



# Indian Round Table Conference

12th November, 1930—19th January, 1931

PROCEEDINGS OF SUB-COMMITTEES

(Volume VIII)

[SUB-COMMITTEE No. VIII (Services)]

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### INTRODUCTORY NOTE.

Proceedings of the Indian Round Table Conference in plenary session, and in Committee of the whole Conference, are contained in a separate volume, the Introductory Note to which explains, briefly, the procedure adopted by the Conference.

Proceedings of Sub-Committees are contained in nine volumes as below :—

- Volume I.—Federal Structure.
- „ II.—Provincial Constitution.
- „ III.—Minorities.
- „ IV.—Burma.
- „ V.—North-West Frontier Province.
- „ VI.—Franchise.
- „ VII.—Defence.
- „ VIII.—Services.
- „ IX.—Sind.

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# INDIAN ROUND TABLE CONFERENCE.

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## SUB-COMMITTEE No. VIII.

(Services.)

The sub-Committee was constituted as follows:—

|                                       |   |
|---------------------------------------|---|
| Sir W. A. Jowitt ( <i>Chairman</i> ). | Mr. B. Shiva Rao.                             |
| The Marquess of Zetland.              | Mr. H. P. Mody.                               |
| Major the Hon. O. Stanley.            | Sir Cowasji Jehangir.                         |
| The Marquess of Reading.              | Sir A. P. Patro.                              |
| Sir Robert Hamilton.                  | Rai Bahadur Kunwar<br>Bisheshwar Dayal Seth.  |
| H.H. The Maharaja of Alwar.           | Maharajadhiraja Kameshwar Singh of Darbhanga. |
| H.H. The Maharaja of Nawanagar.       | Raja of Parlakimedi.                          |
| Sir Prabhashankar Patani.             | Dr. B. R. Ambedkar.                           |
| Rao Bahadur Krishnama Chari.          | Lieut.-Col. H. A. J. Gidney.                  |
| Sahibzada Sultan Ahmed Khan.          | Mr. K. T. Paul.                               |
| Mr. C. Y. Chintamani.                 | Sardar Sampuran Singh.                        |
| Sir Provash Chunder Mitter.           | Sir Shah Nawaz Bhutto.                        |
| Dr. Narendra Nath Law.                | Mr. A. H. Ghuznavi.                           |
| Mr. J. N. Basu.                       | Khan Bahadur Hafiz Hidayat Husain.            |
| Mr. S. B. Tambe.                      | Mr. Zafrullah Khan.                           |
| Sir Chimanlal Setalvad.               | Dr. Shafa'at Ahmad Khan.                      |
|                                       | Mr. Fazl-ul-Huq.                              |
|                                       | Sir Edgar Wood.                               |
|                                       | Raja Narendra Nath.                           |

with the following terms of reference.

“ On the relations of the Services to the new political structures.”

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(NOTE.—The terms of reference are meant to include such questions as the ratio of British recruitment in the All-India Services, and on the other hand the question reserved in the footnote to para. 4 of the Provincial Sub-Committee's Report, i.e., responsibility for the internal administration of the Police in the Provinces.)

PROCEEDINGS OF THE FIRST MEETING OF SUB-COMMITTEE No. VIII  
(SERVICES), HELD ON 6TH JANUARY, 1931.

*Chairman*: The terms of reference to this sub-Committee are as follows: The relations of the Services to the new political structures. To that we have a note added: "The terms of reference are meant to include such questions as the ratio of British recruitment in the all-India Services, and, on the other hand, the question reserved in the footnote to paragraph 4 of the Provincial sub-Committee's Report, that is, responsibility for the internal administration of the Police in the Provinces."

My experience is that discussion is much more fruitful if it is focussed on a particular point by the terms of an agenda, but at this morning's meeting we might have a general discussion, particularly with a view to getting the detailed points we have presently to discuss clearly present in our minds.

In considering the Services the first line of demarcation is between All-India Services on the one hand and Services which are not All-India on the other. With regard to the latter—I mean, of course, the Provincial Services and the Central Services—we shall have very little to do. The power of control in respect to these Services is already so full and adequate that I cannot think there will be much difficulty in making such adjustments as may be necessary, save that everybody would desire that such safeguards as exist to-day for the benefit of those in the Services should not be taken away from them.

The main topic will be the All-India Services, of which there are five, and it might be well to consider them separately. There again, we have a broad line of demarcation. First of all we have to consider the position of those who are already in the Services, and secondly, to consider the future. With regard to the persons already in the Services there seems to have been expressed an almost unanimous body of opinion that we must do with regard to these people what is just and what is generous, both because we all desire to do that, and, secondly, because it has been pointed out that it is the wise thing to do. When you are embarking upon a great constitutional reform it is desirable if possible to avoid at the same time great changes in the administrative machine. Therefore, with regard to the question of the existing Services, we shall have to consider what security, safeguards, and satisfaction must be given to the persons now in the Services. I do not regard it as possible for a Committee like this in the limited time in which we have to work to do more than lay down general principles. For instance, we may lay it down that those in the present Services must have their rights duly safeguarded; the actual steps to be taken to safeguard those rights would be a matter to be considered by the authorities hereafter.

With regard to the future the questions fall under certain heads: should recruitment on an All-India basis continue at all? Should there be a European element in the future, and if so, what ratio

should be taken? If you consider that it is desirable to retain a European element in the Services, at any rate for a limited time, you will probably all agree that you must get the right type of European element. It is no good unless you get them "out of the top drawer". Therefore you will have to consider what steps must be taken to ensure this. The principle applies not only to the European recruitment, but to the Indian recruitment too; you want to get that "out of the top drawer". You have to take steps to see that you get the best type of men. The success of any democracy obviously depends on a very efficient and honest Civil Service. Whether we can lay down absolute and definite rules I very much doubt. It depends upon the authorities in India, and we should like to hear the views of the University authorities in India and here also, because the candidates will largely come from the Universities. It will be interesting to know what steps they recommend. What securities and safeguards would the young men and their parents require? On all these topics we should content ourselves, I think, with laying down broad generous principles.

I hope, as a result of this morning's discussion, to be able to prepare an agenda for our future meetings. There are two other topics to consider. The first is, in connection with the Services, the setting up of a Public Service Commission, that is to say, not merely with regard to the Centre, as we have it to-day, but with regard to the Provinces. It is thought by some, possibly by many, to be the most efficient way of getting the right sort of people, and, when you have got them, to see that they are free from an undue measure of political influence.

The second question relates to the internal administration of the police.

It seems to me that on these lines we might have a very useful discussion. I invite you this morning to have what I previously called a second reading debate. In particular I should be very glad if you would give me the benefit of your opinions as to the way in which we could most conveniently discuss the points so that at our next meeting I may be prepared to meet you with an agenda.

*Mr. Chintamani:* The terms of reference of this Committee, although brief, may be said to be very comprehensive. "The relation of the Services to the political structure" is a phrase that includes nearly every question of importance in relation to the Services, namely, recruitment, conditions of service, pensions, etc. I will follow your directions, and as far as possible, endeavour to limit my observations to those Services which at present are recruited on an All-India basis. You said that they were five; I think they are the Indian Civil Service, the Indian Police Service, the Indian Medical Service, the Indian Forest Service, and the Irrigation Branch of the Public Works Department.

It is a question upon which there has been no complete agreement in the party to which I belong, whether the Services in the future should be recruited on an All-India basis, but the greater

mass of opinion has been that the Civil Service and the Police Service should continue to be All-India Services, while the Medical Service, the Forest Service, and the Public Works Irrigation Service need not be so regarded. But on one point there has been complete agreement—agreement approaching absolute unanimity—namely, that even the recruitment of the All-India Services shall be made under the control of the Government of India, and no longer under the control of the Secretary of State for India. It is fatal to the whole scheme of representative and responsible government, on the construction of which we are here engaged, to leave to a distant authority like the Secretary of State who is responsible to the British Parliament the decision in the matter of recruitment of the Services. In the Provinces there have been few handicaps more serious acting against the success of Ministers than the circumstance that the administrative agency to whom they have to function is not an agency in the recruitment of which they have any part or in the control of which they have more than a very minor share. If the Indian Civil Service and the Indian Police are to be recruited, as a good many Indian public men of progressive views hold that they should be, and if that recruitment is to be under the control of the Government of India, and not of the Secretary of State, what are the conditions that it would be prudent and wise for us to impose as a part of the constitution upon the liberty of the Government of India?

The first point I wish to make is that the Indian Civil Service as we have known it all these years must from the point of view of future recruitment cease to exist. As was stated by a very distinguished member of that Service, Sir Henry Courthope, Chief Commissioner of Assam, the present constitution of the Service is due to historical circumstances. Order had to be evolved out of chaos, and when the lines of future progress had to be laid down, it was considered not merely desirable but essential that there should be a body of highly-trained men in whom nearly all authority in civil administration should be concentrated. Take the post of District Officer, known as Collector in some places, and Deputy Commissioner in others. This was a functionary in whom was vested authority so nearly despotic that I imagine the Ruling Princes would themselves be content with the exercise of so much authority. Conditions, however, have since changed, and with the development of various departments with their own Heads and the devolution of authority to them, the District Officer has ceased to be the all-absorbing functionary that he was in the beginning. This tendency must continue at accelerated speed.

In the second place we have long asked for complete separation of judicial and executive functions, so that both these functions should no longer be combined in any single officer. One of the first steps taken by the Reformed Legislatures was to pass measures insisting upon the carrying out of this reform, and this was followed by the appointment of Committees in several provinces for effecting this step. However, all their labours have come to nought, as the



Government of India, having first promised liberty to Provincial Governments, afterwards interposed an effectual obstacle. I cannot conceive of any reformed Government in the country which would not regard it as one of its first duties to separate judicial and executive functions, and thus create confidence in the public mind that justice in criminal matters was being done.

Various administrative functions that once devolved upon the District Officer have since passed to Heads of Departments, and with this and with the separation of judicial from executive functions which it will be one of the first duties of the new Government to carry out, I am of opinion that a Service like the Indian Civil Service will become an anomaly and an anachronism. What will be needed will be separate judicial and executive services, recruited each in such a manner as may be appropriate to it, the recruitment being by the Government of India. I am assuming that the recruitment for both will be on an All-India basis. If the recruitment of the judicial Services be Provincial instead of All-India, there will be no difficulty in making arrangements accordingly. When you vest in the Government of India the authority to make this recruitment, the next step will be that by Statute you make it impossible for the Government as a whole, and much more so for individual members thereof, to abuse their power by the mere exercise of patronage. The remedy for this evil is the constitution of a Public Services Commission, not as a mere administrative body, subordinate to and amenable to the control of the Executive Government, but as a Statutory body whose rights and responsibilities are defined by the Statute itself. Once the personnel of that Commission is appointed, and they have been told by the Executive Government of their requirements, the Executive Government should cease to have any voice whatsoever, and it should be the duty and authority of that Commission to make recruitment in the manner most conducive to the national interest without regard to any subsidiary considerations.

The same observation holds good with reference to Provincial Public Services Commissions. I mention it here so that I need not refer to it later on. These Commissions should be as completely independent of the Provincial Governments as the All-India Commission should be independent of the Central Executive Government, and there should not be any possibility of the Commissions being swayed, publicly or privately, directly or indirectly, by considerations of the convenience of members of the Executive Government. With regard to adequate treatment of the claims of minorities to posts in the various branches of the public Services, it will also be enjoined upon those Commissions to see that consistently with the best efficiency that they may lay down, no one section of the people will get anything like monopoly or even predominance in any branch of the public Service, but appointments will be distributed fairly and equitably among all, and not merely fairly and equitably, but with a generous consideration for those minorities which on account of backwardness have hitherto failed to get their proper

share. I do not wish that there should be any suspicion in the mind of any minority community that their claims are prejudiced.

In the next place, Sir, we have to consider where these All-India Services should be recruited. I would say that that should be left entirely to the decision of the Government of India. The present Government of India in their Despatch on the Report of the Simon Commission have referred to the recommendations of the Lee Commission with regard to the ratio of Indians and Europeans. I am here to say that I dissent completely and absolutely from the conclusions of the Government of India.

The time has gone by when we may toy with the question of ratios and proportions in the matter of future recruitment, and after this long distance of time we have to satisfy ourselves that progress has been made. When we are here determined to get nothing less than Dominion Status and responsible government for our country, it is an anomaly and will lead to any amount of administrative inconvenience if any restriction whatsoever is placed upon the liberty of the responsible Government of India with regard to the recruitment of the Services. Let it be noted that my observation has absolutely nothing to do with the recruitment of Europeans or Indians. If the Government of India should decide at a given date that the interests of India demand that a certain number of highly qualified Europeans should be appointed, there should be absolutely nothing to prevent them doing so. If in a given situation the Government of India should decide that the recruitment of any Services in a particular area should be only of Europeans and not Indians, they should be at liberty to do so; that liberty should be theirs. There should be no recruitment under the control of an authority outside India, but recruitment should be by the Government of India and in India, of whatever subject of the King the Government of India may choose to recruit.

I hope these observations may remove the apprehension that I am swayed by any prejudice in the view I take. It is due entirely to the constitutional aspect of the question that I take this view, and not because of race prejudice. So far from having that prejudice I am among the huge body of my countrymen who have a profound admiration for the great qualities of the Indian Civil Service, who in the administration of the country in the difficult situations have set up a high standard of devotion to duty, and a capacity to deal with those difficult situations with resourcefulness and a sense of responsibility, which has gone a long way towards levelling up the tone of the Provincial Services. I am glad to think that a stoppage of future recruitment outside India does not mean the loss of the services of this highly-trained and experienced body of men, who will still have many years of service before them. and it is not proposed by even the most radical of Indian politicians that a single act should be done which would affect any one of those Services. I entirely associate myself with you, sir, if I may do so, in your observations with regard not only to the necessity but to the wisdom of doing not mere justice but even of according generous

treatment to those already in the Services. We shall have absolutely no objection here—when I say “We,” I am sure I speak for all my countrymen, because no one wants any actual injustice to be done—we have absolutely no objection to safeguarding the positions and to producing a confidence in the minds of the Europeans recruited by the Secretary of State that the condition of the Services shall be and will be respected by the future Government of India and the Governments of the various Provinces, with respect to their salaries and other conditions; there should be an absolute safeguard not only of their actual but of their accruing rights—a phrase which has come into vogue in Indian terminology. There should be a clear understanding that that phrase “accruing rights” does not act as a bar to the abolishing of superfluous posts by a future Government of India. I have said this because in recent years the opposition to our proposal for the abolition of certain posts has been met by the argument that when the present men entered the Service they knew of the existence of those posts and probably what their promotion would be and that therefore the abolishing would mean a certain loss for which they should be compensated. This particular argument I absolutely repudiate. In deciding what posts should be set up, what posts should be created and what posts should be abolished, in the discharge of that duty of the Government no question of what is “accruing rights” should be allowed to act as a bar.

Then, sir, speaking of the Police, you have referred to the footnote referring to the internal administration of the Police Department. I am aware that the reference is to the observations made by the Marquess of Zetland in the Committee on the Provincial Constitution. His proposal was that it should be laid down in the Statute that all matters of a departmental nature which at the present time are under the control and final disposal of the Inspector-General of Police and do not go before the Government Council shall continue to be so controlled instead of those powers being usurped by future Ministers. I beg to say that this proposal of the noble Marquess implies a certain distrust, not only of the *bonâ fide* but of the common sense of future ministers, for which there is no justification and which I entirely repudiate. If you cannot trust future ministers to distinguish between matters of principle and policy on the one side and matters of administrative routine on the other, if you cannot trust them to continue to control the departments, including the Inspectors-General of Police in the administrative duty which must be finally disposed of by them without reference to the Government Headquarters—involving much delay—if you cannot trust them to do that, then do not trust them at all. Put them on the footing that the Government you are going to establish in India will consist of men who will be endowed with common-sense, with a sense of responsibility and with a regard for the interests of their own country and who may therefore be trusted with the exercise of powers appropriate to members of the Government.

If you do not make that assumption, it is far better that you should say so and send us back home without further delay than that you should appear to be making concessions while at the same time inserting safeguards and reservations which take away altogether from their effectuality. In my opinion it is absolutely unnecessary and utterly undesirable to make a distinction between matters administrative pertaining to the Police Department and matters administrative pertaining to any other Department, and to make provision for the exercise of powers by the Head of the Police Departments when you do not feel that there is any necessity to make similar provision in respect of the Heads of other Departments. In my own mind I have not the slightest doubt that no sensible Indian Minister will seek to do the impossible by depriving Inspectors-General of Police of the powers necessary for temporary discharge and of taking into his own hands duties which would be within the power of any human being to discharge within 24 hours.

That is so far as the internal administration of the police is concerned.

Then, Sir, it is necessary for me to say a word or two about the Indian Medical Service. The condition of that Service is the most anomalous and at the same time to Indians most irritating and insulting. The Indian Medical Service is a very military service, the military service being a very big branch in the Civil Administration. These men, engaged in Civil Medical Administration as Civil Servants in districts are only partially under the control of the Governments which they serve. The anomaly has gone so far that the Government of India have not only laid down a minimum number of Indian Medical Service officers which it shall be the duty of every Provincial Government to keep in the Civil Administration, but it went further and laid down the minimum number of European officers of the Indian Medical Service who must be maintained, and incredible as it may seem to you, Sir, they have gone still further and also specified the particular districts, the particular stations where the officers must be European and shall not be Indian; yet the minister in charge of the Medical Service has to answer to the Legislative Council day after day in regard to the administration of that Department, and if anything goes wrong he gets the blame, and if anything goes right the credit goes to the other officers. I do not see, in view of the progress the medical service has made in India, a shadow of justification for the continuation of this most anomalous arrangement. We have long pleaded for the complete separation of the Military from the Civil medical service. We have said that the recruitment of the Military medical service shall be partly in England and also partly in India; but the civil recruitment must be exclusively in our own country and the control of the Provincial Government shall be not less complete than their control over any other branch of the Civil Administration. A minister who is given a strictly limited authority in other departments is still more limited in the medical department; he cannot even transfer an officer from one district

without the concurrence of the Government of India, and not even the Provincial Government can get at the head of the medical department in its Province an officer of its choosing; it must go to the Government of India and must accept the officer of the Government of India, whatever part of India he may come from. This must come to an end.

In the Public Works Department in 1919 officers of the Buildings and Roads Branch raised less objection to their transfer to the control of the Minister than the Irrigation officers did, the Irrigation officers having been fortunate to remain outside the control of the Legislature and wanting a continuance of that privileged position. The Irrigation officers have stated that in their Branch the qualities of energy and outdoor activity and responsibility and impartiality which are required can only be looked for in Europeans, and this claim has been put forward not only by Europeans but by Anglo-Indians, who when it is useful to them act as if they were Europeans and otherwise claim India as their motherland. Now, Sir, the Irrigation Branch of Public Works Department stands on practically the same footing as the Buildings and Roads Branch, and both should be recruited on a Provincial basis and entirely under the control of the Provincial Governments. Its recruitment should be entirely on a Provincial basis.

I reiterate what I have said, namely, that the recruitment should be also under the control of statutory Public Services Commissions.

I think I have covered the points dealt with in your remarks; and I venture to think the recommendations of this Committee should proceed more or less upon lines similar to what I ventured to indicate, in order to put forward a scheme which will fit in with the system of responsible government.

♦ *Sir A. P. Patro*: Sir, you have very rightly divided the subjects into two: First, as regards the Services already in existence, and then for future recruitment.

