	72.79
2nd grade	$\frac{2}{3}$	$\times 89 =$	69.66
3rd grade	$\frac{2}{3}$	$\times 85 =$	66.53
4th grade	$\frac{2}{3}$	$\times 46 =$	36

Bihar and Orissa—

1st grade	$\frac{0.9}{3.13} \times 93 =$	20.2
2nd grade	$\frac{0.9}{3.13} \times 89 =$	19.33
3rd grade	$\frac{0.9}{3.13} \times 85 =$	18.46
4th grade	$\frac{0.9}{3.13} \times 46 =$	9.99

The resulting distribution of posts would therefore appear to be somewhat as follows:—

Subordinate Judges—

			Bengal.	Bihar and Orissa.
1st grade	...	...	6	2
2nd grade	...	...	12	6
3rd grade	...	...	24	12

Munsifs—

			Bengal.	Bihar and Orissa.
1st grade	...	...	73	20
2nd grade	...	...	70	19
3rd grade	...	...	66	19
4th grade	...	...	36	10

Provisional cadres for the two provinces have been framed according to this scale, and it is proposed that, where necessary, officers should be transferred during the Easter holidays to the province to which they have been allotted.

5. This division of the service is based upon the existing requirements of each province for the disposal of its civil business. It is apparent, however, that the number of subordinate judges in Bihar and Orissa will bear a much larger proportion to the munsifs than in Bengal and this must inevitably result in great inequality in the rate of promotion in the two provinces.

6. In the division of the service which followed the late Partition, the proportion of subordinate judges to munsifs in the existing province of Bengal was 1 to 4.68, and in the province of Eastern Bengal and Assam 1 to 5.87. With this difference only in proportion, the flow of promotion in Bengal was found to be so much faster than in Eastern Bengal and Assam that even the creation of the special grade of munsifs in the latter province with a pay of Rs. 500 was found insufficient to maintain equality, and the High Court was compelled to recommend the transfer of several officers from the Eastern province to Bengal to meet the individual cases of hardship.

7. The inequality then experienced must be greatly intensified in the present division of the service in which the proportion of subordinate judges to munsifs in Bengal will be 42 to 245, or 1 to 5.83, and in Bihar and Orissa 20 to 68 or 1 to 3.09. The result of such a division as is now proposed—and no other method suggests itself as possible in view of requirements of the two provinces—will therefore be that not only will officers allotted to Bihar have the advantage of healthier stations but with quicker promotion their average pay will be considerably higher and they will attain to the rank of subordinate judge at a much earlier age than officers allotted to Bengal.

8. In view of these considerations the Chief Justice and Judges consider that it should be taken to be an essential condition precedent to the division of the service that the prospects of officers allotted to Bengal should be improved by an increase in the number of higher appointments and by a regrading of the service so that they may be placed on an equality with the officers allotted to Bihar.

9. Equality in promotion in the two provinces would no doubt be secured if the service were regraded on the lines adopted in the commissioned ranks in the Indian Army and promotion were granted after so many years' service, irrespective of the judicial office which the officer might be holding. This scheme however would involve a reconstitution of the whole service and would probably be open to objection on the ground of novelty and expense.

If the constitution of the service remain as at present, two possible alternatives suggest themselves for equalising the prospects of the officers in the two provinces :—

- (1) the creation of a grade of munsifs with pay of Rs. 500 a month, in Bengal only, the number being increased from 12 as at present for Eastern Bengal and Assam, to twenty-five

or

- (2) the addition of say 25 to the number of subordinate judges in Bengal. These will of course absorb the munsiffs in the grade of Rs. 500 a month.

Of these the Chief Justice and Judges are inclined to favour the latter and for the following reasons.

10. At the time of the late division of the service a special grade of 12 munsifs on a monthly salary of Rs. 500 each was sanctioned for the Eastern province, but as noted above that remedy failed to equalise promotion, or to give satisfaction.

11. In late years it has been found necessary to invest a number of munsifs with powers to try suits up to the value of Rs. 2,000 in consequence of the inability of the present staff of subordinate judges to control the current work. Also the allotment of an increased number of listed post of district and sessions judge to the provincial service and the consequent necessity of training subordinate judges for these appointments by vesting them with the powers of assistant sessions judges has withdrawn a larger number of subordinate judges from their ordinary civil judicial duties and has resulted in an increased accumulation of arrears in their courts. Officers are therefore required to assist the subordinate judges, and though it might not be necessary or convenient to invest all of them at once with the full powers of subordinate judges, still if they were vested with some of the powers of a subordinate judge they would afford the assistance which is urgently needed, and might fairly be granted the full pay of subordinate judges of the lowest grade.

12. I am directed to take this opportunity of inviting attention to the pay of the lowest grade of munsifs which is at present fixed at Rs. 200 a month. In the executive branch of the service this rate has been raised to Rs. 250. The Chief Justice and judges are of opinion that in view of the age qualifications and experience of the officers who are appointed to be munsifs their initial pay ought also to be raised to this standard.

No. 999, dated Simla, the 28th May 1912.

From—The Secretary to the Government of India, Home Department,

To—The Chief Secretary to the Government of Bengal.

SIR,

I am directed to forward, for the information of the Governor in Council a copy of the marginally* noted correspondence with the Calcutta High Court, regarding the division of the cadres of the judicial branch of the provincial civil service in the old provinces of Bengal and Eastern Bengal and Assam between the present provinces of Bengal, Bihar and Orissa and Assam.

1. Letter to the Registrar, High Court, Calcutta, no. 110 D. L., dated 12th February 1912.
2. Letter from the Registrar, High Court, Calcutta, no. 1036, dated 18th March 1912.

2. The Government of India will be glad if His Excellency in Council will arrange to discuss the proposals of the Hon'ble Judges with the provinces concerned, and to submit a joint reply indicating the points of agreement or difference of opinion. In order to facilitate the discussion of the case, I am to communicate the conclusions which the Governor-General in Council is at present disposed to form in respect of the various matters referred to in the High Court's letter.

3. The Government of India agree with the Hon'ble Judges that, as was proposed in the case of the district and sessions judges in that province, the 2 subordinate judges and 10 munsifs at present serving in Assam should be included in the Bengal cadre. It is also undoubtedly the case that the separation of the cadres on the basis of the number of subordinate judges and munsifs now serving in each province will result in a far more favourable proportion of sub-Judgeships to Munsifships in Bihar and Orissa than will exist in Bengal and Assam, as will be clear from the following figures:—

Appointments.	Total number.	Percentage of Sub-Judges and Munsifs.	NO. OF OFFICERS NOW SERVING IN BIHAR AND ORISSA.		NO. OF OFFICERS SERVING IN BENGAL AND ASSAM.	
			No.	Percentage.	No.	Percentage.
Sub-Judges ...	62	16.5	20	22.7	42	14.6
Munsifs ...	313	83.5	68	77.3	245	85.4
Total ...	375	100.0	88	100.0	287	100.0

The above details, however, should be subjected to careful scrutiny, and it should particularly be verified whether officers theoretically attached to Bihar and Orissa who are practically on permanent deputation to Bengal (of which there are believed to be several instances) have been shown in the latter province.

The Honourable Judges have recognised this consequence of any such distribution, and have made various suggestions which are designed to meet it, but these do not commend themselves entirely to the Government of India. To place the provincial judicial service on a time scale would raise a question of far reaching importance which cannot be entered upon in the present connection, while the proposal to increase the number of subordinate judges in Bengal by 25 could only be justified on the ground that the conditions of work are such as to demand so material a reinforcement of the cadre. The High Court considered, and, in the opinion of the Government of India, rightly rejected, a similar proposal in 1908.† Similarly, the Government of India, are unable to entertain, in connection with the present case, any recommendation to raise the pay of the lowest grade of munsifs to Rs. 250 a month, or generally, to improve the prospects of the provincial service.

† Vide High Court's letter (paragraphs 6 and 7), no. 645, dated 25th February 1908, a copy of which was forwarded to the Bengal Government with the Home Department endorsement no. 1464, dated 9th December 1908.

4. In giving effect to any division of the service, the claims of existing incumbents should obviously be primarily considered, and as the preliminary to

further action, the Government of India consider that the cadre should be divided on the correct theoretical lines between Bengal and Assam and Bihar and Orissa, the 12 appointments of Munsif in the Rs. 500 grade being transferred from Eastern Bengal and Assam to Bengal, that is to say, 12 appointments should be taken from the Rs. 400 grade of munsifs in Bengal and raised to Rs. 500 a month. The Rs. 500 grade was created solely with reference to the needs of the provincial judicial officers in Eastern Bengal and Assam, and, even in its absence, those employed in Bihar and Orissa will have no cause of complaint.

As mentioned above, any subordinate judges nominally employed in Bihar and Orissa, who are in reality on permanent deputation to Bengal, should be included in the Bengal cadre.

5. This having been done, it might be possible to preserve equality of promotion among the officers on the two lists if the High Court, on the occurrence of a vacancy, were to consider the claims of men in both cadres, and when distinct hardship or injustice would otherwise result, were to recommend for promotion men outside the province in which the vacancy occurs; but such an expedient would delay the permanent division of the service which it is desirable to effect, and at best might be adopted as a temporary expedient only.

6. Another possible course would be to convert the 12 munsifs at present on Rs. 500 a month into subordinate judges on the same pay, provided that it could be shown that the judicial requirements of Bengal demanded such an increase in the number of subordinate judges. Action on these lines would be in harmony with the arrangements in some other provinces, where the pay of the lowest grade of subordinate judge is Rs. 500 and that of the highest grade of munsif Rs. 400 a month. A pay of Rs. 500 is for some reasons better suited to the lowest grade of subordinate judges than to the highest grade of munsifs, and the proposal should not lead to difficulty provided that efficient officers have been promoted to the existing Rs. 500 grade. The proportion of subordinate judges to munsifs' posts in Bengal which would result from such a change would be 54: 233 or as 1: 4.3, and the difference in the rate of promotion in the two provinces would be reduced.

7. The elaboration of a final solution must primarily be undertaken by those locally concerned, and the Government of India are not prepared, at this stage, to do more than state the difficulty and indicate various remedies which might possibly prove desirable, but stress may be laid on the necessity of supporting any scheme put forward by a clear demonstration that the needs of each province require the employment of the number of officers of the particular class contemplated. The problem turns upon the volume and value of the litigation in each area rather than upon any necessity for absolute equality between the two provinces, which is not practicable.

8. With reference to paragraph 11 of the High Court's letter, the Government of India would be glad to be informed of the number of munsifs who have been empowered, under section 19 (2) of the Bengal, Agra and Assam Civil Courts Act, 1887 (XII of 1887), to try suits exceeding Rs. 2,000 in value, and of the views of the local Government as to the desirability of this procedure.

9. A copy of this letter is being forwarded to the Government of Bihar and Orissa and to the Chief Commissioner of Assam and it is possible that a satisfactory solution can be most speedily arrived at by a conference of representatives of the three provinces.

I have the honour to be,

SIR,

Your most obedient servant,

H. WHEELER,

Secretary to the Government of India.

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No. 1001—1002, dated the 28th May 1912.

From—The Secretary to the Government of India, Home Department,

To—The Government of Bihar and Orissa, and The Hon'ble the Chief Commissioner of Assam.

SIR,

I AM directed to forward for the information of His Honour the Lieutenant-Governor
your information
a copy of a letter to the Government of Bengal, no. 999, dated the 28th May 1912, and of its enclosures, regarding the formation of separate cadres of the judicial branch of the provincial civil service, for (1) the provinces of Bengal and Assam, and (2) the province of Bihar and Orissa.

2. I am to request that [with the permission of the Lieutenant-Governor] [Not to Assam]
action may be taken in conjunction with the Government(s) of Bengal and (To Assam only)
the Honourable the Chief Commissioner of Assam
Bihar and Orissa, and that the proposals and views of the Lieut.-Governor
your proposals and views
may be submitted with those of the Bengal Government and of the Chief Commissioner of Assam
Bengal and Bihar and Orissa Governments
in a single letter.

I have the honour to be,

SIR,

Your most obedient servant,

H. WHEELER,

Secretary to the Government of India.

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No. 154.

GOVERNMENT OF INDIA.
FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.
Law and Justice.

To

THE MOST HONOURABLE THE MARQUIS OF CREWE, K.G.,

His Majesty's Secretary of State for India.

Simla, the 13th June 1912.

MY LORD MARQUIS,

We have the honour to submit for your Lordship's consideration and orders the correspondence, which has passed between the Local Government and ourselves, with regard to the reorganisation of the judicial services in the United Provinces. The scheme which we have finally decided to support, and which, in so far as the revision and increase of establishments are concerned, is exhibited in the proposition statement, forming the fifth enclosure to this despatch, is based on the suggestion made in the first instance by a Committee of experienced officers, after an exhaustive local enquiry, and subsequently modified in the light of the criticisms of the Judges of the High Court of Allahabad, and the Judicial Commissioner of Oudh, by the Local Government and ourselves. The general idea underlying the proposals is to provide in an adequate manner for the effective despatch of judicial business by the posting of officers, with sufficient powers, to places in which experience has shown that their services are most needed, and incidentally to absorb the numerous temporary appointments which the rapid growth of litigation in the United Provinces has in recent years from time to time made necessary. We do not propose to trouble your Lordship with the details of the arrangements under contemplation regarding questions of jurisdiction and of the simplification of procedure, as these matters are within our power to sanction. But we desire to explain the changes embodied in the proposition statement, already referred to, and to invite your Lordship's approval of the same.

2. In the first place we propose an addition to the Indian Civil Service cadre of three District and Sessions Judgeships, including additional Judgeships. This increase is more apparent than real, for there are already in existence three temporary appointments of additional district and sessions Judges at Meerut, Lucknow and Gonda, sanctioned in your Lordship's despatches Nos. 49, 51 and 52, dated the 2nd December 1910, respectively.

Of these three posts one, as the Local Government suggests, may be allotted to the third grade on Rs. 2,250 and the remaining two to the fifth grade on Rs. 1,666-10-8. All three appointments should, however, in our opinion, be listed as open to the Provincial service. It is true that the scheme submitted by the Lieutenant-Governor contained no provision to this effect, and that in our letter No. 421, dated the 3rd March 1911, when we first considered the subject, we gave the opinion that only two of these appointments should be so treated. Since then, however, we have been obliged, in the light of criticisms advanced in the Imperial Legislative Council, to re-examine our position, and to aim at a procedure, by which, ordinarily, the opportunity will be taken of the creation of new posts to endeavour to increase, within the standard proportion of one-sixth, the number of superior posts which are open to the Provincial Service. This is, we think, the more necessary in the United Provinces owing to the fact that, taking the superior Indian Civil Service appointments generally, the proportion at present there listed compares unfavourably with that in other provinces. In such circumstances we ought not, we consider, to attach too much importance to the pleas advanced by the Local Government in its letter No. 871, dated the 29th June 1911, first that its reorganization scheme provides generously for the Provincial Civil Service in the lower ranks, and secondly, that even seven officers competent adequately to fill these posts will not be forthcoming within an appreciable time. Moreover, in our opinion, the chief object of the policy of 'listing' appointments is to be attained by throwing open not the lower, but the superior posts. It follows that if your Lordship accepts this recommendation no increase in the inferior appointments of the Indian Civil Service cadre will be required on this account.

3. We now turn to the case of the Additional Sessions Judges having the powers of Subordinate Judges. As to these we agree with the Local Government that six such posts are required, and that four of them should be assigned to the Indian Civil Service. We also agree that, if these four posts are sanctioned, the existing two posts on Rs. 1,100 and Rs. 800 per mensem respectively for Assistant Sessions Judges may be abolished. We are however of opinion that, for the four new appointments the pay proposed by the Lieutenant-Governor, *viz.*, Rs. 1,333-5-4 is unnecessarily high, although, upon reconsideration, the alternative suggested in our letter of the 3rd March 1911, appears to have been unduly unfavourable. In all the circumstances, we are of opinion that a rate of Rs. 1,200 will suffice. The salary of an officiating Deputy Commissioner or District and Sessions Judge of the lowest grade is Rs. 1,344, and for officers of this new class, whose status will be lower, a lower rate of remuneration will be appropriate. We may add that the creation of a grade on Rs. 1,200 is in harmony with proposals, which we have submitted to your Lordship with our Financial Despatch No. 108, dated the 9th May 1912, regarding the improvement of the position of Assistant Collectors in Bombay, and that such a grade is already in existence in Madras. We make no proposals under this head for listing, as the four appointments in question will be of great utility as a training ground for members of the Indian Civil Service who have elected for a judicial career, to which we attach great importance. There will thus be a net increase of three superior appointments in the Indian Civil Service cadre.

4. If these proposals commend themselves to your Lordship certain consequential changes amongst the inferior appointments of the Indian Civil Service cadre will follow. To begin with, a fresh appointment of Assistant Commissioner, 1st grade, on Rs. 800 per mensem will be needed, in order to balance the post of Assistant Sessions Judge on the same salary which is being brought under reduction. Again the creation of the three new superior posts explained in the foregoing paragraph, will, according to the accepted method of calculation, necessitate the addition of three new inferior posts. One of these we propose to add to the Rs. 800 grade, whilst two, which represent the reserve for leave, training, etc., must, according to the standard method of calculation, be included in the grade of Assistant Collectors on Rs. 400—500 a month. We also desire to take the opportunity to add one appointment to the Rs. 700 grade of Joint Magistrates and Assistant Commissioners in place of the post of Deputy Superintendent of the Family Domains of the Maharaja

of Benares, which came automatically to an end on the 1st April 1911, with the creation of the Benares State. The future constitution of the cadre will therefore be as follows, and to this we ask your Lordship's sanction :—

	Present.	Proposed.
(1) Number of superior posts in the Province as shown in the revised list of superior appointments enclosed (Enclosure No. 4).	111	117
(2) <i>Deduct</i> the number of superior listed posts	—7	—10
(3) <i>Add</i> the number of superior appointments under the Government of India.	+11	+11
(4) Total number of superior posts	115	118
(5) <i>Add</i> 4 per cent for temporary appointments and deputations ..	5	5
(6) Total number of superior posts on which recruitment is to be based.	120	123
(7) <i>Add</i> inferior appointments at 39 per cent of line (6) ...	47	48
(8) Total number of appointments, both superior and inferior ...	167	171
(9) Strength of service required at 194·5 of line (6)	233	239
(10) Number of officers representing the reserve is therefore ...	(233—115) —47=)71	(239—118) —48=)73

The existing and the proposed distribution of the inferior appointments in line (7) is as follows :—

	Present.	Proposed.
(a) City Magistrate, Lucknow	1	1
(b) Deputy Superintendent, Family Domains	1	—
(c) Under Secretaries	3	3
(d) Assistant Sessions Judge	1	—
(e) Registrar, Judicial Commissioner's Court	1	1
(f) First and second grades of Joint Magistrate and Assistant Commissioner.	40	43
Total	47	48

5. The next point for consideration is the proposed reconstitution of the Provincial Service. Here we desire to keep only two classes of officers, to be called Subordinate Judges and Munsifs, on uniform rates of pay, for the provinces of Agra and Oudh respectively. This involves an increase amongst the former Subordinate Judges from nineteen to thirty-three in Agra and from twelve to sixteen in Oudh, or from thirty-one to forty-nine in all. Out of these eighteen new posts, however, seven in Agra and two in Oudh, or nine in all, represent lapses amongst the old Assistant Sessions and Small Cause Court Judges, who will cease to be shown separately. From amongst the Subordinate Judges two, one in Agra and one in Oudh, will have the powers of Additional

Sessions Judges on the criminal side, whilst six, four in Agra and two in Oudh, will also act as Assistant Sessions Judges. There will also be eight Small Cause Court Judges, of which six will be employed in Agra and two in Oudh. We propose further that the local Government shall have power to transfer the two additional Sessions Judges from Agra to Oudh and *vice versa*, as may from time to time be found necessary.

6. Similarly we would raise the number of Munsifs from sixty-eight to sixty-nine in Agra and from twenty-six to thirty-one in Oudh, so as to absorb the six temporary appointments, now in existence, whilst we agree with the local Government as to the need for a grade of probationary officers of this rank. As regards their number we notice that, whilst the Lieutenant-Governor in paragraph 53 of his letter dated the 28th April 1910, speaks of '14 per cent.' of the Munsif's cadre, which would give a result of twenty-one posts, the High Court (*vide* paragraph 25 of their letter dated 7th August 1909) and the Judicial Commissioner (*vide* paragraph 45 of the local Government's letter dated 28th April 1910) ask only for 14 in all. We therefore consider that it will suffice to recommend for sanction the creation of that number of posts in this class.

7. We have also had under our consideration the rates of pay to be allowed. The scale proposed by the Lieutenant-Governor in paragraph 55 of his letter of the 28th April 1910, appears to us to be open to criticism, in that it is unnecessarily generous in its provision of appointments on Rs. 650 and Rs. 800, while it divides the cadre into too many separate compartments. After a further reference to the local Government, we, therefore, recommend for your Lordship's sanction the following scale, which, we submit, whilst sufficiently liberal, preserves the requisite balance between the different grades, allowance being made for the necessity of providing a definite number of posts at rates below Rs. 500 for Munsifs, and on Rs. 500 and over for officers of the remaining classes.

PRESENT.			PROPOSED.		
APPOINTMENTS.			APPOINTMENTS.		
Pay.	Agra.	Oudh.	Pay.	Agra.	Oudh.
Rs.			Rs.		
800—1,000	1	1	800—40—1,000	2(a)	2(a)
800	7	2	800	8	2
650	7	3	650	9	4
600	...	1	500	14	8
500	11	7	400	22	10
400	22	8	300	24	10
300	24	8	200	23	11
200	22	10	...	...	...
175	...	...	175 (b)	12	2
Total ...	94	40	Total ...	114	49

(a) Comprises the two appointments of Additional Sessions Judge referred to in paragraph 3 as not being required for the Indian Civil Service.

(b) Comprises the probationary munsifs.

The Lieutenant-Governor has proposed further that the salaries of Provincial Service Officers holding the posts of Magistrate and Collector, 2nd grade, and District and Sessions Judge, 4th grade, and of Magistrate and Collector, 3rd grade, and District and Sessions Judge, 5th grade, should be raised from Rs. 1,200 and Rs. 1,000 a month to Rs. 1,300 and Rs. 1,100 a month, respectively. This was a natural corollary to his recommendation that a salary of Rs. 1,000 a month should be attached to the two provincial civil service posts of additional Sessions Judge referred to above. Since, however, we have found ourselves unable to accept that proposal, it can no longer be used as an argument for introducing any alteration in the existing rates of pay for officers holding higher appointments. Nor can we accept the further contention urged by the local Government that, in view of the increased work and responsibilities which present day conditions have placed on these officers, the pay which they now receive is no longer sufficient. We do not consider that this position has been established, and we have therefore no recommendation to make under this head.

8. There remains the question of the establishments necessary for the proper working of the thirty-four new courts, which, by our proposals, will have been called into permanent existence. We attach as the sixth enclosure to this despatch a statement to show what is needed in this connection. From this it will be seen that an increased expenditure of Rs. 2,06,088 on establishments, and of Rs. 13,600 on contingencies, or of Rs. 2,19,688 in all, is contemplated under this head.

9. We further propose to take the opportunity of allowing to all unpaid apprentices attached to the courts a stipend of Rs. 10 per mensem. This allowance has for long been considered necessary, and the concession is estimated to cost only Rs. 27,000 per annum.

10. In conclusion, the financial aspect of the scheme remains to be considered. From the following abstract it will be seen that the total gross cost is estimated to amount to Rs. 5,08,324, but that substantial deductions can be made from this sum on account of temporary courts, which are already in existence, and are provided for in the budget as recurring expenditure and also on account of other savings explained below, with the result that the net additional cost will amount only to Rs. 3,19,668.

	Rs.
Increase in salary of officers as shown in the revised proposition statement attached	2,58,000
<i>Add—</i>	<i>Rs.</i>
(1) Exchange compensation allowance (excluding three new district and sessions judgeships which will be listed as open to the Provincial Civil Service) ...	3,636
(2) Pay of the establishment for new courts ...	2,06,088
(3) Contingencies for new courts	13,600
(4) Provision on account of allowance to apprentices on all courts of the province (excluding the High Courts and Judicial Commissioner's offices) ...	27,000
	2,50,324
Total	5,08,324

	Rs.	Rs.
<i>Deduct—</i>		
(1) On account of salary, (taking the provincial service rates for the three new district and sessions judge-ships at Rs. 1,417½ a month each, which represents a saving of Rs. 708½ each per mensem ...	25,512	
(2) On account of the reduction of two appointments in the cadre of Deputy Collectors, rendered possible by the increase of two in the number of Joint Magistrates and Assistant Commissioners at an average pay of Rs. 406 each	9,744	
(3) On account of Courts already in existence but on a temporary basis	1,53,400	1,88,656
	Net total increase ...	3,19,668

We do not propose to assign in aid any Imperial subvention, and we have received the assurance of the Lieutenant-Governor that, in his anticipation, he will be able to provide for the gradual introduction of the scheme within a period of four years from the receipt of sanction. We trust, therefore, that our recommendations may receive your Lordship's approval.

We have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient, humble Servants,

(Signed) HARDINGE OF PENSHURST.

„ O'M. CREAGH.

„ R. W. CARLYLE.

„ HARCOURT BUTLER.

„ S. A. IMAM.

„ W. H. CLARK.

„ R. H. CRADDOCK.

„ R. W. GILLAN.

Schedule of papers.

1. Letter from the Government of the United Provinces, No. 511, dated the 28th April 1910, with enclosures, *viz.*:—
 - (1) Report of the Committee.
 - (2) Letter from the Registrar, North-Western Provinces High Court, No. 2535, dated the 7th August 1909, with enclosures.
 - (3) Letter from the Judicial Commissioner of Oudh, No. 3187—I-239, dated the 11th December 1908, and enclosures.
 - (4) Letter to the Commissioners of the Meerut, Rohilkhand, Agra, Gorakhpur, Lucknow and Fyzabad, No. $\frac{341}{\text{VII.176-1908}}$, dated the 6th April 1909.
 - (5) Proposition statement.
2. Letter to the Government of the United Provinces, No. 421, dated the 3rd March 1911.
3. Letter from the Government of the United Provinces, No. 871, dated the 29th June 1911, and appendix.
4. List of superior appointments in order of pay.
5. Revised proposition statement.
6. Statement showing the cost of establishments and contingencies for the proposed courts.

[*Note*—Only enclosure No. 5 has been reprinted here.]

Revised statement of proposition for revision of establishment.

ORDER SANCTIONING PRESENT ESTABLISHMENT.		Office to which the proposition refers.	PRESENT SCALE.			PROPOSED SCALE.			PERMANENT.	
No.	Date.		No.	Designation and pay.	Average cost per month.	No.	Designation and pay.	Average cost per month.	Increase per month.	Decrease per month.
					Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.
		Judicial service in the United Provinces, (Indian Civil Service) including inferior appointments, judicial and executive in the Indian Civil Service.		<i>District and Sessions Judges (including Additional Judges)—</i>						
			2	First grade at Rs. 3,000 each...	6,000 0 0	2	First grade at Rs. 3,000 each...	6,000 0 0	...	
			7	Second grade at Rs. 2,500 each	17,500 0 0	7	Second grade at Rs. 2,500 each	17,500 0 0	...	
			6	Third grade at Rs. 2,250 each	13,500 0 0	7	Third grade at Rs. 2,250 each	15,750 0 0	2,250 0 0	
			10	Fourth grade at Rs. 1,833½ each	18,333 0 0	10	Fourth grade at Rs. 1,833½ each	18,333 5 4	...	
			8	Fifth grade at Rs. 1,666½ each	5,000 0 0	5	Fifth grade at Rs. 1,666½ each	8,333 5 4	3,333 5 4	
			28	Total	60,333 5 4	31	Total	65,916 10 8	5,583 5 4	
				<i>Note.—Five posts of District and Sessions Judge are listed as open to the Provincial Civil Service.</i>			<i>Note.—Eight posts of District and Sessions Judge to be listed as open to the Provincial Civil Service.</i>			
				<i>Additional Sessions Judges—</i>			<i>Additional Sessions Judges—</i>			
				<i>Nil.</i>		4	At Rs. 1,200 ...	4,800 0 0	4,800 0 0	
				<i>Assistant Sessions Judges—</i>		4		4,800 0 0	4,800 0 0	
			1	At Rs. 1,100 ...	1,100 0 0		<i>Assistant Sessions Judges—</i>			1,100 0 0
			1	At Rs. 800 ...	800 0 0		<i>Nil.</i>			800 0 0
			2	Total	1,900 0 0					1,900 0 0

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Revised statement of proposition for revision of establishment—contd.

ORDER SANC- TIONING PRESENT ESTABLISHMENT.		Office to which the propo- sition refers.	PRESENT SCALE.			PROPOSED SCALE.			PERMANENT.	
No.	Date.		No.	Designation of pay.	Average cost per month.	No.	Designation and pay.	Average cost per month.	Increase per month.	Decrease per month.
									Amount.	Amount.
				<i>Inferior appointments in the Indian Civil Service.</i>	Rs. A. P.		<i>Inferior appointments in the Indian Civil Service.</i>	Rs. A. P.	Rs. A. P.	Rs. A. P.
			1	City Magistrate, Lucknow	1,000 0 0	1	City Magistrate, Lucknow	1,000 0 0	...	
			2	Under Secretaries to Government at Rs. 1,000 each.	2,000 0 0	2	Under Secretaries to Government at Rs. 1,000 each.	2,000 0 0	...	
			1	Under Secretary to Government at Rs. 800	800 0 0	1	Under Secretary to Government at Rs. 800	800 0 0	...	
			1	Registrar, Judicial Commissioner's Court	(a)	1	Registrar, Judicial Commissioner's Court	(a)	...	
			14	Joint Magistrates, 1st grade, at Rs. 1,000 each.	14,000 0 0	14	Joint Magistrates, 1st grade, at Rs. 1,000 each.	14,000 0 0	...	
			6	Assistant Commissioners, 1st grade, at Rs. 800 each.	4,800 0 0	8	Assistant Commissioners, 1st grade, at Rs. 800 each.	6,400 0 0	1,600 0 0	
			20	Joint Magistrates and Assistant Commissioners, 2nd grade, at Rs. 700 each.	14,000 0 0	21	Joint Magistrates and Assistant Commissioners, 2nd grade, at Rs. 700 each.	14,700 0 0	700 0 0	
			72(b)	Assistant Magistrates and Collectors and Assistant Commissioners, 3rd grade, at Rs. 400, Rs. 450 and Rs. 500 or at an average of Rs. 450 each.	32,400 0 0	73	Assistant Magistrates and Collectors and Assistant Commissioners, 3rd grade, at Rs. 400, Rs. 450 and Rs. 500 or at an average of Rs. 450 each.	32,850 0 0	450 0 0	
			117(c)	Total	121	Total	2,750 0 0	

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		PROVINCE OF AGRA.		PROVINCE OF AGRA.			
		Additional Sessions Judges—		Additional Sessions Judges—			
Judicial Service in the United Provinces (Provincial Civil Service).		Nil.		1 Graded with Subordinate Judges.		800 0 0	
		Assistant Sessions Judges—		Assistant Sessions Judges—			
1	At Rs. 800	...	...	...	800 0 0		
2	At Rs. 500 each	...	...	...	1,000 0 0		
3	TOTAL		...	...	1,800 0 0		
		Small Cause Court Judges (d)—		Small Cause Court Judges (d)—			
		Number raised to 4 and graded with Subordinate Judges.		Number raised to 6 and graded with Subordinate Judges.			
1	At Rs. 800—40—1,000	...	...	...	933 5 4		
3	At Rs. 800 each	...	...	...	2,400 0 0		
4	TOTAL		...	...	3,333 5 4		
		Subordinate Judges—		Subordinate Judges (including one Additional Sessions Judge on Rs. 800—40—1,000, 6 Small Cause Court Judges (d), and 4 Assistant Sessions Judges.—			
		At Rs. 800—40—1,000		At Rs. 800—40—1,000			
3	At Rs. 800 each	...	...	2	At Rs. 800—40—1,000	...	1,866 10 8
7	At Rs. 650	...	...	8	At Rs. 800 each	...	6,400 0 0
9	At Rs. 500	...	...	9	At Rs. 650	...	5,850 0 0
19	TOTAL		...	14	At Rs. 500	...	7,000 0 0
			11,450 0 0	33	TOTAL		21,116 10 8
		Munsifs—		Munsifs—			
		At Rs. 400 each		At Rs. 400 each			
22	At Rs. 400 each	...	...	22	At Rs. 400 each	...	8,800 0 0
24	At Rs. 300 each	...	...	24	At Rs. 300	...	7,200 0 0
22	At Rs. 200 each	...	...	23	At Rs. 200	...	4,600 0 0
68	TOTAL		...	69	TOTAL		20,600 0 0
			20,400 0 0				200 0 0

(a) Draws pay or salary of grade plus a local allowance of Rs. 100 a month.

(b) Including one appointment in lieu of the appointment of Deputy Superintendent of the Family Domains of the Maharaja of Benares recently abolished, the maximum emolument of which was Rs. 1,200 a month.

(c) Excluding Assistant Judgeship on Rs. 800 separately shown above.

(d) Excluding Small Cause Court Judge at Dehra Dun, who is also the Assistant Superintendent at that station.

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Revised statement of proposition for revision of establishment—contd.

ORDER SANCTIONING PRESENT ESTABLISHMENT.		Office to which the proposition refers.	PRESENT SCALE.		PROPOSED SCALE.		PERMANENT.			
No.	Date.		No.	Designation and pay.	Average cost per month.	No.	Designation and pay.	Average cost per month.	Increase per month.	Decrease per month.
					Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.
			PROVINCE OF AGRA—(contd).			PROVINCE OF AGRA—(contd).				
			<i>Probationary Munsifs—</i>			<i>Probationary Munsifs—</i>				
			<i>Nil.</i>			<i>At Rs. 175 each</i>		2,100 0 0	2,100 0 0	
					12					
					12	TOTAL		2,100 0 0	2,100 0 0	
			PROVINCE OF OUDH.			PROVINCE OF OUDH.				
			<i>Additional Sessions Judges—</i>			<i>Additional Sessions Judges—</i>				
			<i>Nil.</i>			<i>1 Graded with Subordinate Judges ...</i>				
			<i>Assistant Sessions Judges—</i>			<i>Assistant Sessions Judges—</i>				
			1	At Rs. 600	600 0 0					
			1	TOTAL	600 0 0					600 0 0
			<i>Small Cause Court Judges—</i>			<i>Number raised to 2 and graded with Subordinate Judges.</i>				600 0 0
			1	At Rs. 800—40—1,000	933 5 4	<i>Small Cause Court Judges.</i>				933 5 4
			1	TOTAL	933 5 4	<i>Number raised to 2 and graded with Subordinate Judges.</i>				933 5 4
										933 5 4

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				Rs.	A.	P.	<i>Subordinate Judges (including one Additional Sessions Judge on Rs. 800-40-1,000 ; 2 Small Cause Court Judges and 2 Assistant Sessions Judges.</i>				Rs.	A.	P.	Rs.	A.	P.		
<i>Subordinate Judges—</i>																		
2	At Rs. 800 each	...	...	1,600	0	0	2	At Rs. 800-40-1,000	...	...	1,866	10	8	1,866	10	8	
3	At „ 650 „	...	...	1,950	0	0	4	At „ 800 each	...	...	1,600	0	0	...			
7	At „ 500 „	...	...	3,500	0	0	8	At „ 650 „	...	...	2,600	0	0	650	0	0	
								At „ 500 „	...	...	4,000	0	0	500	0	0	
12			TOTAL	7,050	0	0	16				10,066	10	8	3,016	10	8		
<i>Munsifs—</i>								<i>Munsifs—</i>										
8	At Rs. 400 each	...	...	3,200	0	0	10	At Rs. 400 each	...	...	4,000	0	0	800	0	0	
8	At „ 300 „	...	...	2,400	0	0	10	At „ 300 „	...	...	3,000	0	0	600	0	0	
10	At „ 200 „	...	...	2,000	0	0	11	At „ 200 „	...	...	2,200	0	0	200	0	0	
26			TOTAL	7,600	0	0	31				9,200	0	0	1,600	0	0		
<i>Probationary Munsifs.</i>								<i>Probationary Munsifs—</i>										
Nil.							2	At Rs. 175 each	...	...	350	0	0	350	0	0	
							2	.....			350	0	0	350	0	0	
Total increase and decrease											30,066	10	8	8,566	10	8
Net increase = Rs. (30,066 1/2 - 8,566 1/2) × 12 = Rs. 21,500 × 12 or Rs. 2,58,000 per annum.																		

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GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SALARIES, ESTABLISHMENTS, ETC.Law and Justice.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY

OF BLACKBURN, O.M.,

*His Majesty's Secretary of State for India.**Calcutta, the 28th January 1909.*

MY LORD,

WE have the honour to refer to the correspondence ending with Your Lordship's Judicial despatch No. 70, dated the 4th October 1907, regarding the amendment of the law of civil appeal in the Punjab.

2. In our Judicial despatch No. 7, dated the 7th March 1907, we informed Your Lordship that the Hon'ble Judges of the Chief Court were averse from introducing any change in the law unless the subordinate judiciary of the province was *pari passu* improved and strengthened; that, though the Government of the Punjab did not attach importance to this condition, we ourselves agreed with the Chief Court, and that we had invited the Lieutenant-Governor to submit a definite scheme for the improvement of the judicial agency, and had directed that the proposed legislation should in the meantime be postponed. Later, on receipt of your despatch of the 4th October 1907, in which you demurred to our proposal to postpone legislation, we asked the Punjab Government to reconsider the amendments previously proposed in the light of Your Lordship's remarks, and to submit a revised draft Bill giving effect to your wishes. We now await the Local Government's revised proposals; and meanwhile we forward for your consideration a copy of the correspondence cited in the annexed list, relating to a scheme which has been prepared by the Chief Court for improving the pay and position of the judiciary in the province. The details of the scheme are fully described in the Chief Court's letter of the 28th October 1907, to which we would invite Your Lordship's attention. In our Home Department letter of the 16th July 1908 we have already disposed of several of the proposals of the Hon'ble Judges, and we shall therefore in this despatch deal only with those which are set forth in the following paragraphs.