With regard to the Services now in existence, upon whatever basis they may be so far as the new constitution is concerned, it is agreed on all hands, by all schools of political thought, that their rights and privileges should be strictly and scrupulously maintained by statutory safeguards—their pensions and their privileges—but as has been referred to by the previous speaker, with regard to what is known as “accruing rights,” there has been a great deal of controversy on that matter as to what is meant by “accruing rights”. Compensation is claimed on behalf of the All-India Services on the basis of loss of “accruing rights,” either at the time of retirement or at the time when they retire from the Service before that period. Therefore, the question of “accruing rights” should be carefully considered, and there should be no basis whatever for compensation; but all their rights, namely, the compensation they are entitled to, the privileges, pensions and family pensions, provident fund, everything should be strictly safeguarded by statutory provisions. There is absolutely no doubt whatever on any side about their present rights and privileges being maintained.

Then, Sir, as regards the future recruitment, it may be divided into two parts, namely, provincial recruitment and recruitment on the All-India basis. As regards the provincial recruitment, it should be, practically speaking, a principle that every Government should have its own agency to carry out its own policy, but in working out how it should be carried out what is the process which should be applied in carrying out this principle? There comes the difficulty in policy, the expedients which should be allowed to be adopted.

Future recruitment should be, in my view, in the case of what are known as the security Services as recommended by the Government of India, and there should be an All-India basis for some time to come. In 1939, when there will be an equal proportion, will be the time to review the whole question of the Services and whether it should continue to be as at present, recruitment by the agency of the Secretary of State, or whether we should have recruitment by the Government of India. By that time, 1939, everything will have been settled and the new machine will have been in working order and it may not be necessary for us to have the full recruitment as we have at present; there will have to be some alteration in the ratios at that time, and it will then give us more breathing time to adjust every part of the machinery of that administration, so that we will be in a better position to adjust the ratios in the proportion of recruitment, if necessary; but it would be a question for the Provincial Governments in 1939 to reconsider the whole subject and say whether it would be on the basis as at present.

With regard to the two other Services, I do not see any reason why they should continue to be on the basis as at present. Immediately the Irrigation Branch of the Public Works Department may cease to be recruited on an All-India basis; but it has more or less been agreed, and the Despatch of the Government of India shows, that with regard to the two security Services we shall have to keep them on an All-India basis, recruited as at present, both in India and in England for a time, and it is only then that it would be possible and practicable to reconsider the whole subject in 1939.

Then, Sir, when we come to the whole of the system of recruitment, whether the conditions should be continued or not, the matter is premature at present, because, as I say, when the Provinces and the Government of India attain their substantial position and status, then we would have to consider whether the European element would be required or not. As has been remarked very rightly by the previous speaker, the door will be still open for recruitment in India and in England. The Government of India will have to consider whether it would continue to be the same or not. The door will not be closed to European recruitment till the Government of India may be in a position to consider the matter. The Public Services Commission will be a different body, certainly must be a different body; I do not want to cast a reflection upon the constitution of the Public Services Commission because they must be above all political considerations.

It should be on a better basis than at present both in regard to the Central Commission and in regard to the Provincial Commissions. There should be a Commission which would be quite independent of all political interference and caste influence. Caste is the bane of India in the Services. Caste leads to all sorts of monopolies. We must get rid of this demon Caste. So far as we are concerned in the Madras Presidency, we are a majority community; nevertheless we have a very poor representation in the Services. My friend has referred to the protection of the minorities, but even the majority community in Southern India requires those safeguards and protections which my friend has so eloquently pleaded for on behalf of the minorities. A majority community, which bears the very heavy burden of taxation, which bears all the brunt of the battle, and which has got all at stake, should be adequately and properly represented in the Services. That such a community should not be adequately and properly represented in the Services is a great grievance. Therefore we want instructions given to the Public Services Commission that not only the minority communities but also the majority communities should have their interests safeguarded and be properly represented.

• *A Member* : On an efficiency basis?

• *Sir A. P. Patro* : Certainly. Efficiency should not suffer simply because a particular community wants better recruitment. I insist on a standard of efficiency, to be maintained not only for the minorities but for the majorities. Wherever there are two candidates for a particular place, the merits of those two candidates should be judged properly, and the candidate belonging to an unrepresented community should be given the preference if his merits are better. No injustice should be done to any particular class or caste or community. Communal justice should be done all round. I am sorry to insist on this question of communal justice, but it is necessary that the truth should be spoken and the real facts faced. It is no use burking the question, or, for the sake of politeness, keeping this matter in the background. This is a time in which we must speak frankly. It is therefore my painful duty to bring this matter to the notice of the sub-Committee, and to say that all requisite safeguards should be provided in any future scheme providing for recruitment.

As to the question of internal Police, and whether the Inspector General should have the right to recruit and control the Service, and as to whether the Minister should not have a voice in the matter, that is a thing which, by convention and by actual practice, would certainly regulate itself. At present the Inspector General of Police has the right of recruiting all subordinate officers for the Police Service. He has also got the control and discipline of the Police Force, subject to the general policy of the Government. The Minister therefore would lay down the policy, and, as usual, the Inspector General would carry out that policy, having a certain amount of freedom in the matter of transfers and recruitment to

the subordinate Services. I do not think, therefore, that the point raised by Lord Zetland in the matter of the adjustment and control of the Services in the Provinces or in the Centre has any force.

I agree with a previous speaker that it is necessary that steps should be taken to recruit the best men either in India or in England. As has been remarked by our esteemed Chairman, it is too early for us to enter into the details. The matter of qualifications and so on should be left, as has been suggested, to the local administration, and the Government of India should be consulted. The University authorities also should be consulted. However, these are details which we need not discuss; but on general principles I say that at present the rights and privileges of the members of the present Services should be safeguarded, and future recruitment of the Security Services, as recommended by the Government of India, should continue to be on the same basis as at present until 1939. Then it should be given over to the Provinces to determine how they would recruit. It will then be obvious, if recruitment be continued, that it should be continued by the Government of India and not by the Secretary of State.

As regards the Indian Medical Service, I agree that in so far as the Military Service is concerned it should be in the hands of the Government of India; but as regards the Civil Service it is an anomaly; the privileges claimed are altogether unjustifiable on any ground whatever. The allocation of certain places and localities seems to me a thing which cannot be justified on any principle whatever.

Therefore that matter also requires to be carefully examined.

There is no doubt whatever that, as recommended by the Government of India, the Irrigation and Forestry Services should discontinue to be recruited on an All-India basis. Irrigation must be provincialised; because it is part of the Public Works Department. The Works Branch has been provincialised, and the Education Service, which was previously on an All-India basis, has also been provincialised, as advised by the Lee Commission; and those two Services have not suffered in any way in efficiency.

We have to go on step by step until ultimately the whole of the Services are under the control of the Government of India and the Provincial Governments. The Provincial Governments must have control of the Services which will carry on their own policy and work. Whatever the theory may be in regard to that, I think the time has not yet come when the two Security Services can be dispensed with immediately, but that they will have to continue until 1939, when the whole question will be reviewed.

*Dr. Shafa'at Ahmad Khan:* The two previous speakers have already covered the ground and have dealt with most of the points. I should like to deal with the question of what is called the Security Services. As has been pointed out, there are five Services at the present time which are recruited by the Secretary of State for India. Of these five, two are Security Services—the Indian Police and the



Civil Service. I agree that for the present we should not decide what ratio should be fixed for Europeans in those two Services for the future. I agree that when the question comes up for decision in 1939 the whole question should be reviewed by a competent and impartial body. I say that because I feel that while we are embarking on a very big project, and introducing responsibility in the Centre, we should be very careful to see that our administration is not entirely dislocated. We are prepared for the fullest form of responsibility which is possible in the present circumstances, but I am not quite sure whether, if simultaneously we introduced far-reaching changes in the administration of the country, it would be really practicable and expedient. For this reason I think it would be desirable to postpone the question of the consideration of the ratio of Europeans in these two Services for the present, and to decide this question in 1939, when we will be in a position to see how the new organisation which we are constructing now has worked; and in the light of the experience we have gained we will be able to formulate positive, definite, and clear-cut principles on which our administration should be based.

As regards the three other Services which have been enumerated—the Forestry Service and the other two Services—I am definitely of the opinion that they should be provincialised. As regards the Forestry Service, there is not one local Government which has advocated the maintenance of the Lee ratio in those two Services. For this reason I believe it is expedient that all these Services should be provincialised, and that the appointments should be made by the Government of India.

I now come to the other point which was discussed by Sir A. P. Patro. He referred, quite rightly I think, to the need for the representation of minorities in the Public Services Commission. Majorities too, if necessary. I am in complete agreement with him on this point. I believe that if the claims of minorities in the Public Services are ignored, and if the claims of the majorities also are ignored, we will have a new caste in India—a caste which will I am afraid assume a much worse form than other castes in India. For this reason I am emphatically of the opinion that positive, definite, and emphatic instructions should be issued to the Public Services Commission laying down as a fundamental principle that the claims of minorities in the various departments of the Public Services should be fairly and adequately considered, and that their claims should be implemented.

The Public Services Commission presented a memorandum to the Simon Commission, in which they stated that their decisions in some cases had been overruled by the Government of India. I do not know to what extent that complaint is justified, but this I can say—that if a Public Service Commission is going to be appointed in the Provinces, then that Public Service Commission should be completely immune from the influences—party, caste, and other influences—which as we know are brought to bear on the highest as well as on the lowest officials on some occasions. It must be laid

down that members of the Public Services Commission should not be appointed by the Ministers, but by some independent authority. Moreover, their powers should be ample. They have complained that in many cases their powers have been limited and restricted. I am very strongly of the opinion that the Public Services Commission which is appointed should have powers over the recruitment of the Provincial Services and even, in some cases, over transfers.

The last point to which I would like to refer is that which was raised by Lord Zetland, namely, the question of the control of the Inspector General of Police over the transfer and posting of Police Officers. I have considered the question very carefully, and I have come to the conclusion that if the principle enunciated by Lord Zetland is followed it will not really mean any restriction on the power of the Ministers. The Ministers do not really want to interfere in the minutiae of administration. They do not wish to know why a person is posted to a particular district. They do not wish to know why an Inspector of Police is posted there and another here. They leave all those details, even in the case of transfers, to the heads of the department. If this is the actual practice now, what objection can there be to confirm it not only by usage but also by statute? If this is done it will lead to stability; it will create confidence; and it will increase the discipline of the Force. For these reasons I am very strongly of the opinion that the proposal made by Lord Zetland should be considered, and I am inclined to think that when it is considered it will be accepted by this body.

*Mr. Basu:* At the present moment, as has been stated, there are five Services which are recruited for the Government of India by the Secretary of State in this country. The difficulty I feel in dealing with the matter is this, whether the categories of the different Services will continue to be what they have been in the past, or whether the categories will be readjusted. From our experience of the development of the Government of India in the past, we have found that there have been changes with the lapse of time. For instance, in the forties and fifties of the last century the officer whom Mr. Chintamani has designated as either the Collector or the Deputy Commissioner of the district was in charge not only of the Civil Administration, the collection of revenue, and so forth, but to some extent he had charge of the public works, he had also charge of the roads, of the public health, and where there were small towns or cities within his district, he looked after the municipal affairs of those localities. But in the seventies and eighties local bodies were established, and a great part of his functions—for example, looking after the roads, the water supply, and so on—were taken out of his hands. As Mr. Chintamani has pointed out, he was not only the Executive Officer, not only the person who was to decide what was to be done on behalf of Government in a particular case, or as to whether certain persons were to be prosecuted or not, but in addition to prosecutor he was also judge. In his capacity as magistrate he tried cases. Since then

there has been gradually an increasing appointment of judicial officers, though still to a certain extent as regards criminal cases the jurisdiction of this officer remains. So far as my own province is concerned, the Collector of the district looks after general administration and the collection of revenue. As we get on, the work is bound to be specialised. For instance, in policing a particular district, we have the District Superintendent of Police, and then in Provinces where there are divisions consisting of a group of districts we have an officer on the top of the division known as the Commissioner of the Division. The Collectors ultimately have the prospect of being appointed Commissioner, and if we abolish the Commissioners we shall be abolishing what might be described as a "Post Office" between the Government at headquarters and the District Officers. Owing to the facility of communications, however, such an expensive "Post Office" is becoming unnecessary. Madras has done away with Commissioners, if it ever had them. The other Provinces may do away with Commissioners, and we may have, in view of the stringency of finance, which rendered nugatory whatever good there was in the last reforms, to see their complete abolition. We may have to employ special revenue officers instead of the system which dates from the latter portion of the 18th century. The revenue system now prevailing in British India was laid down in the time of Lord Cornwallis, and to a great extent it is a system which requires some amount of elastic expansion. If we assent to what two previous speakers have said, we must stand quiet and do nothing until 1939 and 1949.

*Dr. Shafa'at Ahmad Khan:* I did not say 1949.

*Mr. Basu:* Even if it is 1939 we start with a great handicap. One of the reasons for the failure of the Governments that were brought into existence as a result of the Montagu Reforms was stringency of funds, and one of the ways whereby that stringency can be relieved is the simplification of the administrative machinery. The administrative system of British India in the districts and in the Centre is much more expensive than the administrative system in this country. We have the District Magistrate, the Joint Magistrate, the Assistant Magistrate, the sub-Divisional Magistrate, and so on until you crush the people with the burden of the administrative machinery.

*Sir A. P. Patro:* All that is Provincial.

*Mr. Basu:* It may be Provincial, but many of these posts are manned by the men of the Civil Service, so that if we make a general statement "Civil Service," it may mean finance, it may mean Customs, it may mean Secretariat work, it may mean revenue collecting out in the country. Therefore one expects a man who probably in the days of yore might have been in a position to do anything and everything, still to turn his hand to all sorts of tasks although now he is a specialist man with specialised knowledge relating particularly to one department only. You cannot impose service like that on such men and expect them to do anything and everything that is required.

I think, therefore, that there should be no limit of time as regards future recruitment. The Government which will come into being will have to find out where it stands, what its resources are, and what machinery it can use with safety and for the purposes of real development and progress. It is of no use setting up the machinery and saying that it must be maintained, and the people must be kept back for such and such a length of time. That is what was done under the last reforms, and it created a tremendous amount of discontent. In Bengal nearly three-fourths of the revenue was spent in general administration and the police, and although this is the unhealthiest of the Provinces, the people dying like flies, the expenditure of public health is ridiculous proportionately. My friend Sir Provash Mitter was in charge of education for a little while, and did what he could, but I do not think the education got the amount which it ought to have received. The ratio of the illiterate has almost remained the same during the last twenty years. How long will the people stand it? We talk about readjustment, and then we are proposing to settle machinery upon them to start with which cannot be readjusted. (A Voice: "Retrenchment.") Retrenchment is a means of readjustment of the administration to some extent. But I urge that the question of recruitment by such categories as the Civil Service and the Police cannot continue any further. It has been admitted by previous speakers that so far as the Forest Department is concerned, this should go to the Provinces entirely. They have their own officers to develop their own forests, and each Province should try to develop its own forest resources.

With regard to the Medical Service, the recruitment of the I. M. S. is in its primary nature military, but in India everybody is expected to do everything. The military surgeon is placed in charge of a district, or is given a University Chair, where he will teach midwifery or some special department of medicine. We are coming to a time when things are getting specialised, and a man who specialises in a particular department of medicine should not be kept out because there are certain members of the Services who have to be provided for. The Medical Colleges in India are now very well equipped, and have large hospitals attached to them. The men trained there are men with a knowledge of local diseases and local conditions. They know what particular kind of disease will have to be dealt with in a particular locality. As regards the Medical Services, therefore, I submit that the Provinces should be left alone. Almost every Province has its own medical college, and has a Civil Medical Department with Civil Surgeons (though called Surgeons they are also Physicians) in charge of districts, and there are district hospitals and dispensaries for distribution of medicine and examination of patients. I think that so far as the Medical Department is concerned, there is no occasion, except in the military Services, to have a centralised Service. For example, a particular locality is known to be bad for cholera; to this locality will go doctors who have specialised in the treatment and preven-

tion of that disease; the same is true with regard to malarial fever. Those who have specialised in dealing with that disease should be allocated to that area. The Medical Service, except in the Military Department, should not be centrally recruited, but provincially recruited.

With regard to the police, there is a Provincial Police Department which deals with ordinary crime and criminal investigation, and there are certain departments of the police which are probably inter-Provincial or affecting more than a particular Province—for example, railway police and river police. The Central Government may have a small police department for co-ordinating the administration of the Police Departments in the different Provinces, but as regards the higher Services the Department may be centrally recruited to keep up the standard of the Police Service. We know, unfortunately, from the Report of the Police Commission which sat in 1896 or 1897 that the Police Department does require a little looking after, otherwise it has a tendency to lapse into inefficiency.

So far as the higher Officers of the Department, those controlling the Services are concerned, they may be centrally recruited.

With regard to the fixing of English recruitment and Indian recruitment, I do not think there is any need again for fixing a ratio. So far as the Government which will be brought into being is concerned, for its specialised work it will have to come to England for a great many years for many of its Services. For instance, the Education Department has been provincialised, but several Governments I know have repeatedly asked either the Secretary of State here or the High Commissioner to recruit officers for them. With regard to recruitment in England, I do not think that the recruitment should be done independently by the Secretary of State. Even when the recruitment is in England, it should be by the Government of India, through agencies which that Government may lay down. That is the ordinary rational practice, and there is no reason why that practice should be departed from in this particular case. We require for example persons who have experience in criminal investigation. We ask for a certain number of officers. We ask for some officers who have experience of traffic administration. In fact, only a year or two ago, a Traffic Police Officer from London had to be imported into my own city of Calcutta, where traffic conditions are becoming very crowded. In all these ways it will continue to be necessary for some time to have the assistance of European officers, but the discretion must be with the local men. If you entrust the Legislature there with the responsibility of administration and then tie their hands by giving them the machinery and bidding them proceed with it, allowing them to have no voice in the nature of the recruitment, and requiring them only to accept instructions, you will be starting with a condition of things whereby the responsibility you confer will be largely nullified in actual practice. The man who has to carry on the work of administration, who has to organise and co-ordinate his Department with the other Departments of the State, should

have his peculiar needs considered. You should not impose on him a certain service and mechanism which will make it difficult for him to move at all or, if he moves, to move badly.

Therefore I submit that the recruitment should be by the Indian Governments, whether Provincial or Central and where the recruitment is in England it should be by an agent of that Government under conditions to be imposed by that Government.

As regards the safeguards to those who are in the Service, the conditions under which they have entered the Services are clearly laid down in their covenants. There is no Indian who will desire in any way to take away any rights or any privileges that they possess. Those must be continued, if necessary, by statute.

As regards the persons to be employed hereafter, they will be employed under new conditions, and those conditions will govern their services.

As regards fixing the European element, I have already stated that even in that respect there should be no hard and fast rule laid down, because we know that in India there are so many opportunities for training, and you have left in their hands the administration of very large bodies, and it would be a very great grievance to people there if it is said that people from outside are for a good long time to come to have charge of these departments, even though they are able and fit to take charge. It is fitness that should be the aim, and I think the sooner we give effect to that aim of fitness the better.

As regards the Buildings and Roads Branch and the Irrigation Department of the Public Works Department, it has been clearly pointed out that in India the roads, for instance, are probably more important, because there are vast tracts of country which have no railway and which can only be reached by means of roads. The roads have been transferred and provincialised. There is no reason why irrigation should continue to be a Central subject.

That is all I have to say.

*Sir Chimanlal Setalvad*: Mr. Chairman, I wish to be as brief as possible on the various points that arise.