3. The first of these proposals, which is supported by the Government of the Punjab, is that the cadre of divisional judges should be increased by four appointments, one of which should be listed as open to the provincial service, and that the appointments should be regarded as follows :—

Present grading.	Proposed grading.
Rs.	Rs.
3 on 2,500 a month.	2 on 2,750 a month.
4 on 2,250 "	3 on 2,500 "
5 on 1,800 "	5 on 2,250 "
	6 on 1,800 "

In 1903 the Punjab Government, agreeing with the Hon'ble Judges, recommended the addition of one permanent appointment to the cadre and the increase of the pay of the first grade to Rs. 2,750 a month. Lord Curzon's Government were not, however, satisfied that a clear case had been made out for either of these proposals and they declined to recommend them for the sanction of the Secretary of State. The Punjab Government asked for a reconsideration of this decision in February 1904, but Lord Curzon's Government were still not satisfied that any immediate increase to the staff of the divisional judges on an enhancement of their pay was then necessary. The question of increasing the cadre of divisional judges was revived by the Chief Court in 1906 in connection with the proposals for amending the law of appeal, and with our Judicial despatch No. 7, dated the 7th March 1907, we transmitted to Your Lordship the notes recorded on that subject by the Hon'ble Sir William Clark, Chief Judge of the Chief Court and by Mr. (now Sir) P. C. Chatterjee, then a Puisne Judge, in which the point was strongly pressed. The Government of the Punjab, in forwarding these expressions of opinion, concurred in the view that an increase in the number of divisional judges was necessary, but did not at the time submit definite proposals on the subject. It has now urged, in support of the proposed increase, the fact that during the last few years it has been necessary, in order to enable the work to be disposed of, to maintain almost throughout the year a staff of three or four additional divisional judges. The statistics appended to this despatch show that the work in the divisional courts is very considerable and that it is seriously in arrears. We find from an examination of the figures that, if there had been sixteen divisional judges, as is now proposed, the average annual institutions in each court during the year 1903 to 1906 would have been as follows :—

<i>Civil Work.</i>					Cases.
Appeals	...	...	...	...	484
Miscellaneous appeals	...	...	...	...	60
<i>Criminal Work.</i>					
Original trials	...	...	...	...	31
Appeals	...	...	...	...	346
Revisions	...	...	...	...	138

In our opinion these figures indicate a full year's work for a judge, and establish the necessity for adding four appointments to the cadre.

We agree with the Punjab Government that one of the additional appointments now proposed should be listed as open to the provincial service, and we support its proposals for the regrading of the cadre. In support of the latter proposal we would observe that the pay of first grade district and sessions judges in Bengal, the United Provinces and Eastern Bengal and Assam, who correspond to divisional judges in the Punjab, is Rs. 3,000 a month, and that under the sanction conveyed in Your Lordship's Judicial despatch No. 79, dated the 22nd November 1907, the divisional judges of the first grade in Burma now draw Rs. 2,750 a month. In our opinion the pay of the first grade divisional judges in the Punjab should not be lower than that of the corresponding officers in Burma.

4. The proposals next submitted by the Chief Court are (1) that the provincial service should be definitely divided into two entirely distinct branches, judicial and executive : (2) that the judicial branch should consist (a) of four grades of "extra district judges"—the present staff of twenty-one extra judicial assistant commissionerships being augmented by the transfer of three extra assistant Commissionerships—to provide judges for the twenty-one districts not held by district judges belonging to the Indian Civil Service and for the Small Cause Courts at Delhi, Lahore and Amritsar, and (b) of a grade of subordinate judges to be formed by the transfer to this branch of the service of twenty-four additional posts of extra assistant commissioners : (3) that the judicial service so constituted should, with certain exceptions, be employed solely on civil judicial work : (4) that, after the claims of the present members

of the provincial service have been satisfied, the judicial service should be recruited entirely by promotion from among munsifs and by selection from the Bar, and (5) that promotions and transfers of members of the services should be made entirely by the Chief Court. In its letter of the 7th March 1908 the Government of the Punjab agreed to the separation of district and Small Cause Court judges from the executive service, but was unwilling to undertake the larger measure of separation proposed by the Hon'ble Judges, on the ground that the present system possesses distinct advantages and that the province is not yet ripe for the change. It was prepared, however, to extend the system of restricting individual officers in certain districts to civil work. The late Sir Denzil Ibbetson also demurred to the suggestion that the members of the judicial service should be placed under the control of the Chief Court for purposes of promotion and transfer, and that they should be recruited from the provincial Bar in any other manner or greater degree than is done at present.

5 It seemed to us that the more comprehensive separation proposed by the Chief Court had much to recommend it. The complete separation of the judicial and executive lines in the provincial service has been carried out in every other province, with the exception of Coorg and the North-West Frontier Province. In the Central Provinces, where the separation was effected as lately as 1907, the Chief Commissioner reports that it has already led to an improvement in the prospects and personnel of the judicial service. We therefore asked the Local Government to reconsider the matter, and Sir Louis Dane has now intimated his willingness to accept the Chief Court's proposal in its entirety.

6. If this change is carried out, the cadre of the judicial branch will consist of forty-eight appointments, of which twenty-seven will be supplied by the reduction of an equal number of extra assistant commissionerships. The Hon'ble Judges propose that these forty-eight appointments should be graded as follows :—

Rs.	
3	on 800 a month.
4	„ 700 „
5	„ 600 „
12	„ 500 „
24	„ 400 „

The grading of the appointments on Rs. 500 a month and above, which, agreeing with the Government of the Punjab, we think should continue to be styled "extra judicial assistant commissionerships," does not seem to us to be too liberal. It is in fact less liberal than that sanctioned in Your Lordship's Judicial despatch No. 45, dated the 26th July 1907, for the judicial branch of the provincial service in the Central Provinces. As regards the remaining twenty-four appointments—the subordinate judgeships—we would prefer that they should be divided into two grades of twelve posts each on Rs. 400 and Rs. 300 a month, respectively. The Local Government concurs in our view, and we accordingly recommend that, subject to this modification, the grading proposed by the Chief Court may be sanctioned.

This cadre makes no provision for a reserve for leave and training. Whether such a reserve should be provided depends upon the question whether the judicial branch is to be a self-contained or an open service, and this in turn depends upon whether the system of recruitment proposed by the Chief Court is to be adopted, or whether this branch of the service is to be recruited from the lowest grade of extra assistant commissioners on Rs. 250 a month, as suggested by the Punjab Government. We propose to consider these questions further in consultation with the Local Government and shall, if necessary, address Your Lordship on the subject separately. You will

observe that, in paragraph 6 of our Home Department letter of the 16th July last, we expressed concurrence in the Lieutenant-Governor's view that it is expedient that promotions and transfers in the judicial branch should for the present be left in his hands.

7. It is proposed that, of the twenty-seven appointments which are to be transferred from the executive to the judicial branch, one appointment should be drawn from each of the second, third and fourth grades and twelve appointments from each of the fifth and sixth grades, leaving the cadre of extra assistant commissioners as follows :—

		Rs.	
2 appointments on		800 a month.	
2	"	700	"
4	"	600	"
10	"	500	"
24	"	400	"
24	"	300	"
40	"	250	" (common to both branches of the service.)

Although we consider that the grading which we have suggested for the judicial branch is framed upon as economical a scale as is compatible with a due regard to the necessity for attracting well qualified officers to the service, the resultant cadre of the executive branch will probably require considerable revision, since the number of appointments in the superior grades will be disproportionately low. We propose to address the Punjab Government separately on this point, and shall submit later any proposals for revising the cadre which may require Your Lordship's sanction.

8. The last proposal submitted by the Chief Court relates to the establishment of munsifs. The Hon'ble Judges propose that tahsildars and naib-tahsildars should be entirely relieved of civil judicial work, and that the civil work now done by them should be made over to the munsifs : that in consequence the establishment of munsifs should be increased by ten appointments, to be provided for by the reduction of an equal number of posts of tahsildar or naib-tahsildar : that the maximum and minimum pay of munsifs should be raised to Rs. 300 and Rs. 200 a month, respectively, and that the cadre should be regraded as follows :—

Present grading.		Proposed grading.	
Rs.		Rs.	
12 appointments on 250 a month.		21 appointments on 300 a month.	
18	" 200 "	30	" 250 "
23	" 175 "	40	" 200 "
28	" 150 "		

The Government of the Punjab agrees to the transfer to munsifs of the civil judicial work now performed by tahsildars and naib-tahsildars, but it considers that an addition of five appointments to the cadre of munsifs will be sufficient, and it does not think that any reduction in the present strength of tahsildars and naib-tahsildars is possible. It thinks it undesirable that the pay of the first grade munsifs should be raised above Rs. 250 a month, the present rate, and

that it will be sufficient to raise the pay of the lowest grade to Rs. 175 a month. It accordingly recommends the following grading :—

	Rs.
14 appointments on	250 a month.
21 " "	200 "
51 " "	175 "

The Lieutenant-Governor's proposals regarding munsifs are, in our opinion, reasonable, and we recommend that they be sanctioned.

9. These proposals involve an additional expenditure of Rs. 11,550 a month, but to this must be added the cost of three inferior appointments which will have to be added to the cadre of the Indian Civil Service in consequence of the creation of three divisional judgeships (exclusive of the post which it is proposed to list as open to the provincial service). The Government of the Punjab recommends that one of the new inferior appointments should be placed in the first grade of assistant commissioners on Rs. 900 a month, and that the other two should be added to the second grade on Rs. 700 a month, as the number of assistant commissioners in those grades requires strengthening. There are already fifty-eight appointments of assistant commissioners in the third grade out of a total number of seventy-six appointments, and we therefore agree with the Lieutenant-Governor that the three additional appointments should be graded as he suggests. The total additional cost of the scheme will accordingly, as shown in the revised proposition statement which we enclose, amount to Rs. 13,850 a month.

10. We trust that our recommendations will meet with Your Lordship's approval. They are the result, as will appear from the correspondence, of the most careful consideration on the part of the Hon'ble Judges of the Chief Court, the Punjab Government and ourselves, and we anticipate that they will not only effect a much-needed improvement in the subordinate judiciary of the province but will also materially facilitate the reforms in the Punjab law of appeal which we are anxious to undertake in the near future.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) MINTO.

„ KITCHENER.

„ H. E. RICHARDS.

„ C. H. SCOTT.

„ H. ADAMSON.

„ J. O. MILLER.

„ W. L. HARVEY.

„ G. F. WILSON.

Schedule of papers.

1. Letter from the Government of the Punjab, No. 462-H., dated the 7th March 1908, and enclosures—
 - (a) Letter from the Registrar of the Chief Court, Punjab, No. 4173-G., dated the 28th October 1907.
 - (b) Statement showing the extra cost entailed by the proposal made in the above letter.
 - (c) Letter from the Assistant Accountant-General, Punjab, No. G.A. (C.C. 1)—19258, dated the 7th February 1908.
 - (d) Proposition statement.
2. Letter to the Government of the Punjab, No. 941, dated the 16th July 1908.
3. Letter from the Government of the Punjab, No. 1782-S., dated the 5th August 1908.
4. Statements showing the work in the Divisional Courts in the Punjab and the pending file in each court during the years 1904 to 1907.
5. Proposition statement (showing proposals made by the Government of India).

(NOTE.—Only enclosure No. 5 has been reprinted here.)

STATEMENT OF PROPOSITION FOR REVISION OF ESTABLISHMENT.

Statement of Proposition for Revision of Establishment.

Order sanctioning present establishment Government of India, Foreign and Home Departments.		Office to which the proposition refers.	NATURE OF CHARGE										PROPOSITION.		Grounds of propositions.	Local Government's recommendation.		
			PRESENT SCALE.					PROPOSED SCALE.					PERMANENT.					
			No.	Designation.	Pay.			Average cost.	No.	Designation.	Pay.			Average cost.			Increase per month. Amount.	Decrease per month. Amount.
Minimum.	Increment.	Maximum.			Minimum.	Increment.	Maximum.											
No.	Date.																	
Foreign Department, No. 1085-G.	9th October 1902.	Punjab Commission.	3	Divisional Judges, 1st grade, at Rs. 2,500 per mensem.	Rs. 7,500	...	Rs. 7,500	Rs. 7,500	2	Divisional Judges, 1st grade, at Rs. 2,750 per mensem.	Rs. 5,500	...	Rs. 3,500	Rs. 5,500	...	Rs. 2,000	Improvement of the Judicial Department.	Vide letter No. 462, dated 7th March 1908.
			4	Divisional Judges, 2nd grade, at Rs. 2,250 per mensem.	9,000	...	9,000	9,000	3	Divisional Judges, 2nd grade, at Rs. 2,500 per mensem.	7,500	...	7,500	7,500	...	1,500		
			5	Divisional Judges, 3rd grade, at Rs. 1,800 per mensem.	9,000	...	9,000	9,000	5	Divisional Judges, 3rd grade, at Rs. 2,250 per mensem.	11,250	...	11,250	11,250	2,250	...		
			...	...	...	...	...	...	6	Divisional Judges, 4th grade, at Rs. 1,800 per mensem.	10,800	...	10,800	10,800	10,800	...
				NOTE.—Two appointments of Divisional Judge are listed as open to the Provincial Civil Service.				NOTE.—Three appointments of Divisional Judge to be listed as open to the Provincial Civil Service.										
			8	District Judges at Rs. 1,500 per mensem ...	12,000	...	12,000	12,000	8	District Judges at Rs. 1,500 per mensem...	12,000	...	12,000	12,000	...	...
Home Department, No. 35.	20th January 1903.		NOTE.—Two District Judgeships are listed as open to the Provincial Civil Service.				NOTE.—Two appointments of District Judge to remain listed as open to the Provincial Civil Service.											
Department, No. 56.	January 1900.		7	Assistant Commissioners, 1st grade, at Rs. 900 per mensem.	6,300	...	6,300	6,300	18	Assistant Commissioners, 1st grade, at Rs. 900 per mensem.	7,200	...	7,200	7,200	900	...		
			11	Assistant Commissioners, 2nd grade, at Rs. 700 per mensem.	7,700	...	7,700	7,700	113	Assistant Commissioners, 2nd grade, at Rs. 700 per mensem.	9,100	...	9,100	9,100	1,400	...		

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067

		3rd January 1907.				25th September 1902.				24th January 1904.				
		Punjab Provincial Civil Service.								Punjab Government endorsement Nos. 79 and 80				
		1st grade, at Rs. 600 per mensem.				1st grade, at Rs. 600 per mensem.								
1167		3 Extra Judicial Assistant Commissioners, 2nd grade, at Rs. 700 per mensem.	2,100	...	2,100	2,100	4 Extra Judicial Assistant Commissioners, 2nd grade, at Rs. 700 per mensem.	2,800	...	2,800	2,800	700	...	
		5 Extra Judicial Assistant Commissioners, 3rd grade, at Rs. 600 per mensem.	3,000	...	3,000	3,000	5 Extra Judicial Assistant Commissioners, 3rd grade, at Rs. 600 per mensem.	3,000	...	3,000	3,000	...	...
		11 Extra Judicial Assistant Commissioners, 4th grade, at Rs. 500 per mensem.	5,500	...	5,500	5,500	12 Extra Judicial Assistant Commissioners, 4th grade, at Rs. 500 per mensem.	6,000	...	6,000	6,000	500	...	
		2 Extra Assistant Commissioners, 1st grade, at Rs. 800 per mensem.	1,600	...	1,600	1,600	12 Subordinate Judges at Rs. 400 per mensem.	4,800	...	4,800	4,800	4,800	...	
		3 Extra Assistant Commissioners, 2nd grade, at Rs. 700 per mensem.	2,100	...	2,100	2,100	12 Subordinate Judges at Rs. 300 per mensem.	3,600	...	3,600	3,600	3,600	...	
		5 Extra Assistant Commissioners, 3rd grade, at Rs. 600 per mensem.	3,000	...	3,000	3,000	2 Extra Assistant Commissioners, 1st grade, at Rs. 800 per mensem.	1,600	...	1,600	1,600	...	...
		11 Extra Assistant Commissioners, 4th grade, at Rs. 500 per mensem.	5,500	...	5,500	5,500	2 Extra Assistant Commissioners, 2nd grade, at Rs. 700 per mensem.	1,400	...	1,400	1,400	...	700	
		36 Extra Assistant Commissioners, 5th grade, at Rs. 400 per mensem.	14,400	...	14,400	14,400	4 Extra Assistant Commissioners, 3rd grade, at Rs. 600 per mensem.	2,400	...	2,400	2,400	...	600	
		36 Extra Assistant Commissioners, 6th grade, at Rs. 300 per mensem.	10,800	...	10,800	10,800	10 Extra Assistant Commissioners, 4th grade, at Rs. 500 per mensem.	5,000	...	5,000	5,000	...	500	
		40 Extra Assistant Commissioners, 7th grade, at Rs. 250 per mensem.	10,000	...	10,000	10,000	24 Extra Assistant Commissioners, 5th grade, at Rs. 400 per mensem.	9,600	...	9,600	9,600	...	4,800	
		12 Munsifs, 1st grade, at Rs. 250 per mensem.	3,000	...	3,000	3,000	24 Extra Assistant Commissioners, 6th grade, at Rs. 300 per mensem.	7,200	...	7,200	7,200	...	3,600	
		18 Munsifs, 2nd grade, at Rs. 200 per mensem.	3,600	...	3,600	3,600	40 Extra Assistant Commissioners, 7th grade, at Rs. 250 per mensem.	10,000	...	10,000	10,000	...	...
		23 Munsifs, 3rd grade, at Rs. 175 per mensem.	4,025	...	4,025	4,025	14 Munsifs, 1st grade, at Rs. 250 per mensem.	3,500	...	3,500	3,500	500	...	
		28 Munsifs, 4th grade, at Rs. 150 per mensem.	4,200	...	4,200	4,200	21 Munsifs, 2nd grade, at Rs. 200 per mensem.	4,200	...	4,200	4,200	600	...	
							51 Munsifs, 3rd grade, at Rs. 175 per mensem.	8,925	...	8,925	8,925	4,900	...	
							4,200	
		Total	1,54,925	...	1,54,925	1,54,925	Total	1,68,775	...	1,68,775	1,68,775	31,750	17,900	
							Net increase	...	...	...	...	13,850	...	

Improvement of the Judicial Department.

Vide letter No. 462, dated 7th March 1908.

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* There is no fixed scale of Assistant Commissioners, 3rd grade. The calculation is made by deducting the 77 superior posts plus Assistant Commissioners of the 1st and 2nd grades, and the two Under Secretaries to Government and the Junior Secretary to the Financial Commissioner from the total strength of the Punjab Commission.
 † Three Assistant Commissionerships are added as representing the inferior appointments that are created by the addition of three superior posts of Divisional Judge to the cadre of the Punjab Commission.

Certified that the entries in the column Present Scale have been checked and found correct with the exception mentioned in this office letter No. 19258, dated 5th February 1908.

W. E. MELLOR,
 Assistant Accountant-General, Punjab.

No 359, dated the 8th March 1909.

From—The Secretary to the Government of India, Home Department,
To—The Chief Secretary to the Government of the Punjab.

SIR,

I AM directed to refer to the correspondence ending with your letter no. 1782-S., dated the 5th August 1908, regarding the scheme for the improvement of the judicial service in the Punjab, and to state for the Lieutenant-Governor's information that a reference was made to the Secretary of State on the subject on the 28th January 1909.

2. I am now to invite His Honour's attention to two matters connected with the scheme which, in the opinion of the Government of India require further consideration.

3. The first of these relates to the recruitment of the proposed judicial branch of the provincial civil service. In paragraph 10 of their letter no. 4173-G., dated the 28th October 1907, the Hon'ble Judges of the Chief Court recommended that, after the claims of the present members of the service had been satisfied, the judicial branch should be recruited entirely by promotion from among munsifs and by selection from the Bar; but it was stated in paragraph 11 of your letter no. 462-H., dated the 7th March 1908, that the late Sir Denzil Ibbetson was absolutely unable to agree to recruitment being effected from the provincial Bar in any other manner or greater degree than at present.

The Government of India consider that the arrangement actually suggested, namely, a complete separation between tahsildars and munsifs and again between extra assistant commissioners and extra judicial assistant commissioners down to the sixth grade, with an intermediate grade common to both branches of the service, is anomalous and unsatisfactory. They are inclined to think that this opportunity should be taken of constituting the subordinate judiciary in the Punjab—munsifs and extra judicial assistant commissioners—into a single "continuous" service, to which, as in most other provinces, appointments would be made normally in the lowest grade of munsifs and only occasionally in higher grades. They will therefore be glad if Sir Louis Dane will reconsider the proposal of the Hon'ble Judges, and favour them with a full expression of his views on it.

If this system of recruitment is introduced it will be possible to dispense with seven appointments in the lowest grade of extra assistant commissioners, representing the proportion of the leave and training reserve for the four superior judicial posts listed as open to the provincial civil service and for the 48 posts of extra judicial assistant commissioners and district judges, which will, if the scheme is sanctioned, form the judicial branch of that service. These posts need not, however, be abolished at once, but may be absorbed gradually as vacancies occur.

4. The other matter to which I am to refer is the cadre of the executive branch of the provincial civil service after the formation of the separate judicial branch.

If the proposals regarding the latter are sanctioned, the executive cadre will be as follows:—

	R
* To be reduced gradually to 33 if the system of recruitment for the judicial branch recommended by the Hon'ble Judges is introduced.	
2 extra assistant commissioners on .	800
2 ditto ditto on .	700
4 ditto ditto on .	600
10 ditto ditto on .	500
24 ditto ditto on .	400
24 ditto ditto on .	300
40* ditto ditto on .	250

The Government of India consider that this grading will not be satisfactory, as the number of the appointments in the higher grades will be disproportionately low; and they will be prepared to consider favourably any proposals which the Lieutenant-Governor may feel disposed to submit for improving it.

I have the honour to be,

SIR,

Your most obedient servant,

H. A. STUART,

Secretary to the Government of India.

India Office, London,

7th May 1909.

Judicial.

No. 21.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

I have considered in Council your Government's Financial letter no. 24, dated 28th January last, submitting a scheme for the re-organization of the judicial service in the Punjab.

2. Your proposals are the result of careful consideration on the part of the Judges of the Chief Court, the Punjab Government, and Your Excellency in Council, and you recommend them for my approval as likely to effect a much needed improvement in the subordinate judiciary of the province and to facilitate materially the reforms in the Punjab law of appeal which you are anxious to undertake in the near future.

3. The first proposal is for the creation of four additional divisional judgeships, and the main ground assigned is that for the last few years it has been necessary in order to enable the work to be disposed of to maintain almost throughout the year a staff of three or four additional judges. I observe from the statement in Appendix B of your letter that the average period of employment of additional judges in the years 1904—1907 was not quite 27½ months, or equal to three judges for a little more than nine months in each year. These figures would not in themselves appear to warrant a larger permanent addition than three appointments. As, however, Your Excellency in Council urges that the work in the divisional courts is still seriously in arrears, and as you are convinced that it cannot be adequately disposed of by less than 16 divisional judges, I shall not withhold my sanction from the creation of the four appointments. I am of opinion, however, that two instead of one of these appointments should be listed as open to members of the provincial service. This will reduce by one the number of inferior appointments which will have to be added to the cadre of the Indian Civil Service.

4. With this modification I sanction all the proposals contained in your letter.

5. I trust that the disposal of the main question of the amendment of the law of civil appeal in the Punjab will now not be long delayed.

I have the honour to be,

MY LORD,

Your Lordship's most obedient humble servant,

MORLEY OF BLACKBURN.

No. 68, dated the 13th January 1910.

From—The Chief Secretary to the Government of the Punjab,

To—The Secretary to the Government of India, Home Department.

I am directed by the Lieutenant-Governor to reply to your letter no. 359, dated 8th March 1909, on the subject of the reorganization of the Provincial Civil Service in this Province. Two points are therein indicated for the consideration of the Lieutenant-Governor—the conversion of the Judicial service, Provincial and subordinate into a “continuous service” and the betterment of the prospects of the Executive Branch.

2. To advise him with reference to the first question the Lieutenant-Governor appointed a small committee of officials last summer whose report is herewith submitted. This report deals with other matters besides those with which the present letter is concerned. If necessary, His Honour will address the Government of India hereafter in regard to such separate questions. It will be seen that the Committee recommend the abolition, so far as the Judicial Branch of the service is concerned, of the Rs. 250 grade in the Provincial Service. Sir Louis Dane after careful consideration has arrived at the conclusion that there would be little of advantage and many disadvantages in abolishing this grade.

3. The Provincial Service is recruited from the following classes :—

A.—Tahsildars.

B.—Munsifs.

C.—Head Clerks of Deputy Commissioners and Secretariat Offices.

D.—Officials recommended by Heads of Departments

E.—Non-officials { (1) Competitioners.
(2) Scions of the aristocracy.
(3) Barristers.

Under the so-called “continuous service” scheme the Judicial Branch would be recruited solely from the ranks of the Munsifs, and candidates of classes C and E who now gain admission to it would in future be debarred unless they entered the service in the capacity of Munsifs. Sir Louis Dane does not think that the position and status of Munsif would attract as well qualified candidates as those who now compete for the post of Extra Assistant Commissioner, nor would the aristocratic classes whose most promising cadets now receive direct appointments as probationers for the Provincial Service view with favour a scheme which would close to them this avenue of admission. Class C includes representatives of the domiciled community many of whom have filled and are filling judicial posts with credit to themselves and benefit to the administration. The abolition of the Rs. 250 grade of Extra Assistant Commissioners would to them also mean denial of admission to the Judicial Service.

4. This joint grade in the Lieutenant-Governor’s opinion possesses a very distinct advantage. Those who are promoted to it from the Munsifs’ cadre will as a matter of course look for promotion in the Judicial Branch and Tahsildar entrants will similarly have their eyes fixed on the executive grades above them but the class C and D official candidates and the competitioners and “direct commission” candidates are not necessarily marked out for one or other line. Their qualifications and their proclivities have to be ascertained, and when ascertained it would be a mistake to debar Government from employing each officer in the particular line judicial or executive for which he may be best qualified. What that particular line may be in each case the joint grade arrangement enables Government to determine. It affords an opportunity of passing every officer through a probationary test in which fitness and aptitude for judicial or executive work can be ascertained. It is true that non-officials, other than Barristers, have to undergo a probationary service of two years

under existing arrangements. But this period is too short to admit of any conclusive judgment being reached as to the branch in which the probationer should eventually be employed. It is largely taken up with training. Service in the joint grade enables the controlling authorities to watch the results of such training. Owing to the demands of Native States in and outside the Punjab for the loan of the services of officers of the Punjab Provincial establishment experience shows that we may count on some 15 to 20 Extra Assistant Commissioners being always seconded on foreign service. This means that some 15 to 20 places in the 7th grade are constantly held on a sub. *pro tem.* tenure, an arrangement which gives to Government an opportunity of testing the work of a number of officers before the time comes for their confirmation.

It is also desirable to have an opportunity of giving Munsifs selected for promotion some training in revenue, criminal and general work, as in view of the small cadre of the higher Provincial Service it would be dangerous on an emergency occurring to have a large proportion of that service ignorant of practical work outside the civil judicial routine, while the knowledge so acquired is of the greatest benefit to all officers in dealing with important judicial cases. The three months' training which some Munsifs are to receive is not sufficient for officers selected for the higher grades.

5. Whatever may be the case in other provinces, the Lieutenant-Governor is convinced that in the Punjab it would be a mistaken policy to do anything derogatory to the position and status of the tahsildar. The advantage which would accrue to the Munsif service from allowing Munsifs to enter the Provincial Service in a higher grade than that open to Tahsildars would be viewed as an unnecessary concession to the branch of the subordinate service which in the public estimation is certainly not the most important one. The circumstance that in the matter of pay there is no difference between the rates drawn by the 1st grades of Tahsildars and Munsifs and the 7th grade of Extra Assistant Commissioner is not really of much importance. Promotion from the subordinate to the Provincial Service, inasmuch as it implies special selection and also gives a more honourable status, is regarded as more valuable than mere enhancement of salary. Moreover, it is not usually from the 1st grades that such promotions take place. The 1st grades of both Tahsildars and Munsifs' lists are usually full of the older members of these services, many of them worthy and deserving officials no doubt, entitled to the rank which they hold, but hardly up to the standard of the higher service for which their better qualified juniors in the lower grades are selected. In practice therefore promoted Tahsildars and Munsifs, being as a rule taken from those lower grades, usually do obtain an increase of salary by entering the 7th grade of Extra Assistant Commissioner. It would in the Lieutenant-Governor's opinion be an unnecessary and uneconomical piece of liberality to raise the salary of Munsifs to Rs. 300 on entering the Provincial Service, and as above indicated, this preferential treatment of one branch of the subordinate service would cause dissatisfaction to the other and be contrary to what public opinion regards as suitable.

6. The abolition of the leave reserve for the Provincial Judicial Service would necessitate either the creation of a fresh leave reserve at the bottom of the Munsifs' list or the reversion to the old state of things which existed before the leave reserve was created, when the grant of leave to a Divisional Judge might entail a lengthy and troublesome chain of officiating appointments ending in that of an apprentice Muharrir or officiating Patwari.

7. Incidentally it may be observed that the scheme desired by the Chief Court and put forward in the enclosed report of the Simla Committee would practically hand over to the Chief Court all control over recruitment and promotion in the Judicial Service except as regards the listed appointments. His Honour thinks that while leaving to the Honourable Judges a free hand in the matter of the appointment and promotion of Munsifs, the head of the administration should have a voice in the selection of officers for the Provincial Judicial Service and should not be deprived of the power with which he is at present invested of appointing to it qualified candidates belonging to the classes, outside the Munsif service, to whom, as explained in paragraph 3 above, a

share of the appointments has heretofore gone. The introduction of such direct candidates also prevents the whole of the higher judicial appointments being held by very elderly men who are not up to really hard work.

8. Coming now to the second question referred for His Honour's consideration, the improvement of the prospects of the executive line, the Lieutenant-Governor, I am to say, welcomes the Government of India's intimation that they will be prepared to consider favourably any proposals in this behalf which this Government may submit. Before making definite proposals, however, the Lieutenant-Governor has thought it necessary to take stock of the position as regards the total requirements in the matter of posts in the Civil Administration above the subordinate service which require to be filled. This is done in the enclosed memorandum which indicates that the present establishment is some ten posts in defect. It is only natural that with the growing requirements of our administrative system; the growing complexities of judicial procedure, the multiplication of legal practitioners, the development of colonization and of commerce and industry,—with all these progressive activities making demands on the administrative machine it is only natural that signs of shorthandedness in the establishments should have begun to be manifested. The enclosed report of the Simla Committee recommends the addition of four posts to the Judicial line, but additions to either line would be useful in relieving the situation. For some time to come there will be criminal work and other duties to be shared between the two branches. To the extent that the executive line is strengthened to that extent can relief be given to the Judicial Branch by the transfer of criminal work. If an addition of ten posts to the Provincial Service were made in accordance with the indication of requirements exhibited in the enclosed memorandum they might be assigned to judicial and executive in the proportion of four and six. But His Honour thinks that for the present an increase of six appointments will suffice; that these should be added to the executive line; and that relief to the judicial line can best be afforded by the assumption of a larger share of the criminal work by the executive staff.

9. The six new appointments now recommended can thus be utilized in improving the prospects of the executive line, the present grading of which is shown in the margin of your letter under reply. The additions might be—

	Rs.
1 appointment on	800
2 appointments on	700
1 appointment on	600
2 appointments on	500
TOTAL	3,800 per mensem.

The numbers in the several grades would then be—

<i>Grade.</i>	<i>Judicial.</i>	<i>Executive.</i>
Rs.		
800	3	3
700	4	4
600	5	5
500	12	12
400	12	24
300	12	24
250 (joint grade)	40	

Amelioration to the extent above proposed of the prospects in the executive line will not place it on an equality with the Judicial Branch, which it may be observed has also the advantage in listed posts,—4 Divisional and 2 District

Judgeships as against 2 Deputy Commissionerships, 2 Settlement Collectorships and 1 Junior Secretaryship to the Financial Commissioner. Of the five listed posts on the executive side, moreover, two are at present in abeyance and are likely to remain so as it will seldom be possible to entrust two out of five settlements to Provincial Service Officers, and as the qualifications for the post of Junior Secretary to the Financial Commissioner are rarely found in officers of the Provincial Service. In view of these circumstances the Lieutenant-Governor would be glad to be permitted to appoint to the second Settlement Collectorship the best qualified officer of the Provincial Service who is or has been an Extra Assistant Settlement Officer without placing him in charge of a settlement. This arrangement would allay the dissatisfaction which is caused by the existence of a listed post kept permanently unfilled. The practical effect would be to add another appointment to the Rs. 800 grade on the executive side. It is true that the arrangement now proposed has been practically negatived in your letter no. 832, dated 1st August 1908, as being contrary to the general policy governing appointments to listed posts. But it is no doubt open to the Government of India to propose to the Secretary of State a departure from that policy in a particular case.

Estabts. A., Aug. 1908, nos. 3-6.

10. It may be objected that the foregoing proposals do not go far enough towards strengthening the higher executive grades in proportion to the lower ones and to the scale of grading on the judicial side. But it is to be remembered that executive officers are very often chosen for lucrative appointments in foreign service, and that the individuals so deputed as well as their juniors who obtain promotion in consequence are really better off than would appear at first sight.

11. With reference to paragraph 24 of the enclosed report of the Simla Committee, I am to say that what is said therein regarding the four Registrars of Courts of Small Causes is quite correct. It was through inadvertence that these four appointments were not included in the Munsifs' establishment in the proposals for the judicial reorganization submitted by this Government. I am now to ask for sanction to the addition of these four appointments to the lowest grade of Munsif with effect from the date on which the new scheme was brought into operation.

12. If the foregoing proposals are approved, the necessary proposition statements will be submitted to give effect to them.

No. 1741, dated the 18th November 1910.

From—The Secretary to the Government of India, Home Department,

To—The Chief Secretary to the Government of the Punjab.

SIR,

I AM directed to acknowledge the receipt of your letter no 68, dated the 13th January 1910, regarding the reorganization of the provincial civil service in the Punjab.

2. In the Home Department letter no. 359, dated the 8th March 1909, the Government of India invited a full expression of His Honour the Lieutenant-Governor's views in regard to their proposals that the judicial and executive branches of the provincial civil service should be completely separated, that the posts of munsif should be made into a single continuous service with extra judicial assistant commissionerships and subordinate judgeships, and that the appointments in the seventh grade of extra assistant commissioners representing the leave and training reserve for the listed judicial posts and the extra judicial assistant commissionerships and subordinate judgeships should be abolished, the grade thus forming part of the executive branch of the service only. The Government of India at the same time asked for suggestions for improving the grading of extra assistant commissioners which had been rendered unsatisfactory owing to the separation from it of certain appointments now included in the judicial branch.

3. Although the Committee which he appointed to advise him on the subject has recommended a complete separation of the judicial and executive branches of the service, Sir Louis Dane objects to the proposal on the following grounds:—

- (i) that the class of men who accept munsifs' posts is not the class from which it is desirable to recruit the majority of the subordinate judges;
- (ii) that the present arrangement enables Government to test the relative fitness of candidates of the aristocratic classes who receive direct appointments as probationers and of persons promoted from clerical posts, and to give men who may be promoted from munsifs' posts to subordinate judgeships some experience of executive work;
- (iii) that the prospects of the munsif should not be improved in such a way as to lower the position and status of the tahsildar; and
- (iv) that to make the munsifs and subordinate judges into a continuous service recruited ordinarily in the munsifs' grades would deprive the Government of most of the power which it now has of appointing men to the provincial judicial service.

4. Although the system of complete separation of the executive and judicial branches of the provincial civil service has been found convenient in other provinces, the Government of India do not consider that they should on that account impose it on the Punjab Government. In some respects the Punjab system appears to them to be superior to the system of "continuous" judicial service. It is more elastic, and it provides for judicial officers a training in general administration which, though it is most valuable, is generally not received by judicial officers under the "continuous" system. They are, therefore, pleased in deference to the views expressed by the Lieutenant-Governor, to decide that the system which His Honour considers to be most suitable to the conditions of the province may be retained. The seventh grade of extra assistant commissioners on Rs. 250 will thus continue to be common to both branches of the service.

5. I am at the same time to point out that the continuance of the system will depend upon the way in which it is administered. If it fails to supply to the judicial branch of the provincial service men thoroughly well qualified for the performance of judicial duties, public opinion will demand and compel a change of system. The Government of India hope that in addition to promoted munsifs, the Lieutenant-Governor will appoint to the joint grade a sufficient number of men of the type required to fill the posts of subordinate judge and extra judicial assistant commissioner with credit. It is essential that these posts should be held by men possessing sound legal training and judicial experience.

6. In paragraph 11 of your letter sanction is requested to the addition to the lowest grade of munsifs, with effect from the date on which the new scheme was brought into operation, of four appointments representing four registrarships of courts of small causes which were, through inadvertence, not included in the cadre of munsifs in the first instance. The Government of India agree to the proposal. At the same time they authorise the Lieutenant-Governor, if he is willing to do so, to add these four posts to the grade of munsifs on Rs. 200 a month, an arrangement which will give a more symmetrical grading.