I do not think we need trouble ourselves very much about what are known at present as the Provincial Services; they will continue Provincial Services and will be recruited by the Provinces as they are being recruited at present. The real question that we have to tackle relates to what are known as the All-India Services, and there we may first put out of the way the position of the present members of the All-India Services. So far as they are concerned, there is no question, I do not think anybody disputes that their rights under the covenants under which they are serving have to be maintained, and any provision that may be necessary for that purpose has to be devised.

The more important question is with regard to future recruitment. In regard to future recruitment, it has been said by some

speakers that till 1939 we should not touch the matter at all and that the matter should be left to be reconsidered in that year, which means that till that time in 1939 the recruitment will continue or has to continue on the present basis by the Secretary of State and in the proportions of British and Indian laid down by the Lee Commission. Now, Sir, I emphatically dissent from that position. We are all here insisting upon responsible self-government for India, a Dominion status for India. To my mind it is an entire negation of responsible self-government and Dominion status for India to say that the All-India Services shall be recruited by the Secretary of State for India—not only recruited by him, but that the present system under which he has control should also continue. What would be said if the Secretary of State for the Dominions were to claim that he would recruit the Services in the Dominions, that he would control their salaries, their transfers? Would that be tolerated for a moment? And if we are going to really have a change in the administration of India, if you really mean to make India self-governing, if you really mean to raise India as a Dominion, then it is absolutely anomalous to vest the recruitment and the control of the Services in the hands of the Secretary of State. It is absolutely inconsistent with the position we are claiming for India. It is an inconsistency which goes to the root of the matter. If India is to have self-government, if India is to be a Dominion, then India must have the power and the right and the duty to recruit its own Services. I am, therefore, strongly of opinion that all future recruitment of the Services should be in the hands of the Government of India. That does not mean that British are not to be recruited. The Government of India will determine its own necessities and the appropriate men required for the various Services, and in its discretion will decide how many British they want, how many Indians they want, and the rest of it, and the recruitment should be, as has been suggested already, through an independent Public Services Commission. But I do maintain, Sir, that all the present restrictions of all kinds, as to the place of recruitment, as to control, should go if India is to have responsible self-government. Those are matters which must be within the discretion and within the decision of the future Government of India and not imposed upon the Government of India by any outside authority like the Secretary of State. I am very clear about that, and some of us hold very strong views about it. Then it is said: Oh, unless you leave the present system untouched at any rate until 1939 you are embarking upon a great constitutional change in India, you will be disturbing or dislocating or disorganising the administrative machine. Those apprehensions are entirely unfounded and they do not take note of the present situation. Then I say that from now all recruitment by the Secretary of State should cease and that the recruitment should entirely be vested in the Government of India or the Public Services Commission. That does not mean that thereby the British element in the Civil Service will disappear. Why, Sir, the present members of the Civil Service, including the newest recruits of last year—which were more than 50

per cent.—the proportion of Indians according to the Lee Commission in the Indian Civil Service is a little over 33 per cent., so you have the remaining 67 per cent. British. Those people will be in India holding their posts, the last recruit of last year will be there 30 years, and the senior officers will be there some 20 years, 10 years, and so on; so taking it on an average for at least another 20 or 25 years the present British element in the Services will be there. Therefore, there will be no such dislocation or sudden removal of the British element at all. If you ceased recruitment now, the effect of fully Indianising the Services would come after 20 years, not now. Therefore there is no apprehension that because of recruitment in the manner I am suggesting therefore the British element in the Services will at once disappear. The British element will be there—and the Indians will continue to be there—certainly for another 20 to 25 years; therefore surely by that time the new constitution of India would have become absolutely stable.

Then, Sir, I have already referred to the question of the control of the Services. It follows, if my suggestion is to be adopted that all recruitment should in future be by the Government of India and not by the Secretary of State, as a corollary it follows that the control of those Services, the discipline, transfer and all sorts of things, should also vest in some authority in India and not in the Secretary of State as at present. When I say that the rights of the present Civil Service people should be maintained I should make it clear that what is to be secured to them is what they are entitled to under their covenant. I would make my point clear, because there is a matter upon which I hold very strong views. At present in six Provinces the Governors are chosen from the Indian Civil Service. To my mind that has to go now and immediately. If the new Constitution is to be introduced into India the Civil Service should be purely a Service in the same way as the Civil Service is in this country: they should no longer be dictators of policy, they should no longer be members of a Government, they should be the machine—a very efficient machine—to carry out the policy of the new Government. They should not be, as I have said, anything more than your Civil Service in this country is. You do not choose a minister from the Civil Service here; you do not choose the Prime Minister from among the members of the Civil Service. Further, when you have under the new Constitution responsible government in the Provinces with all ministers responsible, and government in the Centre as we are asking for, there, again, no doubt with certain reservations of certain departments, the Civil Service man will be at the top of the ladder in the Services. You cannot go and place him in the Governorship above the heads of all his superiors who are there. I put my point on a still higher basis. It is not only that, but I do maintain and have maintained for a long time—and there are many people who will agree with me in that—that the Indian Civil Servant, trained in the traditions of the Service for 30 years, gets such a Service mentality, gets such a narrow view of things, that it is not the right thing to put him at the head of an



administration where you do require a broad outlook, where you do require a mentality which you cannot acquire if you are part of a machine working for 30 years. When I say that, Sir, I do not mean to reflect in the least upon the capacity, the reliability, and the efficiency of the Civil Service. I myself have personal experience of their work as a member of the Government in Bombay, and I have nothing but praise for the efficient manner in which the Civil Service discharge their duties, but that is quite a different thing to placing at the head of an administration such a Governor where you have to dictate policy, where you have to take a larger view of things and not the Service point of view, which he can never get out of his mind. It is not his fault, because he has been in that machine and part of that machine for a period of 30 years. Therefore I am very clear myself that we in this Committee should definitely express that opinion that the Governorship should now be recruited entirely from outside the Civil Service. If I may refer to what are called the Governors' Provinces, you have the experience of men in public life in England sent out as Governors. On the whole it has worked very well, and by contrast we always see that the people coming out from here as Governors in the Governors' Provinces have taken a much broader view of things, have always acted much more sympathetically with the people and have been more receptive of public opinion than the civilian Governors have been, and I want that system to be inaugurated in all the Provinces of India. Therefore if that is to be so I want to make it clear that it should not be said with regard to the present members of the Civil Service who are there that because, when they entered, the Governorships were open to members of the Civil Service, therefore they should also continue and the last recruit of last year continues to have that right or that privilege, because it must be remembered that all these posts are what are called selection posts; nobody has a right or claim to any of those higher posts at all. Their right is, under the Covenant, to what is called the time scale, that is, to get their salaries regulated by period: 5 years, 10 years, 20 years, and so on. Those are places to which they are entitled to rise, but beyond that the places are entirely at the discretion of the Government and are what are called the selection grades, in which nobody has a claim or a right. Therefore I want to make that position clear, so far as I am concerned, that while we are quite prepared to guarantee them in such a manner as may give them the most perfect security in their present rights, it must not mean, as has been attempted in various places under the vague term "accruing rights," that the appointment to these Governorships should also be there for those people who are there now, including the newest recruit of last year. The Governorship stands, as I have said, on a different footing altogether. Sound policy requires that it should no longer have any member of the Indian Civil Service the Governor of any Province.

Then, Sir, a word with regard to the proposal of the Marquess of Zetland which is embodied in the Committee's Report about the Police. I must say with regard to that that I was rather surprised

at the argument that my friend Dr. Shafa'at used. He said: Oh, look at what is going on at present, do the ministers ever interfere with the Inspectors of Police, do the ministers ever concern themselves with the posting of subordinate officers, they have always left it to the Inspector-General. If that is so, why do you want to make a provision, why do you show that distrust when your past experience says there is no room for distrust and impose, as is sought to be imposed, a Statutory provision or some provision in the rules of the character mentioned? If the ministers have in practice, according to Dr. Shafa'at, acted in the right way, they have left matters which should be left to the Inspectors-General entirely to them. Why are you, now that you are having a new Constitution, to go back upon that, to show distrust in him and bind him down to this, that or the other? Surely the ministers of India might be expected to be men who can be trusted to use their power with commonsense and with discretion, and it has been rightly said that when you are framing a new Constitution if you are not prepared to trust your ministers you had better not do so at all. It is no use inaugurating a new Constitution, taking on self-government, taking on Dominion Status, and then trying to hedge round by all sorts of safeguards the discretion and the power and the authority of the ministers who are to come into existence. Let us be frank about it. Do you really mean to raise India now to real responsible self-government? Do you really mean to raise her to a Dominion status? Then you have to take risks. In anything you do you have to take risks. As I have said before on another occasion, when these changes come, we have no illusion about it, mistakes will be made; it may be efficiency may suffer for a time, but we are prepared to take all those risks, and England should be prepared to take all those risks in handing over the power to India. All the stages in any country have to be gone through. The sooner the process is begun the better. It is no use saying, on the one hand, "We want to give responsible government" and then be apprehensive as to what will happen "I must safeguard this, I must safeguard that, I must safeguard the other," which in effect cumulatively renders the grant of self-government a sham and a delusion. Do not do that. Do it in the fullest measure and trust the people to whom you are giving power. You must remember that they are the people who are to be the most affected by any inefficiency in government; they will suffer more than you will—the English people. Therefore if they are ready to take those risks, if they are ready to administer their own affairs in the manner in which they wish them to be administered, surely it is not for anyone to stand in their way.

Then, Sir, with regard to the Forest and Medical Services, I entirely agree with what has been said that the present position of the Medical Service is absolutely an anachronism and it has to be done away with. The Provinces should be placed in charge of the Medical Services and should have a free hand in the matter. So also with regard to Irrigation and the other Departments.

I will not detain you any longer, but I would repeat that I am very clear personally on the point that all future recruitment and control of the Services by the Secretary of State should cease immediately and now that the whole of the recruitment and the control of the Services should vest hereafter in the Government of India, and that the Services should be recruited by an independent Public Services Commission not to be influenced by any executive, either Central or Provincial. I also entirely agree that the Public Services Commission should in that recruitment give a fair and proper share to every community in the various Services and that no community should be kept out of their proper share in the administration.

*Sir Cowasji Jehangir*: Sir, I would rather speak on the points as they come up later on, but I cannot help expressing my general agreement with the very lucid speech made by Sir Chimanlal Setalvad. There are one or two points that have not been touched upon; one is that of recruitment for the Central Government. Up to now the Central Government recruits from the Provinces and there has been a difference of opinion as to what should take place in the future. It has been suggested that the Central Government should recruit for themselves. I do not think that would be possible. I do not know whether there is any difference of opinion in this Committee, but I for one would certainly desire recruitment for the Central Government to continue as it is to-day, that is, they select the best men they can find from the Provinces for the Centre, who in their turn may return to the Provinces with added experience and knowledge. I do not want to enlarge on this subject. There is a good deal of written matter on this point. I will leave it at that.

As so many speakers have already said, the important point is the All-India Services, especially the Civil Service and the Police. I am in complete agreement that they should be recruited by the Government of India through a Central Public Service Commission; and after what Sir Chimanlal has said as to how illogical it would be to continue recruitment by the Secretary of State under the new conditions that we visualise, I have nothing further to add. All I can say is that we hope to see in the future no more Secretaries of State. If there are to be no more Secretaries of State there can be no more recruitment by the Secretary of State. If we are to come under another Secretary of State who may be at present in existence, and to whom India may be added—Colonial, Dominion, or whatever it is—I do not think India is going to admit the principle of recruitment in that way. Personally I can see no objection to recruitment by the Government of India with a Public Service Commission in the future.

Coming to Irrigation and Forestry, as to Forestry I think it is admitted on all hands now that it should be provincialised. In some Provinces it is already a transferred subject. But as to Irrigation, I regret I must differ from my friend Mr. Chintamani. I think it is one of the most important activities in our country, and especially so in one or two Provinces. Therefore I would prefer

to see recruitment for the Irrigation Department as an All-India Service and not a Provincial Service. We will get better men by an All-India recruitment—and we require the very best men we can get for Irrigation. In some Provinces it is a question of life and death. In Sind and Punjab Irrigation plays the most important part of all the departments of Government. Crores of rupees have been invested in irrigation works, some as protective measures. After all, the great problem of famine is tied up with this question of the administration of the Irrigation Department. Therefore, considering it from that point of view, I trust that this sub-Committee will agree that recruitment for the Irrigation Department should be on an All-India basis.

Coming to the question of the Lee Commission's recommendations, I see there is a distinct cleavage of opinion. My friend on my right desires no change to be made until 1939, and he agrees to recruitment by the Secretary of State until that period both for the Police and for the Civil Service. But since we disagree on the question of the method of recruitment, naturally there must be disagreement to the principle he has enunciated. I may point out that one of the principal reasons why we want a reconsideration of the proposals of the Lee Commission is that for the future there will have to be retrenchment. I notice that in this country the question of retrenchment in the Civil Service is by no means discarded. You hear criticisms, and you read criticisms, even in this country, that your Civil Service is top-heavy, or that some of your posts are quite unnecessary. In India there has always been this criticism. If the Lee Commission's recommendations are to continue to 1939, the reconsideration of the number of posts which we have at present cannot take place until 1939. I am firmly of opinion that there is a great waste of brain power in India. You find the most capable men doing work which could easily be done by very ordinary men, and the excuse is that they are being trained. In some cases this training goes on for 20 years without the man holding a responsible position because the Service is crammed. There are too many seniors. The juniors, who are called juniors, have been in the Service for 15 and 20 years, and are Collectors. You find Assistant Collectors with 15 and 17 years' service. Considering the qualifications of these men, considering that they are really the best men that England can send out to India, surely you do not want us to keep them doing ordinary revenue work for 17 and 18 years. I can understand their doing it for five, four, or three years in order to learn the language, to see the country, and to get acquainted with the customs and, shall I say, the prejudices of the people; but when it comes to a state of affairs that these men have to be continued in these posts for 15 and 20 years, the waste of money is colossal. Therefore if we do not have the right to reconsider the Lee Commission's proposals, we cannot remedy this state of affairs.

There is no question in my mind of not recruiting Englishmen in the future. I believe we shall require them. I only trust and

hope that we shall get them. There has been a considerable amount of criticism in India as to whether we shall get in the future the right type of men. Therefore those who have grave doubts on that very important issue desire that the Lee Commission's recommendations shall continue until 1939 or 1940. I am one of those who believe that when the position settles down Englishmen will find that in India they will have as profitable, as pleasant, and as instructive a time as they have had in the past. I personally believe that with a complete transfer of power, and with a full measure of self-government, the English Indian Civil Servant will be more powerful and more influential than he is to-day, even if he actually does not exercise, or has not the right of exercising, the same powers that he has to-day. A man is not influential because he actually has powers given to him under an Act or by a Statute. He is influential because he makes himself so useful that he is indispensable; and the man who exercises power relies on him for advice, assistance and guidance. That is what makes a man influential. I firmly believe that the English Indian Civil Servant will continue to play that part even to a greater extent in the future than in the past. But we do not require the same numbers, because there is not the work for them to do. They must come out young. We cannot get the necessary quality unless we get them young. Therefore I am quite prepared to admit that we shall require them in the future—and I will repeat that I trust and hope we shall get them—but I do not desire to have more numbers than we require. I desire that their training should be for a short period only and that they should automatically go to the top of the tree—because we are prepared to pay them well and handsomely.

I now come to the question of the Indian Medical Service, which has caused a considerable amount of irritation in India—an irritation which is not understood in this country because of the unfair treatment which our Indian Medical Officers have received in the past. I am prepared to admit that since the last reforms, during the last 10 years, at least in my province and in my city, the position of the Indians in the profession has considerably improved. In the city of Bombay to-day there are only one or two Indian Medical Service men holding high posts in hospitals, and one of them is an Indian. For the future it has been decided that all these appointments in the hospitals shall go to the local practitioners who hold better degrees and better academic qualifications than the members of the Indian Medical Service. To-day we have got a number of London M.D's. and F.R.C.S's. in Bombay with huge practices—far better practices than any I.M.S. men. Therefore, the position in Bombay has improved. But what is causing the greatest irritation are the orders of the Government of India and the Secretary of State that in certain districts as Civil Surgeons there shall be European Indian Medical Service Officers. The reasons for that are simple. They are known to all my friends here. There may be a small number of Europeans living in a certain area, and they claim to be allowed to have the assistance, in time of illness, of-

only a European. Therefore, it becomes necessary, there being no private European practitioners, to post a Civil Surgeon—an I.M.S. European. The time has passed when such contentions can be brought forward with any logic or with any reason. I am prepared to admit that for any part of India where there is even a small population of Europeans, the Government shall see that the best qualified Medical officers are provided, especially for Government servants; but I am not prepared to make any distinction between brown and white colour. I am prepared to allow that in such areas the Indians shall have European qualifications. It is only right that English Government servants in India should claim to have within easy reach an Indian with European qualifications, because in his own country he has available at his door medical advisers with European qualifications.

*Mr. Shiva Rao:* What do you mean by European qualifications—registered in England?

*Sir Cowasji Jehangir:* No—educated in England. There are numbers of Indian medical men doing no work. There are numbers of them wanting a practice—London M.D's. and London F.R.C.S's. I am prepared to make no distinction between brown and white, but I am prepared to say that any district in which there is a certain number of Europeans should have the assistance of a medical officer with European qualifications, and I am in a position to say that Government will be able to get all their requirements from the Indian medical profession. There are numbers of them all over India who would be only too willing to enter Government Service, and who would be able to fulfil all that is required of them. I may point out that in some of our main cities the most important practitioners to-day are Indians, and that Englishmen call them in in preference to European practitioners who are next to their own doors. Why? Because they are best qualified to serve them. In questions of life and death when you want medical assistance, you do not look at the skin of a man. You look at his qualifications, and whether he is going to get you well. That is the main and only test.

*Chairman:* Will you start our next meeting by completing your speech?

*(The sub-Committee adjourned at 1-5 p.m.)*

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PROCEEDINGS OF THE SECOND MEETING OF SUB-COMMITTEE No. VIII  
(SERVICES) HELD ON 7TH JANUARY, 1931.

*Chairman:* Sir Cowasji was in possession of the Committee. Perhaps he will resume his address.

*Sir Cowasji Jehangir:* I do not desire to keep the sub-Committee from proceeding on to the details; I have only two points to make. Mr. Chintamani has referred to the privileges of the Indian

Civil Service. I am in complete agreement with what Mr. Chintamani has said, but I would just like to add one word. There is a point on which he did not touch, and that is the question of retirement on proportionate pension. At present there is a limited period during which Officers can exercise that right. It has been suggested that in the future Officers should be allowed to exercise that right as long as they continue in the Service, that that option should be given to them. It is a privilege which they considerably appreciate. It gives them considerable safety and peace of mind, which is much more important than anything else. They can go on proportionate pension at any time if they find conditions so unsatisfactory as to make it impossible for them conscientiously to continue in the Service. I would be prepared to allow them to exercise that privilege in the future during the whole term of their office. I am against retaining dissatisfied Officers under any circumstances, and if an Officer, an Englishman—I would not extend that privilege to Indians—if a dissatisfied English Officer desires to leave because he is conscientiously not able to continue in his Service, I would not stand in the way of his going, and therefore I would extend that privilege to him.

Sir, the next point I desire to refer to is the special reference made to us in connection with the point raised by Lord Zetland at the Provincial sub-Committee. I am afraid I was not able to follow him very clearly, because the discussion was stopped rather suddenly, as it was decided that the point should be referred to this sub-Committee. I understood him to say that he desired to place some checks of some sort upon the whole Department in Provincial Governments—the Minister in charge—and he referred to the Indian Police Act. Whether he wanted to go further than the Indian Police Act or not I am not able to say; therefore I would like to have an elucidation on that point from Lord Zetland, but I would point out that the relevant sections are 2, 4, especially 7, and 12. In 2, they are empowered to fix all salaries. In 4, the Government are empowered to appoint certain of the higher Officers in the Police—amongst others, District Superintendents and the Assistant District Superintendents. Under Section 7 the appointment of all Police Officers other than those mentioned in Section 4 shall, under such rules as the local Government shall from time to time sanction, rest with the Inspector General, Deputy Inspector General, and Assistant Inspector of Police, who may under such rules at any time dismiss, suspend, or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty or unfit for same. Then it specifies certain punishments. Under Section 12 the Inspector General of Police may make rules with the approval of the local Government as he may deem fit for the organisation, classification, and distribution of the Police Force, the places at which the members of the force shall reside, and the particular services to be performed by them, etc., and also make all such other orders and rules relative to the Police Force as he may consider fit.

Well, sir, that gives fair control to Government. I would like to ask Lord Zetland a specific question, whether he desires further checks than the Police Act at present entitles him to enjoy, and if not, has he any apprehensions that this Act will be repealed, and if so, what those apprehensions are? It has been clearly stated by nearly all the Delegates that as far as recruitment is concerned they desire a Public Services Commission to be appointed, and if any change is made it can be only made to strengthen this Act rather than to weaken it, and therefore I fail to see where we as a sub-Committee can make any recommendations in this respect.

*Sir Robert Hamilton:* Mr. Chairman, in my country of Scotland we pay a great respect to the study of logic; therefore I listened with great interest and attention to the remarks of Mr. Chintamani and Sir Chimanlal Setalvad yesterday, but I could not help thinking when I listened to them that although they were perfectly logical in their arguments they were in some respects, if I may venture to say so, a little way distant from the practical difficulties of the case with which we have to deal. After all, human affairs are full of illogicalities; you have only to look at the British Constitution, it is a whole mass of illogicalities, and when it comes to dealing with practical business I am never afraid of being illogical if I can get a scheme that will work. If I may suggest it, what we are concerned with here now is to get a scheme that will work, and not to pay too much tribute to what is logical because it is logical. We have an old saying in this country (it is a very wise one)—that you should not swap horses when you are crossing a stream. We are about to cross a very big river with regard to India, and I am inclined to think that it would be dangerous to do anything that would interfere with the working machine that you have while you are facing the difficulties of crossing that river. I should like, therefore, to offer a remark or two on the general subject of debate.

With regard to recruitment in the future, I, of course, look forward to the time when the United States of India, or whatever title the new India may have, will do their own recruiting for India and will draw from wherever they want the best servants they can have. Nothing but the best is good enough for India, and all India in future of course will have that power. But now we are concerned with the change over at the present time, and it has been admitted on all hands that the Indian Civil Service have rendered great and outstanding service to India in the past. You have at your hand there a splendid machine. Why take any step at this moment to damage the working of that machine when the whole of the energies of India will be devoted to building up the new Constitution? It has been suggested by Sir A. P. Patro and, I think, by Dr. Shafa'at Ahmad Khan that 1939 would be a suitable date on which the question of recruitment might be revised and reconsidered. 1939 is the date that has been taken because it has been mentioned by the Lee Commission. I am not wedded to 1939, it might be at an earlier date, but 1939 has been chosen as



a date on which to hang the argument, and I think myself it would be wise to carry on at present with a view to a general revision of the position when 1939 or some such date is reached.

As regards Sir Cowasji's remarks yesterday as to the handicap that would be placed upon India by the expense of carrying on the present system, I must confess I did not quite follow his argument, because I do not see that there is any necessity for filling up posts that are not wanted; surely there is no obligation on anyone to make appointments if the appointments are not wanted.

*Mr. Chintamani:* That is what he insisted upon.

*Sir Robert Hamilton:* With reference to the Police, I am glad Lord Zetland is here to-day and will be able to answer the questions that have been specifically put to him, but as I understand his proposal put forward to the Provincial sub-Committee it was to the effect that the discipline and the morale of the Police should be maintained by leaving the great powers which are now in the hands of the Inspector-General. I am afraid we all of us find difficulty when discussing these matters in getting away from the past. I am looking at it from the point of view of the future and how it will be worked by the new India. Sir Chimanlal, I think, argued that it would derogate from the power of ministers if these matters were left in the hands of the Inspector-General of Police. I cannot agree with him. I think it would strengthen the hands of the Ministers who have the use of the Police; it would be one of the chief weapons in their hands for administering law and order, and it would strengthen their hands if these matters were left to the administration of the Inspector-General. I look forward to the time when the Inspector-General may be an Indian Officer, not necessarily a British Officer, and surely it will be to the advantage of any Minister who has to use that important force that all these matters of discipline in the Force should be maintained by the Inspector-General in the Force and should not come before them in the Ministry. Of course that is subject to the general control which a Minister must have over the force, but as regards internal discipline I am convinced that it is desirable that that should be left to the Inspector-General of the Force. There are very great difficulties to be faced and we all know what very great difficulties the Indian police force have to face and with what success it has met them, how the morale of the force has been kept up and maintained in the face of those very great difficulties. To my mind it would be disastrous if any steps should be taken that would damage that when the new Ministers in the new India will have to use that force. Fancy what it would be if the Force broke their hands when they tried to use it. I must strongly suggest to the Committee that we should take no step in our suggestions that will have any effect of that nature.

I do not desire, Mr. Chairman, to go into any of the details which will be dealt with afterwards when we come to them. If I may do so I would venture to suggest again that in considering these matters that we have before us we should look forward to the

way that they would be worked in the new India, and keep our eyes as far as we can from the old conditions, which, I hope, are behind us for ever.

*Sir Chimanlal Setalvad*: I would like to try to clear away a misapprehension under which Sir Robert Hamilton is labouring as regards what I said.

Taking the recruitment of the Services, Sir Robert Hamilton is mistaken in thinking that I or my friend Mr. Chintamani are merely carried away by logical symmetry at all. We as much as Sir Robert Hamilton look at the practical side of the matter. What I said was this. I entirely agree with him that when you have a new constitution put into operation we must not interfere with or damage the machine. I am in perfect agreement with that. What I pointed out was this, that that machine would not in any manner be damaged or interfered with if you stop recruitment now, because, as I pointed out, the present British element in the Civil Service, which amounts to 63 per cent. to-day, will be there for another twenty years to come.

*Sir A. P. Patro*: Gradually reduced.

*Sir Chimanlal Setalvad*: It may be gradually reduced; still you will have it in the first ten or fifteen years of the operation of the new Constitution. Therefore you will have the machine exactly as it is to-day in that form working and functioning under the new Constitution. Therefore, there need be no apprehension that if you stop recruitment now the machine would in any way be less efficient than it is to-day, under the new Constitution. All I say is that recruitment should cease now; otherwise if you go on till 1939 you will have many more hundreds of people on your hands, and the day will be far distant when recruitment can be done by the Indian Government themselves. Therefore, I submit that we are not carried away by logic; we have the practical view in mind, and it is because we are practical that we suggest the matter which we are proposing.

Secondly, coming to the police matter, I entirely agree again with Sir Robert Hamilton that the new Minister should have the Police machine undamaged and that nothing should be done which would bring about that result. But we are not in this sub-Committee suggesting that the safeguards that are there at present under the Police Act should be removed. We are not recommending their abrogation. What I am insisting upon is this sub-Committee or the Conference not laying down any restrictions. At present the Constitution is there but why do we apprehend that the Minister who would come into power or the Government that would come into power would straight away go and abrogate this Police Act or the safeguards that are there? Why assume that? It will be in the interests of the new Government that the Ministers should continue to keep alive the provisions that are there under the Police Act. Why do we apprehend that they would do something quite contrary to that, something which

would hamper themselves, as has been pointed out by Sir Robert Hamilton? There is no disagreement between him and me as to the desirability of vesting the internal discipline of the Force as it is at present in the Inspector General. The only difference between him and me is this. I say: leave matters as they are; there is no reason to apprehend that the new Minister of the new Government would straight away go and do something which would be undesirable in their own interests. What Sir Robert Hamilton proposes is that here and now we should put restrictions on the powers of the Ministers, that we should tell them not to do this, tell them not to do that, tell them not to do the other. What I say is: Trust them to do the right thing and they will do the right thing.

*Chairman:* You will see in the heads of discussion one of the numbers is "the internal administration of the Police". That is a subject which really stands by itself. I rather venture to think we shall get nearer in understanding the point if we defer the discussion of that topic till then.

*Raja Narendra Nath:* Sir, I should like at this stage to make a few general remarks and to add to them if necessary when we discuss the agenda under each head.

There appears to be agreement in the sub-Committee on two points: first of all that the interests and rights of existing members of the Services should be amply safeguarded; secondly, that there ought to be an All-India Service for certain Branches of administration.

Some remarks have been made with regard to the necessity of economising expenditure on public administration. It has been generally observed that the administration of India is too heavy. I am in favour of effecting economy; at the same time we should not go too far. In the first place, the efficiency of the Service has to be borne in mind, and whilst determining the conditions connected with it we should not lose sight of the economic conditions prevailing in the country and the standard of education which we expect from our future public service.

If in our country the ablest men in a profession make a very large income we cannot afford to give very small salaries to our public servants who will be entrusted with duties of a very delicate character. We must put them above temptation.

The question of the European element in the Services has come up for discussion, and although I find that there is a specific head in the agenda which deals with it I should like to offer a few remarks. As Sir Robert Hamilton observed, we should not be bound by dates. It seems to me that each Province should be given power to determine the proportion of British element in each branch of service. A suggestion to that effect was made by the Indian Central Committee, and that suggestion merits a careful consideration by this sub-Committee. The suggestion was that each Provincial Council should determine the proportion of the British element in each kind of Service. I would restrict that

suggestion in another way. I should like a Committee to be appointed by each Provincial Council, consisting of a few elected members of the Council and some nominated members selected from each branch of the Service the recruitment of which is in question. That Committee, presided over by the Governor, should determine for each Province the proportion of British element in each kind of Service required, and such fixing of proportions should be made periodically. The conditions in each Province vary; a larger number of British servants might be required in one Province than in another, and therefore it is hard for us to lay down any specific rule. As soon as the new Constitution comes into force the Committees should determine, each for its own Province, the proportion of British element required with due regard to the conditions in that Province.

A suggestion was made by one of the speakers that the British element in the Services should continue to be recruited, but not necessarily should be recruited out of India. I think that if the British element in the Services is to be maintained we must certainly have the best kind of European available. Europeans domiciled in India or Anglo-Indians, whenever they require higher education for their youth, send them to England. Therefore, as we need the British element in the Service, the recruitment for it will have to be made in England. It all depends what agency will control that recruitment. It may be the High Commissioner if not the Secretary of State, but if the recruitment of British Officers is continued it should be made from the best class of British Officers available.

Some remarks were made in this sub-Committee with regard to public men from public life in England functioning as Governors of Provinces as compared with members of the I.C.S. There is a general opinion among my countrymen that men taken from the public life of England prove more responsive to the public opinion of India, but I am not quite certain whether that view is correct. There again the circumstances of each Province differ. If the Governors who are stationed in the large cities, like Calcutta or Madras, are more responsive to Indian opinion, it may be due to the fact that public opinion there is better organised, more vocal, more forcible than elsewhere. The necessity of appointing a Public Service Commission has been mentioned by many speakers, and I fully approve of the various arguments advanced by them. I realise that the Public Service Commission should consist of men of independence, that in the Provinces the members should be appointed by the Government of India, and in the case of the Public Service Commission regulating the All-India or Central Services, the appointments should be made by some higher authority. But I would also lay down specific instructions in the Constitution as to the way in which recruitment should be made. Mr. Chintamani said that ample provision should be made for the accommodation of minorities. I would suggest that a certain proportion should be reserved for redressing communal, race, or class, or caste inequalities. If, for example, in Madras the appointments made purely on

merit are absorbed by Brahmans, who are in a minority, the reservation should benefit the non-Brahmans. I should like to have certain principles embodied in the Constitution on which the Public Service Commission should proceed. I am afraid that in the Provincial Public Services considerations of political expediency might sometimes prevail, and therefore I want some amplification of the present Section 96. The reservation I propose should be made and continued until all classes are able to attain an equality of status and education. In one Province that kind of reservation would benefit the majority. It might be that in the Punjab, appointments made strictly on merit would be absorbed altogether by Hindus. But I would not leave the matter simply in the general way that Sir Chimanlal Setalvad proposes that the claims of all communities should be satisfied. I think that is too vague. I would like to give some specific directions, and in this agenda I should like to add somewhere another item, namely, the elucidation of the principles on which the Public Services Commission in each Province and for the whole of India should make the appointments.

*Chairman:* That is why I worded Section 7 of the agenda, "recommendations in relation to a Public Service Commission" in such a general way. Any such recommendations would be in order under that heading.

*Sir Edgar Wood:* Sir Robert Hamilton has dealt with one aspect of the subject upon which I intended to speak, but now it is necessary for me only to make a few remarks. It is about this suggestion to have another Commission appointed to enquire into the question of the Indianisation of the Services. I take it that without another Commission it would be very difficult to make any alteration. I make the same plea as Sir Robert Hamilton made, that the control is changing, so why change all the machinery at the same time? We have to remember that at this stage it is a little premature to commit the country to something fresh before the requirements of the new Constitution are known. Do let us realise our responsibilities here and work for safety. We are not communists to pull down everything at the same time in the hope that we may be able to build up something better.

Another point is that we must not forget, as one speaker said, that there are provisions at present for the Services. I refer particularly to the Indian Civil Service. The Lee Commission lays down provisions whereby in 1939 there will be a fifty-fifty basis of Indians and Europeans. The Government have accepted the provisions of that Commission, and the Services have accepted them. I submit with all due deference to my legal friends here that in justice and fairness to that Service it would not be right before 1939 to change those conditions—that is to say, it would not be right to make those conditions different in 1939 from what has been provided in the Lee Commission, because those conditions have been accepted by both sides. Any change made to-day would be, I

take it, with the object of altering that fifty-fifty basis. By all means have the Commission before that date, but I submit that it would not be regular to bring in an alteration which would affect that fifty-fifty basis in 1939. It would be changing the conditions of the Service for those who are in it to-day, and who have accepted those conditions. This is a matter which we have to consider when dealing with this question of the I.C.S. and the other Services. In a similar matter I have had to deal with a large institution in India where it was contemplated to alter the conditions of service, and we were advised on the highest authority that we must be careful not to change the conditions of the Service, that to do so would be *ultra vires*. But in any case, as Sir Robert Hamilton has pointed out there is going to be a transition period. Do let us avoid confusion and have stability at any rate during that transition period. Nothing will make more for instability than to have the conditions of service come under consideration during that period.

There is another subject I wish to refer to, one which was raised by Lord Zetland in the Provincial sub-Committee, namely the question of Provincial Governors drawn from the I.C.S. Some of the speakers in that sub-Committee were in favour, but I think the majority were against. I quite agree that there is an official mentality which is apt to be a cause of friction and irritation to non-officials. It is apt to be very marked in the Indian Civil Service. No one knows it better than commercial men, and especially in the past it was very marked indeed. But that attitude, I submit, is changing and has changed very considerably indeed. One can now look to a larger proportion of officials who have a wide non-official outlook than was the case even five years ago. Very fine tributes have been paid in this Conference to members of the Civil Service. Sir Chimanlal himself, who is against this proposal, speaks highly of their capacity, their reliability, and their efficiency. One speaker in the Provincial sub-Committee said, "I do not recall a single member to whom I would not take off my hat for his conscientiousness and extreme solicitude for the welfare of India." What finer testimonial can any possible aspirant for a Governorship have?

*Chairman*: I am a little doubtful whether we are not getting beyond the terms of reference. This is a border-line question, and I am told that it has formed the subject matter of discussion before the Provincial and Federal sub-Committees. We do not want to trench upon their ground. I hope that any reference to it at this stage will be of the most general nature. I suggest that we leave the matter over in order that I may ascertain what is the view of the Federal sub-Committee.

*Sir Chimanlal Setalvad*: It is a border-line question, but it comes very appropriately before us.

*Chairman*: I do not mind stretching our terms of reference and discussing it so long as the references are quite general and brief.

*Mr. Chintamani:* In making your enquiry of the Federal sub-Committee I would suggest that you bring forward the question of whether our own reference includes members of the Provincial Governments as well as officers of those Governments.

*Lord Zetland:* In the Provincial sub-Committee the question of the desirability of members of the I.C.S. being eligible for Governorship of Provinces was discussed, and a definite recommendation was made under that heading in the Report of the sub-Committee.

*Sir A. P. Patro:* That is so.

*Chairman:* Let us leave it over now if we may. I will ascertain what course we should take about it.

*Sir Edgar Wood:* The next point is the Police. It has been said that it is not necessary to provide for the recruitment, and discipline. I have no doubt that Lord Zetland will reply to this much more fully than I need do, and I do not propose, therefore, to go into a great deal of detail. We have to remember the present position of the Police. They are underpaid, they are badly housed, and they are unpopular very largely because they are underpaid. If we could now put down an additional five crores of rupees for the Police I would not have very much anxiety about the transfer. I say that then there would be no question of the Police Service being an unpopular one, and there would be co-operation throughout. The position is that there is growing discontent and the position is dangerous. That is a definite fact. Once the Police go we shall have communism and absolute chaos. One speaker asks why do we expect that there will be any political interference which might affect the morale of the Police? We do not expect it, but I submit that we would not be true to our obligations if we omitted to provide against it. A man who insures his life for the benefit of his children in case he dies does not expect to die. He does it because he may die; he provides against the contingency. I am quite sure that it is agreed, even by my friends Mr. Chintamani and Sir Chimanlal Setalvad, that the Police should be removed from the influence of party politics. Sir A. P. Patro has said so. They are removed at present by the provisions in the Police Act, and it is in my opinion essential that the Police should know at this stage that the *status quo* is going to be maintained. Do not let them continue with this feeling that the *status quo* may not be maintained, and that therefore the Service is going to be a very difficult one. If those gentlemen who are present here to-day were going to form the new Legislatures, I think that one could say: leave it to them and the Police Act will be continued; but who is going into the new Legislatures? I should like to know that very much indeed. Nobody knows, and everybody is very much afraid. It is our duty to provide a sound Constitution, and law and order is a vital part of that Constitution. I would go a step further than the Police Act. I would fix the Police grant, and have the alterations in the grant votable every year. That may not commend itself, but I think that I am correct in saying that it is done in this

country. Then, if people are afraid of the I.G., I would have a central grant in aid as they have in Great Britain, which would give the right to a central body of inspection and to see that there is general efficiency. That would be some sort of control over the I.G. There is not the slightest objection in the Service to an Indian minister. The Police have told me so, and they keep on telling me so. There are some of them at home at present. There is also no objection to recruitment through the High Commissioner instead of through the Secretary of State; they do not mind that at all, and a great many of them would welcome it. There is no objection to provincialisation of the Police Services. The great point for safety, in my opinion, is to raise their pay, and we have not got the money at present to do it. What I have suggested with regard to the grant in aid is largely following the British model, and it is acknowledged by everybody, I think, that the British Police is the best in the world. In the County Constabulary the Chief Constable appoints, promotes, and dismisses. In the Metropolitan Police the Commissioner has these powers. I submit that this Committee might do well to concentrate for the purposes of the Police in Calcutta on the Metropolitan Police constitution here. It seems to me that that is definitely very suitable for Calcutta conditions. I do hope, at any rate, that if these other conditions with regard to the Police are not appreciated, the *status quo* with regard to the I.G. will be definitely provided for.