7. The next point discussed in your letter is the revision of the grades of the executive branch of the provincial service and the proposed addition of six appointments to it. The Government of India find it somewhat difficult to arrive at a final conclusion inasmuch as the calculations of the total requirements in the matter of posts in the civil administration above the subordinate service require reconsideration in certain respects. Firstly, the creation of the appointments of a second Financial Commissioner and a third Secretary to Government, the abolition of the appointments of Excise Commissioner and Settlement Commissioner, and the raising of the status of the Junior Secretaryship to the Financial Commissioners to that of a superior post, referred to in the memorandum annexed to your letter, have since been sanctioned by the Secretary of State. Secondly, in the same memorandum it is stated that the superior post of Director of Land Records is to be abolished and it appears to be assumed that its abolition will be balanced by the raising of the status of the Junior Secretary to the Financial Commissioners to that of a "superior" post. The Government of India have no information as to the proposed abolition of the post of Director of Land Records and of his two Personal Assistants and will be glad to be informed of the reasons for these changes. Assuming, however, for the moment that the Directorship is to be abolished, a corresponding reduction of one inferior post will be necessary, and this reduction of two posts in the total strength of the Commission can only be counterbalanced if a new "inferior" post is added when the Junior Secretaryship to the Financial Commissioners is made "superior" and if the Junior Secretaryship ceases to be regarded as a "listed" post. I am to point out however that, as the Junior Secretaryship, even when constituted a "superior" post, will continue to be "listed," it must be excluded from the number of superior posts on which the total strength of the cadre is calculated, and no "inferior" post will be added to the cadre on account of it. The net result therefore of the changes, if the post of Director of Land Records is abolished, will be to reduce the total strength of the Commission by two posts. Thirdly, with reference to the provision made for two posts of Assistant Colonization officers, I am to refer to your letter no. 636-S-Rev., dated 16th June 1910, addressed to the Department of Revenue and Agriculture from which it appeared that the post of Assistant Colonization officer on the Chenab Canal Colony would not be continued after the 23rd October 1910, and to the correspondence forwarded with that Department's endorsement no. 1442, dated the 23rd October 1908, in which the post of Assistant Colonization officer, Jhelum, was sanctioned up to the 31st October 1911. It is not clear therefore why these two posts have been shown as permanently required. I am to request that the proposals for reorganizing the executive branch of the service may be revised with reference to the remarks made above and that the necessary proposition statements may be submitted.

8. Finally, in paragraph 9 of your letter, you remark, with reference to the listed posts of Settlement Collector and Junior Secretary to the Financial Com-

missioners, that it will seldom be possible to entrust two out of five settlements to provincial service officers and that the qualifications for the post of Junior Secretary are rarely found in officers of that class. In view of these circumstances the Lieutenant-Governor asks to be permitted to appoint to the second Settlement Collectorship the best qualified officer of the provincial service who is or has been an extra assistant settlement officer without placing him in charge of a settlement, and he anticipates that this arrangement would allay the dissatisfaction which is caused by a listed post being kept permanently unfilled. As already indicated in

(1) No. 672, dated the 25th June 1908.

(2) No. 832, dated the 1st August 1908.

the Home Department letters noted on the margin, the Government of India consider it to be clearly inadmissible to let an officer enjoy the pay of a higher appointment while he is actually employed on a lower one, and they do not think that there is any chance of the proposal being accepted by the Secretary of State. They regret therefore that they are unable to support the Lieutenant-Governor's proposal.

I have the honour to be,

SIR,

Your most obedient servant,

A. EARLE,

Offg. Secretary to the Government of India.

No 292—2S.-13, dated the 11th May 1911.

From—The Chief Secretary to the Government of Burma,

To—The Secretary to the Government of India, Home Department.

I am directed to solicit a reference to the correspondence ending with your endorsement no. 704, dated the 18th May 1907, regarding the creation of a Provincial and Subordinate Judicial Service in this province and to submit for the favourable consideration of the Government of India certain proposals for the re-adjustment of appointments in those services.

2. The Provincial and the Subordinate Judicial Services, as then constituted, consisted of 22 Judicial Extra Assistant Commissioners placed in six grades on Rs. 800, Rs. 700, Rs. 600, Rs. 500, Rs. 400 and Rs. 300, and 42 Judicial Myooks placed in two grades on Rs. 250 and Rs. 200, respectively. Since that time, owing to the increase of judicial work, it has been found necessary to add seven officers to the 1st grade and 11 officers to the 2nd grade of Judicial Myooks, and the Provincial and Subordinate Judicial Services are now constituted as follows:—

(1) *Provincial Judicial Service.*

	Rs.
1 appointment of Judicial Extra Assistant Commissioner on ...	800
1 " " " " ...	700
2 appointments " " ...	600
6 " " " " ...	500
6 " " " " ...	400
6 " " " " ...	300
<hr/>	
Total ...	22

and (2) *Subordinate Judicial Service.*

	Rs.
24 appointments of Judicial Myooks on ...	250
36 " " " " ...	200
<hr/>	
Total ...	60

The 82 appointments thus provided are intended to fill the 75 charges, detailed in the list attached to this letter. Of these charges 19 are provided for in the cadre of the Provincial Judicial Service and 56 in the cadre of the Subordinate Judicial Service. The remainder of the appointments in the cadres consist of the provision made for leave vacancies, *viz.*, three, or 14 per cent in the Provincial Judicial Service, and four, or 8 per cent in the Subordinate Judicial Service. These percentages are those adopted in paragraph 8 of Mr. Gates' letter no. 601—7P.-25, dated the 17th September 1906. Each of the proposals for additional appointments has been carefully examined before sanction, and the Lieutenant-Governor has been satisfied that assistance was absolutely necessary for the efficient despatch of judicial work before new appointments have been created. The volume of work of all kinds still continues to increase with the gradual development of the province and the Lieutenant-Governor has been compelled to sanction certain further temporary appointments of Judicial officers in some of the more important districts in Burma. It is not improbable that in the near future some of these appointments may need to be placed upon a permanent basis.

3. The proposals sanctioned in 1907 were intended to provide for the grading of the combined Provincial and Subordinate Services so as to secure an even flow of promotion to the members of the joint service. One-third of the Judicial charges were accordingly provided for in the Provincial and two-thirds in the

Enclosure I.

Subordinate Judicial Service. Owing, however, to the increase of 18 appointments in the Subordinate Judicial Service, as explained above, the proportion of charges in the Provincial and Subordinate Judicial Services now become 19 to 56. His Honour considers that the proportion of Judicial Myooks has become unduly large and that this affects prejudicially the prospects of promotion of officers of the Subordinate Judiciary. I am therefore to submit the following proposals for re-grading the two services.

4. Following the calculations which were adopted on the formation in 1907 of the Provincial Judicial Service the 75 judicial charges should be divided between the Provincial and Subordinate Judicial Services in the proportion of 25 to 50. The provision required for leave vacancies in accordance with the percentages hitherto adopted is 14 per cent. of 25 or 3·5 in the Provincial Service and 8 per cent. of 50 or 4 in the Subordinate Service. The Lieutenant-Governor hopes that a provision of four appointments on this account in the Provincial Judicial Service will be conceded, though the proportionate number is 3·5 only. Experience has shewn that a provision of eight appointments for leave vacancies will not be in excess of the actual needs. The number of appointments in the Provincial Judicial Service would thus be 29, and in the Subordinate Judicial Service 54, and, applying the percentages adopted in paragraph 8 of Mr. Gates' above-mentioned letter, the Lieutenant-Governor proposes to grade these appointments as follows:—

Provincial Judicial Service.

	Rs.
2% of 29 = 0·58 = 1 in the 1st grade on ...	... 800
4% of 29 = 1·16 = 1 „ 2nd „ ...	... 700
8% of 29 = 2·32 = 2 „ 3rd „ ...	... 600
28% of 29 = 8·12 = 8 „ 4th „ ...	... 500
28% of 29 = 8·12 = 8 „ 5th „ ...	... 400
30% of 29 = 8·70 = 9 „ 6th „ ...	... 300
—	
Total ...	29

Subordinate Judicial Service.

	Rs.
40% of 54 = 21·60 = 22 in the 1st grade on ...	... 250
60% of 54 = 32·40 = 32 „ 2nd „ ...	... 200
—	
Total ...	54

5. The proposals involve an increase of seven appointments, two in the 4th grade, two in the 5th grade and three in the 6th grade, in the Provincial Judicial Service and a decrease of six appointments, two in the 1st grade and four in the second grade, in the Subordinate Judicial Service, as at present constituted. The Lieutenant-Governor considers that the new charges added in recent years include a number of appointments which should properly be filled by officers of the status of officers of the Provincial Service and I am to mention in particular the following eight new appointments:—

Subdivisional Judge ...	... Twante.
„ „ ...	... Kyauktan.
„ „ ...	... Prome.
Additional Judge, District Court ...	... Henzada.
Subdivisional Judge ...	... Pyapon and Kyaiklat.
„ „ ...	... Pyu.
Headquarters Assistant and Additional Judge, District Court ...	... Thaton.
Additional Magistrate and Judge of Small Cause Court ...	... Mandalay.

The duties of these appointments are similar to those described in the fifth and sixth paragraphs of Mr. Gates' letter of the 17th September 1906. At the present time six of these appointments are held by officers of the Provincial Judicial Service and two by officers of the Provincial Civil Service. The officers at Kyauktan, Prome, Henzada and Thaton are Magistrates exercising special powers under section 30 of the Code of Criminal Procedure.

6. With the creation of extra judicial appointments which have been filled by officers of the Provincial Judicial Service it has been necessary to appoint officers of the Provincial Civil Service to officiate in certain of the higher Judicial appointments for which provision had been made in the Provincial Judicial Service in 1907. Besides the two appointments referred to above the three Judicial appointments detailed below are also being held at present by officers of the Provincial Civil Service:—

Subdivisional Judge	...	...	Insein.
" "	...	...	Ma-ubin.
Additional Judge	...	...	Meiktila and Yamethin District Courts.

The appointment of officers from the Provincial Civil Service to officiate in Judicial appointments causes serious inconvenience by the reduction in the number of officers of the Provincial Service available for executive duties.

7. I am to ask that the Government of India may be pleased to sanction the proposed re-arrangement of appointments in the Provincial and Subordinate Judicial Services. The proposals involve a net increase in cost of Rs. 1,400 per mensem or Rs. 16,800 per annum. I am to submit a proposition statement (Enclosure no. 2) of which the present scale has been verified by the Accountant-General, exhibiting the financial effect of these proposals.

Encosure no. II.

Statement of proposition for revision of establishment.

ORDERS SANCTIONING PRESENT ESTABLISHMENT.		NATURE OF CHARGE.									PROPOSITION.		Grounds of proposition.
		PRESENT SCALE.				PROPOSED SCALE.					PERMANENT.		
		GOVERNMENT OF DEPARTMENT.	Number.	Designation.	Pay.	Average cost.	Number.	Designation.	Pay.	Average cost.	Increase per month.	Decrease per month.	
Maximum.	Maximum.				Amount.				Amount.				
Number.	Date.												
Secretary of State's despatch no. 19, Judl. and local Government, Appointment Department, letters nos. 30-7 P-12, 671-2S-22, 470-5P-9, 1161-2S-23 and 495-2S-13.	19th April 1907, 4th June 1907, 28th October 1907, 11th January 1908, 31st August 1909 and 17th February 1911.	<i>Provincial Judicial Service.</i>											
		1	Judicial Extra Assistant Commissioner, 1st grade	800	800	1	Judicial Extra Assistant Commissioner, 1st grade	800	800	...	...
		1	Judicial Extra Assistant Commissioner, 2nd grade	700	700	1	Judicial Extra Assistant Commissioner, 2nd grade	700	700	...	...
		2	Judicial Extra Assistant Commissioners, 3rd grade	600	1,200	2	Judicial Extra Assistant Commissioners, 3rd grade	600	1,200	...	...
		6	Judicial Extra Assistant Commissioners, 4th grade	500	3,000	8	Judicial Extra Assistant Commissioners, 4th grade	500	4,000	1,000	...		
		6	Judicial Extra Assistant Commissioners, 5th grade	400	2,400	8	Judicial Extra Assistant Commissioners, 5th grade	400	3,200	800	...		
		6	Judicial Extra Assistant Commissioners, 6th grade	300	1,800	9	Judicial Extra Assistant Commissioners, 6th grade	300	2,700	900	...		
			Local Allowance for Additional Judge, Court of Small Causes, Rangoon.	150	150		Local Allowance for Additional Judge, Court of Small Causes, Rangoon.	150	150	...	...
		22	Total	...	10,050	29	Total	...	12,750	2,700	...		
		<i>Subordinate Judicial Service.</i>											
24	Judicial Myooks, 1st grade	...	250	6,000	22	Judicial Myooks, 1st grade	...	250	5,500	...	500		
36	Do. 2nd grade	...	200	7,200	32	Do. 2nd grade	...	200	6,400	...	800		
60	Total	...	...	13,200	54	Total	...	...	11,900	...	1,300
82	GRAND TOTAL	...	...	23,250	83	GRAND TOTAL	...	...	24,650	1,400	...

Re-adjustment of appointments in the Provincial and Subordinate Judicial Services.

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No. 908, dated the 4th July 1911.

From—The Government of India, Home Department,

To—The Chief Secretary to the Government of Burma.

In reply to your letter no. 292—2 S.-13, dated the 11th May 1911, I am directed to say that the Government of India sanction the proposals made by His Honour the Lieutenant-Governor for the re-adjustment of appointments in the Provincial and Subordinate Judicial Services in Burma.

GOVERNMENT OF INDIA.
 FINANCE DEPARTMENT.
SALARIES, ESTABLISHMENTS, ETC.
 Law and Justice.

To

THE RIGHT HON'BLE JOHN MORLEY, O.M.,

His Majesty's Secretary of State for India.

Simla, the 25th April 1907.

SIR,

We have the honour to forward for your consideration a copy of the correspondence with the Honourable the Chief Commissioner of the Central Provinces noted in the annexed list, regarding the revision of the establishment of munsifs and the constitution of a separate judicial branch of the provincial civil service in those provinces.

2. In his letter No. 10169, dated the 31st August 1905, the Chief Commissioner stated that the proposals for the revision of the establishment of munsifs, which were approved in Lord George Hamilton's despatch No. 39 (Judicial), dated the 14th November 1902, had scarcely been sanctioned before the inadequacy of the arrangements for the disposal of civil work and of the pay of munsifs formed the subject of a representation from the Judicial Commissioner, and that he anticipated that it would be necessary before long to improve the pay and prospects of judicial officers generally in the Central Provinces and Berar. Meanwhile, as a preliminary measure of reform, he submitted for our sanction a scheme which, although it involved an additional cost of Rs. 11,400 per annum, merely provided for the redistribution of the existing staff of munsifs on a somewhat more liberal grading. Apart from objections inherent in the scheme, we considered it undesirable to adopt arrangements which were likely to afford only temporary relief and which would probably require revision almost as soon as they had been introduced. We informed the Chief Commissioner accordingly in our Home Secretary's letter No. 1865, dated the 22nd December 1905, and suggested the preparation of a comprehensive scheme which would provide for :—

- (1) a scale of pay approximating to that fixed for similar establishments in the Bombay Presidency and the United Provinces ;
- (2) a proper system of grading ; and
- (3) the refusal of promotion to inefficient officers.

3. In accordance with our suggestions the Chief Commissioner has submitted proposals in his letter No. $\frac{791}{\sqrt{-3} \cdot 17}$, dated the 3rd October 1906, not only for improving the pay and prospects of munsifs but for the complete reorganization of the judicial service in the Central Provinces and Berar. Since the amalgamation of those two provinces the members of the judicial and executive branches of the Provincial Civil Service have been shown in separate lists in accordance with the executive orders of the Chief Commissioner, although for

accounts purposes they have been regarded as being on one list and subject to transfer from one line to the other as circumstances require. The Chief Commissioner has now taken the opportunity of proposing a complete separation of the two classes of officers, and suggests that, following the nomenclature of the Central Provinces Courts Act, 1904 (II of 1904), the Judicial Extra Assistant Commissioners should be classified as district and subordinate judges. His proposals are clearly stated in his letter dated the 3rd October 1906. Of the 20 district judgeships in the Central Provinces and Berar, the two appointments in the latter province are under standing orders filled by members of the Commission, while with one exception the 18 appointments in the Central Provinces are held by selected Judicial Extra Assistant Commissioners. The Chief Commissioner proposes to reserve in future three of the latter posts for junior members of the Commission who will thus be trained for divisional judgeships, and while continuing the present arrangements for the recruitment of the remaining 15 appointments he proposes to grade them as follows :—

				Rs.
1st grade..	...	...	...	2 on 800 per mensem.
2nd „	...	...	...	3 on 700 „
3rd „	...	...	...	5 on 600 „
4th „	...	...	...	5 on 500 „

We have compared this scale with the scale of pay and grading of district judges in the Punjab, where these officers are recruited from the provincial civil service and exercise similar powers, and we are of opinion that the Chief Commissioner's proposals are reasonable.

4. With regard to the subordinate judges the Chief Commissioner, with the support of the Judicial Commissioner, recommends that their number be fixed at 33 and that they be graded as follows :—

				Rs.
1st grade	...	...	...	17 on 400 per mensem.
2nd „	...	...	...	16 on 300 „

The existing staff of Judicial Extra Assistant Commissioners numbers sixty. Of these forty-eight will be employed as district and subordinate judges and will constitute the judicial branch of the provincial civil service. The remaining twelve officers will be graded as munsifs on Rs. 250 per mensem. Detailed reasons in support of these proposals, based on the varying needs of the different districts, are given in Mr. Ismay's note of the 13th June 1906, and we see no reason for dissenting from the conclusions arrived at therein. Subordinate judges in the Central Provinces exercise powers which are fairly comparable with those exercised by similar officers in Bengal, the United Provinces and the Punjab, and having regard to the scale of pay and grading in those provinces we feel no hesitation in supporting the proposals of the Chief Commissioner.

5. The Chief Commissioner has proposed that the cadre of the judicial branch should, like that of the munsifs, be an open one. In this connection we would invite your attention to the correspondence ending with Lord George Hamilton's despatch No. 129 (Public), dated the 14th November 1902, in which it was ordered that the revised cadre of the provincial civil service in the Central Provinces should be self-contained and sufficient to provide for leave vacancies without the necessity for adding officiating appointments. The Chief Commissioner states, however, that this arrangement has proved most inconvenient in practice and he desires to change it. In their despatch No. 110 (Financial), dated the 20th April 1899, Lord Curzon's Government stated the arguments in favour of a self-contained service. By providing a leave reserve in excess of the cadre appointments it was intended to preclude the appointment of outsiders to officiate for long periods for officers on leave, a practice which, before the reorganization of 1899, was followed in Bengal

because the service had not then a sufficient number of men to fill the cadre posts when a normal proportion of officers was on leave. The arguments for a self-contained executive service do not, however, apply with the same force in the case of a judicial service, because :—

- (a) while the duties of the former are elastic and a temporary excess of men can always be employed with advantage, the number of judicial officers required is limited for the time being by the number of courts ; and
- (b) the number of absentees is smaller in the judicial than in the executive service, because judicial officers enjoy vacation and are not ordinarily entitled to privilege leave.

In our despatch No. 83 (Financial), dated the 7th March 1907, we have submitted proposals which, if accepted, may be expected to provide a remedy for the inconveniences which the constitution of self-contained provincial executive services has occasioned in several provinces especially in the Central Provinces. But for the reasons just stated we do not object to the Chief Commissioner's proposal that the provincial judicial service in the Central Provinces should be an open service, and we accordingly recommend it for your sanction.

6. The Chief Commissioner's proposals for revising the establishment of the munsifs are shown in the following statement, which excludes the twelve Extra Assistant Commissioners in the grade of Rs. 250 per mensem who, as explained above, will be graded as munsifs :—

Present scale.			Cost per mensem.	Proposed scale.			Cost per mensem.
Rs.			Rs.	Rs.			Rs.
16 on 175	...	...	2,800	16 on 200	...	...	3,200
21 on 150	...	...	3,150	22 on 175	...	...	3,850
23 on 100	...	...	2,300	24 on 150	...	...	3,600
<hr/>			<hr/>	<hr/>			<hr/>
60			8,250	62			10,650

The increase of the permanent strength by two appointments and the proposed regrading involve an additional expenditure of Rs. 2,400 a month. The addition which it is proposed to make to the existing staff of munsifs is within the competence of the Chief Commissioner and we agree that it is required. The proposed scale of pay for this service, including the twelve Extra Assistant Commissioners, is the same as that of tahsildars, who are the corresponding officers on the executive side. It is also the same as the scale in force in the Punjab, in which province the position of munsifs closely resembles that of munsifs in the Central Provinces. We consider that the proposals are both suitable and moderate and may be accepted.

8. You will observe from the proposition statements forwarded with the Chief Commissioner's letter dated the 3rd October 1906 that the whole scheme will involve an additional expenditure of Rs. 49,200 per annum. We have carefully considered the Chief Commissioner's proposals, which appear to us to meet a want which has been the subject of complaint for many years past, and we strongly recommend them for your sanction.

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9. We propose to consider separately the question of increasing the jurisdiction of munsifs and subordinate judges which is raised in paragraph 11 of the Chief Commissioner's letter dated the 3rd October 1906.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) MINTO.

” KITCHENER.

” E. N. BAKER.

” H. ADAMSON.

” J. F. FINLAY.

” J. O. MILLER.

Schedule of papers.

1. Letter from the Honourable the Chief Commissioner, Central Provinces, No. 10169, dated the 31st August 1905, and enclosures, namely—
 - (1) Note by the Judicial Commissioner, Central Provinces, dated the 21st October 1899.
 - (2) Note by Sir F. Lely, dated the 29th April 1905, and enclosure.
 - (3) Proposition statement.
2. Letter to the Honourable the Chief Commissioner, Central Provinces, No. 1865, dated the 22nd December 1905.
3. Letter from the Honourable the Chief Commissioner, Central Provinces, Nos. $\frac{701}{V-3-17}$, dated the 3rd October 1906, and enclosures, namely—
 - (1) Proposition statement.
 - (2) Letter from the Registrar, Judicial Commissioner's Court, Central Provinces, No. 6248, dated the 8th August 1906, and enclosures.
 - (3) Note by the Judicial Commissioner, Central Provinces, dated the 13th June 1906, and enclosures.

[Only enclosure No. 3 (1) has been reprinted here.]

Under sanctioning present Establishment.		Office to which the proposition refers.	Nature of Charge.												Proposition.						Grounds of proposition (to be explained fully in a separate letter).	Recommendation of the Department.	Orders of the Chief Commissioner.						
Government of India.			Present Scale.						Proposed Scale.						Permanent.		Temporary.						General Department.	Financial Department.					
Department.	No.		Order.	No.	Designation.	Pay.				No.	Designation.	Pay.				Increase per month.	Decrease per month.	Increase per month.	Decrease per month.	Period.				Amount.	Period.	Amount.	Remarks.	Remarks.	Orders.
		Minimum.				Increment.	Maximum.	Average cost.	Minimum.			Increment.	Maximum.	Average cost.	Amount.						Amount.	Period.	Amount.						
Home Department No. 176.	30th May 1905.	Judicial Department.	19-A.—LAW AND JUSTICE.																										
			DISTRICT JUDGES, SUB-JUDGES AND MUNSIFFS.																										
			<i>District Judges, Central Provinces.</i>																										
			1	Extra-Assistant Commissioner, 1st grade, on Rs 800.	...	...	...	800	2	District Judges, 1st grade, on Rs. 800 each.	...	...	...	1,600	800	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			2	Extra-Assistant Commissioners, 2nd grade, on Rs. 700 each.	...	...	...	1,400	3	District Judges, 2nd grade, on Rs. 700 each.	...	...	...	2,100	700	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			4	Extra-Assistant Commissioners, 3rd grade, on Rs. 600 each.	...	...	...	2,400	5	District Judges, 3rd grade, on Rs. 600 each.	...	...	...	3,000	600	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			8	Extra-Assistant Commissioners, 4th grade, on Rs. 500 each.	...	...	...	4,000	5	District Judges, 4th grade, on Rs. 500 each.	...	...	...	2,500	1,500	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			<i>Sub-Judges, Central Provinces and Berar.</i>																										
			13	Extra-Assistant Commissioners, 5th grade, on Rs. 400 each.	...	...	...	5,200	17	Sub-Judges, 1st grade, on Rs. 400 each.	...	...	...	6,800	1,600	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			14	Extra-Assistant Commissioners, 6th grade, on Rs. 300 each.	...	...	...	4,200	16	Sub-Judges, 2nd grade, on Rs. 300 each.	...	...	...	4,800	600	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10	Extra-Assistant Commissioners, 7th grade, on Rs. 250 each.	...	...	...	2,500	...	...	...	...	...	...	2,500	...	...	...	...	...	...	...	...	...	...	...	...	...	...
8	Extra-Assistant Commissioners, 8th grade, on Rs. 200 each.	1,600	1,600			
60	Total	22,100	48	Total	10,800	4,300	5,600			

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Statement of Proposition for Revision of Establishment of Extra-Assistant Commissioners and Munsiffs in Central Provinces and Berar.

NOTE.—When a proposed change affects only a section of the Establishment, the No. and cost of the other sections may be given in totals with details, C. A. C., Chapter 5, Article 57.

No.	Order.	Department.	Office to which the proposition refers.	Nature of Charge.										Proposition.				Grounds of proposition (to be explained fully in a separate letter)	Recommendation of the Department.	Orders of the Chief Commissioner.																			
				Present Scale.					Proposed Scale.					Permanent.		Temporary.				General Department.	Financial Department.																		
				No.	Designation.	Pay.				No.	Designation.	Pay.				Increase per month.	Decrease per month.				Increase per month.	Decrease per month.	Remarks.	Remarks.	Orders.														
		Minimum.	Increment.	Maximum.	Average cost.			Minimum.	Increment.	Maximum.	Average cost.	Amount.	Amount.	Period.	Amount.	Period.	Amount.																						
				Rs.	Rs.	Rs.	Rs.			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.																								
		Home Department No. 176.	30th May 1905.	Judicial Department.		19-A — LAW AND JUSTICE.—(Concl'd.)																																	
						DISTRICT JUDGES, SUB-JUDGES AND MUNSIFFS—(concl'd.)																																	
						Munsiffs, Central Provinces and Berar.																																	
					16	Munsiffs, 1st grade, on Rs. 175 each.	2,800	12	Munsiffs, 1st grade, on Rs. 250 each.	3,000	200
					21	Munsiffs, 2nd grade, on Rs. 150 each.	...	...	...	3,150	16	Munsiffs, 2nd grade, on Rs. 200 each.	...	...	...	3,200	50	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
					23	Munsiffs, 3rd grade, on Rs. 100 each.	2,300	22	Munsiffs, 3rd grade, on Rs. 175 each.	3,850	1,550	
											24	Munsiffs, 4th grade, on Rs. 150 each.	...	...	...	3,600	3,600	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
					60	Total	8,250	74	Total	13,650	5,400		
					120	GRAND TOTAL	30,350	122	GRAND TOTAL	34,430	9,700	5,600		

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J. F. DYER,

NOTE.—When a proposed change affects only a section of the Establishment, the No. and cost of the other sections may be given in totals without details, C. A. C., Chapter 5, Article 57.

Order sanctioning present Establishment.		Office to which the proposition refers.	Nature of Charge.											Proposition.						Grounds of proposition (to be explained fully in a separate letter).	Recommendation of the Department.	Orders of the Chief Commissioner.			
Government of India.			Present Scale.				Proposed Scale.				Permanent.		Temporary.				General Department.	Financial Department.							
No.	Order.		No.	Designation.	Pay.				No.	Designation.	Pay.				Increase per month.	Decrease per month.	Increase per month.	Decrease per month.	Remarks.			Remarks.	Orders.		
				Minimum	Increment.	Maximum.	Average cost.			Minimum.	Increment.	Maximum.	Average cost.	Amount.	Amount.	Period.	Amount.	Period.	Amount.						
				Rs.	Rs.	Rs.	Rs.			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		Rs.		Rs.						
Home Department No. 176.		30th May 1905.	Judicial Department.	19-A.—LAW AND JUSTICE.																					
				<i>Extra-Assistant Commissioners, Central Provinces.</i>				<i>District Judges, Central Provinces.</i>																	
	1	Extra-Assistant Commissioner, 1st grade, on Rs. 800.	...	...	...	800	2	District Judges, 1st grade, on Rs. 800 each.	...	...	...	1,600	800	...	...	...	...	...	...	...	...	...
	2	Extra-Assistant Commissioners, 2nd grade, on Rs. 700 each.	...	...	...	1,400	3	District Judges, 2nd grade, on Rs. 700 each.	...	...	...	2,100	700	...	...	...	...	...	...	...	...	...
	4	Extra Assistant Commissioners, 3rd grade, on Rs. 600 each.	...	...	...	2,400	5	District Judges, 3rd grade, on Rs. 600 each.	...	...	...	3,000	600	...	...	...	...	...	...	...	...	...
	8	Extra-Assistant Commissioners, 4th grade, on Rs. 500 each.	...	...	...	4,000	5	District Judges, 4th grade, on Rs. 500 each.	...	...	...	2,500	...	1,500	...	...	...	...	...	...	...	...
								<i>Sub-Judges, Central Provinces and Berar.</i>																	
	13	Extra-Assistant Commissioners, 5th grade, on Rs. 400 each.	...	...	...	5,200	17	Sub-Judges, 1st grade, on Rs. 400 each.	...	...	...	6,800	1,600	...	...	...	...	...	...	...	...	...
	14	Extra-Assistant Commissioners, 6th grade, on Rs. 300 each.	...	...	...	4,200	16	Sub-Judges, 2nd grade, on Rs. 300 each.	...	...	...	4,800	600	...	...	...	...	...	...	...	...	...
	10	Extra-Assistant Commissioners, 7th grade, on Rs. 250 each.	...	...	...	2,500			...	...	...	...	...	2,500	...	...	...	...	...	...	...	...
	8	Extra-Assistant Commissioners, 8th grade, on Rs. 200 each.	1,600			1,600			
	60	Total	22,100	48	Total	20,800	4,300	5,600			

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Statement of Proposition for Revision of Establishment of Extra-Assistant Commissioners and Munsiffs in Central Provinces and Berar.

NOTES.—When a proposed change affects only a section of the Establishment, the No. and cost of the other sections may be given in totals without details, C. A. C., Chapter 5, Article 57.

Order sanctioning present Establishment.		Office to which the proposition refers.	Nature of Charge.												Proposition.				Grounds of proposition (to be explained fully in a separate letter).	Recommendation of the Department.	Order of the Chief Commissioner.		
Government of India.			Present Scale.				Proposed Scale.								Permanent.		Temporary.				General Department.	Financial Department.	
Department.			No.	Designation.	Pay.				No.	Designation.	Pay. ₹				Increase per month.	Decrease per month.	Increase per month.	Decrease per month.				Remarks.	Remarks.	Orders.
No.	Order.				Minimum.	Increment.	Maximum.	Average cost.			Minimum.	Increment.	Maximum.	Average cost.							Amount.		
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.							
Home Department No. 176.		30th May 1905.	Judicial Department.		<i>Munsiffs, Central Provinces.</i>					<i>Munsiffs, Central Provinces and Berar.</i>													
				16	Munsiffs, 1st grade, on Rs. 175 each.	...	...	...	2,800	11	Munsiffs, 1st grade, on Rs. 250 each.	...	...	...	2,750	...	50	...	...	...	...	...
				21	Munsiffs, 2nd grade, on Rs. 150 each.	...	...	...	3,150	15	Munsiffs, 2nd grade, on Rs. 200 each.	...	...	...	3,000	...	150	...	...	...	...	...
				23	Munsiffs, 3rd grade, on Rs. 100 each.	...	...	...	2,300	21	Munsiffs, 3rd grade, on Rs. 175 each.	...	...	...	3,675	1,375	...	...	...	...	...	...
							23	Munsiffs, 4th grade, on Rs. 150 each.	...	...	...	3,450	3,450	...	...	...	...	...	...
				60	Total	...	...	...	8,250	70	Total	...	...	...	12,975	4,825	200	...	...	...	...	...
		120	GRAND TOTAL	...	...	...	30,350	118	GRAND TOTAL	...	...	...	33,675	9,125	5,800	...	...	...	...	...

J. F. DYER,

Registrar, Judicial Commissioner's Court,

4
023

India Office, London,
26th July 1907.

Judicial.
No. 45.

To His Excellency the Right Honourable the Governor General of
India in Council.

MY LORD,

Having considered in Council your Government's Financial letter No. 131, dated 25th of April last, I give my sanction to your proposals with regard to the future constitution of the provincial and subordinate judicial services in the Central Provinces.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

JOHN MORLEY.

No. 458, dated the 8th March 1911.

From—The Government of India, Home Department,

To—The Honourable the Chief Commissioner of the Central Provinces.

In reply to your letter no. 246—1-9-3, dated the 6th February 1911, I am directed to say that the Government of India sanction the addition, with effect from the 7th October 1910, of an appointment to the 2nd grade of subordinate judgeships in the Central Provinces, in order to provide for the deputy registrarship of the Judicial Commissioner's Court. I am to add that they have no objection to the appointment being filled from the ranks of ministerial officer, whenever that is thought to be necessary.

Extract paragraphs 9-11 of the Home Department Resolution No. 199-211 (Education) dated the 11th March 1904.

9. A variety of causes, some historical and some social, have combined to bring about the result that in India, far more than in England, the majority of students who frequent the higher schools and the Universities are there for the purpose of qualifying themselves to earn an independent livelihood; that Government service is regarded by the educated classes as the most assured, the most dignified, and the most attractive of all careers; and that the desire on the part of most students to realize these manifold advantages as soon and as cheaply as possible tends to prevent both schools and colleges from filling their proper position as places of liberal education. On these grounds it has often been urged that the higher interests of education in India are injuriously affected by the prevailing system of basing selection for Government service on the school and University attainments of those who come forward as candidates for employment. Some indeed have gone so far as to suggest that educational standards would be indefinitely raised if it were possible to break off these material relations with the State, and to institute separate examinations for the public service under the control of a special board organized on the model of the English Civil Service Commission.

10. The Government of India cannot accept this opinion. It appears to them that such examinations, if established admittedly as a substitute for, and not merely as supplementary to, the University course, would necessarily be held in subjects differing from those prescribed by the University; and that two distinct courses of study would thus exist side by side, only one of them leading to Government service. If students attempted to compete in both lines, the strain of excessive examination, already the subject of complaint, would be greatly intensified; while, on the other hand, if the bulk of them were attracted by the prospect of obtaining Government appointments the result would be the sacrifice of such intellectual improvement as is achieved under the existing system. Success in the Government examination would become the sole standard of culture, the influence of the Universities would decline, the value of their degrees would be depreciated, and the main stream of educational effort would be diverted into a narrow and sordid channel. Such a degradation of the educational ideals of the country could hardly fail to react upon the character of the public service itself. The improved tone of the native officials of the present day dates from, and is reasonably attributed to, the more extended employment of men who have received a liberal education in the Universities, and have imbibed through the influence of their teachers some of the traditions of English public life. Nor is there any reason to believe that by introducing its own examinations the Government would raise the standard of fitness, or secure better men for the public service than it obtains under the present system. There is a general consensus of opinion among all the authorities consulted that no examining board would do better than the Universities. If a separate examination did no more than confirm the finding of the Universities, it would be obviously superfluous; if it conflicted with that finding, it would be mischievous.

11. The Government is in the last resort the sole judge as to the best method of securing the type of officers which it requires for its service. It alone possesses the requisite knowledge and experience: and by these tests must its decision be guided. The principle of competition for Government appointments was unknown in India until a few years ago; it does not spring from the traditions of the people, and it is without the safeguards by which its operation is controlled in England. It sets aside, moreover, considerations which cannot be disregarded by a Government whose duty it is to reconcile the conflicting claims of diverse races, rival religions, and varying degrees of intellectual and administrative aptitude and adaptability. For the higher grades of Government service there is

no need to have recourse to the system since it is possible in most cases for the Government to accept the various University degrees and distinctions as indicating that their holders possess the amount of knowledge requisite to enable them to fill particular appointments; while in the case of the more technical departments, a scrutiny of the subjects taken up by the candidate, and of the degree of success attained in each, will sufficiently indicate how far he possesses the particular knowledge and bent of mind that his duties will demand. The Government of India are of opinion, therefore, that special competitions should, as a general rule, be dispensed with; and that the requisite acquaintance with the laws, rules, and regulations of departments may best be attained during probationary service, and tested after a period of such service. In short, the Government of India hold that the multiplication of competitive tests for Government service neither results in advantage to Government nor is consistent with the highest interests of a liberal education. In fixing the educational standards which qualify for appointments, the natural divisions of primary, secondary, and University education should be followed; school and college certificates of proficiency should, so far as possible, be accepted as full evidence of educational qualifications, regard being paid, within the limits of each standard, to their comparative value; and due weight should be attached to the recorded opinions of collegiate and school authorities regarding the proficiency and conduct of candidates during their period of tuition.

NOS. 1046—1058.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

Simla, the 19th August 1910.

RESOLUTION.

The Governor General in Council has had under consideration the recommendation made by the Royal Commission on Decentralization at the end of paragraph 128 of their Report on the subject of framing rules for the recruitment of provincial services. The majority of the Commission consider it unnecessary that rules for the recruitment of those services should as, is now the case, require the sanction of the Government of India, and they express the opinion that the functions of that Government should be limited to laying down a few general principles as to eligibility for appointment, etc., on which detailed provincial rules would be based.

2. In the present Resolution the Governor General in Council proposes to deal only with the provincial civil services (executive and judicial). The case of other provincial services will be separately considered.

3. The present system under which the previous sanction of the Government of India is required to making or altering the rules for the recruitment of the provincial civil services was introduced in 1892 as the result of the Report of the Public Service Commission. The Governor-General in Council has now decided to accept in substance the recommendation of the Decentralization Commission and is pleased accordingly to invest local Governments with the power to make rules for the recruitment of the provincial civil services without the previous sanction of the Government of India, but subject to their general control. The general conditions which should govern such recruitment have been already fully considered in connection with the inquiries made by the Public Service Commission, and the Governor General in Council, upon a further consideration of the subject, sees no reason to modify the conclusions then arrived at. It will, however, be convenient to re-state them in the present connection, as follows:—

I.—The rules must be adapted on the one hand to obtain thoroughly efficient candidates, and, on the other, to secure the due representation in the public service of the different classes of the community.