*Khan Bahadur Hafiz Hidayat Husain*: I want to make a few observations on the statements made by Sir Robert Hamilton and by the last speaker. I entirely appreciate what Sir Robert Hamilton says with regard to the powers of the Inspector General and the maintenance of the *status quo*. I fully agree that the Inspector General should be vested with very large powers for the Police administration. He would also have knowledge, full and complete, of the material from which he should recruit for his services. I find very considerable difficulty, however, in agreeing with him with regard to the recruitment, the enlistment, and the maintenance of the Indian Civil Service. The great objection, which to my mind seems to be insuperable, is that if we are going to have provincial autonomy, and if every subject is going to be transferred to the administration of the Legislative Council, the retention of the I.C.S. and the I.P.S. is, to my mind, fraught with considerable difficulties and inconveniences. I am not going to deal with those Services which we are all agreed should be transferred. If we are going to retain the I.C.S., what is the position? I am not quite sure what one of the previous speakers meant when he said that there ought to be no change in the conditions. Of course we do not contemplate any change in the conditions of the Services now, but if we are going to have the machinery in full working order in the Provinces, I do not see how we can accept Sir A. P. Patro's recommendation that all this should be postponed until the year 1939. Even now we know that there will be difficulties with regard to the administration of the Indian Services. We should not therefore, make those difficulties any greater. So far



there are three safeguards for the maintenance of the Indian Services. Firstly, a member of the I.P.S. or of the I.C.S. has an option to retire if he does not like his subject being placed under the control of the new body. I am not prepared to agree with the gentleman who said that the man should have liberty at all times to resign from the Service. My idea is that they should make up their minds as soon as possible. The period is one year, and I would extend it to two years. If they are to resign from the Services, I don't think that that will impair the efficiency of the Services. I think, therefore, that a man should make up his mind in the course of two years if he is going to resign. Now the Governor is charged with the reservation of the rights of the I.C.S. The salaries and pensions of the members of the I.C.S. should not be voted by chance. I am prepared to agree to this, but, further than that, we should not place impediments or obstructions in the working of the provincial administration. The point which is lurking behind the proposition here is that the efficiency of the Services will be imperilled. I am prepared to agree so far that under the conditions obtaining in India at present we want, and we shall probably want for some years to come, a large leaven of European elements. I am prepared to agree so far, but there should be no bar to Europeans entering the Services if the proposals that I am going to make should be accepted. What I propose to do is to divide the Services into two classes, A class and B class. The Europeans shall be entitled to enter into the A class, and of course I will do everything to pay them well. The Provincial Services might be put into the B class. Of course you get Indians of the highest intellectual order who can carry out administration efficiently, and probably as equally efficiently as Europeans. I am reminded, as I am speaking now, of the memorandum which was prepared by the President of the Public Services Commission. He went so far as to say that he had known cases in which Indians had failed in the I.P.S., but the same people had passed in the I.C.S. Therefore you cannot say that the Indians who compete for the I.P.S. will be of a lower standard of intelligence than those who compete for the I.C.S. I say that if we divide our Services into the A class and the B class, and put the Europeans into the A class, this objection will be removed. A great deal has been said with regard to the proportion of Europeans. I have said that I consider that a leaven of Europeans is necessary at the present moment for the maintenance of the efficiency of our Services, but if the competition is to be continued in our Services I still see no reason why there should be any definite proportion with regard to the maintenance of European elements. The Europeans and the Indians will compete together. Those who pass will come in, and those who fail will go out. Therefore, to my mind there seems to be no reason why a very great leaven or a definite proportion of Europeans should be kept.

I will come to the last point which I wish to urge. In certain Provinces a constitutional convention has been set up, sanctified

by the resolutions of the Government, that a certain proportion of the Provincial Services is kept for certain communities. For instance, in the United Provinces the Muslims are entitled to one-third of the Services. I very respectfully maintain, Sir, that these proportions, which are the order of the day, should be maintained. Of course I do not say that any community should be taken with or without qualifications. I say that subject to the necessary qualifications, as has been the practice, this preference should not be deviated from. Otherwise there would be heartburning in those provinces where a convention has been set up under which a certain percentage has been given to the minority communities. I do not know whether this question could not be better settled in the Minorities sub-Committee. On the question of Services, I am bound to bring the proposition before this sub-Committee, that this proportion shall be retained.

*Mr. Mody:* There has been general agreement on the question of the position of the members of the Service who are in that Service at the present moment. The assurance which has been conveyed by everybody that their pay and pensions will not be prejudiced in any way, ought to prove completely satisfactory. If, in spite of that, there are members of the Service who do not find the Service pleasant enough or profitable enough for them, then there is the option. We can state a period of time in which they can exercise that option and retire upon a proportionate pension. I am rather sorry that on the other question, namely, the point of time when the recruitment and control of the Services should be transferred to the Government of India, there has not been complete agreement amongst ourselves. I support the view that that control should come to the new Government of India at the earliest possible moment. I am not supporting that merely because it is logical, as Sir Robert Hamilton would imagine. I say that it would be most injudicious for the new Government of India to be tied down to arrangements which were made under entirely different conditions. After all, you are conceding enormous powers to the new Government of India. If India is fit enough for those powers the question of the Services ought not to be beyond their province. I do not propose to cover the same ground as that covered by previous speakers. My only excuse for intervention in this general discussion is that I want to put my own definite point of view. I think that it will be absolutely necessary for the Government of India which is going to come into existence, not only to reorganise the Services, but entirely to change the conditions of service. India simply cannot afford to let things exist as they are at present. Everybody is agreed, and I think that that agreement must be very gratifying to the members of the Service, that they have done very great and meritorious services to India, and that they are an exceedingly efficient, honest, and devoted body of people, but, Sir, it cannot be gainsaid that under the conditions under which that Service came into existence, we are maintaining a very expensive Service, which I think is not

maintained by any other country. In England the scale for the permanent officials is nothing like the scale which obtains in India. While it is not proposed to rob any man who is in the Service at the present moment of the privileges and emoluments which are due to him, I think it would be fair that new conditions of service should be laid down for the future. After all the scale of civilisation that obtains in India at the present moment is of a primitive character. Our social services, if India is to come into line with Western countries, will have to be on a much more advanced scale than obtains at the present moment. I believe that I am right in saying that in the last 15 years the cost of Services in England has gone up by 300 per cent. I should not be surprised if it went up by a larger amount in India in the next 15 or 20 years, because it is not possible for India to achieve self-government and to achieve Dominion Status and at the same time to maintain her social services at the very low scale on which they are at the present moment.

Well, if they are enlarged what happens? You will want a whole army of officials to maintain these Services; you will want to increase the strength of the Services very considerably. Can India afford to have an Indian Civil Service on the scale which obtains at the present moment if its strength is going to be largely increased? Everyone knows that the failure of dyarchy was very largely because the Ministers who were in charge of the transferred departments had not the money to spend upon essential national requirements, and the same position in a much more aggravated form will confront the India of to-morrow if we have to advance in line with other nations of the West and we have to greatly increase our social and other services. I feel, therefore, that it is all important that at the earliest possible moment the recruitment and control of the Services should pass to the Government of India and that the Government of India ought to appoint a Committee or Commission straight away, or at the earliest possible moment, and find out on what new terms the Services can be recruited in the future. If you do not do that and if you maintain the same scale of emoluments, I say that the experiment of self-government in India will fail disastrously; either India will stagnate or she will have to have a greater extension of all these Services, but on a scale which she can afford. I do not know whether in any of the terms of reference it will be permissible to press for this point of view, but I feel very strongly that it is a point of view which ought not to be lost sight of in any consideration of the position of the Services in future.

*Lieut.-Colonel Gidney:* Sir, although the subject vitally concerns the community I represent, my remarks will be very few. Briefly, I agree entirely with what Sir Robert Hamilton has said that we should not swap horses in midstream. I join with others in the praise of these Services, and I would like to add that this sub-Committee should make a specific statement or recommendation that not only their pensions but also their provident funds

should be assured to the present members of the Services, and that this should be restated in specific terms; I refer to the terms of the Montagu Report of the 9th February, 1922.

Sir, I will defer my remarks on the Medical Services, of which I have the honour to be a member, when we come to that part of our terms of reference. There is, however, only one point I wish now to stress in a few words to this sub-Committee, and I do so in all humility and sincerity. I am sorry, Sir, that the economic protection of the Anglo-Indian Community in the new Constitution does not find a place in your agenda. Possibly it may surprise some Delegates to hear me make this statement, but I do so fortified with the reports of both the Simon Commission and the recent Government of India Despatch. If you will allow me, I will briefly refer to paragraph 340, page 298 of the Simon Commission report, which makes this recommendation: "We have one observation to make in regard to recruitment by the Central Government. In our first volume we have described the peculiar position of the Anglo-Indian community and its economic difficulties. Its dependence upon employment under the Central Government is due not only to its aptitude and capacity but to the policy of the Government in the past. We suggest, therefore, that some special consideration should be shown to the community in recruiting for the Central Services with which it has a traditional connexion."

Let me refer to the Government of India Despatch. Here we find a specific recommendation by the Government of India that the economic future of the Anglo-Indian Community should be placed under the protection of Parliament as a special obligation, this recommendation means that the position is so serious for us that the Government of India are unable to afford us any protection as Statutory natives of India and therefore they ask that we be placed as a special responsibility to Parliament. My one reason for mentioning this is to obtain if it is possible, some statement from this sub-Committee in support of these recommendations. Sir, I am one who believes and hopes sincerely that the time is not far distant when India will be able to supply from her own people and institutions every servant it needs from the highest to the lowest, and there will be no need or demand to travel 7,000 miles to Europe for training before one can secure employment in his own country. I was very sorry and pained to hear what my friend Mr. Chintamani said in his speech when he charged the Anglo-Indian community with seeking a status of European and Indian to suit its own convenience. I wish Mr. Chintamani had not sat so long in an editorial chair and would, if he could place himself in my position. I would then ask him what attitude would he adopt to protect his community from economic disaster as to-day faces the Anglo-Indian Community? It is my lot to fight for my Community, surely he will allow me the privilege of fighting for them in the best way I can. Our perilous position to-day is the creation

of the Government; it is a creation which has been imposed on us and which we have always resented. I refer to our anomalous status. For social purposes we are called Anglo-Indians; for defence purposes we are called Europeans, British subjects; and for economic purposes we are called natives of India. I regret this extraordinary status has been imposed upon us. Sir John Simon said that our community was between two stools, and stood in danger of being crushed out of existence by the process of Indianisation. It is to protect our economic condition and save us from extinction that I make a fervent appeal to this sub-Committee on behalf of a body of loyal subjects who have worked faithfully and loyally for India in the past and who are willing to work in the same way in the future. It cannot be denied that we have rendered great services to India but the process of Indianisation has seriously affected us within the past decade: whereas in 1921 there were scarcely one thousand unemployed Anglo-Indians, after ten years of the operation of the Reforms there are to-day fourteen thousand unemployed, or one-third of the community. Is this to be our reward for our services to our Country and Empire? I ask this sub-Committee to make special reference in its report to the future economic protection of the Anglo-Indian community, not because I wish to continue living a life of communal isolation which has been enforced on us and has been our ruin. No, Sir, I wish to secure protection for my community for a few years only, and it is for those few years, 20 to 25 years, that I ask for this economic safety. Do not deprive us of the 20,000 jobs we hold to-day out of two million appointments in the various Services. If you do it will mean the extinction of a community that has rendered good, loyal and faithful service to its Motherland, India. I plead with the members of this Committee to do their best to incorporate something in their recommendation so as to ensure some economic protection to the Anglo-Indian community. We are being squeezed out of all the Departments which we created and which we helped to maintain, and as our economic future has been placed as a special obligation on the British Parliament I beg members of the British Delegations to give my claim their very serious and sympathetic consideration and not to allow the Anglo-Indian Community, a body of faithful and loyal servants to be driven out of the services and of their country.

*Mr. Fazl-ul-Huq:* Our position has already been made clear, and this morning, after having listened to the debate, I only wish to say that I agree with the remarks which have been made by Sir Robert Hamilton. I find that on this side of the House—I have consulted my friends—they are of the same opinion, namely, that we should not discuss existing conditions, especially with regard to the Police or the Indian Civil Service, till we see how the Constitution has been working. We want evolution and not revolution of any kind.

*Chairman:* That finishes our general discussion. You will all find in your places certain heads of discussion, which, with your

permission, I will not read through; then we can start our discussion, but I read them through in order to invite your suggestion as to whether we ought to put in any new heads in order to embrace thoroughly everything that can safely come within our terms of reference. These are only my suggestions.

The first is this: "(1) The question of safeguarding the position of existing members of the Services." Then "(2) The question of reassuring existing members of the Services with a view to securing that they will serve for their normal term." May I point out the distinction between these two, why I have separated them? No. (1) merely deals with the preservation of the existing rights, whatever those rights may be. We are not here functioning as a body of lawyers or judges to determine what they are. Whatever they are, one assumes that they shall remain. No. (2) is a different point. No. (2) assumes that if you want the existing Services to remain you may have to extend the rights, and what I have got in my mind particularly is the point mentioned I think, by Sir Cowasji Jehangir, that you may have to give them an added right in that they shall have a right of retirement on proportionate pension, not only for a limited period of one year, but for a longer time, possibly for an unlimited time. Obviously if you do that, or extend the time to two years as was suggested in one quarter, you are not merely safeguarding existing rights, but you are giving new rights. That is the distinction between (1) and (2).

I just point out, if I may, with regard to (1) that I do not think we need have any discussion as to the term "accruing rights". As I have said, whatever the rights are, it is not for us to pronounce upon them; but as I do happen to be a lawyer and fortified by the opinion of my predecessors, I may tell you that I entirely dissent from the view that a man can be said to have lost an accruing right merely because some post has gone to which he might or might not have won his way. An accruing right is a right which accrues in the normal process of time. That is what I understand an accruing right to be, and that is what my predecessors have advised. I do not think there can be any doubt about that.

*Sir Robert Hamilton:* May I ask a point upon (2)? You say "with a view to securing that they will serve for their normal term." It would not necessarily mean serving for their normal term if they had the right to retire, would it?

*Chairman:* What we want them to do is this, as I understand. The bulk of opinion is that we are very anxious to avoid a sort of landslide which might take place.

*Sir Robert Hamilton:* Would not it be better to say "with a view to encouraging them to serve for their normal term?"

*Chairman:* It is suggested that there should be the word "encouraging" instead of the word "securing". We want to induce them to go on serving and not throw in their hands, and it is suggested in some quarters that one of the best ways of doing that would be to say to a man: Look here, you have not only got a year

in which to make up your mind; you have got that right and that right shall continue—

*Raja Narendra Nath*: Would not it be limited to a number of years?

*Chairman*: That is a matter for discussion. Perhaps the word “encouraging” better expresses my meaning than the word “securing”

“With a view to inducing them to serve.” Would this do—  
“with a view that they may serve for their normal term.”  
(*Agreed.*)

Now (3) “Should recruitment on an All-India basis continue for any of the following Services”. You see I have left out the Indian Medical Service and I have put that in as a separate heading by itself because we may have to discuss it rather widely.

*Mr. Shiva Rao*: What is to happen to the Central Services and some other Services mentioned in the Government of India Despatch? For instance, the Indian Political Department, Ecclesiastical Department, persons appointed outside India, and various others.

*Chairman*: We will put in a separate heading “Central Services” and see how far we have to make recommendations under that head.

The question is raised generally, I understand, not merely as to recruitment on an All-India basis, because, of course, the fact that they are Central Services involves that they are recruited on an All-India basis.

*Sir P. C. Mitter*: There would be the point as to whether there should be independent recruitment or whether some may be by promotion.

*Chairman*: We can put in a general heading “Recommendations, if any, in relation to Central Services”.

*Sir Cowasji Jehangir*: “Services under the Central Government.”

*Chairman*: We can add “Recommendations, if any, required as to Services under the Central Government”. That will be No. 9. I have written down: “(9) recommendations, if any are required, as to Services under the Central Government.”

*Mr. Shiva Rao*: Are we precluded by the terms of reference from discussing Military Services here? Will that be a question to be discussed by the Defence sub-Committee?

*Chairman*: I think that is a matter for the Defence sub-Committee.

“(3) Should recruitment on an All-India basis continue for any of the following services:—

- (a) Indian Civil Service,
- (b) Indian Police Service,

(c) Indian Forest Service,

(d) Irrigation Branch of the Indian Service of Engineers.

So far as I have gathered from your discussion, there seems to be a large measure of agreement that it should continue on an All-India basis for (a) and (b) but that it should not continue for (c) and there seems to be a divergence of view with regard to (d). "Is it desirable to secure an element of European recruitment, and if so for which Services? Should any such recruitment be done by fixed ratio, e.g., the Lee ratio for each Service, or on some other system." On that we shall have a discussion with regard to what Mr. Chintamani says that it should be left to the Government to decide from time to time what shall be done. I just point out for your consideration what occurs to me as a practical difficulty about that, and that is this: if you are going to have recruitment for these Services you must work to a scheduled programme, because boys at school or young men at University have to think of the careers they are going to adopt and have to start training, and it is hardly feasible, I should imagine, to say it so happens that there certainly are a block of 50 vacancies and next year there may be none. Unless you work to a definite schedule I should think it would be difficult to get anybody.

*Dr. Ambedkar*: There is one thing which it seems to me necessary that this sub-Committee should consider, whether this process of Indianisation should not be accompanied by some distinction in the matter of pay, pensions, and other privileges of Indians as against Europeans in the Civil Service of the future. I think that is a point which this sub-Committee must necessarily consider. I should therefore like to add to this paragraph "Should the Indian element be on a par with the European element in the matter of pay, pensions and other privileges".

*Chairman*: We will bear that in mind.

Then "(4) Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?"

*Sir Chimanlal Setalvad*: You will have to add there the question of control, who shall recruit and who shall control.

*Chairman*: We will leave that for the moment.

Then "(5) Recommendations concerning the Civil Branch of the Indian Medical Service". That is quite at large. We can make what recommendations we like there.

Then "(6) The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees". It occurred to me that there are so many of these points, for instance, with regard to rates of pay, which we have to consider. You do not want to pay more than you need; on the other hand it is bad economy to pay people inadequate salaries when you do not get the right type of man. That is obvious.



The point made as to the question of control seems to me to involve highly technical matters, calling for expert knowledge, so that I doubt whether this sub-Committee is qualified to express any final opinion—I know I am not. I therefore purposely drafted Item (6) of the agenda so that we might consider whether we ought not to say that there should be Commissions set up to determine this question. Can any of you say—I cannot—what rate of pay is necessary to attract the right type of people? Is anybody prepared to say that he knows? Or can anybody formulate what precise regulations should be made regarding control, if we are to cope with that topic?

*Sir Chimanlal Setalvad*: I think the broad principle with regard to control should be dealt with here, namely, whether it should rest with the Secretary of State as at present or devolve upon the Government of India.

*Dr. Ambedkar*: The distinction of remuneration as between Europeans and Indians is a broad question which this sub-Committee ought to decide. The particular principle whether the two elements in the Service should be treated on a par is certainly one for his sub-Committee.

*Sir Provash Chunder Mitter*: If you want to have an All-India Service it is necessary to remember that conditions in the Provinces are not the same. Unless you take evidence I cannot see how even broad generalisations can be made on the question of attracting the best men for the Services throughout India.