II.—Every candidate for appointment by recruitment must furnish satisfactory evidence—

(a) that he is not over 25 years of age, except in the case of Barristers, Advocates, or Pleaders appointed to the judicial branch: these excepted cases will be governed by article 51 of the Civil Service Regulations;

(b) that he has attained a prescribed preliminary standard of general education to be fixed by local Governments with reference to local conditions, the object being to secure men qualified by as high a standard of general education as the conditions and requirements of the local administration permit. In particular, qualification in one or more of the vernacular languages of the province in which he is to be employed is to be insisted on. The vernacular standard should be a high one, involving a thorough knowledge of the

language and ability to write and read the written character with facility;

(c) that he is of sound health, good physique, and active habits; and

(d) that he is of good character.

III.—Every person appointed to the provincial civil service by direct recruitment shall be subject to a period of probation or training during which time his appointment will be probationary only, unless in special cases the local Government declares such probation or training to be unnecessary.

IV.—The subjects of Native Princes in alliance with His Majesty shall be eligible for appointment, provided they are qualified in other respects.

V.—Admission to the provincial civil service should usually be confined to persons who are natives of the province or have definitely settled in it; in the case of candidates who are not natives of the province recent residence of at least three years in the province, should, as a general rule, be an essential condition of admission. No Barrister, Advocate or Pleader should be appointed as such, unless he has been at least three years actually practising his profession in India and can speak the provincial vernacular.

VI.—Europeans who are not statutory natives of India shall be eligible for appointment, if qualified according to the above conditions, with the sanction of the Government of India.

VII.—The local Government should reserve to itself the right to make promotion to the superior grades of the provincial civil service without regard to seniority, and seniority alone should not give a claim to appointment to the grade of Rs. 500 a month and higher grades.

VIII.—The Government of India retain power in very special cases to make direct appointments to offices in the higher grades of the provincial civil services, and whenever the Government of India exercise this power in the case of judicial officers, it will be confined to Barristers, Advocates, or Pleaders of the High Courts who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular.

IX.—No member of the provincial civil service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

4. The Governor General in Council directs that any change made in the rules from time to time should be forthwith communicated to the Government of India in the Home Department, in order that they may be in a position to exercise effective general control. His Excellency in Council considers it desirable, moreover, that this Resolution should be published by the local Governments and Administrations as part of the respective provincial rules.

ORDER.—Ordered that a copy of this Resolution be forwarded to the local Governments* and Departments of the Government of India† noted on the margin and to the Hon'ble the Chief Commissioner of the Central Provinces for information.

*Madras.

Bombay.

Bengal.

United Provinces.

Punjab.

Burma.

Eastern Bengal and Assam.

†Foreign.

Revenue and Agriculture.

Public Works.

Commerce and Industry.

Governments* and Departments of the Government of India† noted on the margin and to the Hon'ble the Chief Com-

A. EARLE,

Offg. Secretary to the Government of India.

Questions and Answers in the Imperial Legislative Council, at meetings held on the 23rd March 1910, 22nd September 1911, and 10th January 1912, regarding the system of recruitment for the Executive Branch of the Provincial Civil Services.

The Hon'ble MR. N. SUBBA RAO asked :—

“ II. Will the Government be pleased to state—

- (a) whether the Executive Branch of the Provincial Service is now filled up partly by promotion from the Subordinate Service and partly by competition, open or limited, as recommended by the Public Service Commission of 1886-87;
- (b) whether in any or all of the Provinces the system of recruitment by competition is replaced by that of nomination;
- (c) whether it has issued any instructions sanctioning the abolition of competition in all or any of the Provinces, and, if so, whether the Government will be pleased to place the same on the table?”

The Hon'ble SIR HARVEY ADAMSON replied :—

“(a) & (b).—The Executive Branch of the Provincial Service is filled up partly by promotion of officers from the Subordinate Service and partly by selection of persons possessing prescribed educational qualifications who are not already in Government service. The only Province in which any form of competitive examination prevails is the Punjab, where, out of the total number of probationers annually recruited, two are appointed by competitive examination among nominated candidates.

(c) The Government of India have issued a Resolution directing that special competitions for entry into Government service should, as a general rule, be dispensed with. The Resolution was published in the Supplement to the *Gazette of India* dated the 12th March 1904.

The Hon'ble MR. SUBBA RAO asked :—

“ With reference to the answer of the Hon'ble Sir Harvey Adamson at the meeting of the 23rd March 1910 that “ the Executive Branch of the Provincial Service is filled up partly by promotion of officers from the Subordinate Service and partly by selection of persons possessing prescribed educational qualifications who are not already in Government Service;”

- (a) Will the Government be pleased to state approximately the number of places annually recruited in each Province for the Executive Branch of the Provincial Service, and in what proportion they are so recruited—how many by promotion and how many by selection?
- (b) Are there any Provinces where the Executive Branch of the Provincial Service is now filled up exclusively by promotion from the Subordinate Service and where not only special competition but also selection of persons who are not already in the Government service is dispensed with? If so, will the Government be pleased to state why such a course is adopted?

The Hon'ble MR. JENKINS replied :—

“ The information asked for by the Hon'ble Member is not available. It will be called for from Local Governments, and, when received, be laid on the table.”

The Hon'ble MR. SUBBA RAO asked :—

“ 4. With reference to the reply given by the Hon'ble the Home Member to a question asked by me on the 22nd September last on the subject of the recruitment for the Executive Branch of the Provincial Service, will the Government be pleased to say whether they are now in a position to supply the information there requested.”

The Hon'ble Sir Archdale Earle replied:—

"The necessary information has been obtained from Local Governments and a statement is laid on the table which answers the first part of the question asked by the Hon'ble Member on the 22nd September 1911.

"As regards the second part of the question the Hon'ble Member is informed that the only Province where the Executive Branch of the Provincial Service is filled exclusively by promotion from the Subordinate Service is British Baluchistan. The reasons why such a course is adopted are, (1) that residents of Baluchistan are not yet fitted for the work of an extra assistant commissioner without considerable preliminary training in subordinate posts, and (2) that residents of other provinces can only obtain knowledge of the special conditions of Baluchistan by working in subordinate posts."

Statement showing the number of places annually recruited in each province for the Executive Branch of the Provincial Civil Service and in what proportion they are so recruited—how many by promotion and how many by selection

Province.	Recruitment by promotion.	Recruitment by selection.	Total annual recruitment.	REMARKS.
Madras. ...	5·5 (a)	·6 (a)	6·1 (a)	(a) Average for ten years.
Bombay ...	4 (b)	3 (b)	7 (b)	(b) No fixed rate prescribed: average for three years.
Bengal ...	9	10	19	
United Provinces..	10 and 9 in alternate years.	9 and 10 in alternate years.	19	
Punjab. ...	10·6 (c)	3 (c)	13·6 (c)	(c) Average for seven years for both executive and judicial branches of the service for which joint recruitment is made.
Burma ...	13 (d)	2 (d)	15 (d)	(d) Average for ten years..
Eastern Bengal and Assam..	2	6	8	
Central Provinces	3·6 (e)	1·4 (e)	5 (e)	(e) Average for four years..
North-West Frontier Province.	81·8 per cent.	18·2 per cent.	No fixed number.	
Baluchistan. ...	1·1 (f)	Nil (f)	No fixed number.	(f) Average for five years..

Question and Answer in the Imperial Legislative Council at a meeting held on the 26th February 1912.

The Hon'ble Khan Bahadur MIAN MUHAMMAD SHAFI asked :—

“ Will the Government be pleased to state—

- (a) What is the starting as well as the maximum pay of a Munsiff in Bengal, United Provinces of Agra and Oudh and the Punjab respectively ?
- (b) What is the total number of these posts in each of the three Provinces and, excluding those who have secured these appointments through competitive examination, how many of the present incumbents of these posts, in each Province, have been appointed direct from the ranks of the legal profession ? ”

The Hon'ble Sir Reginald Craddock replied :—

“ I lay upon the table a statement which gives the information desired by the Hon'ble Member.”

Statement relating to Munsiffs in Bengal, the United Provinces and the Punjab.

Province.	Total number of posts.	Minimum pay on confirmation.	Maximum pay.	Number of Munsiffs appointed direct from the ranks of the legal profession exclusive of those who have been selected by competitive examination.
		Rs.	Rs.	
Bengal	170	200	400	170
United Provinces	129	200	400	120
Punjab	90	175	250	<i>Nil</i>

GOVERNMENT OF INDIA,
FINANCE DEPARTMENT.

Leave and Leave Allowances.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,

His Majesty's Secretary of State for India.

Dated Calcutta, the 17th December 1908.

MY LORD,

WE have the honour to address you on the subject of the Indian Service Leave Rules, contained in Chapter XIV of the Civil Service Regulations.

2. In Your Lordship's Financial Despatch No. 67, dated 29th May 1908, we were invited to consider the desirability of abolishing the latter part of Article 336 and of modifying Article 338 of the Regulations. We had simultaneously under our consideration certain other anomalies in the rules, with the result that we were ultimately led to a general enquiry into their working. The conclusion that has now been forced upon us is that two separate sets of leave rules for civil officers are neither desirable under modern conditions nor necessary for financial reasons; and we proceed to state the grounds on which our opinion is based.

3. As Your Lordship is aware, all civil employes of the Government of India whose pay is not less than Rs. 100 a month are divided, for the purposes of leave, into two classes which are subject to the European Service, and the Indian Service Leave Rules, respectively. The former rules are more liberal, both as to the amount and frequency of leave than the latter, and there are a number of differences between the two in respect of which sometimes the European services and at other times the Indian services have the advantage; these differences are dealt with in more detail in paragraph 10 of this despatch, and are shown in tabular form as an enclosure.

4. The distinction between the two sets of rules is a very old one. In the Leave Code of 1856 there was no provision at all for furlough to the class of officers who belong to what was formerly styled the Uncovenanted Service. The only long leave to which they were entitled was six months on private affairs after every six years of service. In 1862 they were admitted to the concession of furlough; but it was laid down that each Uncovenanted officer thereafter had to make his choice between furlough and leave on private affairs. Having once elected one of those forms of leave, he was not entitled to receive the other form of leave during his whole service. The rigidity of this restriction was relaxed in 1889; and an officer may now be granted furlough although he has previously taken leave on private affairs, provided that an interval of ten years has intervened. The complementary privilege however is still withheld, and he may not obtain leave on private affairs if he has previously had furlough. As compared with the development of the leave rules for Covenanted officers, the Uncovenanted officers' rules have thus been improved more grudgingly. The intention has always been to keep them less liberal than the rules for Covenanted officers.

Fide Despatch from the Secretary of State for India, No. 317, dated 6th December 1888.
Article 337, Civil Service Regulations.

5. There has always been a considerable amount of trouble in deciding in which category a large number of our public servants ought to be placed. In the Civil Leave Code of 1872, a schedule was published of a number of appointments ordinarily filled by Europeans, such as District Superintendent of Police, Sub-Deputy Opium Agent, Assistant Conservator of Forests and the like, together with all posts of higher rank in these respective departments.

Officers holding any of these scheduled posts, who had been appointed by or with the special sanction of the Secretary of State, were declared eligible for leave privileges which were virtually the same as those enjoyed by Covenanted Civil Servants. All other Uncovenanted officers were governed by rules which were practically identical with those known as the Indian Service leave rules. The distinction up to 1872 was thus in its essence a racial one, which it continued to be for years afterwards, for in the Civil Leave Code of 1881 a list was published of officers who, though appointed in India, were personally eligible for the more favourable leave rules; the conditions of admission to the list being that the officer should—

(a) not be of purely Asiatic descent;

(b) hold one of the posts scheduled in the Civil Leave Code of 1872; and

(c) have been drawing not less than Rs. 6,000 a year on the 10th of February 1876.

This feature of the rules was clearly brought out in the designations "European Service Rules" and "Indian Service Rules," which appeared for the first time in the earliest edition (in 1889) of the Civil Service Regulations.

From 1891 however the criterion changed. The Public Service Commission laid down the principle that the furlough and pension rules must depend on the place of recruitment and not on nationality; the test being whether the officer belonged to an Imperial branch recruited in England or a Provincial branch recruited in India. The result was not altogether a success, and the dividing line was left in places very indefinite. Certain recommendations were

* *Vide* Despatch to Secretary of State for India, No. 169 (Financial), dated 6th June 1893.

made by the Government of India in 1893,* and among them was a plea for the extension of the European Service

Leave Rules.

6. The type of difficulty which has constantly arisen is illustrated by a case

Vide Despatch to Secretary of State, No. 71 (Financial), dated 18th March 1896.

brought to notice in 1896. In the Public Works Department there were a number

of officers who had been appointed in India before the time when admission to the Indian Engineering Colleges (Rurki and Sibpur) became limited to statutory natives of India. There was also another group of officers appointed in India, but who had been trained at Rurki and Sibpur after these Colleges were declared open to statutory natives only. The former group included a

Vide Despatch from the Secretary of State for India, No. 73, dated 30th April 1895.

number of pure Indians, the latter a number of pure Europeans. It was, however, settled that the former group of

officers should be admitted to the European Services Leave Rules on attaining the grade of Rs. 850, while the latter should remain under the Indian Services Leave Rules for all time. Similarly, with the Accounts branch of the same department, the attempt to discriminate strictly according to the country of recruitment was abandoned; and it was decided that the European rules should be extended to all officers on reaching the grade of Rs. 800. Since then, the salary test has been applied to the Customs and several other departments, and the result is that in almost every department we have numerous Indians under the European rules and numerous Europeans under the Indian rules. The whole position is anomalous, and gives rise to much discontent. It also causes a great deal of work; for scarcely a month passes but a lengthy despatch has to be addressed to Your Lordship advising that some particular officer be given the benefit of the European Services Leave Rules because his retention under the Indian Service Leave Rules fails to satisfy some of the various criteria which have been laid down from time to time.

7. If it were really necessary to have two separate sets of leave rules, there are several ways in which we could classify our officers for the purpose, e.g. —

by pay or grades;

by country of recruitment;

by race.

The first of these is not altogether rational; it does not follow that a man on low pay needs less or more infrequent leave than a man on high pay. If it meant decisive economy, a division based on pay would be intelligible; but as will be explained below, it is very doubtful if it would result in any

material saving. The second line of classification is now in force: but it has been found to lead to anomalies and discontent, before which it is steadily breaking down. The third method of demarcation is simple, but seems to us, on political grounds, clearly inexpedient. It would raise an issue which has been considered more than once already in this connection. In 1890, a Select Committee of the House of Commons, which sat to investigate the grievances of Uncovenanted servants, advised "that no distinction in the furlough and

* *Vide* paragraph 5 of Despatch from Secretary of State, No. 190 (Financial), dated 28th August 1890.

† Paragraph 3 of Despatch from Secretary of State, No. 188 (Financial), dated 21st September 1893.

pension rules should be made between Europeans and Natives of India." Lord Cross* accepted this dictum in so far as it meant "that no such distinction should be made on account of race" and Lord Kimberley† subsequently interpreted it, with approval, as meaning that "those who have obtained similar appointments in the same manner should be allowed similar privileges, whatever their race, so far as regards the amount of leave granted to them during their service." It is obviously out of the question to reverse these clear declarations of policy.

8. The justification for two sets of leave rules was based on the fact that there should be a broad distinction between the privileges of the higher classes,

Vide paragraph 9 of Lord Cross's Despatch No. 190 (Financial), dated 28th August 1890.

who are appointed by competition or selection in England, and those of the branches requiring no special European training, for which no difficulty is found in obtaining recruits on the spot. The theory was that the officers who are governed by the Indian Service Leave Rules would be recruited or domiciled in India. They would be serving near their homes which they could visit at frequent intervals on short leave. Oversea voyages would be rarely or never undertaken; and the hill sanatoria of India would afford sufficient change of climate, when necessary for health. In this way the incentive to take long periods of leave would be absent, and their comparatively small salaries would deter Uncovenanted officers from prolonged absences on half-pay. The broad distinction referred to by Lord Cross was thus intended to represent actual facts. But the arguments for maintaining it were based on the paradoxical ground that, if the distinction was withdrawn, the leave actually taken by the Indian services would be extravagant or administratively inconvenient. We believe that the practical considerations fail to support any such assumption.

9. It is not practicable to demonstrate that, if the Indian Service Leave Rules were more liberal, leave would not more freely be taken. But it is known for certain that the amount of leave which is used, even under existing conditions, falls far short of what the rules allow. And there are other general indications which help us to an estimate. Statistics have been prepared of 115 members of the Indian Civil Service, all of whom had completed 25 years' service and more, and all of whom had thus been in a position to take six years' furlough. The amount of long leave which these officers had actually used came on the average to three years, nine months and fourteen days, or little more than half the amount which they had earned. Now, if this is the case with the best paid members of the best paid service in India, there can be little danger in extending their privileges (as regards the *amount* of leave) to the classes of officers who are not under our Indian Service Rules. The extension would remove restrictions which are resented as invidious and vexatious. It would allow leave to be taken in more convenient instalments and at more reasonable intervals. But it is doubtful if it would increase, in any appreciable measure either the aggregate amount of leave actually used or the expense to the State. This is the view which the Government of India expressed in 1893,

Vide paragraph 11 of Despatch to Secretary of State, No. 169, dated 6th June 1893.

and the growing cost of living has not made the luxury of long leave one to be more lightly undertaken than it was fifteen years ago.

10. The arguments for amalgamating the two sets of rules, however, are not merely negative. There are disabilities in the Indian Service Rules, which are regarded as unnecessary hardships by the officers whom they affect. In order to appreciate these, the main differences between the two sets of rules as they now stand, have been examined. A more detailed comparison is given in a statement attached to this despatch; but the essential points of divergence are the following:—

- (1) An officer of the European services, in the course of his full qualifying period of employment, may obtain altogether six years' leave with

allowances. The aggregate for an officer of the Indian services is five years. In each case the total figure includes furlough in the ordinary sense, leave on medical certificate, and leave on private affairs.

- (II) In the European services, furlough in the ordinary sense may be taken after the first eight years of service and subsequently, if due, after every three years of continuous service. If otherwise admissible, the amount taken at one time may extend to two years. In the Indian services the privilege is much less liberal. Furlough may only be taken after the first ten years of an officer's employment, and subsequently at intervals of not less than eight years. The amount that may be taken at one time may not exceed one year, unless the officer has refrained from furlough for the first 18 years of his service, in which case he may take up to 2 years at a time. Furthermore, if an officer has taken leave on private affairs, he cannot get furlough until ten years afterwards.
- (III) In the European services furlough on medical certificate may be extended up to a total period of three years at one time; whereas in the Indian services leave on medical certificate (which corresponds to furlough on medical certificate in the European services) is not available for more than two years at a time. On the other hand, in the European services there are certain restrictions upon sick leave if the officer has not rendered three years' continuous service before taking it; whereas in the Indian services leave on medical certificate may be taken at any time without any restriction beyond the limitation of the total period to two years.
- (IV) In the European services, special leave on urgent private affairs may be granted for six months at any time, subject only to the provision that leave of the same kind has not been taken for the last six years. In the Indian services the conditions for leave on private affairs are similar; but they are subject to the further restrictions that the officer must not have previously taken furlough, and that he must have had six years' service before he takes his first leave of this kind. These drawbacks are counterbalanced, however, by an advantage, explained in VII below, which the Indian services enjoy in the matter of allowances.
- (V) The usual allowance for furlough in the ordinary sense is half the officer's average salary; but in the European services it is limited to a maximum of £ 800 a year (or Rs. 666 $\frac{2}{3}$ a month if paid in India), whereas the maximum for Indian services is only £ 600 (or Rs. 500 if paid in India).
- (VI) The allowances for furlough or leave on medical certificate are the same as stated in (V) above; but if the leave is prolonged the allowances are reduced to one-quarter of the officer's average salary, subject, roughly, to a maximum in all cases of £ 480 (or Rs. 400 a month), and a minimum of £ 100 (or Rs. 83 $\frac{1}{3}$ a month). This reduction, however, takes place in the case of the European services after the first two years of medical leave, whereas in the Indian services it is enforced after the first fifteen months.
- (VII) For the first six months of urgent leave on private affairs, an officer in the European services gets furlough pay, but no allowances at all for any further period of such leave which he may take. On the other hand, an officer in the Indian services draws furlough pay for all leave which he gets on private affairs.
- (VIII) An officer in the European Service Rules can spend his leave anywhere. But in the Indian services there is a special provision that leave on medical certificate is not to be taken more than twice out of India.

11. In regard to the first difference—the aggregate amount of leave admissible—we consider that the figure adopted is a matter of comparatively little moment. Very few of our officers in the Indian services will ever be able to afford more than five years' leave, and the potential cost of offering them six will be negligible.

12. The differences regarding the instalments of and intervals between ordinary leave or leave on private affairs, disclose several hardships. It is a hardship that an officer cannot get leave on urgent private affairs if he has ever taken furlough: it is a relic of times when conditions were entirely different, and there is no defending it now. It is also a hardship that an officer cannot get furlough until eight years since his last furlough, especially as he cannot take leave on private affairs in the interval. There may on occasions be many reasons why he wants leave after a shorter interval; and our experience of the more favourable rules gives no cause to fear that their extension to the Indian services would lead to any abuse. It is also a hardship that an officer who has had leave on private affairs cannot get furlough for another ten years.

13. As regards the amount of medical leave and its intervals, the two sets of rules are about equally balanced, and there is no real reason why they should not be uniform. But we think it may be, to many officers, a genuine grievance that medical leave under the Indian Service Rules cannot be taken more than twice out of India. The case of Mr. E. C. Prinsep, an Inspector of Police in Burma, which is referred to in Your Lordship's Financial Despatch No. 67, dated 29th May 1908, is an instance of such a grievance.

14. In the matter of allowances, both sets of rules are reasonable; and their amalgamation would not increase our expenditure except for the very small class of men of the Indian services whose salary exceeds Rs. 1,000. But it is an unnecessary hardship that in the Indian services the initial scale of allowances is reduced after fifteen months of sick leave, whereas it ordinarily runs on for two years in the European services. A man is not likely to take more than fifteen months' sick leave if he can possibly help it; and if he is compelled to do so, the Government should, in our opinion, be reasonably generous to him.

15. To sum up: the Indian Services Long Leave Rules are in some respects an anachronism, based on an attempt to prevent officers on low pay and mainly recruited in India from being extravagant in the matter of leave. They embody certain restrictions for which there is no adequate justification, and which entail unnecessary hardships on a large class of our officers. The division between the so-called European and Indian rules is founded on no logical basis and is constantly being modified in individual cases. Its retention involves us in much useless correspondence, as there is continuous pressure on the part of persons who are subject to the less favourable rules, to be transferred to the other rules, reasons being urged which are sometimes personal and sometimes based on the status of their appointments. There is also beyond doubt substantial dissatisfaction among certain classes of the officers who are governed by the Indian Service Leave Rules; and the assimilation of the two sets of rules would be a decided administrative convenience, desirable on political grounds and unlikely to cause any appreciable addition of expenditure to the State.

16. We accordingly ask Your Lordship's sanction to the principle of abolishing the Indian Service Leave Rules and allowing all our permanent civil employes, on Rs. 100 and over, the benefits of the European Service Leave Rules. When we are placed in possession of your views, we shall prepare and submit to you the detailed alterations in the Regulations which we advise. In the event, however, of your considering it expedient to defer the correction of the rules pending any more organic changes in the leave regulations which may result from the recommendations of the Decentralization Commission, we would ask you, if you are in general accord with our views, to empower us to deal, without further reference to you, with individual applications for admission to the benefits of the European Service Rules.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servants,

(Signed) MINTO.

„ H. E. RICHARDS.

„ C. H. SCOTT.

„ H. ADAMSON.

„ J. O. MILLER.

„ W. L. HARVEY.

„ G. F. WILSON.

Enclosures.

Table showing the differences between the European and Indian Service Leave Rules.

Enclosure of despatch No. 357 of 1908.

Table showing the differences between the European and Indian Service Leave Rules.

EUROPEAN SERVICE LEAVE RULES.		INDIAN SERVICE LEAVE RULES.	
LEAVE.			
<p>Article 308 (b) (i) and (ii), Civil Service Regulations.</p> <p>308</p>	<p>I.—FURLOUGH (WITHOUT MEDICAL CERTIFICATE).</p> <p>(a) First furlough, after 8 years' active service. May not exceed 2 years;</p> <p>(b) Second furlough, after 3 years' continuous service. To the extent* due, but not exceeding 2 years;</p> <p>(c) Further periods of furlough may be repeated in the same way, that is, after intervals of 3 years' continuous service and to the extent due but not exceeding 2 years;</p> <p>12 (d) Service for furlough is not interrupted by Special Leave on private affairs;</p> <p>(e) The aggregate amount of furlough, or of furlough and Special Leave on private affairs, is not limited save as in paragraph V below;</p> <p>22 (g) Furlough not exceeding 3 months does not interrupt service for furlough.</p>	<p>I.—FURLOUGH.</p> <p>(a) First furlough after 10 years' service. May not exceed one year;</p> <p>(b) Second furlough, after 18 years' service. May not exceed one year plus any balance from previous furlough;</p> <p>(c) Further periods of furlough may be repeated at intervals of not less than 8 years, up to such amount as together with all periods already spent on furlough does not exceed 2 years;</p> <p>(d) The service for furlough of an officer who has had Leave on private affairs counts only from the date of his last return from such leave;</p> <p>(e) The aggregate amount of furlough, or of furlough and Leave on Private Affairs taken together must not exceed 2 years;</p> <p>(g) Furlough interrupts service for further furlough.</p>	<p>Article 338, Civil Service Regulations.</p>
II.—FURLOUGH ON MEDICAL CERTIFICATE.		II.—LEAVE ON MEDICAL CERTIFICATE.	
<p>308 (a)</p> <p>317 and 312 (b)</p>	<p>(a) Is granted, if the officer has rendered 3 years' continuous service,</p> <p>(i) unconditionally;</p> <p>(ii) for a period not exceeding two years at a time; but</p> <p>(iii) may be extended to not more than 3 years.</p> <p>(b) Is granted, if the officer has not rendered 3 years' continuous service—</p> <p>(i) If the furlough due* exceeds a year, to the extent due not exceeding 2 years. If the furlough granted is less than 2 years, it may be extended to the extent of the furlough due but not exceeding 2 years.</p> <p>(ii) If the furlough due* does not exceed a year, for not more than one year. If the furlough granted is less than one year it may be extended to one year.</p> <p>(c) Furlough on medical certificate may always be taken out of India;</p> <p>(d) The aggregate amount of furlough on medical certificate is not limited save as in paragraph V below;</p> <p>(e) Furlough on medical certificate does not count as service for furlough, nor for Special Leave.</p>	<p>(a) (i) Is granted unconditionally;</p> <p>(ii) For a period not exceeding 2 years at a time;</p> <p>(b) There are no corresponding restrictions.</p> <p>(c) Leave on medical certificate may not be taken more than twice out of India.</p> <p>(d) The aggregate amount of leave on medical certificate must not exceed 3 years;</p> <p>(e) Leave on medical certificate counts as 337, F: service for furlough and for Leave on 338, F: private affairs.</p>	

*FOOTNOTE.—The amount of furlough "earned" is $\frac{1}{2}$ of Active Service. The amount "due" is the amount "earned" diminished by leave taken.

Table showing the differences between the European and Indian Service Leave Rules—contd.

EUROPEAN SERVICE LEAVE RULES.		INDIAN SERVICE LEAVE RULES.	
LEAVE—contd.			
III.—SPECIAL LEAVE ON URGENT PRIVATE AFFAIRS.		III.—LEAVE ON PRIVATE AFFAIRS.	
316	(a) May be granted, on the first occasion at any time for not more than 6 months.	(a) May be granted for not more than six months after 6 years' service.	337
316	(b) May be granted, to an officer who has had furlough.	(b) May not be granted at all to an officer who has had furlough.	33
2	(c) Is included in continuous service for furlough.	(c) Is not included in service for furlough.	338 (b) (r)
IV.—EXTRAORDINARY LEAVE WITHOUT ALLOWANCES.		IV.—EXTRAORDINARY LEAVE WITHOUT ALLOWANCES.	
22	Interrupts continuous service and continuous active service for other leave if it exceeds 3 months.	Does not interrupt service for other leave.	
V.—AGGREGATE AMOUNT OF LEAVE.		V.—AGGREGATE AMOUNT OF LEAVE.	
329	The aggregate amount of furlough (including furlough on medical certificate) plus Special Leave with allowances is 6 years.	The aggregate amount of furlough plus leave on medical certificate plus leave on private affairs is 5 years.	336 and 338 proviso (ii)
LEAVE ALLOWANCES.			
VI.—FURLOUGH WITHOUT MEDICAL CERTIFICATE.		VI.—FURLOUGH.	
320	Half average salary for the three preceding years subject to the following limits:—	Half average salary for the three preceding years subject to the following limits:—	340 (b) 341 (a) 342 (b)
	<i>Maximum.</i> <i>Minimum.</i>	<i>Maximum.</i> <i>Minimum.</i>	
	(If the leave be granted out of India in consequence of ill-health).	(If the leave be granted out of India in consequence of ill-health).	
(i)	when paid in England £800 a year . . . £200 a year or $\frac{3}{4}$ ths of last salary, whichever is less.	(i) when paid in England £600 a year . . . The same as for the European Service Leave Rules.	
(ii)	when paid in India . . . Rs. 666 $\frac{2}{3}$ a month . . . a Rs. 166 $\frac{2}{3}$ a month or $\frac{3}{4}$ ths of last salary, whichever is less.	(ii) when paid in India. . . Rs. 500 a month . . . Ditto.	
		(iii) whenever an officer whose appointment is not gazetted takes leave for not more than one month, or whenever such an officer's salary is less than Rs. 300, his pay (not salary) when he gives up office is taken in lieu of average salary; and for non-gazetted officers whose salary is not less than Rs. 300 the minimum of half average salary is Rs. 150 a month.	340 (e) and 341 (c)
VII.—FURLOUGH ON MEDICAL CERTIFICATE.		VII.—LEAVE ON MEDICAL CERTIFICATE.	
320	(a) For so much of the furlough as is classed as "ordinary" (<i>vide</i> Article 313, Civil Service Regulations), half average salary for the three preceding years subject to the same maxima and minima as are given in paragraph VI.	(a) For the first 15 months of each absence but not for more than 30 months in all:— half the average salary for the preceding three years, subject to the same maxima and minima as are given in paragraph VI.	340 (a)

Table showing the differences between the European and Indian Service Leave Rules
—concl'd.

EUROPEAN SERVICE LEAVE RULES.	INDIAN SERVICE LEAVE RULES.								
LEAVE ALLOWANCES— <i>contd.</i>									
VII.—FURLOUGH ON MEDICAL CERTIFICATE— <i>contd.</i>	VII.—LEAVE ON MEDICAL CERTIFICATE— <i>contd.</i>								
<p>315 (ii) (b) After the expiration of the period for which the foregoing allowances are admissible, the following are the rates, up to a maximum of 3 years' furlough at any one time :—</p>	<p>(b) After the first 15 months, the allowances 315 (iii) are reduced, up to a maximum of 2 years' leave at any one time, to one-fourth of salary subject to the following limits :—</p>								
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 40%;"><i>Maximum.</i></th> <th style="text-align: left; width: 60%;"><i>Minimum.</i></th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">(If the leave be granted out of India).</td> </tr> </tbody> </table>	<i>Maximum.</i>	<i>Minimum.</i>		(If the leave be granted out of India).	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 40%;"><i>Maximum.</i></th> <th style="text-align: left; width: 60%;"><i>Minimum.</i></th> </tr> </thead> <tbody> <tr> <td></td> <td style="text-align: center;">(If the leave be granted out of India).</td> </tr> </tbody> </table>	<i>Maximum.</i>	<i>Minimum.</i>		(If the leave be granted out of India).
<i>Maximum.</i>	<i>Minimum.</i>								
	(If the leave be granted out of India).								
<i>Maximum.</i>	<i>Minimum.</i>								
	(If the leave be granted out of India).								
<p>(i) When paid in Eng-land . £480 a year or $\frac{1}{4}$th average salary, which- ever is less.</p>	<p>(i) When paid in Eng-land . £480 a year . The same as for the Euro- pean Service Leave Rules.</p>								
<p>(ii) When paid in India . Rs 400 a month or $\frac{1}{4}$th average salary, which- ever is less.</p>	<p>(ii) When paid in India . Rs. 400 a month. Ditto.</p>								
VIII.—SPECIAL LEAVE ON URGENT PRIVATE AFFAIRS.	VIII.—LEAVE ON PRIVATE AFFAIRS.								
<p>318 (a) 314 (a) Allowances as in paragraph VI above are given during the first six months only. Thereafter no allowance.</p>	<p>(a) Allowances are the same as in paragraph 340 (b) VI above.</p>								
IX.—SUBSIDIARY LEAVE.	IX.—SUBSIDIARY LEAVE.								
<p>330 (a), (b) and (c) (a) Half or quarter average salary (paragraphs VI and VII above) according to the rate of allowance of the leave to which it is subsidiary: except that if the leave be subsidiary to special leave, and the officer has had leave subsidiary to a former special leave, he is entitled to no allow- ance.</p>	<p>(a) If subsidiary leave follow leave :—half 348 (b) or quarter average salary, according to the rate of allowance at the end of the leave to which it is subsidiary.</p>								
<p>331 (b) If the officer is entitled to privilege leave he can draw pay at privilege leave rates for as many days as he is entitled to such leave.</p>	<p>(b) If subsidiary leave is prefixed to other leave :—half average salary; but if the officer is entitled to privilege leave he can draw pay at privilege leave rates for as many days as he is entitled to such leave. 34</p>								
<p>130 (c) (c) If the leave is preparatory to retirement :— the allowance which would be admissible if he were proceeding on such leave as may be admissible.</p>	<p>(c) If the leave is preparatory to retirement :— half pay for not more than 14 days, provided it causes no additional expense to the State. 347</p>								

No. 70 (Financial), dated 11th June 1909.

No. 28.

From—The Secretary of State for India (Right Honourable Viscount Morley of Blackburn, O.M.),

To—The Government of India.

I have considered in Council your letter in the Finance Department, No. ^{Proposed abolition of the Indian Services Leave Rules.} 357, dated 17th December 1908, in which you recommend the abolition of the Indian Services Leave Rules, and the admission of all officers now subject to those rules to the European Services Rules.

2. I have carefully studied the arguments advanced by you in support of this recommendation, but I am not convinced of the expediency of the proposed change. It is, in my opinion, a perfectly reasonable assumption that public servants employed in the country of their home do not require so liberal an allowance of leave as those serving many thousands of miles away from their homes, in a climate to which they are not accustomed and which is trying to their health; and this is the principle on which the dual system of leave rules is based. I readily admit that it is not followed exactly or universally in the present classification of officers under the two sets of rules. The adoption of place of recruitment as the test of eligibility, in regard to large classes of officers, for one or the other set of rules, involves deviations from the principle stated above, inasmuch as the officer recruited in India is in many cases of English parentage. In some branches of the service the same officer is under the less favourable rules during the earlier part of his career, and comes under the more favourable rules on attaining a certain grade or scale of pay. But when allowance has been made for all such anomalies, it must still be admitted that the principle underlying the existence of two sets of leave rules is observed in the main. The extent to which it is set aside is very limited in comparison with the wide extent of its application.

3. Your Excellency's letter expresses doubt whether the admission to the European Services Rules of all officers now subject to the Indian Services Rules would increase, in any appreciable measure, either the aggregate amount of leave actually taken or the expense to the State. It may be asked what, in that case, is the hardship involved in the existing distinction? But I doubt the correctness of the view expressed in your letter that the proposed change would not lead to any great increase in the amount of leave taken. It is true that the aggregate amount of leave which can be taken under the Indian Services Rules (five years) is not very materially less than that admissible (six years) under the more favourable rules. But whereas under the latter rules the whole six years may be taken during an officer's service in the shape of furlough without medical certificate, under the Indian Services Rules only two years can be so taken. The removal of this important restriction in the case of the large body of officers who are now subject to it, might well lead to a material increase in the amount of leave taken. In that case it might become necessary, in many branches of the service, to increase the percentage of officers allowed as a reserve to fill leave vacancies, and the cost of this would not be inappreciable. It is argued that, inasmuch as the more highly paid classes of officers do not generally avail themselves of the full amount of leave admissible to them during their service, it is improbable that those on lower pay would be able to do so. But the argument does not appear conclusive, for it does not take account of the relative cheapness of long leave taken in India by officers whose home is in that country, compared with long leave to Europe involving the heavy cost of sea passages and other incidental expenses.

4. I have come to the conclusion therefore that it is not necessary, nor desirable, to assimilate the two sets of rules. But some modifications might be introduced in the Indian Services Rules which would tend to remove grounds for complaint of hardship in their working. I have already, in my Financial Despatch No. 67 of 29th May 1908, invited your opinion on two such suggested modifications, and I would also ask you to consider the desirability of making

further changes on the lines indicated in the note enclosed, so as to reduce the interval that, under the existing rules, must elapse before an officer who has once had furlough (and is thereby debarred from taking leave on private affairs during the rest of his service) can take further furlough. I note that the Decentralisation Commission, in paragraph 157 (i) of their Report, have suggested the reduction of the much shorter interval (three years) which is required to intervene between furloughs taken under the European Services Leave Rules. Their other suggestions in the same paragraph, as to the combination of various kinds of ordinary leave, and as to the interval which is required to elapse between privilege leave of more than six weeks' duration and furlough, appear to be intended to apply equally to both sets of rules.

5. I am willing that applications from individual officers for transfer from the Indian Services Rules to the European Services Rules shall be dealt with by the Government of India, without previous reference to the Secretary of State in Council, but the privilege should be granted only in cases where strong reasons exist; and each case should be reported to me with a statement of the reasons.

Enclosure of Despatch from the Secretary of State No. 70 (Financial),
dated the 11th June 1909.

NOTE.

1. A considerable amount of unnecessary complication appears to result from the rules regarding the grant of leave with allowances, without medical certificate to officers who are subject to the Indian Services Leave Rules. Such leave may be either leave on private affairs or furlough. The allowances are the same whichever of the two kinds of leave is taken; but as regards the amount of leave that may be granted at any one time, the period of the officer's service at which it may be granted, and the intervals that must elapse between successive grants, there are two sets of rules, which are different without being independent. The rules may be summarised as follows:—

A.—Leave on private affairs can be granted for six months to an officer who has not had furlough and has served for six years, and may be repeated after intervals of six years. Such leave cannot be accumulated or taken in instalments. The rules do not state whether the "intervals of six years" count from the grant or from the termination of the last period of leave on private affairs.

B.—Furlough may be granted as follows:—

(a) *To an officer who has not previously had leave on private affairs or furlough.*—Furlough may be granted (a) for one year after ten years' service; or (b) for two years after 18 years' service.

(b) *To an officer who has previously had leave on private affairs but not furlough.*—Furlough may be granted (a) for one year after ten years from last return from leave on private affairs, or (b) for two years *minus* the amount of leave on private affairs already taken, after 18 years from last return from leave on private affairs.

(c) *To an officer who has previously had either leave on private affairs and furlough or furlough but not leave on private affairs.*—After eight years from last return from furlough a second furlough may be granted for two years *minus* the amount of furlough and of leave on private affairs already taken.

2. It will be observed that the following consequences result from these rules:—

(1) An officer who has had leave on private affairs once or more often is not thereby debarred from subsequent furlough; but an officer who has had furlough is debarred from leave on private affairs for the rest of his service.

(2) An officer, so long as he has not taken furlough, may have leave on private affairs for six months every six years, so that, if his total service amounts to a period which must be either $30\frac{1}{2}$ years on the first interpretation of the phrase quoted at the end of 1 (a) above, or $32\frac{1}{2}$ years on the second interpretation, he may spend $2\frac{1}{2}$ years on leave on private affairs. But, if an officer takes furlough at any time, the total of his leave on private affairs and furlough is limited to two years.

3. The rules summarised in paragraph 1 are intricate; and the penalising (as explained in paragraph 2) of an officer who takes furlough seems unnecessary. It is desirable to secure greater simplicity and fairness; and this could apparently be done without any real diminution of the advantages now enjoyed by officers, and also without any appreciable expense to the Government by the following changes, *viz.*:—

(1) Abolishing furlough.

(2) Allowing leave on private affairs to be credited to officers at the rate of six months' leave for each five years of active service.

- (3) Allowing leave on private affairs to be taken (provided it is at the officer's credit) first, after (say) six years' active service, and, subsequently, at intervals of (say) five years from the officer's last return from leave.
- (4) Allowing the time limits mentioned in (3) to be relaxed (subject to suitable conditions) once in an officer's service, so that those subject to the Indian Services Rules may have an advantage somewhat similar to that enjoyed by officers subject to the European Services Rules under Article 316 of the Civil Service Regulations, by which, even when ordinary furlough is inadmissible, special leave may be granted on urgent private affairs.

L. A.

RULES REGULATING THE GENERAL PROVIDENT FUND.

Corrected up to the end of April 1912.

Scope of Fund.

The fund will be a general fund open to all civil officers in permanent pensionable and non-pensionable posts in service which is superior within the meaning of Article 396 of the Civil Service Regulations; but it shall not be open to European members of the Indian Civil Service, subscribers to the State Railway Provident Fund, or any class of officers for whom a compulsory family pension fund has already been established.

NOTE 1.—Persons appointed on probation to substantive appointments are eligible to subscribe to the fund.

NOTE 2.—Section writers who are members of fixed establishments are eligible to join the fund, subscriptions being levied on their actual monthly earnings.

NOTE 3.—Patwaris, whether in inferior or superior service, in permanent employ are eligible to subscribe to the fund.

NOTE 4.—Patwaris, whether in superior or inferior service, in temporary employ and all officers in temporary superior service are, with the consent of the head of their office, eligible to subscribe to the fund; provided that they have been employed or, in the opinion of the head of their office, are likely to be employed for at least three years.

Conditions of membership of new fund; closure of existing Provident funds.

2. As regards officers in the service of Government at the date of the institution of the new fund:—

- (a) Officers in whose case subscription to an existing service fund is optional, or who are not entitled to subscribe to such a fund, will be permitted to join the new fund as optional subscribers at any time.
- (b) Officers in whose case subscription to an existing fund is compulsory will be permitted to join the new fund as compulsory subscribers at any time within four years after its institution.
- (c) When subscribers to an existing fund join the new fund, their accounts with the existing fund, including any liability for the refund of advances, will be transferred to the new fund.
- (d) Officers who join the new fund, whether as compulsory or as optional subscribers, will cease to be eligible to subscribe to any existing provident fund, with effect from the date of joining the fund.
- (e) The rules applicable to subscribers to existing funds who do not exercise the option of joining the new fund will remain unchanged but all existing funds will be closed to new subscribers with effect from the date of the institution of the new fund.

3. As regards officers entering the service of Government after the institution of the new fund:—

- (a) Subscription to the new fund will be compulsory in the case of all Europeans and Eurasians in permanent employ on attaining a substantive pay of Rs. 100 a month or more.
- (b) All other officers eligible to join the fund will be admitted as optional subscribers.
- (c) The existing service funds specified below will be absolutely closed to future entrants into Government service, namely, the Civil Engineers' Provident Fund and the Provident Funds of the Finance, Police, Geological Survey, Opium, Northern India Salt Revenue, Forest and Civil Veterinary Departments.

4. If an officer who is entitled to subscribe to the new fund is on foreign service, he shall be subject to these rules, except where otherwise stated, in the same manner as if he were not so transferred.

5. In the case of all officers the privilege of optional subscription will lapse if subscriptions are discontinued (otherwise than on leave) more than three times. In the event of such a lapse of subscription no right to withdrawal of the sum at credit of the subscriber will be recognised other than is provided for in rule 10.

Rate of Interest.

6. Compound interest at 4 *per cent* will be allowed on subscriptions; but Government reserve the right to reduce this rate at any time for officers who become subscribers to the fund after Government have announced their intention of reducing the rate.

NOTE.—If a subscriber dies, interest will be allowed on the amount at his credit in the fund up to the end of the month in which his death occurs, whether that amount is withdrawn before or after the end of that month. When a subscriber, being in permanent Government service, retires, interest will be allowed up to the end of the month immediately preceding that in which he quits the service. If a subscriber holding a temporary post exercises, on the termination of his appointment, the option, allowed by rule 10 (1), of leaving in the fund the amount accumulated to his credit, interest will be allowed on that amount for not more than a year after the termination of employment. If the depositor subsequently obtains re-employment under Government, deposits not withdrawn will commence again to bear interest from the date on which subscriptions are renewed.

Rate of Subscriptions.

7. The monthly subscription must not be less than $6\frac{1}{4}$ *per cent* and not more than $12\frac{1}{2}$ *per cent* on the salary of each subscriber for the month; and, as between these two limits, must be at the rate of either $1\frac{1}{4}$, $1\frac{1}{2}$ or $1\frac{3}{4}$ annas in the rupee. If the officer is on foreign service, the subscription will be calculated on his assumed pay.

A subscriber may alter his rate of subscription with effect from the beginning of any financial year, by giving notice before the end of the preceding year.

In the case of an officer on a permanent establishment, who is detached on temporary duty under Article 376 of the Civil Service Regulations, subscription should be calculated on the salary actually drawn by him in his temporary appointment.

Similarly, in the case of an officer on deputation, subscription should be calculated on salary *plus* his deputation allowance.

Subscription during leave.

8. Subscriptions on leave of any kind will be optional. Subject to the limits of $6\frac{1}{4}$ and $12\frac{1}{2}$ *per cent* they will be calculated on the allowances admissible during leave.

An officer on reinstatement after a period passed under suspension may be allowed the option of subscribing for that period. In the case of an officer who exercises the option of subscribing to the fund during leave without allowances, or on reinstatement after a period passed under suspension without allowances it is left to the discretion of the Account Officer to determine, in each case, the amount on which subscription should be paid, the general principle to be observed being that the subscription should be calculated on half the salary last drawn by the officer before he proceeded on leave without allowances, or was placed under suspension without allowances.

Realization of subscriptions.

9. Subscriptions will be recovered by deduction from pay bills, but they may be made by remittance in cash to the Audit Office when an officer is in

foreign service, or is on leave and draws his leave allowances from a Colonial Treasury.

When a subscriber draws his leave allowances from the Home Treasury of the Government of India, his subscriptions may be paid by deductions from leave allowances the remittances to India being effected by means of the remittance account between England and India, and the credit to the officer's account in the fund in respect of such remittances being given at the rate of fifteen rupees to the £.

An officer who desires to subscribe during leave must notify his intention beforehand in order to allow of the deductions from his leave allowances being noted in his leave and pay certificate. He will not be permitted to discontinue subscribing during leave.

An officer, who fails to notify his intention to continue to subscribe when proceeding on leave, can subsequently pay his subscription in cash.

Withdrawals on retirement or death.

10. (1) Subject to the provisions of this rule, the sum which accumulates to the credit of an officer in permanent employ will, when he quits the service, become his absolute property and be handed over to him unconditionally. An officer holding a temporary post may, on the termination of his appointment, either withdraw the amount standing at his credit or leave it in the fund. Any sum so left in the fund may be withdrawn at any time after the cessation of service.

(2) In the event of an officer's death before retirement, or after retirement but before the money has been handed over,—

- (a) it will be divided between his widow or widows and children in accordance with any request that he may have submitted in the prescribed form, which request must state the person to whom sums intended for the benefit of minors are to be paid; or it will be handed to such trustees as the subscriber may appoint by will to administer, for the benefit of his widow or widows and children, the funds standing at his credit at the time of his death;
- (b) failing such a request, it will be divided in equal shares between his widow or widows and children, to the exclusion of adult sons and of married daughters whose husbands are alive; any sum due to a minor being paid to the minor's legal guardian to be used for the minor's benefit, or, failing a legal guardian, to any person who, in the opinion of the officer whose duty it is to make payment, is entitled to receive it on the minor's behalf;
- (c) failing a widow and children entitled to participate under (b), it will be distributed among other persons in accordance with any request submitted by the subscriber in the prescribed form; and
- (d) if no such request has been submitted, it will be paid to the legal representative of the estate, as determined by a civil court having competence to pass orders in this respect: Provided that, if the sum remaining at the credit of the depositor does not exceed Rs. 500, it may be paid to such person or persons as the officer making the payment considers to be entitled thereto.

NOTE 1.—A husband may be permitted to make a special application for the exclusion of his wife from the benefits of the Fund, if she has been judicially separated from him. In the absence of such an application the widow should be treated like an ordinary widow and the sum at the credit of her husband should be divided in accordance with the provisions of rule 10 (2) (b).

NOTE 2.—In all cases where a request is submitted under clause (c) above, the subscriber should be called upon to state whether he has a wife or children, and if it happens that he has a wife (not separated) or children, a request under clause (c) should not be entertained.

(3) Government will not be bound by, or recognise, any assignment or encumbrance executed or attempted to be created by any officer during his service, but will recognize to the extent shown in clause (1) (a) above any arrangement which a subscriber may make for the disposal by will of the funds standing at his credit.

(4) The sum at credit of the officer is not liable to forfeiture on dismissal or on conviction by a Criminal Court except for an offence for which the penalty of forfeiture of the whole of the offender's property is prescribed by law.

(5) Ordinarily, officers should make their own arrangements at retirement to draw in India the sum at their credit in the General Provident Fund. In the case, however, of depositors who retire in England, the Account officers of the fund shall, on receiving due intimation, purchase sterling bills equivalent to the rupee amounts available for remittance and send the bills to the depositor in England. Where the beneficiaries of a deceased depositor [as determined by rule 10 (1)], are resident in England, the Account Officer shall, in a similar manner, on receipt of due intimation, forward the amount of the deposit to them by sterling bills.

Advances for special purposes.

11. No final withdrawal will be allowed until the subscriber quits the service or dies. But when the pecuniary circumstances of a subscriber are such that the indulgence is absolutely necessary, a temporary advance not ordinarily exceeding three months' pay may be allowed from the sum at his credit at the discretion of the sanctioning authority, who shall be—

- (i) the Local Government, for gazetted officers ;
- (ii) the head of the Department, for non-gazetted officers in receipt of Rs. 100 *per mensem* or over ;
- (iii) the head of the office, for other officers.

NOTE 1.—The following officers exercise the powers of a Local Government under clause (i) above :—

- (1) Heads of the several Departments of the Government of India.
- (2) The Comptroller and Auditor General.
- (3) The Director General of Telegraphs.
- (4) The Director General of the Post Office of India.
- (5) The Sanitary Commissioner with the Government of India.
- (6) The Director General of Archaeology in India.
- (7) The Surveyor General of India.
- (8) The Inspector General of Forests to the Government of India.
- (9) The Inspector General, Civil Veterinary Department.
- (10) The Inspector General of Agriculture in India.
- (11) The Director General of Observatories.
- (12) The Director of Botanical Survey of India.
- (13) Managers of State Railways.

NOTE 2.—The following officers exercise the powers of the head of a Department under clause (ii) above :—

- (1) Post Masters General.
- (2) Directors of Circles, Telegraph Department.

The following may be recognised as legitimate occasions for advances :—

- (a) to pay expenses incurred in connection with the illness of a subscriber or a member of his family ;

- (b) to pay for the passage of any member of a subscriber's family coming from beyond the sea to join him, or requiring to make a journey beyond the sea from some urgent cause ;
- (c) to pay expenses in connection with marriages, funerals, or ceremonies which by the religion of the subscriber it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred.

NOTE.—Advances, though not confined rigidly to the objects laid down in clauses (a) to (c) above, will be made with a due regard to the principles contained in those clauses, and regulated with regard to the amount of subscriptions lying to the credit of the applicant.

Advances will be recovered at the discretion of the sanctioning authority, in not less than twelve instalments or more than twenty-four. Recoveries will be made monthly, commencing from the first payment of a full month's salary after the advance is granted, but no recovery will be made from an officer while he is on leave of any kind. Recovery may also be postponed while an advance of pay granted to him on transfer is being recovered. The instalments will be paid by compulsory deductions from salary, and will be in addition to the usual subscription.

Substitution of other forms of life insurance for subscription to the fund.

12. Subscriptions to a recognized family pension fund or payments towards a policy of insurance may be substituted for subscriptions to the General Provident Fund at the option of subscribers, subject to the following conditions:—

- (i) If the subscriptions or payments to be so substituted shall be of less amount than the minimum subscription under rule 7 of these rules, *viz.*, $6\frac{1}{4}$ per cent per month of the officer's monthly salary, the deficiency shall be paid by the officer as a subscription to the General Provident Fund.
- (ii) An insurance policy must be on the officer's own life, in which case it is immaterial what form the policy takes, *i.e.*, it may be a life or an endowment, or double endowment policy, but it must be such as is legally assignable to Government.

NOTE.—If a policy of insurance is effected by a married man on his own life for the benefit of a sole beneficiary specifically named therein, a formal assignment by both the insured and the sole beneficiary is permissible. An assignment of a policy effected by a married man on his own life for the benefit of more than one beneficiary whether existent or not at the date of the policy is not, in view of the attendant legal difficulties, permissible under this rule.

- (iii) Government will not make any payments on behalf of officers to insurance companies, nor will they take steps to keep the policy alive. If an officer records on his salary bill that he is making payments to an insurance company or to a pension fund of not less amount than $6\frac{1}{4}$ per cent of his salary, the Account Officer will content himself by demanding periodically to see the receipts or certified copies of the receipts showing that such payments have been made. Failing such receipts he will make the necessary deduction from the officer's salary and place it to his credit in the Provident Fund. Should officers prefer to do so, they may make the usual deduction from their pay bills for credit to the Provident Fund and arrange with the Account Officer to draw from the fund, at stated intervals, the sums necessary to pay quarterly, half-yearly or yearly premia.
- (iv) Any sums already at the credit of the officer in the Provident Fund can be withdrawn for payment of premia or for the purchase of a single-payment life policy ; but the utilization of sums already at credit will not relieve the officer from continuing to make the usual deduction from his current salary within the usual limits of $6\frac{1}{4}$ and $12\frac{1}{2}$ per cent, whether the amount is to be paid into the Provident Fund or towards an insurance policy.

(v) (a) If a policy of insurance matures, not at death, but after a term of years, the sum accruing shall, with the assent of the assured, be drawn by Government and placed at his credit in the fund at 4 per cent compound interest.

(b) The sum which accumulates to the credit of the officer will be dealt with (on his quitting the service or in the event of his death before retirement) in accordance with rule 10 (1).

(vi) In the event of an officer's interest in a recognized Family Pension Fund, any subscriptions to which shall have been substituted under sub-rule (z) for his subscriptions to the General Provident Fund, ceasing from any cause whatever, or of a policy of assurance, any payments for premia on which shall have been so substituted or withdrawn under sub-rule (iv) from sums already at credit of such officer in the General Provident Fund, being allowed to lapse or being assigned, charged, or encumbered (except in favour of Government as hereinafter mentioned), the amounts of the payments or subscriptions so substituted or withdrawn, as the case may be, shall be paid or repaid, as the case may be, by such officer to the Account Officer and may in default be deducted from such officer's salary.

(vii) A policy, the payment or payments for any premia on which shall, under this rule, be substituted for subscriptions to the fund or withdrawn from the sums at credit of a subscriber for the same purpose and which has not already been assigned to the Secretary of State for India in Council and delivered to the Account Officer under this rule, shall, within one month of such payment or withdrawal, be so assigned and delivered as security for the payment contingently of the sum which in the event of lapse of the policy or any assignment, charge or encumbrance thereof or thereon will, under the last preceding sub-rule, become payable by the subscriber to the fund. No payment so made by a subscriber shall be considered as in substitution for any subscription by him to the fund unless and until the life policy shall have been so assigned, and in default of such assignment *within one month* after such payment or withdrawal, as the case may be, the amount so paid or withdrawn, as the case may be, shall forthwith be paid or repaid, as the case may be, by the officer concerned to the Account Officer or may in default be deducted from such officer's salary.

(viii) The assignment of a policy under the preceding sub-rule shall be endorsed on the policy and shall be in the following form:—

"I, A. B., of etc., hereby assign unto the Secretary of State for India in Council the within policy of assurance as security for payment of all sums which under rule 12 of the rules of the General Provident Fund I may hereafter become liable to pay to that fund."

A re-assignment to the officer shall be executed and the policy handed back to him unconditionally on his quitting the service. In the event of his death before quitting the service or after retirement but before a re-assignment has been made, such re-assignment shall be executed in favour of, and the policy handed to, the person or persons entitled to receive it in consequence of his death.

Reservation of power to Government to alter rules.

13. The Government reserve to themselves the power to amend or alter the rules as may be required.

Procedure.

14. The deposits received under the foregoing rules will be credited on the books of the Government to an account named "General Provident Fund". The

Administration of the fund.

general administration of the fund will rest with the Government of India in the Finance Department. The Account officers for the various departments will generally be the local Accountant-General, Comptroller, Examiner or Controller of Accounts, as the case may be, who audits the pay bill of the officers and men subscribing to the fund.

The following are exceptions to the above general rule :—

- (1) the Accountant-General, Post Office and Telegraphs, will be the Account Officer for all officers and employes of the Post Office and the Telegraph Department ;
- (2) the Comptroller, India Treasuries, will be the Account Officer for all officers of—
 - (a) the Imperial Customs Service ;
 - (b) the Indian Finance Department ;
 - (c) the Archæological Surveys, except in Burma, where the local Accountant-General will be the Account Officer ;
 - (d) the Imperial Branch of the Civil Veterinary Department ;
 - (e) the Imperial Branch of the Agricultural Department ; and
 - (f) the Imperial Branch of the Forest Department, except in the case of forest officers serving in the Madras and Bombay Presidencies, where the local Accountants-General will keep the accounts of officers belonging to the Imperial as well as of those belonging to the Provincial branch of the service.

In the case of officers on foreign service the Account Officer who watches the recovery of pension contribution under Article 772, Civil Service Regulations, will be the Account Officer for the purpose of the fund.

15. A depositor must, when paying his subscription, whether his subscriptions to the fund are recovered by deduction from bills, or paid in cash, specify the number of his account which will be communicated to him by the Account Officer concerned.

16. Interest under rule 6 will be allowed for each calendar month upon the minimum balance of the depositor's account between the close of the fourth day and the end of the month. It will be calculated monthly, but will not be added to principal until the end of the official year except when the account is to be finally closed.

17. As soon as possible after the close of each year, each depositor will receive a statement of his account with interest made up to 31st March. Depositors are required to satisfy themselves as to the correctness of these statements ; and unless errors in them are brought to the notice of the officer rendering the account within one month from the date of their receipt, Government will not be responsible for any sums not included in the account.

18. Any depositor may, once in the official year, but not oftener, receive, on application to the Account Officer concerned, a copy of his account for the last official year and for so many months of the current year as may have been posted and agreed.

19. When, under rule 12 of these rules, a subscriber pays from the sum at his credit in the Provident Fund premia upon a policy of insurance or subscriptions to a recognised pension fund, the Account Officer shall indicate the exact account procedure to be followed.

20. The Account Officer concerned will endeavour to secure, by the issue of reminders, that all depositors shall submit in the prescribed form the "request" provided for in rules 10 (1) (a) of the rules. Each depositor should be invited to revise this declaration at least once a year. All such declarations still in force should be carefully recorded.

G. P. F. No. 9.

Depositor No.

THE GENERAL PROVIDENT FUND.
Form of Declaration.

(For* *depositor*).

I hereby declare that in the event of my death the following persons shall be entitled to receive payment of the amount to my deposit in the General Provident Fund in the proportions noted against their names and I make this my will so far as regards such deposit.

I also request that the amount payable as above to the minors be paid to the person named below.

Name and address of the nominee.	Relationship with the subscriber.	Whether major or minor. If minor, state age.	Share of the deposit payable.	Name and address of the person to whom share is to be paid on behalf of minor	Sex and parentage of person referred to in previous column.

Signature _____

Two witnesses to signature _____

* Here state married or unmarried.

Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909 (24 & 25 Vict., c. 67, 55 & 56 Vict., c. 14, and 9 Edw. VII, c. 4).

The Council met at Government House, Calcutta, on Friday, the 17th March 1911.

PRESENT :

The Hon'ble MR. J. L. JENKINS, C.S.I., Vice-president, *presiding*,
and 58 Members, of whom 53 were Additional Members.

EMPLOYMENT IN PUBLIC SERVICE.

The Hon'ble MR. SUBBA RAO : " Mr. President, I beg to move the following resolution :—

' That this Council recommends that a mixed Commission consisting of officials and non-officials be appointed to consider the claims of Indians to higher and more extensive employment in the Public Service connected with the civil administration of the country.'

" I may be permitted, Sir, at the outset to express my thanks to His Excellency the Viceroy for having permitted this resolution to be brought before the Council as early as possible in His Lordship's tenure of office; and I take it as an earnest of His Excellency's desire to judge for himself whether the administrative machinery of the Government requires any reform, as is asserted in some quarters. I take this opportunity, Sir, to express my thanks to the Secretaries of the several Departments of the Government of India for the readiness with which they have supplied me with information on this subject.

" The resolution before us deals with the question of the higher and more extensive employment of Indians in the public service; that is, the more extensive employment of Indians in the higher grades of the public service. I realise, Sir, fully the responsibility that in speaking on this subject I do so in the presence of distinguished members of the Indian Civil Service—a service whose members have the proud privilege of making modern India by their high-souled patriotism, their stern sense of discipline and deep devotion to duty, and whose members have responded cheerfully to the changing conditions of their Indian environment. If I criticise the service, Sir, it is not the men that adorn the service, but it is the system that is in force, which I urge requires a change.

" The question before us has from time to time engaged the attention of the Government here and in England for the last three-quarters of a century, and a lot of literature has grown around the subject. It is impossible, therefore, to deal with the subject fully within the time at my disposal, and I shall, therefore, try to give a general outline of the history of the subject and explain how the power conferred by the Statute of 1870 to frame rules has been exercised, and with what result. I shall show that the arrangements in force are against the spirit and the intentions of that Statute. I shall then deal with the present situation and place some suggestions before the Council as to the steps that should be taken to improve the present state of things.

" There are four important landmarks in the history of the Public Service in India. The Statute of 1833, the Queen's Proclamation of 1858, the Statute of 1870, and the appointment of the Public Service Commission, mark the different stages—all directed towards the sole object of associating the people with the real administration of the country. But the steps taken so far have not been successful in securing the end in view and giving satisfaction to the people.

"The year 1833 is memorable in the history of the Government of India. Till then the East India Company was both a commercial and political body. In that year its monopoly in trade was finally abolished and the Company thenceforward exercised only administrative and political powers. In that year was also abolished the monopoly of office by which Indians had been excluded from the principal offices under the Government, and section 17 of the Statute of 1833 was enacted for that purpose. Lord Macaulay described it as 'that wise, that benevolent, that noble clause,' and said, 'I must say that, to the last day of my life, I shall be proud to have been one of those who assisted in the framing of the Bill which contains that clause.' The Marquis of Lansdowne who introduced it in the House of Lords, said :

'It was a part of the new system which he had to propose to their Lordships that to every office in India every Native of whatsoever caste, sect or religion should by law be equally admissible, and he hoped that Government would seriously endeavour to give the fullest effect to this arrangement, which would be as beneficial to the people themselves as it would be advantageous to the economical reforms which were now in progress in different parts of India.'

"The Court of Directors, in forwarding a copy of the Statute to the Government of India, observed :

'The meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number.'

"They emphasized that not race but 'fitness is henceforth to be the criterion of eligibility' for public offices. Notwithstanding these noble declarations, no effect was given to the clause.

"In 1853 the system of nomination and patronage was abolished and the principal civil appointments were thrown open to competition, but the centre of examination for admission to the Civil Service was fixed in England; that system has continued up to date.

"In 1858, the Government of the country was taken over by the Crown, when the noble Proclamation of Her Gracious Majesty Queen Victoria was issued, laying down the true principles by which the government of this country could be carried on with safety—a Proclamation which was described by the late King-Emperor as 'the Great Charter of 1858.'

"Shortly after the Secretary of State appointed a Committee of five members of his Council, all distinguished Anglo-Indians, to consider the subject. They reported on the 14th of January 1860 that to do justice to the claims of Indians, simultaneous examinations should be held in England and India, 'as being the fairest and the most in accordance with the principles of a general competition for a common object.'

"But nothing came out of it, and the question continued to be the subject of consideration on the part of responsible authorities.

"After prolonged correspondence, section 6 of the Statute of 1870 was enacted. In moving the second reading of the Bill on the 11th of March 1869, His Grace the Duke of Argyll said :

'With regard, however, to the employment of Natives in the government of their country in the Covenanted Service, formerly of the Company, and now of the Crown, I must say that we have not fulfilled our duty, or the promises and engagements which we have made.....I have always felt that the regulations laid down for the competitive examinations rendered nugatory the declaration of the Act of 1833; and so strongly has this been felt of late years by the Government of India that various suggestions have been made to remedy the evil.'

"Speaking of the Statute, Lord Kimberley, in his Despatch of the 8th January 1885, said : 'the Act remains a measure of remarkable breadth and liberality.' It empowers 'the Government of India and the Secretary of State in Council, acting together, to frame rules under which Natives of India may be admitted to any of the offices hitherto restricted to the Covenanted Civil Service.'

"Again, there was a long correspondence on the subject between the Secretary of State and the Government of India as to the best way in which

the Statute could be given effect to and the claims of the Indians for honourable employment in the administration of their country could be satisfied. The Government of India took nearly nine years to frame workable rules under the Statute. Lord Lytton summed up the situation up to that time in these words :

' I do not hesitate to say that both the Governments of England and of India appear to me, up to the present moment, unable to answer satisfactorily the charge of having taken every means in their power of breaking to the heart the words of promise they had uttered to the ear.'

" At last the Government of India in 1878 discussed the whole question afresh and recommended to the Secretary of State, among other things, to which I need not refer at present, the establishment of a '*close Native Civil Service*, to which should be transferred a proportion of the posts reserved for the Covenanted Service with a proportion of those held by the Uncovenanted Service.

" The then Secretary of State vetoed these proposals to constitute a close Native Service, and suggested that the annual recruitment in England to the Covenanted Civil Service might be reduced by a certain proportion and that Indians might be annually appointed to such places. He pointed out that one of the advantages of such a scheme was that it would place the Indians on a footing of social equality with the members of the Covenanted Civil Service. He suggested further that the salary of every office might be determined 'at a fixed amount' to which might be added in the case of covenanted English Civilians 'the rate sufficient to make up the present salaries under some neutral denomination.' The Government of India, while expressing its regret that the scheme for a new close Native Civil Service could not be accepted, submitted rules by which they provided that a proportion not exceeding one-fifth of the recruits appointed from England in any one year should be Indians selected in India. These rules were published in 1879. But the system of Statutory Civilians failed to give satisfaction, as no steps were taken to secure the best men in the country, and as more importance was attached in the selection of candidates to birth and social position than to intellectual fitness.

" The whole question was once more re-opened, and in 1886 the Public Service Commission was appointed 'to devise a scheme which may reasonably be hoped to possess the necessary elements of finality and to do full justice to the claims of Natives of India to higher and more extensive employment in the Public Service.' The Commission practically adopted the lines suggested by the Government of India in its Despatch of the 2nd May 1878 above referred to, and made recommendations, which I need not detail here.

" After long correspondence the Government of India fixed in April 1892 the places that should be listed as open to the members of the Provincial Service, and in November they published fresh rules under the Statute of 1870. As stated by the Government of India, 'it (the scheme) was meant to be a final settlement of the claims of the Provincial Service and to be gradually worked up to within a generation of official life.'

" The final outcome of the labours of the Public Service Commission is—

(1) We have, first of all, in spite of the Statutes of 1833 and 1870, the reservation of the higher offices of the State to a particular class of persons recruited in England, mainly Europeans, constituting the Indian Civil Service. The principle on which this Service is constituted is in the words of the Government of India :

' That the Covenanted Civil Service should be reduced to a *corps d'elite* and its numbers limited to what is necessary to fill the chief administrative appointments of the Government and such a number of smaller appointments as will ensure a 'complete course of training for junior Civilians.'

(2) We have next the creation of an inferior service known as the Provincial Service, filled mainly by Indians—a service characterized by Mr. Dadabhai

Naoroji, who has laboured long and incessantly in this cause, as the *Pariah Service*.

(3) Under the rules of 1879, the Statutory Civilians, though on two-thirds pay, held an equal status with the members of the Covenanted Civil Service and had an opportunity to rise to the highest posts in the State; whereas the members of the Provincial Service were assigned a distinctly lower status in the service of the State, and they could not, under the rules, rise to any post higher than that of a District and Sessions Judge or District Collector, and these places are very few, one-sixth of the former and one-tenth of the latter being listed. The recommendations of the Public Service Commission to exclude the following places from the Schedule were not accepted:—

- (1) One member of the Board of Revenue in Madras, Bengal and the United Provinces and a Financial Commissioner in the Punjab.
- (2) One of the chief Revenue-officers of divisions in all provinces, except Bombay and Assam.
- (3) Under Secretaries to the several Governments in India. (Only one Under-Secretary allowed.)
- (4) One-third of the District and Sessions Judges in all provinces. (Only one-sixth allowed.)

(4) Further, under the rules of 1879, one-fifth of the annual recruitment in England could be made in India by the appointment of Statutory Civilians; whereas we have now a specific number of appointments listed as open to Indians. The number of appointments recommended by the Commission was about 108. It was reduced finally to 93. The figure now stands at 102, including one for Assam and five for Burma which were subsequently listed, of which 92 were held by members of the Provincial Service or Statutory Civilians. Thus we find that after more than 30 years since the recruitment in England was reduced, about ten places excluded from the Schedule are still held by the Indian Civil Service.

(5) Again, if the rules of 1879 had been in force and the Commission had not been constituted, the number of charges available to Indians would have been nearly 165, one-sixth of 993, instead of 102, as it is at present. The number of charges in 1892 when the Provincial Service was constituted was 840 and it is now 993, and yet there has been no increase of places listed in different provinces worth speaking of.

(6) The differentiation into two distinct services has been carried out on the same principles in almost all the special departments of the Public Service—Education, Public Works, Survey, Forest, Telegraph, etc.—one Imperial, mainly European, and the other Provincial, mainly Indian. In some departments, rules have been so framed as to keep back Indian talent from reaching the highest places therein and seriously injure the rights of Indians.

“I shall now take up some particular departments to illustrate the above remarks. Let us take the Education Department which was organised in 1896. There is no chance under the rules for any Indian, unless he is recruited in England, to become the head of a college, much less a Director of Public Instruction, however eminently fitted he might be. I shall not speak of the effects of this differentiation and I shall allow Mr. Chirol, the author of *Indian Unrest*, to describe them. He wrote:

‘Before the Commission sat, Indians and Europeans used to work side by side in the superior graded service of the Department, and until quite recently they had drawn the same pay. The Commission abolished this equality and comradeship and put the Europeans and the Indians into separate pens. The European pen was named the Indian Educational Service, and the Native pen was named the Provincial Educational Service. Into the Provincial Service were put Indians holding lower posts than any held by Europeans and with no prospect of ever rising to the maximum salaries hitherto within their reach. To pretend that equality was maintained under the new scheme is idle, and the grievance thus created has caused a bitterness which is not allayed by the fact that the Commission erected analogous grievances in other branches of the Public Service.’

“ Let us now turn to another department—Public Works.

“ Before the department was organised in 1892, Engineers recruited in this country were treated on terms of perfect equality with those recruited in England. The pay and rank of both were the same. They were placed on the same list and had side by side promotion. In 1892, the service was differentiated into the Imperial and the Provincial, and the pay of Provincial Engineers was reduced and fixed at nearly two-thirds of that of the Imperial Engineers; yet their rank was unaffected and their time scale of promotion was the same as for Imperial Engineers. The department was again reorganised in 1908. According to this scheme, the two services were made distinct and separate. There was no longer one list and side by side promotion. Each had its separate list and separate scale of promotion. According to the Imperial scale, the European Engineer became an Executive Engineer after 8 years, whereas the Provincial Engineer had to wait to rise to that grade for 15 years. In the former case his promotion was practically unconditional, whereas in the case of the latter there must be a vacancy in the divisional charges reserved for Provincial Engineers. Again, out of a total cadre of about 953 including Railways, 280 places are allotted to the Provincial Service. The actual strength of the Provincial Service is 170—146 in Public Works and 24 in Railways, as against 727 of the Imperial Engineers—574 in Public Works and 153 in Railways. It may be seen easily from these facts what chance Provincial Engineers have, handicapped as they are as against the Imperial Engineers, to ever reach the higher grades of the service, that is, to the grades of Superintending and Chief Engineers. The result of the new scheme is that a Provincial Engineer of 14 years' standing would be liable to serve under an Imperial Engineer of 9 years' service. Though there was a distinct assurance given by the Resolutions of 19th July 1892 and 28th September 1893, that there would be no distinction between them and the Imperial officers as regards pay, promotion, leave and pension, yet under the new scheme of 1908 it has been ordered that their names should be removed from the list of Imperial men, that they cannot receive the promotion given to the Imperial Engineers, and in fact that they cannot be treated on the same footing as Imperial Engineers who were their compeers till 1908.

“ Take again the Survey organised in 1895. Out of a cadre of 48 appointments, nearly one-fifth, *i.e.*, 10 out of 48, is reserved to the Provincial Service, the rest to the Imperial. The nine highest posts of the grade of Superintendents have been excluded from the Provincial Service and the highest post to which the members of that service could aspire is that of Deputy Superintendent.

“ It is the same tale in other departments.

“ The latest department which was organised, and that under Lord Curzon, is the Customs. This is made wholly Imperial, and the Resolution of 1906 lays down that except for the places reserved for the Indian Civil Service, the rest, *i.e.*, the Assistant Collectors, 'will ordinarily be recruited in England.' Since that time, however, two Indians have been appointed in this department.

“ Now, turning to the rules of recruitment in England, we find that for the Public Works Department the regulations lay down 'that every candidate must be a British subject of European descent and at the time of birth his father must have been a British subject, either natural-born or naturalized in the United Kingdom,' and that Natives of India who are British subjects are eligible for appointment and shall be selected to the extent of ten per cent. out of the total number of Assistant Engineers recruited, if duly qualified. That is something, but when we come to the Police, there is not even this *reservation of ten per cent.* for Indians.

“ Now, if we come to the Political Department, the recruitment is practically from officers of the Indian Army and of the Indian Civil Service. Though Indians specially selected are declared to be eligible under the rules of 1875, there is only one Indian holding the post of an Attaché in the Secretariat.

“ Thus we see in how many directions the door is closed against the employment of Indians in the higher offices of the State.

"Side by side with the policy steadily pursued of excluding Indians in different departments, it is refreshing to find that in the Accounts Departments, under the direct control of the Hon'ble Finance Member, Indians and Europeans are treated equally in all respects, in the matter of rank, pay and promotion. They are placed on one list and have side by side promotion. It is with great relief and satisfaction we listened the other day to a statement of the liberal policy enunciated by the Hon'ble Sir Guy Fleetwood Wilson with regard to these departments. This policy of equal treatment accorded to His Majesty's subjects in these departments has produced its natural results among the officers employed therein. There is more comradeship, mutual respect and contentment among them than among any other class of public servants. The fact that the officers have to serve in different parts of India and not in their own province only has given them a freedom and impartiality which has enhanced their prestige and has added efficiency to the work done by them.