• *Sir A. P. Patro*: We had a Committee to investigate whether there should be any retrenchment in the Services. It was a very independent Committee, but the result at which it arrived was that the rates of salaries should actually be increased in some respects. I think that this question should be considered by an independent Committee. Some of us, while strongly in favour of Indianisation, feel that in the interests of our own country there should be greater economy in the matter of the salaries of the Indian officers, but at the same time there should be sufficient attraction to such officers, enabling them to maintain their position and prestige in the country, and preserving them from temptation. As to what scale is adequate to keep the best men in the Service, this is not a matter which can be determined off-hand, it is one which will require very careful consideration. These are vital questions affecting the efficiency of the Service. My respectful submission is that we should not burden ourselves with details at present.

*Sir Chimanlal Setalvad*: With regard to control, I am afraid my remark was not quite understood. I only want to have the large principle settled, whether the control should be in Whitehall or in India.

*Dr. Ambedkar*: I should like to draw your attention to the report of the Ceylon Commission, which recommended the broad principle that there should be differentiation of salaries between the natives of Ceylon and others.

*Chairman*: It may meet the point if we had at the end of Item (6) of the agenda, "and if so whether any definite recommendation should be made for the guidance of such Committees".

*Lord Zetland*: The question which Sir Chimanlal Setalvad wishes to discuss will come up on Item (4). The control goes with the recruiting authority.

*Chairman*: We can add to Item (4) "and what general recommendations should be made as to control". I agree with Lord Zetland that the one is a corollary of the other. The control goes with the recruiting authority. Will you, therefore, add to Item (6), in order to meet Dr. Ambedkar's point, "and if so, whether any definite recommendations should be made for the guidance of such Committees".

Item (7) refers to a Public Service Commission, in the singular; I think we had better have it in the plural. We may want to recommend that there should be a Public Service Commission for each Province, and further to make recommendations as to the existing Central Public Service Commission.

*Raja Narendra Nath*: And would you add to Item (7), "and the general principles to be laid down for their guidance"?

*Chairman*: That would clearly come in. I will so construe the word "recommendations". Item (8) relates to the internal administration of the Police, and we have added an Item (9), "Recommendations, if any are required, as to Services under the Central Government". Suggestions have been made to me that other matters ought to be included. It has been suggested that the question of whether permanent members of the Services should or should not be eligible for appointment to Governorships and so on might be dealt with. What I propose to do is to leave that out for the time being, to ascertain whether it is the subject matter of discussion at some other sub-Committee. If not, we shall have to consider it here.

*Raja Narendra Nath*: The Provincial sub-Committee have dealt with it.

*Chairman*: Then I am not going to rule it in order here.

*Sir Chimanlal Setalvad*: In that sub-Committee it was treated as a borderline question, but it comes properly here when dealing with Services.

*Sir Edgar Wood*: In the Provincial sub-Committee it came in merely haphazard; it was not one of the subjects deliberately brought before us, and I do not think it was very carefully discussed.

*Chairman*: The terms of reference to us are, "the relation of the Services to the new political structure". It is only by a strained reading that this can come in, and as it has been discussed by some other sub-Committee I shall rule it out.

*Mr. Shiva Rao*: I was asked by the lady Delegates to raise the question of the admission of women to the Public Services.

*Chairman:* I am going to rule that out of order, and also to rule out of order the same question in so far as it relates to the Anglo-Indian Community. We are quite entitled to make any recommendations we like, but considered as a topic by itself it is out of order, because we are concerned with the relation of the Services, and not with those who should be in the Services. Mr. Chintamani says that he has a point with regard to Minorities.

*Mr. Chintamani:* I think it will be covered by Item (7).

*Lieut.-Colonel Gidney:* With regard to Item (5), concerning the Civil Branch of the Indian Medical Service, does that include the question of recruitment?

*Chairman:* Yes, everything. I did not put the Indian Medical Service in the list of Services in Item (3) because the method is different from that in being in the other Services. This is a case of *sui generis*, and I have not included it with the others.

*Lieut.-Colonel Gidney:* It is the only Service which to-day is recruited by nomination and not by competition.

*Chairman:* We will now start a discussion on the different heads. Is there any difference of opinion on Item (1): "the question of safeguarding the position of existing members of the Services"?

*Lord Zetland:* One point occurs to me. I am sorry I was not able to be here yesterday, when it may have been referred to. There is considerable apprehension amongst members of the Services with regard to the future, not of their regular pensions so much, as of the Provident Fund and Family Pensions Fund which have been subscribed for largely by the members of the Services themselves, but which under existing arrangements are merged in the general balances, and not kept in the accounts of the Government of India as a separate fund. Would it be open to this sub-Committee to make a recommendation in general terms that the question of the provident and family Pensions Fund is one of great importance, and that in any re-arrangements made under the new Constitution power should be secured to the Secretary of State to safeguard the fund.

*Chairman:* Manifestly you cannot interfere with existing contracts, and therefore even before the discussion of yesterday, I had endeavoured to draw up some resolution which I thought of proposing to you for your consideration. It reads as follows:—

"Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision shall be made in the new Constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new Constitution comes into force. When the new Constitution is drawn up, suitable safeguards for the payment of pensions, including family pensions and provident funds, should be provided." (*General Assent.*)

We now come to Item (2): "The question of reassuring existing members of the Services with a view to securing that they will serve for their normal term." The main point is the extension of the time limit for retirement on proportionate pension.

*Sir A. P. Patro*: I agree with Sir Cowasji Jehanjir that in order to secure efficiency there must be sufficient proportionate pension. It is necessary that there should be such inducements as will make the officers remain and continue to render efficient service. Therefore I think that they should have the privilege of retiring at any time they like, but no period should be fixed within which they must announce that they are going to retire. If a period is fixed the difficulty will be that they will be looking forward to that period, marking time, and doing no effective service. It will lead to a certain amount of demoralisation. If the option is retained, there will be a further inducement to them to remain in office for some time, and give full and effective service.

*Mr. Mody*: I cannot agree with that view. I believe it would entirely destroy the morale and efficiency of the Service if it was left to every member of the Service to pick and choose his own time to retire. It would not be possible for a man who made these mental reservations to give his best to the service of India. If a definite period of time is given to him, he knows where he stands, and will do his best. I would confine the option to such a period as three years, which is a reasonable period for him to make up his mind whether the conditions of service in India are or are not suitable to him.

*Sir Cowasji Jehanjir*: I would like to add one word with regard to this matter. The idea is, and you will find it in the printed matter that has been placed before you, to prevent officers retiring at the end of this limited period when they have not made up their minds.

*Chairman*: Certainly.

*Sir Cowasji Jehanjir*: The idea is that in two years, or in three years, or in whatever period you may lay down, the time is not long enough to gain the necessary experience of the running of the Government to enable them definitely to make up their minds. The result is that, although they have doubts about retiring, they feel it incumbent in the interests of their families, that they should exercise that option rather than not do so, because if they do not exercise that option, and six months or a month after that, conditions become impossible for them, they cannot retire at all because they are deprived of their proportionate pension. The result is that you keep a dissatisfied officer. I would much rather pay a man anything he likes to get rid of him if he is dissatisfied than to force him to serve me when he is unable conscientiously to do his best for me. Let the man go at any time, and give him that chance, rather than force him to make up his mind at a certain period when he may do it in one way or in the other.

There is one qualification, and I think that you will also find it in some of the papers that have been placed before you. We do not desire that European officers in India should be looking out for jobs in their own countries, whether it be in England or anywhere else, knowing well that they are in a position to accept a job at any time during their service in India, getting a proportionate pension, but serving someone else afterwards at additional pay. These questions have actually arisen in practice. You will find instances where, during the two years, or during the year where this option has been allowed to them, they have been trying to secure jobs of a very profitable character elsewhere. They exercise their option if they can get the job, and they do not exercise their option if they fail to get a satisfactory job. That must be prevented. Something has been laid down somewhere with regard to it in some rule, but I cannot lay my hand upon it at the moment. Perhaps my friends will help me. There have been some rules laid down by Provincial Governments that no officer shall enter into any negotiations for any other job during his term of option. I would make that a condition precedent, that no officer during his term of service in India shall be in communication with any person outside to get a job.

*Mr. Chintamani:* How can you prevent him?

*Sir Cowasji Jehanjir:* The question has actually arisen in practice and it has been prevented. I will try to look it up if you will give me time. It occurred to me only just now. This case did not occur to me yesterday. I will have it looked up, but I make my suggestion conditional to the explanation that I have just given.

*Sir Provash Chunder Mitter:* I would like to place some material before the Committee. When I was minister for Education in 1922 and 1923 in Bengal there was a particular officer of the Indian Educational Service with whom I got on very well, and he was a very capable officer. He applied for retirement on a proportionate pension. I sent for him, and I asked him: "Why are you going? Are you in any difficulty?" He told me frankly: "At the present moment I am in no difficulty, but I cannot anticipate the future. In the meantime I have got a job in England. My present prospects are very much better here than what I can get there, but I am preferring a certainty to a better uncertainty." The result is that we have been paying his pension charges during all these years. I feel sure that if he had not had to make up his mind within one year, or two years, or three years, he would have remained, and we would have got a much better service. A good deal can be said in favour of a time limit, but after all what is our object? If we want to keep British officers in the Service and if we call upon the British officer to make up his mind by a given date, then we shall be losing a friend. Many of them will naturally be on the lookout for retirement. After all every one wants to come back to his own country. If we served in England, and if we could have an opportunity of going back to India, even with less

prospects, we would naturally try for it. I do not think that the addition of Sir Cowasji Jehanjir's is very practical. I know that in our Provincial Government there is a rule like that. Some friend may find a job, and that position is not very practicable. Therefore I think that from the financial point of view, and from the point of view of getting contented work out of our men, it is better not to have a time limit.

*Dr. Shafa'at Ahmad Khan:* Sir, the proposal of Sir A. P. Patro that the member of the Indian Civil Service should be allowed to retire at any time has certain defects, and they have been pointed out very lucidly by Sir Cowasji Jehanjir.

*Dr. Ambedkar:* He supported it.

*Dr. Shafa'at Ahmad Khan:* I suggest a compromise, and the compromise is that the members of the Services should be allowed to retire at stated intervals, say in five years, ten years, or fifteen years, every five years.

*Sir A. P. Patro:* No.

*Dr. Shafa'at Ahmad Khan:* I think that it will work, because if a person is satisfied with his conditions of service, and if you impose a restriction regarding his option, and say that he will not be allowed to leave after two years, then if he cannot afford to leave the Service owing to his position, he will be a useless and discontented element of the Service. He will go on working, but he will not put in his best. If you give him the option of retiring, say after his fifth year of service, or after his tenth year of service, I think that he will be able to exercise that choice. In my opinion both the country which he serves and himself will reap a benefit by the change.

*Mr. Chintamani:* I regret that I must definitely oppose the proposal that the privilege of retirement on proportionate pension should be open to officers for an indefinite period and without any time limits. The period of time should be adequate for an officer working under the new Constitution to make up his mind whether the conditions are congenial to him, or whether he would prefer to go. A period of three years has been suggested by Mr. Mody. I am willing, and I am sure that he will not seriously dissent from me, to go further and to suggest five years, that is to say, the lifetime of one Legislature. If an officer during five years does not find anything so very disagreeable to him as to compel him to quit the Service it is not likely that such conditions will arise thereafter. In making the proposal of unlimited generosity to officers in the Services, the speakers seem to have overlooked the criticism which has always been levelled at governments under existing conditions, namely, that they have regulated matters as if India existed for the Services and not the Services for India. There is still a person called the taxpayer, and it would not be out of place if we sometimes remembered his existence. With regard to proportionate pensions and allied matters for the benefit of the Indian Services, I do not hesitate to say that they would not be possible in any

country where the Government is responsible to the representatives of the people themselves. Some of the speeches of those who are so anxious for the retention of the Services of European officers in the All-India Services suggest that after all, their admiration for the conscientiousness, honesty, and devotion to duty of these officers was of a strictly limited nature. They seem to feel that the constant anxiety of the officers is their own remuneration and their own affairs, and not the Service to which they are attached, and that, in the giving of their best to the Service of which they are members, they will be thinking only of themselves.

I am a critic, sir, but my sense of their devotion to duty and of their honesty is far greater and deeper than for me to cast this reflection upon them that while in the Service they will not be giving of their best to the Service, but will be thinking only of themselves. From all points of view I think that every reasonable requirement will be met if we recommend that it be provided that for a period of five years after the coming into force of the new Constitution officers of the All-India Services shall be at liberty to retire on proportionate pensions if they find the new conditions of service uncongenial to them. If they do not exercise that privilege within five years, then they should conform to the ordinary Service rule, and should not be eligible for any special privileges.

*Mr. Shiva Rao:* I was going to suggest three years, but I am quite willing to accept Mr. Chintamani's proposal of five years. I should like to invite the attention of this Committee to the provision in the Nehru Report upon this very point: "Any officer of the Public Services who desires to retire within three years of the establishment of the constitution, or is not retained in the service of the constitution, shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the constitution had not been established." I find that it is practically a reproduction of a provision in the Act of South Africa, which says that any officer of the Public Service of any of the Colonies then established of the Union who is not retained in the service of the Union, or assigned to that of the Province, shall be entitled to receive such pension, gratuity, etc. As a matter of fact, the right to retire on proportionate pensions is a concession which is made in India, and which was not made in the case of South Africa when the Union was established. Three years is really an ample period within which any officer can make up his mind whether he will continue to serve the new Constitution, or whether he would like to take advantage of a proportionate pension and retire, but I am quite prepared to agree to Mr. Chintamani's proposal that the period should be extended to five years but not any longer.

*Mr. Zafarullah Khan:* I should like to divide this question into two parts. We are all aware that the lines along which the British Parliament was willing that the Government of India should be constituted were declared in principle as long ago as August, 1917. Then the Government of India Act was passed in 1919, the

Preamble to which again very clearly reiterates the principles which are going to be followed in the future development of the Constitution of the Government of India. Under that Act, and the rules made thereunder, a certain option of retirement on proportionate pension was given, which I think was applicable to the then existing members of the Services. I am not quite clear whether any option was given with regard to persons who might, subsequently to the coming into force of that Act, enter the Services, but if any option was then given, and there is a limited period with regard to it, I submit that it should in no case be extended. People who joined the Services after the coming into force of the Government of India Act in 1919 can have no grievance if no further option than that which may have been given under the provisions of that Act is now allowed to them, inasmuch as they must have known that anything that might subsequently happen, and anything that is now likely to happen in 1931 or 1932 would be only the further implementing of the policy then very clearly declared which would rule with regard to the development of the Government of India; that is with regard to people who joined the Services after 1920. Generally, with regard to people who joined before, with regard to whom it could not be said that they were aware that these changes were going to take place, my submission would be that the furthest that we should go would be Mr. Chintamani's proposal to give an option of retirement within five years from the coming into force of the new Constitution. That would be not earlier than some time in 1932. Therefore the option would expire in 1937, which gives a period of 20 years, starting from 1917, for people who were members of the Services then at various stages to have made up their minds. I do not think that any very sudden disorganization might be expected from this, because, in the first instance, this option would not apply to the Indian members of the Services; they would be there throughout. Then, as I have said, the five years should not apply to those who joined the Services after 1920. We do not apprehend that all those who are serving now in India, and who have served loyally, would think that as soon as practical effect is given to the principle that the Government of India must be carried on more or less in accordance with the wishes of the people, that declaration, and its practical implications, makes it impossible for them to go on serving in India. Therefore, there will be only a proportion of those senior members who would wish to retire. I think that the period of five years from the coming into force of the new Constitution is a reasonable period within which members of the Services must decide whether they are going to cast in their lot with the new order of things or not. I do not think that any of those apprehensions would in practice really be justified.

*Chairman:* May I point out, particularly with reference to what Mr. Zafrullah Khan has said, that I should not consider the matter, if I were you, from the point of view of the grievance of any particular servant? I do not look at it from that point of



view at all. Every servant under the Government of India, when the new Constitution comes in, will have a contractual right to go, and he will have a contractual right to go for a year; that is the legal position. No servant can have any grievance if his contract is carried out; so long as you give him his contract you have given him what he has bargained for, and that is all that he can ask for. It is not from the point of view of the grievance of any servant that I think that we should consider this matter. It is solely from the point of expediency with regard to the Government of India, because what I anticipate, knowing very little about it, if I may tell you my views, is, that supposing you confront the various servants with this position and you say: "You may have, instead of one year, three years", or you say: "You may have five years," is it not quite certain in the first place that apart from any grievance there is a danger that you would have rather a landslide, and all your people leaving India before they knew what the new conditions were going to be like? Would not that be the position if you limited it to one year? May not that put the Government of India in a very difficult position? Whatever sort of staff you may have, good, bad, or indifferent, Europeans or Indians, at the very initiation of this great experiment, this tremendous new Constitution, it seems to me that you are placing yourselves in an appalling difficulty if you take steps which may bring about a landslide of your existing staff. Therefore, I think that everybody would desire, not from the point of view of the grievances of servants, but from the point of view of simply giving the thing a chance, to take such steps as you can to ensure that you are not going to have a very large change of staff. Then comes the question of time. Ought it to be three years, ought it to be five years, or ought it to be unlimited in point of time? Again I should suggest that the sub-Committee considered that simply and solely from the point of view of expediency. I would remind you that the Statutory Commission said that the time ought to remain open indefinitely. Bombay, Madras, the Punjab, the Central Provinces, Bengal, the United Provinces, Bihar and Orissa have all agreed, with the exception, I think, of one non-official in the Punjab, and the Government of India have said that they regard this right to retire for an unlimited time as essential, not in the interests of the Service, but for the good government of India. Therefore it seems to me that you are taking upon yourselves rather a big proposition if you are going to fix an arbitrary limit of time. You must consider also the position of a comparatively young man. He may think to himself: "What attracts me in this Service are the prospects which it holds out. For the next five years I do not particularly care about things. I am quite low down in the scale, but I hope that I can go on and achieve a big, a prominent, and an important position." If you put that man into this position that he has got to make up his mind to go or not to go in five years' time, may he not say to himself: "The next five years do not hold out very much attraction for me. It is the future which holds the attraction for me. As I have to make up my mind in the next five years I had better

make it up now." It is entirely a matter for you to consider, but it seems to me that it ought to be considered entirely from the point of view of the Indian interests, never forgetting the interests of the taxpayer, as Sir P. C. Mitter said. The great thing to remember is that you have to take care to avoid any risks which may jeopardise the success of this experiment, and it does seem to me that anything which may produce a landslide of the existing staff may jeopardise the experiment.

When we come back at 3 o'clock I hope that we shall be able to take a decision upon this point straight away. There is not very much difference between us. It seems to me that it is a difference of a time limit on the one hand, or of the extension without a time limit on the other. During the luncheon interval, we may be able to agree.

*Mr. Chintamani:* I would like you to consider that if a man retires early the taxpayer will have to pay for quite a long time.

*(The sub-Committee adjourned at 1 p.m. and resumed at 3 p.m.)*

*Chairman:* Having considered the matter during the adjournment, I beg to propose the following resolution, which I think will reconcile all divergent views:

"As it is important that those responsible for the working of the new Constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term. In particular the sub-Committee agreed that the right to retire on proportionate pension should be extended.

"The opinion of the sub-Committee was divided as to whether the extension should be for an unlimited term or for a definite period of years—say five years.

"The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted provided that the same is conducive to loyal and efficient service."