"I shall now proceed to consider the question whether the rules framed under the Statute of 1870 and the arrangements now in force are in accord with the spirit and intentions of the Statute.

"It is plain that the effect of the rules and orders on the subject is to reserve a particular class of appointments to the members of the Indian Civil Service, and that those Indians who do not proceed to England and pass the examinations there are debarred from being appointed to the higher offices reserved for the Civil Service, though otherwise qualified therefor. Consequently, the authorities in India are restrained by the rules and orders for the time being from appointing Natives of India to any such offices unless they have been admitted to the Indian Civil Service, a result which was not contemplated by the Statute. I draw the particular attention of the Council to this aspect of the question.

"Now, the first set of rules framed by the Government of India in 1873 were disallowed on the ground that they prescribed that the main qualification requisite for appointments under the Act should be a certain precedent term of service in the higher ranks of the Subordinate Service, or in the legal profession. When the question was referred to the Law Officers of the Crown by the Secretary of State, they pointed out that the section "was expressly intended to afford increased facilities for the employment of Natives of India of "proved merit and ability" in the Indian Civil Service. The "proved merit and ability" need only be proved or established to the satisfaction of the authorities making the appointments, and no particular method of establishing proof of merit or ability is enjoined," and they gave it as their opinion that the restriction on the exercise of the discretion of the authorities limiting the appointments to those who had previously served the Government was 'clearly opposed to the spirit and intention of the Act.'

"I submit that, as the limitation of the exercise of discretion by rules to a *particular class of persons* is against the spirit and intentions of the Act, so the limitation of the exercise of discretion by rules and orders for the time being to a *particular class of appointments* is equally opposed to the spirit and intentions of the Act.

"Assuming that the rules are technically in legal form, there is no doubt that in effect they defeat the very object for which the Statute was passed, *viz.*, that nothing shall restrain the authorities in India from appointing an Indian of proved merit and ability to any office reserved to the Indian Civil Service under the Statute though he may not have been admitted to the Civil Service by passing the examination in England; in fact, the Government have done indirectly what they have expressly been prohibited from doing by the Statute.

"The result is as might be expected from the constitution of the two services. Only about 7 per cent. of the appointments carrying a salary of one thousand rupees and upwards are in the hands of Indians, and almost all the high appointments of the State involving direction, initiative and supervision have been jealously kept in the hands of Europeans. The constitution of the

official element in the several Legislative Councils in the country is a striking example of the effect of these rules. To take the Imperial Legislative Council, the heads of departments and their Secretaries are all Europeans, and the solitary Indian in the official ranks is the Hon'ble the Law Member, Mr. Ali Imam. Sir Thomas Munro said, 'we have a whole nation from which to make our choice of Natives.' Yet there is apparently in the view of the Government such a dearth of native talent in this country that it could not furnish Indians to represent different departments and interests of Government, though in the Native States responsible offices are filled with conspicuous ability by Indians. This is indeed a sad commentary on the labours of the Public Service Commission, which was constituted 'to do full justice to the claims of Natives of India to higher and more extensive employment in the Public Service.'

"It is hardly necessary to say that the Report of the Public Service Commission and the final orders issued on the subject were received by the intelligent public with deep disappointment, and loud have been the protests in the Press and from representative public bodies against the injustice done to the claims of Indians in answer to their demand for responsible association with the Government in the administration of the country. Even some of the Indian members of the Commission, who gave their assent to the scheme on certain conditions, felt deeply aggrieved at the result of their labours. In this connection I shall quote the words of Mr. Salem Ramaswamy Mudaliar, a Madras member of the Commission. He said, 'the net result of what the Secretary of State has done is to place us in a worse position than we occupied when the Public Service Commission was appointed.'

"In 1893 a discussion was raised in Parliament and a resolution was passed by the House of Commons that all open competitive examinations held in England alone for appointments to the Chief Services of India should henceforth be held simultaneously both in India and England. But nothing came of it.

"Not only were the protests from the public unheeded, but Lord Curzon's Government issued a resolution in 1904, with a number of tabular statements, justifying the exclusion of Indians from the higher offices of the State and trying to prove that the indigenous agency was extensively and liberally employed in the service of the State.

"The Hon'ble Mr. Gokhale at the Budget discussion in the Supreme Council in 1905 demonstrated, if any demonstration were necessary, that the position taken up by Lord Curzon was utterly untenable and disastrous to the best interests of England and India. His criticism, I venture to say, remains unanswered up to date.

"The plea that a very large and a gradually increasing number of appointments is held by Indians is an old one put forward under various guises. The real question is, what is the actual share which Indians have in the direction and supervision of the administration of their country? It is no answer to the question that there are thousands of appointments held by them in the lower rungs of the ladder. The large number of tabular statements annexed to the resolution amply disprove the claim advanced by His Lordship that Indians were being treated with 'a liberality unexampled in the history of the world,' and they show that as we rise higher and higher in the official ladder, the Indian element is practically nowhere. I do not think it is necessary to point out how His Lordship's reading of the pre-British period of Indian history is inaccurate, for never before in the long and chequered history of India was Indian talent so largely divorced from the controlling centres of authority. I shall only draw attention to the letter of His Highness the Nizam of Hyderabad addressed to Lord Minto last year in connection with the steps to be taken for stamping out sedition. He wrote:

'The experience that I have acquired within the last 25 years in ruling my State encourages me to venture upon a few observations which I trust will be accepted in the spirit in which they are offered. I have already said that my subjects are, as a rule, contented, peaceful and law-abiding. For this blessing I have to thank my ancestors. They were singularly free from all religious and racial prejudices. Their wisdom and foresight

induced them to employ Hindus and Muhammadans, Europeans and Parsis, alike in carrying on the administration, and they reposed entire confidence in their officers, whatever religion, race, sect or creed they belonged to.'

"After stating that his Dewan is a Hindu and that the revenue administration of half of his State is entrusted to two Parsis, he concludes with these words :—'It is in a great measure to this policy that I attribute the contentment and well-being of my dominions.'

"This question, Sir, affects vitally our self-respect and honour, the growth of national individuality, and our national well-being. It is not merely a question of careers for our young men or of rupees, annas and pies, though economy is no doubt an important consideration in carrying on the administration of a poor country like India. It is because our demands in this respect have been ignored, if not treated with contempt, that the discontent in the country deepened. It was loudly asserted in some quarters that there was no hope of national growth under the British flag. Fortunately we had at the helm of the Government two statesmen who had the insight to read correctly the critical situation with which they were confronted. At the Guildhall banquet on the 23rd February last, when the freedom of the City of London was presented to him, Lord Minto, in reviewing the affairs of this country, said :

'Before I had been in India many months, it became evident to me that we should ere long have to deal with a mass of accumulated popular discontent. . . . As far as we could judge the character of the discontent, much of it was justifiable and was directly due to a dawning belief that further opportunities must be afforded for the official representation of Indian public opinion and a greater share be granted to Indians in the government of the country.'

"I may say that it was due to the courageous steps taken by Lord Minto and Lord Morley in introducing reforms in the Legislative Councils and in appointing Indians to Executive Councils that we have tided over the difficulties, and the faith of the people has been revived in the beneficent intentions of the British Raj. The reform of the Legislative Councils of this country has been welcomed more on the ground that these bodies would afford opportunities to the representatives of the people to point out the defects in the machinery of the Government and make it work more in accord with the needs and aspirations of the people. But it cannot be said to be effective unless it is immediately followed up by a reform in the administrative machinery of the Government, which has been out of repair for a good long time. Mere tinkering with it by giving a few more appointments to Indians will be of no good. The reform of the legislative machinery has but touched the fringe of the real question awaiting solution, which hangs on the reform in the agency for carrying on the administration of the country. This is a grievance sorely felt in the country. In fact, it is the root of the evil of discontent. Nearly a quarter of a century has elapsed since the Public Service Commission sat. India has changed considerably since those days. A new generation has grown up with new ideals and aspirations which are more vividly pulsating in the life of the people. The time is opportune to take up this problem of administrative reform and examine it in all its aspects.

"The questions that arise are :—

- (1) How to get out of this tangle which has been created by the Public Service Commission and all that has followed ?
- (2) How to secure real comradeship and mutual respect among the officers of the Public Service ?
- (3) How to remove the stigma of inferiority that is attached to the Provincial Service ?
- (4) How to give effect to the beneficent intentions of Parliament as embodied in the Statutes of 1833 and 1870 and to the spirit of the Queen's Proclamation ?
- (5) How to secure the willing and enthusiastic co-operation of the Indian people in the administration of the country and strengthen the foundations of British Raj in this land ?

“ I shall now consider the principles and the line of policy that should be adopted in the government of the country that would accomplish these ends. At present I venture to offer some suggestions on the subject.

“ (I) The first principle that should be laid down is that no appointments or class of appointments in the Public Service in all its branches, whether general or special, should be made the monopoly of any particular class of His Majesty's subjects in the United Kingdom or India and that all appointments should be open to all classes of people.

“ (II) If this is accepted, the rule that the chief administrative appointments of Government should be the monopoly of the Indian Civil Service recruited in England ought to be abolished. At the lowest, such appointments should for the present be shared equally between Europeans and Indians in all departments.

“ (III) Competitive examinations now held in England for different branches of the Public Service should be held simultaneously in both countries, and if it is not found possible, examinations of equally high standards should be instituted in this country, so that those who are selected here may command the respect of their compeers selected in England. These examinations should be open to all, and if this is not found possible, limited to nominated candidates.

“ (IV) The system of nomination should be abolished, as its effects are demoralising and stunt the growth of national character.

“ (V) In the higher grades of the service, the members should not be confined to their own province but should as far as possible serve in other provinces.

“ (VI) If the Provincial Service is to be retained in any form, it should be recruited on lines similar to the above service. Where it is considered that a particular class should be represented in the service, if candidates from that class are not available in a particular province, they might be recruited from other provinces.

“ (VII) Provision should be made for promotion from one service to the next higher service for officers of tried merit and ability.

“ (VIII) Where it is considered that candidates for technical appointments are not available in this country, efforts should be made to send young men to other countries to qualify themselves for such places, and it should be the endeavour of the Government as far as possible to replace foreign agency at an early date.

“ (IX) The salary of every office should be ‘ at a fixed amount ’ and in the case of a European appointed to it an extra allowance might be given, as suggested by the Secretary of State in his letter of 1878 above referred to.

“ The whole question, I need hardly state, hinges on the attitude of England towards India and the relations that should exist between the British and the Indian subjects of His Majesty. This question has been prominently attracting the attention of all those who are interested in the welfare of Great Britain and India—whether the relationship between Europeans and Indians in this country should be one of manly comradeship and co-operation born of equal status and equal privileges, or whether it should be one of timid dependence and sycophancy born of the relationship of superior and inferior. It is a truism that real respect and comradeship can only grow out of ‘ common service, common emulation, and common rights impartially held.’ As we solve this question, the problem before us will be solved. But this depends on the ideal that England sets before herself in the government of this country. The true ideal, however distant and impracticable it might at present appear, should be that India would in the process of time become a self-governing unit of the British Empire, enjoying the same rights and privileges and subject to the same duties and obligations as the other self-governing members of that Empire. If this ideal be steadily kept in view, it would not be difficult to

formulate a policy that should govern the services to the satisfaction of all parties and secure the hearty co-operation of the people in the government of the country.

“The Government calls upon us to co-operate with them in evolving a high sense of citizenship in the difficult task of carrying on the complex administration of this vast country. Is it too much to ask that to secure our co-operation and develop a common citizenship, we should be placed on a footing of equality and manly comradeship with the British subjects of His Majesty the King-Emperor? You may give us magnificent works of irrigation, you may build up a vast system of railways, you may lighten the burden of taxation, you may drive out famine and bring plenty into this ancient land; but so long as manhood is dwarfed and self-respect is wounded, there can be no real contentment and real co-operation with the Government of the country. Lord Lansdowne, in quoting the words of Sir Thomas Munro in connection with the Statute of 1833, said :

‘What is in every age and every country the great stimulus to the pursuit of knowledge but the prospect of fame or wealth or power? Or what is even the use of great attainments, if they are not to be devoted to their noblest purpose, the services of the community, by employing those who possess them according to their respective qualifications in the various duties of the public administration of the country? Our books alone will do little or nothing; dry, simple literature will never improve the character of a nation. To produce this effect, it must open the road to wealth and honour and public employment. Without the prospect of such reward, no attainments in science will ever raise the character of a people.’

“We cannot disguise the patent fact that under the present system expert knowledge and ripe experience gained in the administration of the country are drained away and this drain of the intelligence and talent cannot be compensated by any measures which may be devised except some such as I have indicated above.

“The problem, no doubt, is a complex one, involving many conflicting and powerful interests. It, therefore, calls for the best statesmanship and wisdom which the country can command. How the different services should be regulated and modified and how the grievances felt in each department removed is not an easy question to solve. It is, therefore, necessary that a Commission or Committee, where non-official opinion is represented, should be appointed to evolve a scheme which would do justice to the rights of the people of this country, strengthen the foundation of the British rule and give opportunities to India to become, in course of ages it may be, a self-respecting partner in the British Empire, linked with Great Britain in silken bonds of gratitude and love.

“I beg to move, Sir, the resolution which stands in my name.”

The Hon'ble NAWAB SAIYAD MUHAMMAD SAHIB BAHADUR : “Sir, I have much pleasure in supporting the resolution of my Hon'ble friend Mr. Subba Rao, and in doing so I shall make one or two observations, although I am afraid I cannot do that justice to the subject which Mr. Subba Rao has so impartially dealt out.

“The language of the solemn pledges and declarations made by the Parliament and responsible statesmen during the last 75 years and the terms and spirit of the Queen's Proclamation leave no doubt in the mind of the enquirer that the theory on which we are governed is simply excellent and beyond the pale of all dispute. But in so far the theory remains unrealised in practice, does it and has it produced dissatisfaction among the people of India? In theory it is admitted that no post however high should remain closed to a Native of India, simply because he is an Indian. No doubt we all gratefully recognize the fact that some of the highest places have recently been thrown open to qualified Indians; but what about the higher grades of the various branches of the Government service? In some departments we find only few and in others none at all. This is undoubtedly a most deplorable state of things, and I therefore accord my full support to my Hon'ble colleague, especially to that part of his speech in which he has pointed out that where it is considered that a particular class should be represented in the service, and if candidates

from that class are not available in a particular province, they may be recruited from other provinces."

The Hon'ble MR. MUDHOLKAR : " Sir, the subject with which the resolution deals is one of prime importance. It has to be recognized that attempts have been made to deal with it satisfactorily. Those attempts, however, have not been very successful. At any rate they have not given satisfaction to the people. The Government must be prepared to see the subject brought forward over and over again until there is a solution which appeals to the mind of the people and satisfies their expectations. These demands, Sir, are based on grounds of justice, of sound finance of the economical well-being of the country, and last but not least of the stability of the empire. They are made in the interests not of any one community but of all the communities residing in this country. Sir, when in speaking on this subject I use the term 'Indians' I include therein not only Indians of pure Asiatic descent but also those who are called Statutory Indians including therein the domiciled community and the Anglo-Indians. The justice of the claim in the abstract has been admitted by Government, but according to our view effect has not been given to it, and sufficient action has not been taken towards the translation of these abstract principles into realities generally and in some departments in an utterly inadequate manner. Sir, we are often told to clear our minds of cant. We have also been told to realize that the demand for admission to the higher posts and positions could not be granted, and that Indians of pure Asiatic descent ought to be satisfied and to be thankful for what they have got and what has been done by Government. We must stand and admire. This position, this attitude, which casts to the wind the great and vital principle laid down by the Statute of 1833 and by the Proclamation of 1858, deserves to be emphatically and authoritatively repudiated in the same manner as that other remarkable doctrine that the principles laid down by the Royal Proclamation of 1858 and the pledges given therein are to be treated as so many diplomatic statements. I do not wish to go into a statement of the general principles which have been laid down by Government from time to time. What I would ask this Council to consider is that though there may be some justification for asking for the establishment of a *corps d'elite* for the Political Department and to some extent in the Revenue and Administrative Department proper, there is absolutely no justification for any distinction, other than of merit, to be made, no reason why any test except proved ability and trustworthiness should guide the determination of selection in other departments such as the Public Works Department, the Forest Department, the Customs Department, the Education Department and similar other Departments. In these departments the position of Indians is in some respects worse than what it was before the Commission of 1886 was appointed. I would ask the Council to consider what Mr. Subba Rao has pointed out in regard to this matter. On the Public Works Department for instance the position was rendered worse first in 1892 and still worse again in 1908. I shall within the few minutes allowed to me specifically deal with one portion of the Public Works Department, and that is the Railway Branch of what is the Public Works Department in a broad sense of the term. The question of the employment of Indians in the State Railways was incidentally referred to last week when we were told that the number of Indians who were actually employed constituted about 97 per cent. of the men in Government service. I shall place before the Council a few facts which will show what is the position of Indians in this Department. In this connection I am only speaking of Indians of pure descent, because from the information available it is impossible to find out whether those who are shown in the list as having European names are Europeans or Anglo-Indians or persons who are domiciled in the country. Now, Sir, taking the State railways managed by the State, we find that there are in the Engineering Department 30 Chief Engineers and Superintending Engineers on salaries ranging from Rs. 1,500 to Rs. 2,750. There is only one Indian officiating in the third class in this branch. There are 50 Executive Engineers on salaries ranging from Rs. 700 to Rs. 1,250; of these 7 are Indians. There are 50 Assistant Engineers on salaries ranging from Rs. 380 to Rs. 660, of

whom only 2 are Indians. There are 38 Royal Engineers (Executive Engineers and Assistants) on salaries ranging from Rs. 550 to Rs. 1,270, none of whom are Indians. There are 24 temporary Engineers on salaries ranging from Rs. 500 to Rs. 1,250, of whom only one is an Indian. That is, out of 190 persons on salaries ranging from Rs. 500 to Rs. 2,750, there are only 11 Indians. Let us take another department of the railways, the directing one, *viz.*, the Managers and Sub-Managers. There are eight posts with salaries ranging from Rs. 1,300 to Rs. 3,000, and there is no Indian amongst them. Then the Traffic Department—the Superintendents and Deputy Superintendents and District Superintendents, whose number is 50, on salaries ranging from Rs. 600 to Rs. 2,000, of whom there is only one Indian on Rs. 700. There are 62 Assistant Superintendentships on salaries ranging from Rs. 250 to Rs. 500, of which only 7 are held by Indians. In the Locomotive Department, in which there are about 100 appointments on salaries ranging from Rs. 250 to Rs. 2,000, there is only one Indian who is an Assistant Superintendent, and he too is an Honorary Assistant Superintendent. In the Carriage Department there are 15 places on salaries ranging from Rs. 350 to Rs. 1,600, and there is not one Indian employed. In the Stores Department there is only one out of nine. In the Bridge and Signalling Departments there are 12 superior posts carrying pays up to Rs. 1,050, none of which are held by Indians. The tale does not stop there. If we go to the Subordinate Revenue-establishment even there we find that among the subordinate engineering staff consisting of 42 persons on salaries ranging from Rs. 250 to Rs. 500 only 4 or 5 are Indians. In the Signalling Department there is no Indian. In the Traffic Subordinate Branch, including traffic inspectors and station-masters, out of 72 persons on salaries ranging from Rs. 250 to Rs. 500, there are only 4 Indians. In the Locomotive Department, out of 131 upper subordinates, only one is an Indian. Now, Sir, what I would ask the Council to consider, what I would ask the Government to consider, is this: if Indians can manage (I do not look into the past but confine my attention to the present) not only States, but in British India can be entrusted with the management of districts, if they can hold the position of District Judges and Sessions Judges, if they can be Executive Engineers and Superintending Engineers, how is it that in the railways they are practically excluded from all the higher appointments? The question was raised in another aspect at the Allahabad Educational Conference, and there two conflicting reasons for this absence of Indians were advanced. One reason was that there were effective courses of instruction provided at Rurki and elsewhere, but Indians did not care to take advantage of them. Another which was put forward was that the persons who were trained in this country in the colleges established by Government are not sufficiently qualified to be entrusted with railway engineering work. This was said with reference to the Civil Engineering portion of the Railway Engineering Department. Well, I do not wish to say anything further, because in regard to this matter certain recommendations have been made which if given effect to are calculated to remove the grievance. There is some kind of explanation coming forward in regard to the Engineering Branch of the State Railway Services. But in the Traffic Department and in the other Departments there can, Sir, be no excuse whatsoever. It cannot be said that Indians cannot manage our bigger stations; it cannot be said that they cannot be Traffic Inspectors and Traffic Superintendents. Their exclusion is one which I hope the Railway Board will seriously take into consideration, and do their utmost to remove. How entirely excluded they are, the figures which I have placed before the Council demonstrate very clearly. But if in the railways managed by the State there is this very inadequate employment of Indians, when we go to the State lines which are managed by companies the case is worse. It might be said that those are private companies and the Government have no right to control their action. That, Sir, is a principle which must be vigorously repudiated; for this reason, that they are companies to whom special privileges have been granted over the State railways, and they ought to be made to conform to principles the justice and propriety of which have been over and over again admitted by Government. Now, I shall take the case of a few of the more important railways. In the Great Indian Peninsula Railway there are 7 appointments on pays ranging from Rs. 387½ to Rs. 3,500 in the Agent's office, in which there is

no Indian. In the Audit and Accounts Department there are 15 appointments on pays ranging from Rs. 292 to Rs. 2,000, and there is no Indian. Whether Indians are fit in the Accounts and Audit Department or not is shown by the fact that posts of Accountants General and Deputy Accountants General are held, and held with credit, by Indians. In the Engineering Department there are 73 appointments carrying salaries ranging from Rs. 400 to Rs. 2,000, and there is only one Indian on Rs. 480, and he too is only an Assistant Engineer. In the Traffic Department there are 28 appointments on pays ranging from Rs. 250 to Rs. 2,638, and none of them are held by Indians. In the Locomotive Department there are 20 appointments on salaries ranging from Rs. 600 to Rs. 2,200, none of which are held by Indians. In the Carriage and Wagon Department there are 5 appointments on salaries ranging from Rs. 500 to Rs. 1,700, none of which are held by Indians. In the Stores Department there are 6 appointments on salaries ranging from Rs. 300 to Rs. 1,275, none of which are held by Indians. In the Medical Department there are 8 places on salaries ranging from Rs. 400 to Rs. 1,200, none of which are held by Indians. Indians are not even fit for employment as railway doctors! I shall take one more instance—that of the East Indian Railway. There are 7 appointments on Rs. 400 to Rs. 3,500 in the Agent's Office, and there is only one appointment on Rs. 500 held by an Indian, and he is a Vakil. In the Audit and Accounts Department there are 12 appointments on pays ranging from Rs. 400 to Rs. 2,500, but one only is held by an Indian on Rs. 600, namely, the Treasurer. In the Medical Department there are 10 appointments on salaries ranging from Rs. 480 to Rs. 1,500, none of which are held by Indians. In the Stores Department there are 5 appointments on salaries ranging from Rs. 400 to Rs. 1,500, none of which are held by Indians. Even in the Printing Department no Indian is employed in any of the upper posts. In the Engineering Department there are 49 appointments with salaries from Rs. 550 to Rs. 2,750, none of which are held by Indians. In the Electrical Department there is no appointment held by Indians. In the Traffic Department there are 41 appointments on Rs. 500 to Rs. 2,500, and 21 appointments on Rs. 250 to Rs. 500, only one of which was held—it is no longer held now—by an Indian. That Indian resigned some time ago and his place was given to a European. In the Colliery Department the same is the case. I shall not go on piling more facts. In the Bombay, Baroda and Central India Railway, in the Bengal-Nagpur Railway and in the Madras Railway things are very much the same. In the Bengal-Nagpur Railway there is a very very slight difference, but after all it is only three or four places more than what exist elsewhere.

“Here Sir, are State railways which are owned by the State, or railways which are subsidised by the State, and it is, I think, Sir, the duty of the Government to see that those railways do give fair play to Indian talent and to Indian ability. Sir, it is as much in the interests of England as of India that due scope should be accorded to Indian ability. If Indians have to feel that they are members of the Empire, then they must be able to feel that they can rise to the height of their stature in this empire. There ought to be no studied exclusion, as there seems to be in certain departments, of Indian talent and Indian ability. I shall close, Sir, with making the appeal to the Council and to the Government.”

The Hon'ble MR. MADGE: “Sir, this is one of the most difficult and delicate questions that this Council has been called on to consider since its formation. I cannot pretend to come to it with a wholly unbiassed mind, but I will try, according to my lights, to look at both sides of the question as far as I can. There is first the Government side as it appears to a non-official. It has been said over and over again that the British Government of this country is the best that the country has ever known. That statement has not been made only by Englishmen; it has been made by French and Russian travellers through this country, and it is entitled to a certain amount of consideration from everybody who loves this country. For, Sir, if the Government of this country is a sound one, its soundness cannot have been evolved from theories; it has been evolved from men who have done its work; and I think it is only due to the character of Englishmen as a whole to say that the soundness of this

Government is mainly attributable to the character of the men who have carried it on in the past. No doubt, instances may be given of gross injustice; every one of us can give instances in which strange injustice has been done to particular individuals owing to defect of judgment or want of character in particular persons. I do not know that my own community has not suffered more than Indians in this respect. But, Sir, I think I may fairly claim that these instances are occasional; they are accidental; they have not been nearly so numerous as to make any stain upon the character of the administration as a whole. The administration has stood in the eyes of competent critics as one of the wonders of the modern world, and I think our Indian friends should pay some little attention to that fact in any remarks that they may have to offer. Now, Sir, if a British tone is needed in the administration, I would say that the British tone is not like the grin of the Cheshire cat in *Alice in Wonderland* which remained on the tree after the cat had disappeared. It is necessary to maintain Englishmen in a certain preponderating strength in this country in order to perpetuate that tone. Remarks have been made about the future of the Government of this country by Members and by Indians outside, and I think that the glamour of that sort of thing ought not to be thrown over a discussion like this one, which is intended to be thoroughly practical. We should consider the present conditions as they actually are. What proportion of Englishmen should be retained in the administration of the country? That is the real question that has to be solved. Whether a responsible and disinterested Government are the best judges of that proportion or irresponsible and interested critics is a delicate question in its way. I do not for a moment claim for the Government infallibility in this or in any other matter; but I do say that, because the Government of the country has on the whole been impartial and just and good, some credit must be allowed to it in its decisions as regards the proportion of Europeans that ought to be maintained in the administration. I do not think that a number of Englishmen of character and education would deliberately do wrong in this matter out of social or racial prejudice. That social and racial prejudice does exist in this country I unhappily am too well aware, and I do not mean to minimise that evil in the administration at all; but speaking generally, Sir, I feel that the character of the administration is such that we must give the Government credit for trying to introduce as much of an Indian element as possible. This particular time, when we have had Indians introduced into the very highest ranks of the administration, is a period when we should all admit that we owe something to the Government for what it has done. It has been said that in particular departments of the State more Indians ought to be introduced into the administrative ranks. I myself firmly believe that science knows no climate, and where scientific attainments are shown by Indians, they ought undoubtedly to be advanced to higher posts; but, Sir, the element of administration also enters into, and is so closely allied with, scientific and professional operations, that sometimes it is very hard to distinguish what to do in particular cases; and one advantage of a Commission such as has been suggested, and which I would warmly support, is that if a really honest and earnest enquiry is made into the matter, it will be found out exactly what can be done. I have seen it stated in the newspapers that Lord Northbrook left upon record a memorandum of some kind or another in which he said that owing to the fatalistic tendencies of some of our Indian friends (I am not responsible for this report and I do not know whether any such memorandum was ever left or not, but I have seen it stated as a fact), they have not that sense of responsibility for life developed in them that most Englishmen have. How far this may be true is a matter on which the Railway Board might give us useful information when they report on the results of those enquiries that have been made into railway accidents. It must be a very difficult thing to decide what test should be employed to find out what is wanted; what is needed is not literary attainments or quotations by the yard from literary books, but solid character. It is really one of the most difficult problems to decide what tests to apply.

“I must say that I am one of those who think that simultaneous examinations in this country would be a snare and delusion which would lead to a number of literates being brought forward as candidates who would possess none

of the requisite qualifications. I said, Sir, on a former occasion that as regards Englishmen the competitive examination was introduced in 1853-54, for the reason that it was supposed to be the means of finding out a certain standard of education for a class of young men who were supposed to possess the character of their race in other respects. Unless we can find out a test which will test character as well as literary attainment, there arises a great difficulty, and I hope that our Indian friends will lay themselves to the difficult task of finding out by what means character is to be discovered. No man in his senses, who has read the career of Sir Madhavo Rao, or any other Indian gentleman of that kind, would stand up here, or anywhere else, and say that the highest character and highest administrative talent are not to be found in this country. The means by which such men have been found and been brought out is one that ought to be enquired into and carefully examined. What we do want, Sir, is individual character, and I do hope that if the Government can find out means for testing character that it will be just to our Indian fellow-countrymen as well as to the domiciled community.

“As regards the public services, instances have been brought to my notice in which very serious injustice has been done in the Survey Department, in the Public Works Department and in the Telegraph Department. I for my part am willing to believe that this injustice has been done unwillingly; but there it stands, and you convert men who might be very efficient officers into discontented men for the rest of their lives, for no fault of their own, but because means have not been discovered by which true worth is to be rewarded. I do not mean to descend into personalities; I could give a few instances, which would shock everybody here, of gross injustice; but Sir, as I have said, I think and I believe that these are exceptions. I agree with the remarks that have been made about the brand of inferiority that has been put upon local talent by the Public Service Commission. It was a fatal mistake to close the door to real talent in any department of the State. When Mr. Samuel Laing succeeded the first Finance Minister, Sir James Wilson, he opened the Financial Department to indigenous talent, and this Department brought to the front men like Sir George Kellner, who would under the old and the revised system have been branded as inferior and stamped down into obscurity. That gentleman not only rose to the highest eminence in this country, but on retirement was got hold of by the British Government and sent to Cyprus as their Financial Minister. His brother Edwin also rendered good service in the Financial Department. Mr. Robert Hollingbery came forward and wrote books on the gold question and on the permanent settlement that have become text-books to everyone who has written on the subjects since; and I am quite sure that there are amongst our Indian fellow-subjects and ourselves men of the same stamp. The difficulty lies, Sir, in finding out certain branches of the administration in which you can trace peculiar kinds of talent. I see the difficulty and I admit it, and I feel incompetent to suggest any method by which that strange mixture of administrative talent with professional ability is to be, as it has before been, found; but I am quite sure that it is to be found. I have come across men of wonderful ability; men who would be a credit to any Government in any department of the State; and it is a great pity that men of that kind should be stamped down by any artificial rule.”

The Hon'ble LIEUTENANT MALIK UMAR HAYAT KHAN: “Sir, though this resolution may look very pleasing to certain people, who may hope that it will open to them a larger number of posts, yet a close examination will disclose the fact that such is not the case. The first objection is that the expenditure incurred on such a Commission will serve no useful purpose. Sitting here one can scan the lists of gazetted officers and ascertain from them the number and class of appointments held by Indians and Europeans. There are, I think, in each of the rural districts not more than one, to three, English officers who are at the head of departments and who mostly do the work of supervision, while the rest of the work is carried on by our own people. I think that from the administrative point of view this supervision by European officers is much needed at the present stage. There would be many objections under any other arrangement.

"A district, for instance, consists of various classes of people of different creeds and religions who require some disinterested man to safeguard the interests of all, for a man belonging to one class will naturally have a prejudice for people of that class. Even if the head of the district was not biased, many of his subordinates will think him so, and, as such people look at things from their own point of view, a feeling of distrust in his administration would almost certainly be aroused.

"Again, an Indian will sometimes find himself in an uncomfortable position when strong and prompt action against a class is required to be taken, for unless he has very great force of character he may hesitate to act at once, fearing that his motives may be misconstrued or misrepresented. Such a feeling would tend to make his administration weak, and experience has shown that on several occasions failure has resulted from it.

"An Indian officer will not always be looked upon even by his own people as an European officer; and the consequence of this would be that his authority, especially in criminal administration, would fail to command the same weight. That I mean to say only about rural districts and its present state.

"Indians now hold appointments under the Crown of all degrees, from the lowest to the highest. Every man who holds an appointment, of whatever nationality he may be, is bound to show his capacity or want of it, and there is no reason to believe that when he has proved his fitness his claims to higher appointment will not be considered.

"There seems little value in holding an inquiry into the more extensive employment of Indians in the Public Service, for it has been the constant policy of the British Government to employ them as extensively as possible, and it is difficult to see what benefit is likely to result from such an inquiry. In my opinion, too, an inquiry into the claims of Indians to higher employment is unnecessary, nor will the result of such inquiry be likely to help the object with which the resolution has been brought forward.

"Many able and overzealous people, possessing high ideals, move at such a fast pace that they get out of touch with the feelings of the rural masses, whose pace is much slower and who form the largest, quietest and most loyal portion of His Majesty's subjects. Their interests require to be protected, and I am voicing the feelings of a vast majority of them when I say that any big scheme entailing a departure from the present system is unnecessary at present, although I quite agree that fit men should be gradually given chances of reaching higher offices.

"With these few remarks, Sir, I beg to differ from my Hon'ble friend as regards the propriety of having a Joint Commission at present, but agree with him otherwise."

The Hon'ble MR. GOKHALE : "Sir, before I say a few words on the resolution which my Hon'ble friend has brought forward, I would like to offer him my congratulations on the industry and care with which he has prepared his case and the ability with which he has presented it to the Council. Sir, this question is undoubtedly one of great importance, and, like all questions of great importance, it is beset with great difficulties. I am anxious to approach it with as much fairness as I am capable of, because there are undoubtedly two sides, and while I am keen that the aspirations of my countrymen should receive fair and reasonable recognition from the Government, I should be very unwilling not to recognise at the same time the difficulties that lie in the path of the Government in dealing with this subject.

"Sir, one of the fundamental conditions of the peculiar position of the British Government in this country is that it should be a continuously progressive Government. I think all thinking men, to whatever community they belong, will accept that. Now, I suggest four tests to judge whether the Government is progressive, and further whether it is continuously progressive. The first test that I would apply is what measures it adopts for the moral and material improvement of the mass of the people, and under these measures I do not include those appliances of modern Governments, which the British

Government has evolved in this country, because they were appliances necessary for its very existence, though they have benefited the people, such as the construction of Railways, the introduction of Post and Telegraphs, and things of that kind. By measures for the moral and material improvement of the people, I mean what the Government does for education, what the Government does for sanitation, what the Government does for agricultural development, what the Government does for industrial development, and so forth. That is my first test. The second test that I would apply is what steps the Government takes to give us a larger and larger share in the administration of our local affairs—in municipalities and local boards. My third test is what voice the Government gives us in its Councils—in these deliberative assemblies, where policies are considered; and lastly, we must consider how far Indians are admitted into the ranks of the public service.

“Now, Sir, as regards the first test, I believe that is what one feels to be in the air—I believe that we are on the eve of important measures being taken by the Government, and in those measures both the officials and non-officials can and should heartily co-operate with one another. As regards the second, I trust that, as a result of the Decentralization Commission's labours, a further advance will soon be made. A fair beginning has already been made, and when we have a further advance in the same direction, we might be expected to remain satisfied with that for some time. As regards deliberative assemblies,—the Provincial and Imperial Councils,—the reforms that have recently been introduced constitute an important advance, and for some time, therefore, that question may rest there. When, however, we come to the last question, we strongly feel that the time has come when something must be done to improve matters, and I hope something will soon be done. Sir, I have already observed that the Government has to be a continuously progressive Government, and that it cannot afford to rest on whatever it has done in the past in any one of these directions. Now, taking this question of the employment of Indians in the higher ranks of the public service, which I admit is a very difficult question, I would like to refer briefly to what my Hon'ble friend Mr. Subba Rao has already pointed out, namely, that there are four or five distinct landmarks in regard to this matter in the history of British rule. In 1833, when Parliament laid down that there should be no distinction of race in making appointments to the public service in this country, the British nation gave a noble pledge to the people of this country of its own accord. There was no agitation here at that time—in fact, there was hardly any Western education. It was a great pledge to give, and it was given by the British nation spontaneously. The next landmark is 1854, when the competitive examination was thrown open to Indians along with Europeans. The old Haileybury system was abolished and competition was introduced, and it was thrown open to all. The Queen's Proclamation of 1858 constitutes the next landmark. Even then there was no agitation for a wide employment of Indians in the public service for the simple reason that the Universities had not then been established, and there was no large educated class. In 1861, when the Secretary of State appointed his Committee, to which my Hon'ble friend has referred, it was again more the conscience of the English people than any demand made from this side that led to the appointment of that Committee. When the Act of 1870 was passed—that is the next landmark—there was some public opinion here, and a few Indians—notably Mr. Dadabhoy Naorojee—had been agitating in England for the admission of Indians to high office; but even then, the main part of the work was done by Englishmen, by English friends of our aspirations, who felt that the arrangements existing at that time were not quite just to the people of India. When, however, the Public Service Commission was appointed in 1886—that is the next landmark—the position was much altered. By that time a large educated class had come into existence, and that class keenly felt its own exclusion from the higher ranks of the Public Service. The Commission was appointed with the declared object of devising means for the larger admission of Indians in these ranks, and as the results of the Commission's labours have, on the whole, been disappointing, there is no doubt that that constitutes a legitimate ground of complaint for the people of this country.