*(General Assent.)*

We come now to Item (3): "Should recruitment on an All-India basis continue for any of the following Services: (a) Indian Civil Service, (b) Indian Police Service, (c) Indian Forest Service, (d) Irrigation Branch of the Indian Service of Engineers." I pause there, and suggest that I rather gather the sense of the Committee to be "Yes" to (a), "Yes" to (b), and "No" to (c). May I take it that the answer is "Yes" to (a) and (b)?

*Mr. Shiva Rao:* I think that all these Services should be provincialised. I do not think it would be satisfactory to work these Services on an All-India basis, and at the same time ensure a proper relationship between the Services and the Ministry.

*Mr. Basu:* The Indian Civil Service is a general Service that is recruited, and there are bifurcations and trifurcations. After a period in the general Service, some members, for example, go to Customs, some take the Judicial line and become Judges, and others remain in the Executive and Revenue Departments. Are we going to have a Service which is not a specialised Service, such as we ought to have, from the very start? It may be, as I pointed out in my general remarks, that with the new Constitution it will be necessary to recast the categories of Services, instead of having one Service, namely, the I.C.S. The I.C.S. has done good work in the past, but it is to some extent an anachronism, and may be more so within a short time. The question is whether by this kind of nomenclature we shall be tending to continue and perpetuate a state of things which does not fit in with the requirements of the present day.

• *Dr. Ambedkar:* This question has to be considered from more than one point of view. There is, first of all, the point of view of Provincial autonomy. We are framing a Constitution in which we propose to give as large a degree of Provincial autonomy to the Provinces as possible, and it seems to me that no Province can be deemed to have Provincial autonomy if it has not the right to regulate the Civil Service that is going to work in its area. There is another and very important point of view, namely, finance. When we have an All-India Civil Service we have a fixed scale of pay. Salaries, remunerations, and other privileges are on a scale which is somewhat remote from what would be obtainable in the various Provinces. A Civil Service that will not be costly to Bombay or Bengal may be costly to smaller and poorer Provinces, like Assam, Sind, the North-West Frontier Province, and Punjab, and it may be that these Provinces will feel themselves satisfied with a little less efficient service than the All-India basis would give them. Having regard to finance at their command, they may regard the brains and efficiency obtainable as quite sufficient for their purpose. Finally, I agree with Mr. Basu with regard to specialisation. I do not understand how the passing of an examination like that of the I.C.S. can give any man the competence to serve in certain specialised Departments. A man who has passed his I.C.S. examination, with mathematics as a special subject, may be placed in the Department of Agriculture or in that of Indian currency. We ought to have a Service which not merely assures a certain standard of education in those who participate, but also allow for a certain degree of specialisation. It is necessary, in my view, that the All-India character of some of these Services should now cease, and the Provinces should be allowed liberty to cut their coats according to their cloth.

• *Sir A. P. Patro:* The objection which has been raised by Dr. Ambedkar is a very relevant one. Even at the risk of being criticised as enthusiastic for the British Service, I may state the practical aspect of the matter, and cite the experience we have had. The difficulty with regard to the provincialisation of Services is that

in comparison with the All-India Services the scales for the Provinces have had to be fixed, not altogether equal to that of the All-India Services, but in a certain approximation thereto. In Madras we have provincialised the Agricultural Service, dispensing with the All-India basis, but there was such an amount of protest from the people concerned that their emoluments ought not to be cut down or their conditions worsened, that it has been necessary to make two classes, called the A and the B class. The A class has been allotted a scale very little below—a few per cent. below—that of the All-India Services. It has also claimed special privileges. The members of the B class have also claimed a higher ratio in proportion to what they have been getting. Therefore, by dispensing with the All-India basis and provincialising the Service, being desirous of getting the best men possible for the Provincial Service, we have not been able to effect any great saving. The time scale of pay that was adopted throughout India is the real difficulty. In the Provincial and Subordinate Services in the Madras Presidency the time scale of payment absorbed more than one crore of rupees, and it has not yet reached the summit of the expected expenditure; indeed, it will take eight or nine years more to reach the summit. Therefore the difficulty is not so much the salary of the All-India Services—the All-India Service increment in Madras altogether amounts to about 38 lakhs of rupees—but in the case of the Provincial and Subordinate Services, when the time scale was introduced it absorbed more than a crore of rupees. The question is not so clear that one can merely say, “stop recruitment from All-India Services, and you will have a saving of expenditure”. My experience has shown that the time scale of pay is the real burden on the Provincial revenues, and not merely the recruitment on an All-India basis.

*Lord Zetland:* I think Dr. Ambedkar's remarks give a somewhat misleading idea as to what the functions of the officers of the Indian Civil Service are. Dr. Ambedkar said, “How can you expect that a man who has merely shown himself capable of passing the I.C.S. examination should be competent to act as an expert agricultural officer?” In the first place, may I point out that the qualifications of the members of the I.C.S. are not merely an ability to pass competitive examinations. After they have passed their examinations they have to go through a considerable period of probationary instruction—I think a period of two years, but it is varied from time to time—at certain selected Universities in this country, where they are given courses of specialised instruction in the different branches of administration in which they expect to be engaged. The work of the I.C.S. generally speaking, is administrative. Anybody who listened to what Dr. Ambedkar said might imagine that there was no such thing in India as a specialised Agricultural Service, but there is such a Service, and although it may be true that there have been and are occasions on which a member of the I.C.S. who has studied agriculture has been given administrative charge of an Agricultural Service, generally speaking the

Agricultural Service is specially recruited from agricultural experts, both European and Indian. This question which we are discussing is almost inseparably bound up with the next question as to the recruitment of these officers. I do not want to overlap with that, but I would say just this, that if it is considered desirable to continue to recruit a certain number of Europeans for the Indian Civil Service—and, as far as I understand it, most people do regard that as an advantage—it must, I think, be an All-India Service. You will never get Europeans of the type you require if the recruiting authority is going to be the Provinces. I can speak with a good deal of personal experience on this subject. We all know that during the war the recruitment of Europeans for the I.C.S. underwent a break, and at the end of the war when it was sought to re-establish the recruitment of Europeans of the right type from the Universities in this country, great difficulty was experienced in doing so. With others I visited a number of the Universities in this country with a view to explaining, not only to the students of the Universities, but to the University authorities themselves, the sort of terms on which the young men from this country would serve if they joined the I.C.S., and it was made perfectly clear to me in the course of that experience that the one thing that the young men and the University authorities also did regard as important was that the recruitment should be on an All-India basis, and not only so, but should be by the Secretary of State for India. It is really a question of practical expediency. I would like any members of this sub-Committee to go and consult, say, the Civil Service Commissioners in this country or leading members of Oxford or Cambridge, or some of the Scottish Universities, whose duty it is to advise young men as to the careers they should adopt, and they would be satisfied that if the Secretary of State ceases to be the recruiting authority, the I.C.S. recruitment of the type of man you want to get from this country will dry up. I am not expressing for the moment any opinion, though I have my own very strong views on that question, but I am putting before you the practical aspect of the question. Let me assure Dr. Ambedkar and any others who think with him that if they insist on recruitment for the I.C.S. on a Provincial basis, they must understand that the recruitment of the type of man they want in this country will cease.

*Chairman:* Mr. Basu's point of view on Dr. Ambedkar's remarks should clearly be considered. We should be careful to make it plain that in recommending recruitment for the I.C.S. we do not regard the I.C.S. as perfect, good though it is, or as a thing which must be continued for ever on exactly the same basis. It will be necessary to do whatever is possible to remould and recast it. Those of Dr. Ambedkar's school of thought suggest that the All-India Services should be done away with, and small Provincial Services set up in their stead.

*Dr. Ambedkar:* I think that I should make my position clear. I hold, with the rest of the members of this Committee, that it is

very necessary to have a European element in the Service, but I do not share the view of the noble Lord, Lord Zetland, when he said that if you make the Service provincial it will dry up the source of recruitment.

*Sir Provash Chunder Mitter:* Upon that point I can give some material to the Committee. In 1924 and 1925 the Bengal Government decided not to recruit for the Indian Educational Service. Later on the member wanted to recruit from England, and even today the Indian Educational Minister and the Educational Department are trying to recruit from England. One post which they are very anxious to recruit from England is that of Professor of English. For three or four years they have tried. They wanted to give an initial salary of £800, whereas in the regular Indian Educational Service the Indian salary is somewhere about £500. They have not got anyone. They wanted to get a Professor of Physiology at an initial salary of £800, but they have not got anyone. I was not in charge of the department so that I have not got any inside knowledge, but I am told that the reason is that the recruits feel shy of going out to India to a Provincial Service, and whether the salary is good enough. That is one reason. The other reason is that they want a life-long career, so that even with better terms they do not want to go to a Provincial Service. I am one of those who believe that those difficulties will disappear, but at the present moment they are a reality.

*Lieut.-Colonel Gidney:* I will give you my experience as a retired officer in the Indian Medical Service. When provincialisation of the Civil Medical Services was suggested and various Indian Medical Associations and others participated, I can assure this Committee that it seriously affected recruitment in England of European members for the Indian Medical Service to such an extent that to-day the authorities have to beg, borrow, and steal from hedges and highways for candidates and yet they will not enter the I.M.S. Why? Because of this uncertainty and insecurity of service. I give you this as an illustration of how difficult it is to secure suitable I.M.S. recruits in England.

*Mr. Chintamani:* Sir, having regard to the speeches which have been made upon this question I feel it difficult to vote "Yes" or "No" without making an explanatory statement. The Marquess of Zetland has spoken of the necessity of continuing to recruit the Service on an All-India basis if we want satisfactory recruits from the universities of England and Scotland. There are a large number of Indian public men, amongst whom my friend Sir Chimanlal Setalvad and myself are included, who do not want any more recruitment in England or Scotland for the Services in India. We recognise the value of the services of highly trained European Officers, but as both of us have pointed out these officers, including the most junior of them, will still be there for varying periods extending to 25 years. We feel that if we cannot be competent even at the end of 25 or 30 years that we shall not be able to manage our affairs without recruiting for our Services in countries other than

India we should be candid to ourselves and withdraw the demand for self-government, to press which we have come here. The question next arises, if we do not have any future recruitment for the Indian Civil Service in England or Scotland, will it still be necessary to keep up the Service on an All-India basis? One of the principal arguments on that account disappears, namely, the subject of recruitment. With this should be considered the other question raised by me in my general speech yesterday, and repeated by Mr. Basu and by Dr. Ambedkar a few minutes ago: should the Indian Civil Service continue on its present basis at all, that is to say, as a Service which supplies officers not only to the Revenue and Executive departments, but to the Judiciary, the Customs, the Post Office, and a number of other miscellaneous departments? In the past, officers of the Indian Civil Service were considered to be fit and proper persons to appoint to any office. In recent years the tendency has been more in direction of specialisation, and each department now expects that the principal offices in the department shall be filled by promotion from its own ranks, and not by the importation into that department of officers of the all-providing Service, the I.C.S. If the almost unanimous opinion of educated Indians that the I.C.S. should no longer be the recruiting ground of judges should prevail, for example, then the number of men required for a purely executive service will be much smaller, and it will be open to consideration whether the requirement of the country will or will not be met by recruiting for those posts upon a provincial basis rather than upon an All-India basis. A number of these questions are intimately bound up with the question whether the recruitment of an All-India Civil Service shall be continued upon an All-India basis. As these questions have not been answered by the sub-Committee any answer which can be given to this question can only be contingent to the answers which can be given to the other questions, and must be without prejudice to the opinion which we shall express upon these other questions. That is the difficulty which I feel in voting upon this matter at the present moment.

*Chairman:* I think that that is quite a reasonable suggestion of Mr. Chintamani's. This is bound up with later questions. If I may take the purely provisional answer "Yes" for the moment, when we have discussed the next questions I will come back and see if we can get some agreement as a whole. Let us pass on, and see if there are any special remarks to be made under (b) Indian Police Service.

*Mr. Basu:* I agree that the Indian Police Service should be on an All-India basis.

*Chairman:* May I take it that it is agreed that the Indian Police Service should be on an All-India basis?

*Mr. Shiva Rao:* I am against any of these Services being on an All-India basis.

*Chairman:* May I take it purely provisionally that that is agreed? (*Agreed.*)

We now come to (c) Indian Forest Service.

*Mr. Basu*: I think that that should be provincial, because otherwise the forests of India will be neglected.

*Chairman*: May I take it that that is provisionally agreed? (*Agreed.*)

We now come to (d) Irrigation Branch of the Indian Service of Engineers.

*Lord Zetland*: I have not had an opportunity of hearing what was said upon that point. There is only one point which I should like to raise with regard to the Irrigation Branch of the Indian Service of Engineers and that is with regard to the Punjab. The conditions in the Punjab are very special, and the members of the Irrigation Branch of the Service of Engineers in that Province discharge functions which really lie outside the ordinary run of functions discharged by such officers in other Provinces. Of course I have no personal experience of this particular matter, but I understand that in the Punjab the Irrigation Engineer Officers perform very largely the duties of Revenue officers. Very often when it is a case of allotting water to different people, and there are questions of the charges to be made for that water, communal questions step in. It is an advantage, therefore, to have an officer who is regarded by all parties as absolutely neutral from a communal point of view. I believe that it is an advantage to have such an officer in the Punjab. I do not press that point at all because I am not competent to do so. It is an aspect of the case which has been put before me by various people, and, therefore, I merely raise it at this sub-Committee in case there is anything in it.

*Sir Chimanlal Setalvad*: The point upon this head as put by Lord Zetland comes to this again that because there are communal differences, because there are communal prejudices, and because there are possibilities of conflict in that direction, therefore you must have European officers. It comes back to the same thing. That argument will apply if extended to every branch of administration. Therefore I submit that we cannot accept that argument at all. That would be an argument which would go to the root of everything.

As regards special qualifications for irrigation we have an object lesson before us in the State of Mysore. The State of Mysore has undertaken very large and very complicated irrigation schemes of a huge character. All those schemes have been designed, executed, and worked by Indian engineers. Not a single European engineer was brought out for irrigation purposes in Mysore. All those works of a huge character have been carried through, executed and are being worked, and water has been distributed over hundreds of thousands of miles of canals by Indian officers throughout. Therefore there is no inherent unfitness in Indian officers of the Engineering Department to work the Department of Irrigation. When I say that I do not mean that you shall not have an All-India Irrigation Service. It may be an advantage to have an All-India



Irrigation Service but the recruitment need not be in England or in any other country outside India. Again, when I say that, I do not rule out the employment of Europeans, experts in that line, by the Provincial Governments, or by the Indian Government as a whole. They may require the assistance of such experts. They will, whenever necessary, certainly involve the assistance and the services of English experts. What I say, however, is that there is nothing special in the Irrigation Department which makes it necessary that the recruitment should be European in the sense suggested by Lord Zetland, or that Indians are not capable, are not ready, or are not trained enough in this Department to carry on the work.

*Sir P. C. Mitter:* I have considered the matter very carefully. Before I deal with other reasons I would just dispose of the reason put forward by Sir Cowasji Jehangir. He said that in Bombay it is of the utmost importance that they should have very good irrigation, and he also pointed out that the position was the same in the Punjab. If that be so, that may be a reason for an extra good scale of pay for Bombay and the Punjab, but that is no reason why we should have the same scale of pay in every Province where it is not necessary to have it. Quite apart from that I think that it is not one of the Security Services in that sense. It is a very important Service, but it is not a Security Service in the sense of the Indian Police Service or the Indian Civil Service. There must be give and take. If in a particular Province anything goes wrong it will be up to that Province to recruit men with an attractive salary. I would like to point out that the man who made a tremendous advance not only in India but also in Egypt, Sir William Wilcox, was born in India, and he was trained in the United Provinces. With regard to the advantages of Indian recruitment, as Sir Chimanlal Setalvad has pointed out, we have the example of Mysore. An Indian who is born in the country sees his rivers. He sees the natural resources from his boyhood. He may have his training in India, or he may have his training anywhere in the world. That advantage a foreigner can never acquire from the beginning. He will have to acquire the knowledge of the country. I am one of those who say that some of the British Irrigation Engineers are very well qualified, but for the first few years he has to acquire his knowledge. Then, after he becomes efficient, and after he has done 15 or 20 years, he retires, and that knowledge is lost to the country. On the other hand, if a particular Province requires a very superior type of irrigation engineers, let them pay well, and let them encourage Indians to become superior irrigation engineers. Therefore I am in favour of getting Indianisation so far as this service is concerned.

*Sardar Sampuran Singh:* I wish to remove one misapprehension. Lord Zetland remarked that in the Punjab and in other places there is, on account of communal differences, always some friction with regard to canal water and that sort of thing, and that for that reason it would be necessary to keep the Irrigation Service in the

Punjab as an All-India Service. So far as the working of these canals is concerned I have experience both as an agriculturist and as a lawyer. I have had experience with regard to how the things have worked out in the Courts. So far as there are quarrels about the water they all go to the Civil Courts. The irrigation engineer has nothing to do with it. With regard to quarrels about the distribution of water, if they are criminal, if there is a fight, it goes to the ordinary Criminal Courts. If there is any other inequality in the distribution of it it goes to the Civil Courts. The irrigation officer as an engineer has nothing to do with those quarrels. The irrigation engineer in the Punjab has only to think of the new schemes and to maintain the old canals. At the most he has to make a sort of distribution of the water which is always liable to be set aside by a Civil Court. Generally speaking, in the Punjab the villages are combined, and it is impossible to say that an officer will give more water to Muhammadans and less to Hindus because the fields intersect. Sometimes the whole village is either a Sikh or a Muhammadan village. Therefore so far as the communal question is concerned there is no danger of that as regards the Irrigation Department in the Punjab.

*Chairman:* May I ask a question for my own information? Is there any danger of an inter-provincial question being raised? Take the Indus, may you have rivalry for instance, between the Punjab and Bombay? I ask only for information. If so, it seems to me that that is an argument which we ought to bear in mind in favour of making it an All-India scheme entirely, without prejudice to the question of Europeans to which I will come presently.

*Mr. Zafrullah Khan:* The only question which could have arisen between two Provinces with regard to irrigation from the Indus was a question as to the allocation of water between the Punjab and Sind. That is a matter which obviously one of those two Provincial Governments could not decide by itself. No doubt for the purpose of the decision of that question the Government of India had to take into consideration the claims and the views of both these Provincial Governments. In putting forward those claims each of these Governments got as much assistance as was possible from their expert Irrigation Officers. In the first place, that matter has been settled for the present at any rate, and for many years to come, by the Government of India allocating a certain quantity of water to Sind. They say that for the present the Punjab shall not draw any further quantities of water from the Indus for the purposes of irrigation. If that arose again it would not be a question with regard to the Irrigation Service at all. It would be a claim by one Provincial Government against another Provincial Government. The decision of the question by the Government of India would not in the slightest degree be affected by the fact as to whether the Irrigation Service in one of those Provinces, or in both of those Provinces, was Provincial or on an All-India basis. I cannot conceive of any other question that is likely to arise between the two Provinces. They are not contiguous so far as the question

of the Indus is concerned. The Indus, after it has flown out of the Punjab, and before it enters the Province of Sind or Bombay, has to pass through a very large stretch of territory. Therefore really no question has arisen out of the boundaries being contiguous between the two Provinces. The larger question of policy is likely to be an inter-provincial matter, and has nothing to do with the question of the Irrigation Service.

*Major Stanley:* I am completely ignorant about the particular conditions, and my question may show it: is it possible that a question might arise on this particular scheme where the irrigation service of one Province has, through bad provincial recruitment, been allowed to go down through the inefficiency of the Service of that Province and has really acted to the disadvantage of another Province which is connected with the same scheme?