"Sir, it is interesting to note at what intervals these successive steps in advance were taken. From 1833 to 1854 or 1858, whichever you take, there was an interval of 20 or 25 years. From 1858 to 1870, when the next step was taken, there was an interval of 12 years. In 1886, when the question was again examined, it was after an interval of about 16 years. Since then, however, there has been no inquiry,—that means during a period of 25 years,—and that is one reason why I urge that the resolution of my Hon'ble friend should be adopted. It is true that during the last three or four years some very striking appointments to high office have been made. My friend, Mr. Ali Imam, sits on that bench there; two Indians sit in the Secretary of State for India's Council; an Indian recently held the position of Advocate General at Calcutta, and Indians have even been appointed to act as Chief Justices of different High Courts. These striking appointments have no doubt impressed the imagination of the people, and there can be no question that they are deeply appreciated by my countrymen. But our grievance is in regard to the bulk of appointments in the higher ranks; and that grievance is not really touched by these appointments. And so far as that grievance is concerned, the labours of the Public Service Commission resulted in little substantial improvement for us in practice. And indeed in some departments, the position has been rendered actually worse. My Hon'ble friend, Mr. Subba Rao, has pointed out how in regard to the central Civil Service, the recommendations of the Public Service Commission and the orders passed by the Secretary of State on those recommendations have actually put us back, compared with the statutory service rules of 1879. The rules of 1879 gave us $\frac{1}{6}$ th of the total recruitment of Civilians for this country. Now, taking the cadre at about a thousand posts—it may be a few more or a few less—we should have had about 160 Indians, under those rules, in the central Civil Service. The Commission, however, recommended only 108 posts for us in place of 160, and the Secretary of State cut the number down to 93; and that is the number we have at present. I believe even the whole of these 93 are not yet held by Indians. I think we are about 10 short of what the Secretary of State promised at that time leaving out of account the additions made subsequently for Burma and Assam. Now, Sir, the Secretary of State's orders were passed in about 1890 or 1891, and twenty years have elapsed since then. If for nothing else, at least for the fact that it is now 25 years since the appointment of the Public Service Commission, and 20 years since the Secretary of State passed his orders on the recommendations of that Commission, I urge that there should be a fresh enquiry into the whole matter. But Sir, I say something more. I say that as a result of the labours of the Public Service Commission, the position of Indians in many branches of the public service has actually been rendered worse, and that should now be set right. In the first place, Sir, the Public Service Commission recommended that there should be a division of the public service into Imperial and Provincial. Now that was a most unfortunate recommendation. I am quite sure that the President of the Commission,—the Lieutenant-Governor of the Punjab of that time,—a man of broad sympathies, undoubtedly did not want to put the Indians back; but the result actually has been to put us back, and this for two reasons. First, there is a stamp of inferiority on the Provincial men, and they are bound to feel that. Secondly, if you have these artificial divisions of Imperial and Provincial, the abler men in the Provincial Service—I mean those who are abler even than some of the men in the Imperial Service—cannot help feeling that the arrangement is most unjust to them. I am, therefore, strongly of opinion that this division between Imperial and Provincial must go. I hope it will go soon, and unless it does we shall have to bring up this matter again and again before this Council. Then, in two departments particularly, this division between Imperial and Provincial has done greater harm to us than in other departments—I mean the Education and the Public Works Departments. In some of the other departments, the creation of a Provincial Service has to a certain extent improved the prospects of Indians, so far as mere numbers are concerned, because there were hardly any Indians employed in those departments before and the constitution of the Provincial Service has given them some chance there. But in the Education and Public Works Departments, we have suffered a great set back. In the Education Department, for instance, Indians were on terms of equality with their English colleagues

before the creation of a Provincial Service. The scale of salary was, no doubt, two-thirds, but in other respects they were on equal terms. But they have now been put into a distinctly subordinate position and we see on every side the most flagrant cases, which hurt every body. Thus we find men of most distinguished attainments in the Provincial Service simply because they are Indians, and men who passed their examinations only yesterday, and who have so far earned no distinction by their work, in the Imperial Service, simply because they are Europeans. I will give only one instance. There is a gentleman here in Calcutta, named Dr. P. C. Roy, a most distinguished man of science, a man who has been honoured by French and German *savants*, a man adored by his pupils, a man who has been doing original work for the last 20 years and more. But he is still in the Provincial Service, whereas young men, fresh from College, without any original work to their credit, men who are admittedly his inferiors, are brought out to this country and put over his head, simply because he happens to be in the Provincial Service and they are brought out as members of the Imperial Service. Now, Sir, this sort of thing hurts not merely the men who are actually affected by it, it hurts the students studying under them. In other departments any injustice done to an Indian official concerns that official only. In the Education Department it affects the students as well; the bitterness passes from the professors to the students, and the whole student community comes to be affected by it.

“Take again the Public Works Department. At one time Indian and European Engineers were all on terms of absolute equality not only as regards status but even as regards pay. In 1892, differential rates of pay were introduced for the first time—two-thirds pay for Indian Engineers. Now, under the new re-organization scheme, the status of the Provincial Engineers is reduced still further, for they are now to be put on a separate list. Thus, in this Department we were at first on terms of absolute equality with Englishmen. Then our pay was reduced to two-thirds, though in regard to other matters equality was maintained. Finally, it is now decided to do away with this equality by putting us on a separate list altogether. And not only is this applied to new men but a most unjust and unjustifiable attempt has been made to apply it to old men, recruited since 1892. There are about 100 men who are the victims of this gross injustice. There is the definite word of the Government pledged to them in 1892 that they would be on the same list as the Imperial Engineers, and yet it is proposed now to put them on a separate list—a distinct breach of faith. These men have not yet accepted the arrangement, three years have passed, and they have so far got no redress. The Secretary of State is still waiting for the despatch of the Government of India which should have gone long ago. I asked a question the other day on the subject, and the Hon'ble Mr. Carlyle gave an answer, in which I see an element of hope. I, therefore, will not press this question further to-day, but, if necessary, I will bring a resolution on this subject at Simla.

“I urge then, first of all, that this distinction between Imperial and Provincial must go. The second respect in which we have lost ground since the last Public Service Commission is in regard to competition. Gradually competition has been abolished more or less throughout the country and we are now made to depend almost exclusively upon Government nomination, pure and simple. Now, I am quite alive to the defects of competition as a method of filling Government offices. Of course it is not ideally the best method, but I contend that it is the best method available. In a country like this, governed by Englishmen, who are unfamiliar with our ways, and cannot instinctively understand the difference between one individual and another, they are at times apt to be misled by appearances, by recommendations and by a lot of other considerations owing to the very peculiarity of their position. And I submit that competition, with all its defects, is any day better than nomination, pure and simple. An Englishman, judging of English candidates, may dispense with competition, because there is a great deal of initial knowledge that may be taken for granted on account of their belonging to the same society. Here the individuals belong to different societies and that initial knowledge is lacking, and nomination, I contend, is bound to lead to abuses—haphazard selection and favouritism. My second point, therefore,

is that competition must again be restored, for making selections for Government service.

"I will now say a word about one or two other Departments. I have said that in the Public Works and Education Departments, our position has grown worse. In the Medical Department, while it has not grown worse, it is still most unsatisfactory. The professorships are all the monopoly of the Indian Medical Service Officers and the hospitals are closed to all non-service men. Recently they have thrown open the Professorship of Anatomy in the Calcutta College to non-service men, but the moment it is thus thrown open to non-service men, it is rendered altogether unattractive. There used to be a pension attached to this post till now, and private practice was hitherto allowed; but it is now declared that there is to be no pension, there is to be no private practice, and the new man will get no house allowance, when every one else is getting it. Thus the moment the post is thrown open to non-service men it is made altogether unattractive for our best men, and I would like to have an explanation as to why this has been done. Take again the question of the Chemical Analysers in Bombay and Karachi. Some years ago, the Secretary of State decided that these appointments should not be the monopoly of the Indian Medical Service. And there is a distinguished man in Bombay available for these appointments to-day, doing for years the work of Assistant Chemical Examiner. The Indian Medical Service men, appointed as Chemical Analysers, receive their training under him, and then they are put over his head. I understand the Government of Bombay is anxious to help this gentleman; but the matter rests with the Government of India, and somehow his ability and record of services receive no recognition from them.

"Lastly, I come to the Department of Railways. I am not going into the question in detail to-day, because my friend the Hon'ble Mr. Mudholkar has already dealt with it exhaustively. Here we are almost entirely excluded from all higher appointments, and I hold that this is absolutely indefensible. It cannot seriously be contended that Indians are not fit for any place in the Railway Administration above Rs. 200 a month, when you can put them on the Government bench there, make them Chief Justices of High Courts or entrust them with the management of districts and divisions. To those who speak of such unfitness, I would like to mention an interesting episode. It refers not to the Railway Department, but to another Department,—the Survey Department,—but the principle is more or less the same. Not many years ago, there was a controversy about the position of Indians in the Survey Department, and it was contended very vigorously by the champions of European monopoly that Indians were not fit for the work, and that therefore they should be kept out. Unfortunately a report, submitted by Colonel De Prée, who was then the head of the Survey Department and who was a strong advocate of Indian exclusion, came to be published, and this was what he was found to say in that report:

"I may here remark incidentally that my numerous late inspections show me that the tendency of the European surveyors is to stand and look on, while the Natives are made to do the drawing and hand-printing, as if they thought themselves quite above that sort of thing. This is a mistake and cannot be permitted for the future. Besides, it is suicidal for the Europeans to admit that Natives can do any one thing better than themselves. They should claim to be superior *in everything*, and only allow Natives to take a secondary or subordinate part. In my old parties, I never permitted a Native to touch a theodolite or an original computation, on the principle that the triangulation or scientific work was the prerogative of the highly paid European, and this reservation of the scientific work was the only way by which I could keep a distinction, so as to justify the different figures respectively drawn by the two classes—the European in office time and the Native who ran him so close in all the office duties as well as in field duties. Yet I see that Natives commonly do the computation work, and the European some other inferior duties."

"Sir, I beg, with all respect, to make a present of this extract to the Hon'ble Sir T. Wynne! One word more, and I have done. Sir, I have admitted that the question is a difficult one, but what I urge is that there should be continuous progress. Nobody urges that the English element should be withdrawn suddenly or even largely, but unless Indians are introduced into the higher ranks in larger and larger numbers, the discontent which the Government are anxious to remove is not likely to disappear. With these words, I strongly support the motion which my Hon'ble friend has brought forward."

The Hon'ble SURGEON GENERAL LUKIS: "Sir, with your permission I should like to say a few words on the subject on the encouragement of independent medical practitioners whose case has been so ably dealt with by the Hon'ble Mr. Gokhale, and in so doing I wish to point out to the Council the various steps that have been taken by Government to improve the position of these gentlemen and also to indicate the lines on which, if they so desire it, they can help themselves. I wish it to be clearly understood, however, that I must not be regarded as the mouthpiece of Government or as holding any brief for the Indian Medical Service. I merely speak as one who has devoted 12 years of his life to teaching medicine in this country and whose interests in the spread of medical knowledge and in the improvement of the status of Indian medical practitioners is just as keen as is that of the Hon'ble Mr. Gokhale in the equally important subject of primary education. Now, Sir, when one considers the status of the Indian medical practitioner in this country, one finds that he labours under three disadvantages which are not shared by his professional brethren in the West. In the first place, when a private medical student has passed his curriculum and obtained his diploma or degree, he is practically debarred from holding any of the important appointments of house surgeon or house physician in the large Government hospitals; these appointments being, as a rule, reserved for civil assistant surgeons. Recognising the importance of this, the Bengal Government has agreed to the suggestion of the Government of India that in future the posts of house surgeon and house physician in the various large Calcutta hospitals shall be thrown open to the most deserving students of each year; whether or no they wish to enter Government service. This, Sir, is a very important boon, and I hope that future generations of medical students and young practitioners will take full advantage of it.

"The second disadvantage under which he labours is that here in India there are no opportunities whatever for post-graduate studies such as exist in connection with all the large medical schools in England and Europe. The result of this is that when a young practitioner goes out to a remote mufassal district, where he is probably over-worked and underpaid and has neither the leisure nor the facilities for study, he fails to keep himself abreast of the times and he very quickly lags behind in the race. Here, again, Government recognises that this is a tremendous drawback and that it militates very largely against his successful career. The Government of India, therefore, is now formulating a scheme for the establishment of a School of Tropical Medicine in Calcutta which it is hoped will be affiliated to the Calcutta Medical College; and for the introduction of a Diploma in Tropical Medicine in connection with the Calcutta University. This School of Tropical Medicine, if it takes shape, will afford facilities not only for post-graduate studies, but also for original research, and it will be open to all properly qualified medical practitioners, whether official or non-official. You will see, therefore, that the young medical practitioner will now have a chance of coming back to his hospital and furbishing up his knowledge; or, if he wishes to do original work, he will have every opportunity afforded to him in the research laboratories attached to the Tropical School of Medicine.

"The third disability to which he is subject—and this is the one upon which Mr. Gokhale laid most stress is—that the independent medical practitioner cannot obtain a share of the professorial and hospital appointments in connection with the big Government medical colleges. That of course is a great disability and it is one that has the serious attention of Government; but it is not for me to enter into it here. In this connection, however, I should like to draw the attention of Council to certain very sensible advice which was given to the Bombay medical men by Dr. Temalji Nariman when he was entertained at dinner in August 1908 by over a hundred Indian medical men. In the course of his speech Dr. Nariman said:

'If Indians wish to bring into existence a profession of native doctors, they should not hanker after one or two minor professorial posts in the Grant Medical College of Bombay, but should all unite and set to work to found a medical college of their own.'

"Later on in his speech he went on to say :

"It is only when we have a larger number of teachers with hospital experience that we shall be in the position of an independent profession, and by perseverance, industry and self-sacrifice we are bound to produce young men who will adorn our profession and leave their names to posterity as those of Jenner, Harvey, Lister or Simpson. Founding hospitals alone will not elevate our status. We must have our own college, with laboratories, where some of our best men may carry on original research work. It may take years for its completion, but let us make a beginning."

"That, Sir, is very wise and statesmanlike advice. I strongly recommend it to the careful consideration of my Indian colleagues, and I beg of them not to be satisfied by merely obtaining a proportion of the professorial appointments in Government medical colleges. Let them also unite and found medical colleges of their own.

"In the very excellent speech which we listened to with such interest yesterday, the Hon'ble Mr. Gokhale, when pleading the cause of primary education, said that this was a case in which it was necessary that there should be the cordial co-operation of the Government with the public. May I be allowed to invert the terms and say. 'This is a case where we want the cordial co-operation of the public with the Government.' I hope that the wealthy and charitable public will bear this in mind, and I can assure them that if they will do anything to advance the scheme for the institution of unofficial medical colleges, entirely officered by Indians, they will not only be conferring a benefit on the profession, but on their country at large."

The Hon'ble MR. GOKHALE : "What about institutions maintained out of public funds, public monies?"

The Hon'ble SURGEON GENERAL LUKIS : "I am not dealing with appointments held by the Indian Medical Service. It is well known that the Government medical colleges and schools cannot accommodate more than a fraction of those who ask for admission. In Calcutta alone, as I know from personal experience, over 200 candidates have to be rejected every year, and there is, therefore, ample room for well-equipped and properly staffed unofficial medical colleges and schools which may be either affiliated to the University or run on the same lines as a Government medical school, but entirely conducted by Indian medical men; and I look forward to the time when in every important centre in India we shall have well-equipped unofficial medical schools working in friendly rivalry with the Government medical schools and each institution striving its hardest to see which can get the best results at the University examinations.

"As Dr. Nariman said, this may take years to accomplish, but I earnestly hope that, before I say farewell to India, I shall see it an accomplished fact, at any rate in Calcutta and Bombay; and if I have said anything to-day which will induce the leaders of the people to give this scheme their cordial support, I feel, Sir, that I shall not have wasted the time of the Council by interposing in this debate."

The Hon'ble MR. SACHCHIDANANDA SINHA : "Sir, I rise to give my support to the motion before the Council. I shall very briefly state the grounds on which I do so. It seems to me that there are several reasons why the Government should be pleased to appoint a Commission or Committee to enquire into the question of the appointment of Indians in the higher ranks of the public services. Since the last Commission was appointed and reported, certain rules have been introduced, for the first time, which take away from the Indians the privilege of competing with their British fellow-subjects in examinations held in England. The Hon'ble Mr Subba Rao has referred to the examination held in England for the police, in which, in terms, the Indians are excluded from competing; and it seems to me, Sir, and has always seemed to me, a grave infringement of our rights as British subjects that we should not be allowed to compete for any appointments in our own country. I think a Commission would certainly go into a matter like that.

"The second reason, Sir, why I urge the appointment of a Commission is that the list of those appointments which were thrown open to the Provincial

Service and are known as 'listed posts' has not been revised for the last twenty years. In 1893, when the House of Commons passed a resolution about simultaneous examinations for the Indian Civil Service, the Government of India sent home a long despatch on the subject embodying the opinions of the different Local Governments and Administrations; and in that I find that Sir Anthony, now Lord, MacDonnell, who was then officiating Lieutenant-Governor of the Lower Provinces, said:

'Let them (Indians) in due time press for a further increase in the scheduled posts to be "listed" or transferred to the Provincial Service; let them on a suitable opportunity urge that . . . the . . . posts now transferred shall be increased . . . All that is necessary now to do is to recognise and provide by rule that this division or the appointment of posts to each class, shall be from time to time revised.'

"This was the suggestion of Sir Anthony MacDonnell, and I find that the Government of India also embodied that suggestion in their despatch to the Home Government. They said:

'There is no finality about the lists of "covenanted offices," which have been thrown open to members of that (Provincial) Service. These lists have been prepared with reference to proximate possibilities; but they are capable of alteration and expansion from time to time as circumstances may require or permit.'

"Now, Sir, there has been a remarkable progress in the country in education during the last 25 years, and I think for this, if no other reason, the Government should appoint a Commission to go into this matter and see to what extent the people of the country are entitled to have these 'lists' amplified and revised. But I think, Sir, that I can go further and say that it seems to me, that, apart from the revision and amplification of these lists, which is now surely desirable, the time has come when this artificial boundary between the Provincial Service and the Indian Civil Service should no longer be maintained. For these reasons, I gladly support the resolution."

The Hon'ble PANDIT MADAN MOHAN MALAVIYA: "Sir, I shall not take up the time of the Council by going into the details of the appointments in the different departments which have already been fully dealt with by other Members. The result of the discussion shows that in many departments Indians are not getting their fair share of the public appointments. The principle that they should freely and impartially be appointed to every office in the different departments for which they may be qualified has long been admitted. I do not think there is anything left to be desired in that direction either in the words of the Statute of 1833 or the Proclamation of 1858, or the subsequent declarations of Government on this question.

"The second point that has been brought out in the discussion by the Hon'ble Mr. Subba Rao is this, that the root of the evil of the exclusion of Indians from high offices lies in not holding simultaneous examinations for the Indian Civil Service in this country as well as in England. In the discussion in 1853, when the throwing open of the principal civil appointments in India to competition was under discussion, this was anticipated. Many members at the time pointed out that, while the Statute did not exclude Indians in terms from the Civil Service, still by requiring that the examinations for it should be held in England alone, it was practically excluding them from those appointments. I will refer to one or two of the speeches of those who took part in the debate. For instance, Lord Stanley said that he could not refrain from expressing the conviction that, 'in refusing to carry on examinations in India as well as in England—a thing that was easily practicable—the Government were, in fact, negating that which they declared to be one of the principal objects of their Bill and confining the Civil Service, as heretofore, to Englishmen. That result was unjust, and he believed it would be most pernicious. Let them suppose, for instance, that instead of holding those examinations here in London, that they were to be held in Calcutta. Well, how many Englishmen would go out there—or how many would send their sons perhaps to spend two or three years in the country on the chance of obtaining an appointment! Nevertheless that was exactly the course proposed to be adopted towards the Natives of India'.

" Mr. Rice also objected to this restriction that examinations should be held in England alone, and he said that his object was that all offices in India should be effectively opened to Natives. And therefore he would not require them to come over to this country for examination, as such a condition would necessarily entail on Natives of India great expense, expose them to the risk of losing caste, and thereby operate as a bar against their obtaining the advantages held out to all other of Her Majesty's subjects. The course of education through which the youth of India at present went at the established colleges in that country afforded the most satisfactory proof of their efficiency for discharging the duties of office.

" Again, Mr. Phillimore said in the same debate that he also feared that the Bill would prove delusive, and that, although it professed to do justice to the Natives, the 'spirit of monopoly would still blight the hopes and break the spirits of the Indian people.'

" This, Sir, was in 1853. In 1858, when the Government of this country was taken over by Her Majesty, the Statute which was enacted maintained the Indian Civil Service Examination on the footing on which it had been established; but the disadvantage and the unfairness of excluding Indians by confining the examination to London was strongly felt. With a view to devise a remedy for the evil the Secretary of State appointed a Committee in 1860, as Mr. Subba Rao has mentioned; and that Committee recommended in favour of simultaneous examinations being held in this country as well as in England. From that time various attempts have been made to get this done. Mr. Fawcett, for instance, brought a motion in 1863 in the House of Commons in favour of simultaneous examinations being held in Madras, Bombay and Calcutta; and it was, I believe, largely due to that resolution that the Statute of 1870 was enacted. The tardy action taken under that Statute did not give satisfaction, and complaints continued. To meet these complaints the Public Service Commission was appointed in 1886. But instead of improving the state of affairs that Commission has, as many speakers have pointed out, put Indians in a worse position.

" The question which we now have to consider is, will the Government make an attempt to remedy the injustice which has been done by the recommendations of the Public Service Commission being partly accepted? There were two alternatives before the Government of India: one was the holding of simultaneous examinations in this country as well as in England; the other was the creation of Provincial and Imperial Services. We know that the proposal for holding simultaneous examinations was not accepted, but a Provincial Service was created. We have heard what a deal of dissatisfaction has been caused by the creation of the Provincial Service, and that those who belong to that service or are given the option of joining that service feel that it is an inferior service. That this is really so has been attested to by the Government of Madras. The Government of Madras, of all the Local Governments that were consulted on the questions referred to by the Public Service Commission, expressed its opinion clearly in favour of simultaneous examination, and against the creation of a Provincial Service. I beg leave to quote from the despatch in which it said:

' Another reason for altering the status and position of Natives in the Civil Service is to be found in the fact that the new Provincial Service does not in any way satisfy their aspirations and wishes. It is evident that its introduction on the present lines has been a great disappointment to them; that it has relegated them to a distinct and limited service, and instead of placing them in line with the rest of the Civil Service, has confined them to what they consider an inferior and subordinate position, and that this has been accentuated by the designation which has been applied to them, a designation which they have always associated with a distinctly and well-recognised inferior branch of the Service.'

" The despatch went on to say:

' His Excellency in Council considers, therefore, that it is expedient to remove, by the institution of simultaneous examinations, the disabilities which now tend to hinder the entry of Natives into the Civil Service proper. This step will remove an injustice, or what has almost the same consequences, a feeling of injustice, and it will not endanger the British supremacy or impair the character or the administration as a civilised and enlightened

Government. It may possibly, in certain circumstances, weaken executive action ; but the disadvantages in this respect are not so certain or so grave as to outweigh the advantages. The increase in the proportion of Native candidates selected is moreover not likely to be so great as is supposed, and it would be advantageous to remove the dissatisfaction and discontent which undoubtedly exists among the natives by some such measure as is now under discussion.

" It is much to be regretted, Sir, that this wise recommendation was not accepted. Subsequently a resolution was passed by the House of Commons in 1893, but, as we know, unfortunately no action was taken upon that resolution also. The action taken by the Government on the Report of the Public Service Commission has deepened the complaints of Indians. Distinguished statesmen have again and again acknowledged the justice of the claims of Indians to a larger measure of the higher appointments. They have also acknowledged the injustice of the existing arrangements, and yet the injustice remains largely unremedied. It is pleasing to acknowledge that in recent years Government have shown a growing disposition to recognize the justice of these complaints and have been trying to remove them. The recent appointments to some high offices made during the time of Lord Morley and Lord Minto are striking evidence of the desire of Government to remove the injustice or at least to minimise it as much as possible. But, as Mr. Gokhale has pointed out, these appointments do not affect the situation in relation to the bulk of the appointments, and the question remains, what should be done to really improve it? I submit the solution obviously lies in holding examinations for all first appointments, which are held at present in London alone, in India as well. That, Sir, I submit, is the solution. Government may be pleased to adopt it now or it may defer it ; but I venture to say that the holding of simultaneous examinations is the only course which will solve the problem with which we are confronted. But until that is done, a great deal can be done, and I hope it will be done, to admit Indians to higher appointments in the different departments of State in which they are employed in very small numbers or from which they are practically shut out.

" I would remind the Government in this connection of the gracious proclamation which His late Majesty King Edward issued in 1908. In that proclamation His Majesty was pleased to say :—

' Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure.'

" That, Sir, is the most solemn pronouncement of our late Sovereign on the question raised in the resolution before us. By bringing forward this resolution Mr. Subba Rao has merely reminded the Government of the desirability of taking some steps, of adopting some effective means, by which the desire of His late Majesty would be better given effect to. We also remember the noble message of His Majesty, our present King-Emperor, in which he graciously spoke of the Proclamations of 1858 and of 1902 as the charters of the rights of Indians under the British Government, which charters His Majesty promised to abide by during all his time. We are looking forward with great satisfaction this year to the visit of His Majesty to our country ; and nothing would be more pleasing to the people of this country, nothing would raise the Government higher in the estimation of the people, than an earnest indication of the desire to treat, in the matter of appointments to the public service, Indians and Europeans as equal fellow-subjects, as they really are in law. They are no doubt in theory regarded as such. But it is undeniable that in the apportionment of public appointments a distinction which is entirely illegal and unjust, and which cannot be justified on any possible ground, is maintained. This naturally gives rise to a great deal of dissatisfaction and fosters discontent. If the motion of Mr. Subba Rao to appoint a Commission or Committee is accepted, it will help to remove all reasonable complaints. I am not particular about a Commission. I will be content with a Committee, and even with a Committee which may consist merely of officials. I would be content if a few select officials were appointed to go into the question and to see what bars, if any, have been created in the different departments against the pledges given to

the people of India in the Act of 1833 and in the Proclamations of 1853 and 1908, and to recommend how they may be removed. If this is done, Sir, a great deal of justifiable discontent will be removed, and there will be a feeling of gratitude growing up in its place in the minds of the people which cannot be created by the creation of a few high appointments alone. I hope the resolution will commend itself to the Government."

The Hon'ble SIR GUY FLEETWOOD WILSON: "I had an opportunity last week of answering in regard to my own Department, and therefore I do not think I am called upon to make any remarks to-day in connection with the Hon'ble Mr. Subba Rao's resolution."

The Hon'ble MR. CLARK: "I do not think I need endeavour to discuss exhaustively the question of the appointment of Indians in all the divisions and sub-divisions of the hydra-headed department over which I have the honour to preside, and in point of fact only two departments were mentioned to-day. One was the Customs and the other was the Railways. I was a little surprised that the Customs was mentioned, because, as Mr. Subba Rao himself very truly said, of the last three appointments of Assistant Collector that were made, two were filled by Indians. One of these gentlemen, I believe, who has risen to this appointment, is a relatively junior man who has gained his promotion by his merits and ability, and there is no reason why he should not eventually get to the top of the tree. I do not think therefore that there is much ground for cavil so far as the Customs are concerned.

"I now come to the question of the Railways. When this question was raised before at the discussion early last week on the budget, the Hon'ble Mr. Gokhale was not entirely satisfied with the answer which was given to him by my Hon'ble friend the President of the Railway Board. I cannot help thinking there was some misapprehension as to what fell from my Hon'ble friend. I listened myself very carefully to what he said, and I am quite sure he had no intention whatever of conveying the idea that the door is barred to Indians to the higher appointments in the Railways. If I may say so, I think that the standard which has been applied is not a very sound one. The Hon'ble Mr. Mudholkar dealt with the question and gave us figures to show how small a number of Indians had reached the higher appointments. That undoubtedly is true; but it seems to me that if the door were really barred and it were determined not to allow openings for Indians, it would have been impossible for them to have reached the point they have; it would have been impossible, for instance, for the gentleman whose appointment is published to-day in the papers, Mr. Rallia Ram, to have become the Deputy Engineer-in-Chief of a State Railway. And it is on a State Railway that this appointment has been made. As regards the Railways leased to companies, the Government can only endeavour to influence the companies in the desired direction: they cannot compel them to employ Indians; and as regards the companies which own their lines they have no powers at all. It is important to note, as the Hon'ble Mr. Subba Rao himself pointed out, that it is in those companies—the companies over which the State has no control—that matters in this particular are worst.

"A point which the Hon'ble Sir T. R. Wynne emphasised—and rightly, I think, emphasised—was that a special characteristic of this question in connection with the railways is that he and the Railway Board are responsible for the safety of the railways. Efficiency is greatly to be desired in all branches of Government service, but it must be remembered that in the railways any measure of inefficiency means also the risk of endangering safety. It is therefore not so easy to try experiments of any kind there as it may be in other services. I notice the Hon'ble Mr. Gokhale said that if Indians were not fit for these higher posts, it was not their fault that they had not the necessary training and experience. I do not think that was quite a fair way of putting it. As the Hon'ble Mr. Madge pointed out, what we have to consider is the conditions as they are actually now, and if a man does not seem to be thoroughly qualified for a high and responsible post, especially in so serious a matter as railway administration, I do not think anybody could advocate that he should be put into it. Undoubtedly more opportunities are being given now, and I hope the effect of

these opportunities will be that more Indians will receive the necessary training and will become efficient and will reach the higher posts."

The Hon'ble MR. SYED ALI IMAM: "Sir, my task in addressing you in connection with the debate that is before you is a simple one, for the simple reason that I do not represent any Department that has got largesses to dole out or offices to give away. Therefore I find that all I can say to the appeal that has been made by some of the non-official Members to Government to-day is that so far as I am concerned as a Member of the Government, I will give that appeal to the best of my ability the sympathetic consideration which it deserves."

The Hon'ble MR. BUTLER: "The Hon'ble Mr. Subba Rao, in the lucid and forcible speech with which he introduced his motion, dwelt somewhat lightly on the position of the Provincial Educational Service, and this matter has received even more attention from the Hon'ble Mr. Gokhale and others. Well I am not in a position to make any statement now about the Provincial Educational Service, because the improvement of the prospects of that service is at the present moment under the consideration of the Government of India. I should like, however, to correct one small error under which the Hon'ble Mr. Subba Rao quite inadvertently has fallen. He said that no Principalship of a Government college could be held by an Indian. At the present moment a first class Government college at Rajshahi has an Indian professor as Principal, and I should like to add, with reference to another remark he made, that the Assistant Secretary in the new Education Department, Kunwar Maharaj Sing, is an Indian. He has not taken up his appointment yet, because he could not be spared by the Local Government, and he will join in Simla; but he is the first Assistant Secretary appointed to the Department. At the close of his speech the Hon'ble Mr. Gokhale made some remarks about competitive examinations. I must not deal with those remarks at any length because they do not fall within my department; but I happen to have read in the newspapers of last week or the week before that there is a very strong demand in England now, which is headed by so able an educationist as Professor Sadler, for the appointment of a Royal Commission to enquire into the question of the suitability of competitive examinations for selecting men for posts under Government. There is a strong reaction in England at the present moment against the system of recruitment for the public service by competitive examination. I do not think I need detain the Council any more; I cannot make any statement on the only subject of real interest to them."

The Hon'ble MR. CARLYLE: "So far as regards the departments entrusted to my charge, complaints have been made of the state of things in the Survey and in the Public Works Departments.

"So far as the Survey Department is concerned, as I have said on a previous occasion, it must for obvious reasons continue to be administered mainly by military officers. The question of the Provincial Service and the possibility of giving them higher appointments is now under consideration. I may add that in Colonel Burrard the Department has a head who may be trusted to deal sympathetically and justly with every class and race in the Survey Department.

"In the Public Works Department the whole question of the relations between the Imperial and Provincial Services is being dealt with, and I trust it may be possible to arrive at some solution which will generally be recognized as just and satisfactory.

"So far as the ten per cent. limit on the appointment of Indians to the Imperial Service is concerned, it is not easy at present to get that proportion of fully qualified Indians at home."

The Hon'ble MR. EARLE: "I must in the first place congratulate the Hon'ble Member on the wide and general terms in which he has framed his resolution. I was afraid from the enquiries which he had at one time made from the Home Department—and they were exceedingly numerous—that he intended to move that the Government of India should make a definite pronouncement as to the line of action which they would take in regard to particular

services. In that case it would have been rather difficult to have given a satisfactory reply. Inasmuch, however, as he has couched his resolution in very wide and general terms, it is possible to indicate the general direction of the way in which the Government of India are prepared to move.

"I had intended to say a good deal about what we propose to be done in regard to the medical service, and particularly with regard to the development of an independent medical profession. I shall not do so, however, having regard to the lateness of the hour and to the fact that my friend the Hon'ble Surgeon General Lukis has already touched upon one of the points on which I had intended to speak. I may just mention, however, to the Council that the Government of India are taking a great interest in the development of an independent medical profession and that various questions in that connection have lately been referred to the Local Governments for consideration. The whole matter will be considered during the current year and we shall perhaps be able to say something on the subject next year.

"As regards the question of the police service, which has been specially mentioned by the Hon'ble Member, I would note that the following system of recruitment obtained between 1893—1905. A portion of the superior police force was recruited by a competitive examination in England, for which Europeans only were eligible; while the rest were selected in this country under a combined system of nomination and examination, to which Indians were also eligible. Then came the Police Commission's Report of 1905, and their recommendation was that direct recruitment to the superior police should be restricted to Europeans, the examination being held in England. This proposal was accepted. Now, although Indians are not eligible for direct recruitment to the superior police force, deputy superintendents, who are recruited almost entirely from among Indians, and who form a service similar to the provincial civil service, can be promoted to the superior service up to, for the present, a limit of 5 per cent. of the number of superintendents in a province. This works out at present to a total of 15 posts out of a total of 306.

"The main question to be considered appears to be whether Indians should be admitted to the open competitive examination in England as they are in the Indian Civil Service and Indian Medical Service, in addition to making a certain number of posts available for promoted deputy superintendents. The question was carefully considered by the Police Commission in paragraph 69 of their Report, and an adverse opinion was arrived at on the ground that recruitment in this country was the best system in the case of Indians required for the police force. In view of the very recent re-organization of the police service, it is perhaps too early to re-consider the matter at present. We should watch the effect of the new scheme for some time and see how the proposal to appoint deputy superintendents as superintendents turns out. The Government of India will be glad to see the 5 per cent. of places which are now available for Indians occupied by deputy superintendents as soon as circumstances allow.

"I will now turn to the case of the Indian Civil Service and the Provincial Service with which it is connected. The Indian Civil Service Act, 1861, practically lays down that most of the important appointments in the administration should be held by covenanted civil servants of the Crown, but, in special cases, persons other than covenanted civil servants could be appointed to the posts referred to. Inasmuch, however, as the permissive sections of this Act were not found in practice to be sufficiently favourable to Indians, the Government of India Act, 1870, was passed for the special purpose of facilitating the appointment of such persons to posts previously held by covenanted civil servants. This Act is, to use authoritative language, 'the parliamentary remedy for any inconvenience or injustice which Indians might be shown by experience to suffer through the necessary adaptation of the examination in London to the convenience of home-born rather than of Indian competitors for the civil service.'

"The first tangible fruit of the Statute of 1870 was the statutory rules of that year, which provided that a proportion of the recruitment for posts in the

covenanted civil service up to a *maximum* of one-sixth in each year (exclusive of military recruits for non-regulation provinces) should be reserved for Indians appointed in this country. Altogether, between the years 1870 and 1889-1890, 69 statutory civilians were appointed. This system was abolished in the year last-named on the recommendation of the Public Service Commission, the plan of nomination having failed 'in securing sufficient guarantee of ability and education in persons appointed under the rules. Although it was considered that in most cases the nominations actually made had been fairly satisfactory, it was generally felt that no antecedent guarantee existed of the fitness of the persons selected.'

"As a result of the Public Service Commission's report, a provincial civil service was constituted from the higher ranks of the previously existing subordinate executive and judicial services, and a proposal was made that one-sixth of the covenanted charges (excluding the proportion reserved for military officers) should be removed from the cadre of the covenanted civil service, and that these should be thenceforward open as a permanent arrangement to members of the provincial civil service. The covenanted civil service was thus to be reduced to a *corps d'élite*, by limiting its numbers to what was necessary to fill the chief administrative appointments of the Government, and such a number of the smaller appointments as would ensure a complete course of training for junior civilians.

"The Commission specifically recommended that 108 posts usually held by civilians should be made available for provincial service officers. After, however, consulting Local Governments, the Government of India decided in 1892 that the number should be 93, this figure being considered as suitable to meet proximate reasonable requirements and to be worked up to after satisfying the claims of officers already in the service. It was understood that there was to be no finality about the list. The list was to be subject to alteration and expansion from time to time according to varying circumstances. The system of listing posts was to be final, but it was contemplated that in course of time the proportion of one-sixth might possibly be exceeded.

"In this connection I would refer to the remarks made by my Hon'ble friend Mr. Subba Rao in which he said that only district judgeships and collectorships are at present included in the list of listed posts. That is perfectly true, but at the same time there is absolutely nothing to prevent any post being given to an Indian. Thus, lately we have appointed an Indian as Commissioner at Lahore, and, if I am not mistaken, the brother of the Hon'ble Mr. Chitnavis is a Commissioner in the Central Provinces. There is nothing to prevent the Government of India from appointing a Secretary to the Government of India from among the ranks of Indian officials if they think fit. I think that the Hon'ble Member was mistaken in what he said in this respect.

"I will now show what has in fact been done to carry out the scheme. As above indicated, the scheme contemplated 93 posts being made available to provincial service officers as soon as the claims of officers already in the covenanted service allowed this to be done and duly qualified candidates were forthcoming. Since that time the number of listed posts has increased from 93 to 102, while the number of posts actually held by statutory civilians or provincial service officers has increased from 56 to 92. Moreover, now that there are only 21 statutory civilians left, the large majority of these 92 posts, *viz.*, 71, are held by provincial service officers.

"I will now explain that there is still a wide margin of posts available for provincial service officers. At the present time (1911) the number of posts held by members of the Civil Service, excluding posts held in Burma by military officers, is 993. One-sixth of this number is 165—very nearly what Mr. Gokhale mentioned. I think he mentioned the figure 163. There is, therefore, a wide margin, 165 *minus* 102, or 63 posts, still left for Provincial Service officers.

"The question naturally arises at this stage how it is that the listing of posts has not been taken up more vigorously in the past. That is a perfectly

legitimate criticism and question to put. In the first place, it must be remembered that the scheme was always considered to be an experimental one, and that the intention was that the maximum of one-sixth should only be worked up to if the system proved successful, and, in order to enable a proper opinion to be formed on the subject, a considerable probationary period was obviously required. In the next place, Burma and Assam were not considered ripe for the system of listing until recently (1905 and 1907, respectively). Again, large additions to the Indian Civil Service cadre have in recent years been found necessary. Thus, in Burma and the Punjab 54 new officers (22 in the former and 32 in the latter) have been recruited owing to the rapid development of those provinces. Next, the two provinces of Bengal and Eastern Bengal and Assam, taken together, account for an increase of 38 posts. Similarly, the creation of new districts in Madras accounts for 14 new posts, while the amalgamation of Berar with the Central Provinces and the decision to man the former in future from the Indian Civil Service accounts for 19 more posts. It must also be borne in mind that in 1893, after the decision to list 9 posts had been arrived at, the Government of India expressed their opinion that the European service was at its *minimum* strength and that no further reduction would be practicable for some years to come.

“ On the other hand, no systematic enquiry has been made in order to ascertain whether more posts could be listed so as gradually to work up to the one-sixth proportion, as proposed by the Public Service Commission. It must be admitted, therefore, that there is a *prima facie* case for enquiry, and such enquiry will most certainly be made.

“ The Hon'ble Member has advocated the holding of simultaneous examinations and the giving of all the higher appointments in India by competitive examination only. I fear that the Government of India can give him no encouragement in that respect. From the time of the famous despatch of the Duke of Argyll of 1869 to the present day, it has consistently been held that though a competitive system is generally suitable for the recruitment of Europeans in England and of those Indians who elect to proceed to England for the examination, it is not the best system for recruiting in this country Indians whom we require to assist us in the administration. There is no particular merit about open competition even as regards Europeans ; but, given a good education in England, competition does secure in a general way good results. The case is totally different as regards the selection of Indians. The average education given at schools and colleges in this country is still some way behind that given at similar institutions in England. Moreover, it is not only the intellectual character of the education given that is of importance : it is the general character of the training which has to be looked to. Another grave objection would be the injurious effect which a simultaneous examination conducted in this country would be likely to have upon the development of education here. Even in England there has been considerable trouble in this respect, and in India it is certain that not only would private institutions be created for the main, if not the whole, purpose of offering special preparation, but the regular institutions would not be able to resist the temptation of so shaping their courses of study as to secure success at the examination rather than to impart a general liberal education to the mass of their scholars.

“ Then there are the very grave difficulties connected with the personnel to be recruited. A fair proportion of Europeans is, as already indicated, essential. What is equally important is that the recruitment of Indians should be such as to secure that a fair proportion of the offices should be given to the various communities in India. These results could not be secured under any system of simultaneous examination. I think that for the present we must adhere to the present system. Then those Indians who are recruited in England will have been trained in the highest and best form of English education, and will, in the words of Lord Macaulay, ' enter the service in the best and most honourable way.' On the other hand, Indians recruited in India, as at present, by a system of careful and cautious selection and by promotion according to tried ability will, in the words of the Duke of Argyll, be recruited ' by a competitive examination of the best kind.'

“ The Hon'ble Member has referred to the fact that the open competition in England has not produced results favourable to Indian competitors. It is true that the number of successes have not been large—5 per cent. of the total. Much better results might, however, have been secured if there had not been a large falling off in the number of Indian competitors in recent years. Why this has been the case, the Hon'ble Member probably can tell better than I can. In any case a low percentage of success is not a sufficient reason for subverting a good working system, though it might be a good reason for taking up the investigation which I have already suggested as to whether we cannot now work up to the full proportion of one-sixth of listed posts, as recommended by the Public Service Commission. In this connection I might note, for the information of the Hon'ble Member, that whereas in 1886, when the Commission was appointed, there were only 12 Indians in the Civil Service, there are now 64.

“ As a matter of general interest, the Hon'ble Mover of the resolution may be glad to know that considerable progress is being made in respect of the appointment of Indians to posts carrying a salary of Rs. 1,000 and over. It was pointed out in the budget debate of 1904-05 that in 1867, out of a total of 648 such appointments, 12 were filled by Indians, all Hindus, or a percentage of 2 ; whereas in 1903, out of 1,370 such appointments, 71 were filled by Hindus and 21 by Muhammadans, the percentage of posts held by Indians being therefore 7. The present position is that in 1910, out of 1,882 such appointments, 134 were held by Hindus and 27 by Muhammadans, the percentage of posts held by Indians being therefore 8.6.

“ I cannot help thinking, both from what the Hon'ble Mover has said to-day and from remarks which he has let fall to me from time to time, that what he is chiefly concerned about is the status of the provincial civil service. He would like to see the status of that service, or at any rate of those members of the service who attain to listed posts, improved. He has given no clear indication as to what he wishes ; but, in referring the question of listing posts to Local Governments, the matter will be borne in mind.

“ In conclusion, I may say that the Government of India will readily refer to Local Governments in order to see how far it is now practicable to work up the recommendation of the Public Service Commission. They do not, however, think that for this purpose the appointment of a Commission is called for. It must be remembered that the Public Service Commission was appointed only when, after two years of discussion, it was found impossible to arrive at a satisfactory solution of the questions involved. No such necessity now exists, as the question to be decided is a simple one, namely, to ascertain from Local Governments how many more posts can be listed up to the maximum of one-sixth. The appointment of a Commission would merely mean waste of time and labour. If the Government of India is left to take action of their own accord, much progress might be made within the course of this very year. On the other hand, if a Commission were appointed, we could not expect to see the result of its labours for at least a year or eighteen months, and then there would be a further great delay in consulting Local Governments. The Government of India are fully alive to the importance of associating Indians in the administration of the country, and, as I have explained, the subject is one which has constantly engaged their attention.”

The Hon'ble MR. SUBBA RAO : “ Sir, I have listened with much interest to the sympathetic speeches that have fallen from the Hon'ble Members opposite, who are in charge of the different departments of Government. I am glad to hear that their earnest desire is to associate Indians more largely in the government of the country. But I have to express my regret that the way in which it is proposed that Indians should be associated more largely with the government of the country is to be on the old lines. We know that under the Statute of 1870 lists were drawn up on the recommendations of the Public Service Commission, based on the rule that one-sixth of the appointments reserved for the Indian Civil Service should be given to the members of the Provincial Service. Hitherto the number of appointments which listed was only 102, and, if that proportion has to be worked up to, it will come to something like 165. It

is stated now by the Hon'ble Mr. Earle that it will be the endeavour of the Government to work up to that proportion.

"All this means that there is to be the Provincial Service and members from that service will be selected according to their ability to fill the posts which will be listed to make up the proportion. In fact, if the old plan is continued, I do not see a way out of the difficulty which has been created by the recommendations of the Public Service Commission and the orders thereon. Though we are glad to learn that an enquiry would be made to list more posts for the members of the Provincial Service, I regret to say that so long as the present system continues, there cannot be any real contentment in the country, because a line of demarcation is drawn between the two services and the stigma of inferiority is attached to the members of the Provincial Service. The Hon'ble Mr. Earle pointed out that there was no finality with regard to the lists already drawn up. I quite admit that the lists might be modified or enlarged from time to time, but what I have been pressing upon the attention of the Council is that so long as the present orders are there, you have to go up to the Secretary of State to modify them if you want to list certain places. The matter was arranged rather in a peculiar way. Certain principles were laid down for listing the places; then the Government of India, apparently with the sanction of the Secretary of State, in April 1892 fixed the places that should be listed; and then in November published the rules under the Statute of 1870 and authorised Local Governments to notify in the official Gazette the listed places to which they might appoint members of the Provincial Service. I quoted a passage from the Government of India Despatch of August 1892 to show that this scheme was intended to be a final settlement of the claims of the Indians for higher employment. I shall, however, accept the statement of the Hon'ble Mr. Earle that the lists as framed are not final and may be modified by the Government of India or by the Local Government. In this connection I shall draw the attention of the Council to the resolution brought in the Madras Legislative Council by the Hon'ble Mr. Raghunatha Rao that the Madras Government might be pleased to appoint an Indian to the Board of Revenue. The answer given by the Hon'ble Mr. Hammick on behalf of the Government of Madras was to this effect: 'we are powerless; we cannot do anything; it is the Secretary of State, under the Statute, that can make the appointment.' So the resolution was withdrawn since the Madras Government confessed its inability to make the appointment under the present rules. Therefore, as far as I can see, the rules and orders issued on the subject seem to direct 'thus far you shall go and no further.' And this has been going on from the year 1892 without any change.

"Now, the Hon'ble Mr. Earle, to show that the lists are not final, said: 'We have recently given the appointment of a Commissioner in the Punjab to an Indian; we have also given another appointment like that in the Central Provinces' I may point out that those appointments were not made under the Statute of 1870. The Statute of 1870 applies only to the regulation provinces and the Government of India were authorised to frame rules under the Statute with regard to the regulation provinces only. But so far as non-regulation provinces were concerned, the Government of India were at perfect liberty to appoint anybody they pleased to any post they liked, under executive orders. Consequently the rules as framed have no application whatever to the non-regulation provinces, and the appointments made in the Punjab and in the Central Provinces had nothing to do with the rules framed under the Statute of 1870. I was, therefore, perfectly correct in stating that the Government of India, so far as the regulation provinces were concerned, had to go by the rules framed under the Statute, and for the time being the rules and orders issued on the subject are binding upon the Government of India and the Local Governments.

"Sir, it is unnecessary in connection with this resolution to discuss the question of the propriety of holding simultaneous examinations in England and India and the conditions under which they should be held here. It is a very large question, and a bulky volume was sent up by the Government of India on this subject to the Secretary of State in 1893. I hope shortly it would form the subject of a resolution when the Hon'ble Member opposite may defend the position which he has taken up at this meeting. The suggestion which I have made

is that if simultaneous examinations in both countries are not feasible, examinations of equally high standards, limited to nominated candidates from the whole of India, might be held here. This is a suggestion which I have made for the consideration of the proposed Commission.

“ Now, the Hon'ble Mr. Earle has said that no particular suggestion has been made with regard to the removing of the stigma of inferiority attaching to the Provincial Service. I am glad to learn that the Government of India propose to make an enquiry into the matter and that this is one of the special points that will be considered. We shall of course wait for the result of the enquiry proposed to be made by the Government of India, and I shall not at this meeting press this resolution. Let them make the enquiry by all means. Let them refer this question to the Local Governments as to how the present discontent which is caused by the differentiation of the two Services can be removed. I have made my suggestion that the only way to remove the stigma and do justice is by having examinations in both countries. We have waited for a good long time and we shall wait till the Government makes full enquiry into this matter. I am sure the conclusion which they would come to, if really they want to remove the stigma, would be to have some kind of competitive examination in this country as well as in England.

“ I do not propose to refer to the speeches made by the other Hon'ble Members opposite. It is enough for the present that the Government has promised to make an enquiry on the subject. I have a good deal to say as regards the Police, the Survey and other Departments. I hope we shall bring up a resolution with regard to each Department, when each Department can be considered on its merits. It is not fair that we should now discuss the details of each Department in connection with this resolution. I reserve that question for the present. We must first settle the main principles. In conclusion, I beg permission, Sir, to allow me to withdraw this resolution with liberty to bring it forward next year, when I hope we shall be in a better position to deal with this resolution. The Hon'ble Mr. Earle says that if a Commission is appointed, it will take a lot of time, whereas the Government of India will finish the business in no time. That is certainly true, if time is the only consideration. We shall gladly wait for some more months and I hope the result of the enquiry will be satisfactory.”

The resolution was withdrawn.

The Council adjourned to Monday, the 20th March 1911.

J. M. MACPHERSON,
*Secretary to the Government of India,
Legislative Department.*

CALCUTTA ;
The 30th March 1911. }

No. 1168, dated the 3th October 1911.

From—The Chief Secretary to the Government of the Punjab,

To—The Secretary to the Government of India, Home Department.

I am directed to forward for the information of the Government of India a copy of a memorial addressed to His Honour the Lieutenant-Governor by members of the Provincial Civil Service in this Province, praying for the remedying or removal of certain grievances together with a copy of the resolution of His Honour thereon in the Home-Gazette Department no. 1125, dated the 20th October 1911.

To—His Honour SIR LOUIS WILLIAM DANE, K.C.I.E., C.S.I., I.C.S., Lieutenant-Governor of the Punjab and its Dependencies.

Your humble memorialist respectfully begs leave to urge—

1. That your memorialist while deeply grateful for the improvement effected in the Judicial Branch of the Provincial Civil Service in October 1909, would beg respectfully to invite Your Honour's kind attention to some of the pressing grievances of the service, for the remedying or removal of which he now prays. Chief among these are the following:—

- (1) Raising the pay of the 7th or lowest grade of extra assistant commissioners from Rs. 250, which it is at present, to Rs. 300 for the future.
- (2) Grant of first class travelling allowance to all grades of the service.
- (3) Grant of grade promotions and acting allowances in leave and other vacancies in all grades of the service, and allowances to all officers invested with the powers of a district judge or of an additional district magistrate.

2. With regard to no. (1) it is submitted that the pay of Rs. 250 per mensem for an extra assistant commissioner was fixed nearly half a century ago when conditions of life were very different: that is, food was cheap, wages of servants low, and house-rents very moderate, and when the service had not the same official status that the Provincial Civil Service constituted in 1893 has. All these have changed very considerably, and it is very difficult, if not impossible, for an officer on Rs. 250 per mensem to maintain the position of a magistrate of the first class and of a civil judge with the respect that should attach to such a position. On the one hand, the service is recruited for meritorious service from among tahsildars and munsifs whose maximum grade pay is already Rs. 250 per mensem. To promote such officials to the Rs. 250 grade of extra assistant commissioners is often a material financial loss, as it very often entails life in a bigger station the consequent entertaining of friends and altogether a more expensive style of living than in small tahsils in lower office. On the other hand, recruitments are made from among the most efficient and most deserving of head clerks of offices of deputy commissioners and heads of departments. These, if married, find it almost impossible to live on Rs. 250 with the respect necessary to their official position.

Further, recruitments are made by open competitive examination from distinguished graduates whose mode of life is very different now to what it was a few years back.

The strongest reason for praying for the increase of pay to the lowest grade is, that it ordinarily takes an extra assistant commissioner appointed to this grade between 2½ to 3 years to be confirmed, and it takes another 3 years thereafter to rise to the next higher grade on Rs. 300 per mensem, so that it means between 5½ to 6 years on a salary of Rs. 250 before an officer earns the small increase of Rs. 50 per mensem.

It must be thankfully admitted that for the seniors in the service there are open the "listed" appointments, but what is needed is that for the juniors entering the service suitable pay be fixed. Were the starting pay to be Rs. 300 per mensem, it would make living easier. If this cannot be, it is respectfully suggested that the pay of an officiating or sub. *pro tem.* extra assistant commissioner be Rs. 250 per mensem, and that on being confirmed, his pay be increased to Rs. 300 per mensem, each next higher grade carrying an increase of Rs. 100 per mensem as at present.

As regards grievance no. 2, it is urged that the present scale of travelling allowance is regarded as lowering the prestige of the office of an extra assistant commissioner whose pay is below Rs. 500 per mensem, as he is entitled to only 2nd class travelling allowance, and this is a source of constant humiliation to him. There are numerous instances where an extra assistant commissioner has to travel 2nd class in the same railway compartment with his sub-inspector of police, or naib-tahsildar, or munsif—the extra assistant commissioner probably being a district judge, that is, invested with the powers of a district judge. Apart from this, there is an instance where an extra assistant commissioner and an assistant superintendent of police were deputed to enquire into an important criminal case at a place not connected by railway and some distance away from head-quarters, the police officer being for the purposes of the enquiry subordinate to the magistrate. At the end of the enquiry which lasted four days, the two officers returned to head quarters together, using one another's traps and horses by turns. The police officer claimed and obtained his 1st class travelling allowance (mileage and daily allowance) whereas the extra assistant commissioner had to be content with his 2nd class travelling allowance.

Whatever the basis of the rule, it is submitted that the great change in existing conditions of service require that the position of an extra assistant commissioner of all grades be entitled to 1st class travelling allowance as is the case with assistant superintendents of police, Provincial Service, and probationary engineers, temporary engineers, probationary superintendents of post offices, inspectors of the Provincial Educational Service, and deputy magistrates and deputy collectors in Bengal and the United Provinces, and extra assistant commissioners in Assam and Burma, when in charge of Sub Divisions.

As to grievance no. 3, it is submitted that having regard to the slowness of promotion, the rare instances where furlough or long leave is taken, and taking into consideration that acting allowances and grade promotions are given in all grades of the Punjab Commission and in all other services, it is respectfully prayed that the same rule be extended to the Provincial Civil Service. The vacancies being chiefly due to the taking of privilege leave, the grant of acting allowances and grade promotions would not, it is expected, press very heavily on the finances of the country. Though short privilege leave vacancies are expected to be filled up in either the district or the division, they sometimes necessitate transfers, which would be compensated by the grant of acting allowances. It is not on the principle of the discharge of higher duties that acting allowances and grade promotions are given to officers in the Punjab Commission. Whatever the principle be, it is prayed that the same principle be extended to the Provincial Civil Service.

It is further strongly but most respectfully urged that all extra assistant commissioners, whether in the Judicial or Executive line, be granted an allowance of Rs. 100 per mensem in addition to substantive pay when they are invested with the powers of a district judge or of an additional district magistrate. This principle was recognised before the reorganisation of the Judicial Service in 1884, and allowances were granted to extra assistant commissioners who performed the duties now performed by district judges, and it is understood that to some extent the principle was followed till recently. It is only when an officer has by approved service shown his special fitness, that he is invested with such powers. The work performed by him is far above the ordinary, and the powers vested in him and the responsibilities entailed are great, and the satisfactory discharge of the duties he is called upon to perform make a very heavy demand on his ability, energy and resources, which equitably requires a suitable money allowance.

For the grant of all the reliefs prayed for your humble memorialist will be ever deeply grateful.

Resolution of the Government of the Punjab, No. 1125, dated 20th October 1911.

READ—

Memorials from 88 members of the Provincial Civil Service praying for the remedying or removal of certain grievances.

RESOLUTION—The concessions which the memorialists desire are—

- (1) Raising the pay of the 7th or lowest grade of Extra Assistant Commissioners from Rs. 250, which it is at present, to Rs. 300 for the future.
- (2) Grant of 1st class travelling allowance to all grades of the service.
- (3) Grant of grade promotions and acting allowances in leave and other vacancies in all grades of the service, and allowances to all officers invested with the powers of a District Judge or of an Additional District Magistrate."

2. In support of their prayer that the pay of the 7th or lowest grade of Extra Assistant Commissioners be raised from Rs. 250 a month to Rs. 300 the memorialists urge the following considerations:—

"With regard to No. (1), it is submitted that the pay of Rs. 250 per mensem for an Extra Assistant Commissioner was fixed nearly half a century ago when conditions of life were very different: that is, food was cheap, wages of servants low, and house rents very moderate; and when the service had not the same official status that the Provincial Civil Service constituted in 1893 has. All these have changed very considerably, and it is very difficult if not impossible for an officer on Rs. 250 per mensem to maintain the position of a Magistrate of the 1st class and of a Civil Judge with the respect that should attach to such a position. On the one hand the service is recruited for meritorious service from among Tahsildars and Munsifs whose maximum grade pay is already Rs. 250 per mensem. To promote such officials to the Rs. 250 grade of Extra Assistant Commissioners is often a material financial loss, as it very often entails life in a bigger station, the consequent entertaining of friends, and altogether a more expensive style of living than in small tahsils in lower office. On the other hand recruitments are made from among the most efficient and most deserving of Head Clerks of offices of Deputy Commissioners and Heads of Departments. These, if married, find it almost impossible to live on Rs. 250 with the respect necessary to their official position.

"Further recruitments are made by open Competitive Examination from distinguished graduates whose mode of life is very different now to what it was a few years back.

"The strongest reason for praying for the increase of pay to the lowest grade is, that it ordinarily takes an Extra Assistant Commissioner appointed to this grade between 2½ to 3 years to be confirmed, and it takes another 3 years thereafter to rise to the next higher grade on Rs. 300 per mensem, so that it means between 5½ to 6 years on a salary of Rs. 250 before an officer earns the small increase of Rs. 50 per mensem.

"It must be thankfully admitted that for the seniors in the service there are open the 'listed' appointments, but what is needed is that for the Juniors entering the service suitable pay be fixed. Were the starting pay to be Rs. 300 per mensem, it would make living easier. If this cannot be it is respectfully suggested that the pay of an officiating or sub-*pro tem.* Extra Assistant Commissioner be Rs. 250 per mensem, and that on being confirmed his pay be increased to Rs. 300 per mensem, each next higher grade carrying an increase of Rs. 100 per mensem as at present."

3. Several different questions are raised by the statement of reasons set forth in the last paragraph. It will be convenient to deal with these *seriatim.* In regard to the general question of the pay of the Provincial Civil Service the Public Service Commissioners in their report of 1888 confined themselves to the broad principle that the pay of the service should be such as will secure locally in India candidates possessing the requisite qualifications, and they expressed the opinion that the conditions of service need not bear any relative proportion to those which are necessary or suitable in the case of officers recruited for the Imperial Service in England. It would be entirely contrary to fact to assert that the existing scale of pay has proved insufficient to attract candidates of the desired stamp, possessing the qualifications necessary for the executive and judicial duties which fall to the Provincial Civil Service to perform. So keen is the competition for admission, whether by examination, nomination or selection, to the ranks of the Provincial Civil Service, that there is no difficulty

whatever in securing a high qualification standard among entrants. In fact the standard tends to become higher in correspondence with the general progress of education.

4. But it is not with the pay of the Provincial Service as a whole but with the initial pay of the lowest grade that the first prayer of the memorialists is concerned. It is regrettably true that prices and cost of living have generally increased in India as elsewhere, but that circumstance has not led to any general revision of initial salaries in other departments. The initial salaries of members of the Indian Civil Service, for instance, have remained the same for at least 40 years. The practical question in the present case is whether a salary of Rs. 250 a month or £200 a year is insufficient for those who obtain admission to the Provincial Service. These entrants are of two classes—young men who are recruited for the first time and officials promoted from a subordinate service. The Lieutenant-Governor is unable to agree that an initial salary of £200 a year is insufficient for the "distinguished graduates, whose mode of life," as alleged in the memorials, "is very different now to what it was a few years back." In a country in which the cost of living is relatively higher than it is to Indians in India £200 a year is the *maximum* initial salary allowed to the no less distinguished graduates of Oxford and Cambridge who obtain admission to the superior branch of the Civil Service of the United Kingdom. The more usual initial rate of pay in class I of the Home Civil Service is £150 a year. In class II £200 a year is not reached until the 20th year of service.

5. The case of officials who reach the 7th class of Extra Assistant Commissioners, by promotion from the subordinate service is different. The complaint as to the insufficiency of the salary reached by such promotion is based on another ground. It is asserted that the promotion entails a more expensive style of living. There are no circumstances, so far as Government is aware, which render it incumbent upon the promoted Tahsildar, Munsif or Head Clerk to adopt a style of living differing materially from that previously observed. There is certainly no obligation to do so imposed by Government. Where, as generally is the case, the promotion carries with it an increase of pay the officer will not be without the means of defraying any additional outlay which he may deem called for in consideration of his enhanced dignity.

6. There are, however, a few cases in which promotion does not carry with it an increase of salary; that is to say, there are a few cases in which the promoted Tahsildar or Munsif was promoted from the first or Rs. 250 grade of the subordinate service. Out of 37 ex-Tahsildars and ex-Munsifs among the memorialists only 9 were promoted to the Provincial Service from the first grade of Tahsildar or Munsif, so that less than one-ninth of the 88 memorialists who all lay such stress on this point, have ever been personally affected by it. However, the Lieutenant-Governor recognises that there is legitimate ground for complaint in the case of those who, in passing from the subordinate to the Provincial Service, receive no increase in pay, and he accordingly proposes in future to arrange that accepted Extra Assistant Commissioner candidates, who are Tahsildars or Munsifs of the first grade, shall *on confirmation* be appointed to the Rs. 300 grade of the Provincial Service. While holding an officiating or sub. *pro. tem* appointment the salary of such officers will be Rs. 250 only, because prior to confirmation they can only be regarded as on probation.

This last consideration seems to have been lost sight of by the memorialists when they reckon the period of officiating or sub. *pro. tem.* acting as a period of service in the 7th grade, and complain of the time which it takes to pass out of that grade into the next. As a matter of fact it only takes about three years from the date of confirmation to reach the Rs. 300 grade.

7. Lastly, in connection with the memorialists' demand that the Rs. 250 grade of Extra Assistant Commissioner should be abolished and the lowest rate of pay be fixed at Rs. 300, it should be mentioned that Rs. 250 per mensem is the rate attached to the lowest grade in the Provincial Service in the provinces of Bengal, Eastern Bengal, United Provinces, Central Provinces and Madras.

8. With reference to the second concession asked for by the memorialists their representation is as follows:—

“As regards grievance No. (2), it is urged that the present scale of travelling allowance is regarded as lowering the prestige of the office of an Extra Assistant Commissioner whose pay is below Rs. 600 per mensem, as he is entitled to only 2nd class travelling allowance, and this is a source of constant humiliation to him. There are numerous instances where an Extra Assistant Commissioner has to travel 2nd class in the same railway compartment with his Inspector of Police, or Tahsildar, or Munsif—the Extra Assistant Commissioner probably being a District Judge that is, invested with the powers of a District Judge. Apart from this, there is an instance where an Extra Assistant Commissioner and an Assistant Superintendent of Police were deputed to enquire into an important criminal case at a place not connected by railway and some distance away from head-quarters, the Police officer being for the purposes of the enquiry subordinate to the Magistrate. At the end of the enquiry which lasted four days, the two officers returned to head-quarters together, using one another's traps and horses by turns. The Police Officer claimed and obtained his 1st class travelling allowance (mileage and daily allowance), whereas the Extra Assistant Commissioner had to be content with his 2nd class travelling allowance.

“Whatever the basis of the rule, it is submitted that the great change in existing conditions of service require that the position of an Extra Assistant Commissioner of all grades be entitled to 1st class travelling allowance as is the case with Assistant Superintendents of Police, Provincial Service and Probationary Engineers, temporary Engineers, Probationary Superintendents of Post Offices, Inspectors of the Provincial Educational Service, and Deputy Magistrates and Deputy Collectors in Bengal and the United Provinces, and Extra Assistant Commissioners in Assam and Burma, when in charge of sub-divisions.”

9. This claim to 1st class travelling allowance rates formed the subject of a question and answer in the Provincial Legislative Council in March last. The *Punjab Gazette* record of the proceedings is as follows:—

“The Hon'ble Mr. SHADI LAL asked:—‘Will the Government be pleased to state why the members of the Punjab Provincial Civil Service drawing less than Rs. 600 per mensem are not classed as 1st class officers for purposes of travelling expenses, when the members of a large number of other Provincial Services mentioned in the Civil Service Regulations, including Postal Superintendents on Rs. 200 to Rs. 600 and Provincial Engineers on Rs. 200, etc., are classed as such and are granted 1st class travelling allowances? Having regard to the above fact and their position as Civil Judges and 1st class Magistrates, will the Government be pleased to place the abovementioned officers of the Provincial Civil Service on the same footing as regards travelling allowances as the officers of other services having similar status and drawing equal salaries?’

“The Hon'ble Mr. FENTON replied:—‘It is not only members of the Punjab Provincial Civil Service drawing less than Rs. 600 per mensem who are excluded from the 1st class for the purpose of the travelling allowance rules in the Civil Service Regulations. The 1st class is a limited one, and includes only members of the Indian Civil Service, members of the Provincial Civil Service holding listed appointments, Military Commissioned and Departmental officers, Chaplains and all other officers holding appointments the pay or maximum pay of which exceeds Rs. 500. Certain appointments of which the pay is Rs. 500 or less have also been admitted exceptionally to the privilege of 1st class rates. These appointments are shown in appendix 18 of the Civil Service Regulations.

“‘The classification of officers for the purposes of the travelling allowance rules rests on the authority of the Government of India and not of the local Government, and any alteration in such classification, which is in force in all provinces, can be effected only with the sanction of the same authority. The Local Government is not in a position to make any statement as to the principle upon which the classification has been made by the Government of India, nor is it empowered to make the alteration in the classification which the Hon'ble Member suggests. Any such alteration would have to be considered with reference to its effect in other provinces where the corresponding officers are on the same footing as in the Punjab, except such members of the Provincial Civil Service in Bengal, the United Provinces and Assam as are in charge of sub-divisions having separate head-quarters, and Extra Assistant Commissioners in Burma employed as Sub-Divisional or Assistant Settlement Officers.’”

To what was said in answer to the Hon'ble Mr. Shadi Lal the Lieutenant-Governor has nothing to add except that he has recently procured the sanction of the Government of India to the concession of 1st class rates to Extra Assistant Commissioners in charge of sub-divisions having separate head-quarters, whatever their pay may be. Equality with the Provincial Service in other provinces has thus been secured, and more than this His Honour is not

prepared to recommend. Sir L. Dane does not understand the allusion to a "great change in existing conditions of service" which is said to necessitate 1st class travelling allowance rates for all grades of Extra Assistant Commissioner. If the meaning is that officers who previously were content to travel 2nd class by rail now deem it incumbent on them to travel in 1st class carriages, His Honour can only say that it has never been the desire or expectation of Government that officers should incur unnecessary outlay by travelling in a class of carriage or in a style involving expenditure disproportionate to the rate of travelling allowance sanctioned for the class to which they belong.

10. The third concession asked for in the memorials is explained as follows:—

"As to grievance No (3), it is submitted that having regard to the slowness of promotion, the rare instances where furlough or long leave is taken, and taking into consideration that acting allowances and grade promotions are given in all grades of the Punjab Commission and in all other services, it is respectfully prayed that the same rule be extended to the Provincial Civil Service. The vacancies being chiefly due to the taking of privilege leave, the grant of acting allowances and grade promotions would not, it is expected, press very heavily on the finances of the country. Though short privilege leave vacancies are expected to be filled up in either the district or the division, they sometimes necessitate transfers, which would be compensated by the grant of acting allowances. It is not on the principle of the discharge of higher duties that acting allowances and grade promotions are given to officers in the Punjab Commission: Whatever the principle be, it is prayed that the same principle be extended to the Provincial Civil Service."

11. The question thus brought forward has also been the subject of an interpellation in Council. The following is taken from the *Gazette of India* of 3rd March 1894 recording the proceedings of the Supreme Legislature:—

"The Hon'ble MAHARAJA PARTAB NARAYAN SINGH OF AJUDHIA asked:—

"Whether the Government will allow grade promotions in the subordinate judicial and executive branches of the Provincial Service in the event of temporary vacancies, as is done in the case of certain services enumerated in Part II, Chapter V, section 1, of the Civil Service Regulations."

"The Hon'ble SIR ANTONY MACDONNELL replied:—

"The various services under the Government have different rates of pay and different rules as to grade promotions. The rates of pay in the services to which the Hon'ble Member refers are affected by limitations as to grade promotions; and the Government of India cannot consider the question of removing the limitations without reopening the whole question of rates of pay. This the Government, as at present advised, see no reason to do.

"I may mention, with reference to the Provincial Executive Service of the Province from which the Hon'ble Member comes, that there has been within the last few months a revision of grading to the advantage of the members of that service."

12. The grade acting allowance system is nothing more than a particular expedient for regulating pay. The real issue raised by this third prayer of the memorialists is whether a scale of salaries ranging from £200 a year to £640 a year is an adequate one for the Provincial Civil Service. The last mentioned sum does not of course represent the maximum attainable by a member of the service. The listed posts, of which there are ten, carry salaries which range up to £1,440 a year. The dissatisfaction with such a scale of salaries which has found expression in memorials such as those now under consideration has, His Honour thinks, been engendered by the habit of regarding the pay of the Indian Civil Service and of other Imperial Services recruited in England as the standard with which comparison should be made. The views of the Public Service Commission in this connection have been referred to above. There can be no comparison between the conditions of service in a foreign country of officers, who have to carry the burden entailed by separation from the country of their domicile, and the conditions of service in their own native land of those who like the memorialists are not burdened with the trials and disabilities, physical, moral and material, of the Englishman in India. If comparison be made, let it be made with the Civil Services locally recruited of other countries. The countries to which the following particulars of salary rates

relate certainly do not fall behind India in point of civilization. These particulars have been supplied by the British Consular Officers.

Spain.—

	£	£
President of Supreme Court	...	...	1,200	
Other Supreme Court Judges	...	...	600 to 700	
Provincial Magistrates and Judges	...	...	170	400

Denmark.—

Chief Judge, Supreme Court	...	...	555	
Other Judges	...	...	177	444

Italy.—

Judicial salaries vary from	...	...	80	600
Commissioners and District Commissioners receive from	...	...	180	240

Japan.—

Judges appointed by the Crown receive from	...	...	306	612
Those appointed by the Prime Minister from	...	...	102	306
Administrative officials receive from	...	...	76	377

Norway.—

Judicial salaries vary from £183 to £533, the latter being the salary of the Head of the Supreme Court.

Greece.—

Judicial salaries vary from £ 67 to £ 288 and Administrative salaries from £ 34 to £231.

Netherlands.—

Judicial salaries vary from £125 to £665.

13. There is a supplementary request in the memorials that an allowance of Rs. 100 should be granted to those Extra Assistant Commissioners who are invested with the powers of a District Judge or Additional District Magistrate. It is not a principle of our administration to treat the conferment of judicial powers as the basis for the grant of allowances without reference to the existence of sanctioned appointments. Any such system would operate to impose limitations upon the powers of Local Governments to employ its officers in the manner from time to time found expedient. Assistant Commissioners, no less than Extra Assistant Commissioners, are often employed as District Judges and Additional District Magistrates without becoming entitled to extra remuneration. Moreover, if the scheme at present under the consideration of the Government of India is sanctioned the post of District Judge will be abolished. In support of their claim the memorialists urge that the principle of allowances to officers exercising special judicial powers was recognised before the reorganization of 1884. This is true; but the arrangement referred to was in force for a limited period only, and the effort of the Provincial Civil Service to have it restored was finally disposed of by the Government of India in the orders contained in Home Secretary's letter No. 85, dated 27th January 1886. These orders may be quoted :—

* * * * * "It is true that the uncovenanted officers then enjoyed certain privileges and special allowances in connection with Judicial appointments, but these allowances were granted for the first time in 1875* and were not received by officers of a corresponding class in any other Province. The discontinuance of these allowances followed as a natural result of the recent re-organization scheme, one of the objects of which was to bring to an end the judicial arrangements of 1875, and although this result is not unnaturally regarded as a grievance by the officers concerned, it cannot be urged on their behalf that they have thus been deprived of allowances which they had always enjoyed or which were always or usually

*Home Department letter No. 1417, dated April 1875.

attached to the class of appointments they might reasonably have expected to fill when they originally entered the service of Government. It is certainly the case that the change has operated to the disadvantage of some of the senior uncovenanted officers, but the loss thus entailed has been to a great extent made good by means of personal allowances, and it is not clear that any further concession can be reasonably claimed. On the whole, therefore, the Governor-General in Council does not consider that a case has been established for adopting special remedial measures, and the Government of India cannot admit that it would be justified at the present time in expending further public money on the administration of the Punjab in the absence of a very clear necessity for so doing. In paragraph 24 of the Despatch from the Government

Communicated to the Government of the Punjab of India to Her Majesty's Secretary of State, with Home Department letter No. 705, dated the 29th April 1884. No. 313, dated 5th November 1883, it was pointed out that, if a higher scale of pay were once admitted for appointments to which uncovenanted officers in the Punjab are directly promoted, it would be impossible logically to resist similar demands if made from other Provinces. The view of His Honour the Lieutenant-Governor is understood to be that the position of officers of the Uncovenanted Service in the Punjab is exceptional, but the Governor-General in Council cannot regard the exceptional circumstances as being such as to justify the grant of special and unusual concessions."

In view of these orders and of the other considerations mentioned in this paragraph and of the circumstance that since the reorganization of 1884, a number of "listed" posts carrying high salaries have been thrown open to the Provincial Service, the Lieutenant-Governor is unable to accede to this request of the memorialists, unless and until the Government of India see fit to raise the salaries of the Provincial Services generally.

14. In conclusion the Lieutenant-Governor desires to remind the memorialists that a very considerable improvement in their position and prospects was effected by the reorganization of the Judicial branch of the Provincial Civil Service in 1909 and of the Executive branch in the current year. By these reorganizations a number of appointments were added to the higher grades, and while many have thereby immediately benefited in pay and promotion the prospects of all have been materially improved. His Honour has been somewhat surprised so soon after such an amelioration to receive these demands for more concessions. For the reasons explained above they are, in His Honour's opinion, based on misapprehensions and on an inadequate realization of the relative position of the Provincial Civil Service to other services. In saying this Sir L. Dane trusts that his remarks may not be taken as any disparagement or belittlement of the Provincial Civil Service. His Honour fully recognises the ability and devotion to duty of its members, and he is always ready to further their interests and to recognise the claims of the most deserving in every way that is feasible and practicable. The memorialists may rest assured that he will not be wanting in this respect in the future.

By order of His Honour the Lieutenant-Governor, Punjab,

M. W. FENTON,

Chief Secretary to Government, Punjab.