*Mr. Zafrullah Khan:* Naturally it is the Upper Province in which that question might arise; it would not be the Lower Province into which the water flowed. For instance, if our system ran out of order, I think it would be so much better for them than for us. Apart from that, I do not think the mere fact that the recruitment was on a provincial basis would lead to any such result, because our own prosperity would depend on that question. The irrigation in the Punjab is such a vital question that security to the Province itself would require that the Service should be recruited on an All-India basis. That is an argument which has been disposed of and could easily be disposed of. Surely the Punjab would not allow its recruitment to fall, in its own interests. Our very vital interests depend upon the continuance and maintenance and efficiency of our irrigation and canal system, and if recruitment is on a provincial basis it would require to be very efficient indeed.

*Chairman:* We had better take a decision on this now. It is for you to decide. The sense of the majority of the meeting undoubtedly is in favour of putting this on a provincial basis. (*Agreed.*)

Now we will pass on and consider the next question. We had better consider them together, I think: "Is it desirable to secure an element of European recruitment, and if so, for which Services? Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some other system." I point out, though it is not quite plain here, that of course it is clearly open to us to say that the system of European recruitment should be continued as at present for a short time and then reconsidered. Would it be more convenient to take that with No. 4, do you think? No. 4 is "Who should be the recruiting authority," etc.

We will consider them both together. -

*Sir Chimanlal Setalvad:* Mr. Chairman, the question "Is it desirable to secure an element of European recruitment, and if so for which Services" is a question which should be left to be determined by the future Government of India according to the needs and circumstances as they see them. When we wish to endow

India with a Government of her own, representative of her own people, I think it is not the right thing to do, in anticipation of the constitution of that Government, for us to return an affirmative or negative answer to the question that is put here. Assuming that the Government of India desire to secure the services of Europeans in certain departments, it will be open to them to consider—at least it should be open to them to consider—whether they can obtain those European recruits by holding an examination or any similar process in India itself or by applying to their agent in England, the High Commissioner, to obtain the requisite officers for them. That again is a question which it should be competent for the new Government of India themselves to decide.

“Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some other system.” Here again I say I stand up for the future Government of India and claim that it is for them absolutely to determine, with the sole idea of the interests of India, whether there should be any such proportion, and if so what should be the proportion. I hold, as I have held in respect of the other questions, that it is both premature and improper for us in anticipation to determine these questions for them. The recruiting authority, as I have already stated, should be the Government of India themselves and not the Secretary of State for India, and whoever be the recruiting authority should also be the controlling authority. I have seen recommendations that the Secretary of State should have a statutory body of advisers in order to safeguard and protect the interests of the Services and officers appointed by him. This implies a want of confidence in the future Government of India, a want of confidence in their and the Legislature's *bonâ fides*, for which no circumstance of the past or present affords any justification whatsoever.

Taking these two questions together, my answer would be that the proper authority to answer these questions is the future Government of India itself, who should be the recruiting as well as the controlling authority.

• *Sir A. P. Patro*: Sir, I have the misfortune to differ from the previous speaker on this matter, as I differ from him on the general discussion of the question. It is a very important matter, and it is therefore neither premature nor improper for this Committee to make any provision in regard to recruitment. The future Government of India will come into existence in whatever form it may be and whatever may be its responsibilities, the future Government certainly would not come in from the brain of a goddess, perfect, thorough in every matter, capable of doing things for itself. The future Government, either self-government or whatever it may be, needs the services of these two Security Services. If you admit that these Security Services are needed for assisting the Government to work on a stable foundation there is no doubt whatever in my mind that we require a European element in the I.C.S. and I.P.S. I have absolutely no doubt upon the matter that for a time to come we require their assistance. It is too much to think that

the future Government will be able to settle down immediately as the Constitution is brought into existence, that the Ministers will be able to apply their minds to the requirements of the Services immediately they are called to office. Practical wisdom and experience will suggest to anyone who has been in charge of responsible office that it is highly desirable that the present system should continue for a time. How long it should continue it is not possible to postulate at present, but it is certain that the European element of recruitment is necessary for these two Services. As I say, the matter could be revised either in 1939 or at an earlier date. I am not wedded to any particular date, but it seems to me it is a very hazardous step to take that all European recruitment should be stopped immediately and that it should be left to the future Governments to determine it. After all, what is the future Government to determine in the matter of the Services? We have the requirements known to us, the requirements of the Governments are known to us and, knowing that, if we shirk our responsibility we will not be discharging the duty of a self-governing body. After all, we are going to be a self-governing body; it is ourselves, the Indians themselves. If we Indians have not been able to make up our minds as to what our necessities are, what is the good of our asking for self-determination and self-government in India. Therefore I would say that it is neither premature nor improper for us to determine the question at this stage. In reply to this question I would say that it is desirable to secure an element of European recruitment for the two Services, the Indian Police Service and the Indian Civil Service. If the ratio question is the one that is now disturbing the minds of some of my friends here, as I say, it is a detail which may be left to future Governments. The ratio question as to how far, to what extent, and what proportion they would require, may be left to future Governments of the Centre and the Provinces. After they have settled down to their work for a period of 5 or 10 years, as suggested, till 1939, future Governments would be in a position to review the situation then and say what are the ratios that ought to be recruited. It is therefore a detail which must be left to future Governments of the Provinces or to the Central Government in 1939 after 10 years' experience of working of the present system, and a recruitment would be continued on that basis, the Secretary of State recruiting for the Services for that period. After that the Government of India may appoint its agent to recruit if it finds it necessary. If the future Government finds that the recruitment through the agency of the Secretary of State is very detrimental to the discipline and control of the Services and that such discipline and control has been such that it has not been conducive to the welfare of the administration, the future Government may determine to cease to have recruitment through the agency of the Secretary of State and the Government of India may have its own agency, and I am one of those who believe, after experience of some time, that we may be able to recommend that the Government of India may have its own agent here for recruiting

purposes. As was suggested by our Chairman, these are matters of detail which require to be reviewed at the end of the period, but for some time to come the recruitment should be continued on the present basis.

Then as regards the control of the Services, it is quite plain now under the Government of India Act that the Secretary of State has got the power and control, no doubt, but the Secretary of State has been empowered to delegate that power to the Government of India and the Provincial Governments, and as a matter of fact the Secretary of State for India has delegated these powers to the Government of India and the Provincial Governments. The Secretary of State does not now retain any control himself; the power has been delegated to the Provinces, and Devolution Rules have been prepared and are now in use. According to those rules discipline is in the hands of the Governor in regard to the reserved subjects, and in regard to the transferred subjects also the Governor personally disposes of that matter. Power and control and discipline now is vested in the Governor, and in the future when the distinction of the reserved and transferred subjects would be removed would be entirely with the local Governments and with the Central Government. Therefore the power and control is not such a difficult matter even now, and it will be vested in the Provincial Governments and the Central Government to control these Services. An appeal has been allowed to the Secretary of State as a final security, but before that appeal the officers of the All-India Services have got the right to go to the Government of India and the Public Services Commission, according to the instructions given to the Public Services Commission. You will find that one of the functions of the Public Services Commission is to consider cases of discipline and other cases such as cases of stoppage of promotion. These will have to be considered by a body like the Public Services Commission. That is the right of the Government of India, and if the Government does not dispose of the matter it will be referred to the Secretary of State. Therefore the appeal of the Secretary of State has more or less been a matter of formality, but the matter is disposed of by the Central Government with the aid and recommendation of the Public Services Commission. Therefore the matter of control does now exist and vests in the Provincial Governments and in the Central Government. The devolution rules show that, and if you see the latest order of the Government of India issued by order of the Secretary of State you will find the whole matter has been clearly worked out. He divests himself of that ultimate power and gives it to the Government of India, who have made rules and circulated them to the Provincial Governments. Therefore the control does now exist in the Provincial Governments and it is not that the Secretary of State controls from the India Office to-day. This being the position in regard to control, there is no fear whatever that if we continue to have the All-India Services we cease to have any influence over the Provincial Governments or cease to have anything to do with the control of the Services.

*Sir Shah Nawaz Bhutto:* Sir, I had no mind to take part in this discussion, and I tried my very best to keep quiet, as I thought it better to do so, but unfortunately in this question if I were not willing to speak my mind I feel sincerely that I will be failing in my duty to all the millions and the masses—and most of them are loyal—who do not appreciate and realise the actual difficulties that we are faced with, and have to suffer the consequences of it. I simply want to submit a concrete experience and a very sad experience that we have had already by having a very little element of European officials.

The time may come when we shall not require their services any more, but those who show any anxiety to get rid of Europeans at the earliest possible moment are not really acting in the interests of the masses of India, and particularly of those interested in agriculture, who form about 85 per cent. of the Indian population. I feel, Sir, that it will not only be necessary for us to have a European element for some time to come in the sphere of agriculture, but it is essential that in irrigation engineering we should have for some time to come a European element. In 1929 in my own Province of Sind we had an abnormally heavy rainfall, and the river rose to 80 feet, the gauges recording the highest maximum ever attained on the River Indus. But in this important district we had fortunately European—English—engineers in charge. All the people of Sind were in a state of anxiety, because it was feared that almost the whole of our Province would be drowned, that it would scarcely be possible for us to save our lives, while property we never expected to save. What we found was that these European engineers, with their subordinate staff, maintained a constant watch on events and set up defensive bunds, with the result that, fortunately, the whole Province was saved from a disaster which none of us expected to escape. Unfortunately the system prevails of lending officials to other Provinces—unfortunately from our point of view, because in the following year almost all the best engineers had been taken away. In 1930 we were left with almost all the important charges in the hands of Indian engineers, and though they were very efficient engineers, they lacked a certain sense of responsibility which we Indians have not as yet realised to the same extent as our European colleagues. In 1930, however, we had not the abnormally heavy rains which we experienced in 1929, the river rose only comparatively slightly, and yet all the bunds gave way. Some of the Indian engineers were having a very pleasant time, and apparently could not make up their minds to surrender their comforts and go and watch the bunds day and night as the European engineers had done. On one occasion I found a European engineer maintaining the watch by himself—

*Mr. Basu:* Is this in order, Mr. Chairman?

*Chairman:* I understand that Sir Shah Nawaz Bhutto's remarks are directed to showing that it is desirable to secure an

element of European recruitment. He has dealt with two of the Services, and is at present dealing with the third.

*Sir Shah Nawaz Bhutto:* Yes, Sir, I want to see a European recruitment in the three Services. I have dealt with two of them, and the third is irrigation. I was speaking about this European engineer who was maintaining his watch on the bunds. He was remonstrated with for placing himself in a position of strain and danger, but his reply was that it did not signify that his own life should be saved, but he was out to save the lives of the people. As a result of that calamity, in one district about 300 villages were drowned; in another district, about 250, and in a third about 150, and the people lost almost everything. Their houses and cattle were submerged. What almost every villager said was that if Europeans had been in charge of these defence works the calamity would have been avoided. I submit that we should not be carried away by sentiment, but in the interests of the masses of India we must have a European element for some time to come.

*Mr. Basu:* I am afraid Sir Shah Nawaz Bhutto is under a misapprehension. He probably thinks that as soon as the new Constitution is established all the Services that are then existing will become wiped out. The fact is that the Services will be there, and we have all agreed that the members of those Services should be duly safeguarded, and that such prospects will be held out to them as will make them continue in the Service until the normal termination under their covenants. It has been pointed out by Sir Chimanlal Setalvad and Mr. Chintamani that the proportion of Europeans at the commencement would be nearly two-thirds, and that would continue until the youngest man who enters the Service before the operation of the new system goes out in the normal course. Therefore, there will always be a preponderating European element, at least for a good many years after the start of the new Constitution. The fear that the European element will completely dwindle out as soon as the new system starts working is not well-founded. As regards what European officers can do under difficult circumstances and emergencies, and what Indian officers do under the same conditions, the last speaker's opinion and that of a great many others will differ. The Governments, both Provincial and Central, in India have repeatedly and emphatically stated that the Indian officers have stood the test of difficulties as well as European officers. A very much larger number of Indian officers in the Police Service have laid down their lives actually in the discharge of their duties than have European officers, and the Government has always come forward handsomely to recognise the way they have performed their duties. With regard to irrigation, there are many important Irrigation Departments which are controlled by Indians in my Province, and there has been no complaint of their inefficiency. It has been probably engendered in the minds of the people that the Indians are less capable simply because a great many of, if not all, the responsible posts have been in the hands of Europeans, and the Indian officers, however able and brilliant, have



been kept in a position in which they have been able to exercise none of the final authority which they were fully qualified to do. If there was a Superintendent Engineer, who was a European, and under him five or six Indian Assistant Engineers, the latter would not be able to make any final orders without referring to their superior. That would probably discourage the sense of responsibility among them. That is an element which my friend has not considered, but it is a point which we must bear in mind, and the Government of India does bear it in mind, because, not only in the Department of Police, but in other Departments, it has recognised that, when pushed into a tight corner, the Indian officer has shown as much resource and capacity as any European in the service of the Government of India.

With regard to the remarks of Sir A. P. Patro, he has suggested that the ratio of Europeans, both in the Provincial and Central Services, should be left to the respective Governments, and that they should decide as to whether, having regard to the efficiency of administration and the needs of the country, what proportion they would require. I am afraid I cannot agree with him on that point. He also appears to be under some misapprehension, as is my friend across the table (Sir Shah Nawaz Bhutto) that the European element will disappear. We cannot dispense with their experience in the every-day work of Government. But these experienced men will not be leaving us all at once. Under the Montagu Reforms, in the Provinces, certain very important Departments of State have been entirely provincialised under the control of an Indian Minister. We have heard of the Irrigation Department, but there is another which is probably more important, that which has to do with State buildings and Roads. A very large number of rest-houses and other big buildings in the district centres have been put up, and these are entirely provincialised under the control of an Indian Minister. Roads, again, are probably much more important to India than irrigation. In my Province of Bengal we are, indeed, over-irrigated. The Roads Department is in the hands of Indian Ministers, who have the control of all the officers in that Department. But it has not happened that all those officers who are Europeans have left during the past ten years, they are still there, and some of them are brilliant men in their respective professions. In irrigation we have one of the best irrigation engineers at the present day, namely, Professor Williams.

With regard to the question of the apprehension to which Mr. Fazl-ul-Huq has given expression that everybody will leave, I say that our experience is that they have not left even in the departments which have been already transferred to the control of the Legislature. They have not left, and it is not likely that they will leave. He may dogmatise by stating that it is likely that they will leave, but what is our experience? A very small proportion undoubtedly have left, but it is a very small proportion. He knows it, and we all know it, and under the new system which will

come the same thing is likely to happen. It is not likely that all of them will leave *en bloc*.

As regards the recruiting authority it has been suggested that it should be the Government itself, so far as the Central and the Provincial Governments are concerned, through an impartial Public Services Commission which should be above all political tendencies and leanings. The Government should recruit through the Public Services Commission, and conditions should be laid down as to the Services so that those who enter the Services will know exactly what they are and will not expect more than what they were given to understand at the time when they entered the Service.

As regards recruitment of British, as has been pointed out, that probably will have to be done from the young men at the Universities in this country. I think that we may be assured that whoever the agent of the Government of India is for the purposes of such recruitment in this country he will no doubt, as he often does now, consult the authorities at the several Universities, and other persons in authority who are concerned with the employment of young men, before the appointment is made. That will have to be done, because after all the Government of India will not come to this country to appoint incapables. They will find how to tap the best source. It is only reasonable that they should do so. As regards whether the recruitment should be by the Secretary of State for India or by some other agent, like the High Commissioner, I do not agree that it is a matter of indifference. It is indeed very important, because if you leave any such function in the hands of the Secretary of State the question of control comes in. Sir P. C. Mitter has said that in practice the control which the Secretary of State already has, has been to a great extent, or practically to its entire extent, delegated to the Central and the Provincial Governments in India, but he admits at the same time that the Secretary of State has reserved to himself the right to consider final appeals. The Secretary of State is not here, but if Sir P. C. Mitter will refer to him he will find the number of such appeals that he receives in the course of his ordinary duties almost every day. That shows that it will upset any decision to which the Government of India may come. The Secretary of State does that on occasions. I know of one or two small instances in the case of very small officers, low down in the grades, where the Secretary of State has upset the final decision of the Government of India. There is the control there. If the control is in the hands of the Secretary of State you come to the question of irresponsibility again. Therefore I respectfully submit that the recruitment should be by some agent of the Government of India as agent, not *qua* Secretary of State with some independent functions, but as agent of the Government of India, whatever that agency may be. With regard to the control over the Services as regards those who have already been recruited, we have agreed to safeguards. We agree to safeguards in every possible way. As regards those who will be employed hereafter, the Gov-

ernment of India should be the sole judge and should be the sole controlling authority.

*Mr. Fazl-ul-Huq*: There is an English saying which advises us not to wash our dirty linen in public. In obedience to that we all try to leave such linen in our washpots at home, but it appears that some of it has stuck to us in the course of our journey from India to England. It is necessary, therefore, to have in discussions like this a clear view of actual facts, and however unpleasant those facts may be, they ought to be stated in order to arrive at a correct conclusion. I wish to make my position perfectly clear upon one point. I do not agree with Sir Shah Nawaz Bhutto when he seeks to put the brand of inferiority on Indians as Indians. I will not base my arguments on that, but I will, in a very few sentences, place before the Sub-Committee one or two facts which some of our friends seem to have forgotten.

There are three questions that I have to answer. The first one is: "Is it desirable to secure an element of European recruitment, and if so for which Services?" My answer is emphatically, "Yes." The reason is not because European officers are *ipso facto* more efficient than Indians, but because of the fact that there is unfortunately at the present moment in India such an amount of communalism rampant that it is necessary in the interests of all the communities to have some men in responsible authority who have that idea of detachment which is necessary for an impartial decision. I have no doubt, Sir, that if, at some future time, we could conquer England, and we came here to rule instead of you, we would be from various points of view perhaps better administrators than Englishmen of their affairs at home by reason of the detachment in which we should be placed. I am quoting facts. In the course of many of the communal riots that have occurred in India, I know what has been the position from personal knowledge. Telegrams have been sent to Governments both by Hindus and by Muslims to send down European officers, European judges, and European magistrates. We have done that hundreds of times. That was done within my knowledge in the riots in the United Provinces. I know that it was done by both communities during the Eastern Bengal riots. However much we may say about these European officers, I have found that, in spite of what may be said against them, in the vast majority of cases, they come to an impartial decision. In many cases they have decided against my community, and publicly speaking, perhaps I may have said that their decision was not right. With my tongue in my cheek, I may have said many things, but I felt convinced that in most cases they were right, although the decision was against us, because they decided things from an absolutely detached point of view from communalism. That being so, I believe that every step should be taken, not only to maintain the European element that is already in the Service, but so to frame the Constitution as to induce the best people from the British Universities to go to serve India. That being my answer, I come at once to the other point, what are the

Services. As regards the Indian Police Service, we have decided. As regards the Indian Civil Service, it is my firm conviction that if you once decide that it shall be a Provincial Service, there will be hardly any recruitment from the British Universities. I say that it is a fact, and it is no use speculating upon it. I will not be so egotistical as to refer to personal experience upon that point, but I had something to do with this question during the short time I held the portfolio of Education in Bengal. As has been pointed out, I know for a fact that we could not with the best of endeavours induce young men from the British Universities to go over to India for the Educational Service by reason of the fact that we had decided on provincial recruitment. That being my experience, if I answer the first question in the affirmative, I cannot consistently with my conviction answer the other question in the way in which some of my friends have suggested, namely that the Indian Civil Service also should be provincial.

*Chairman:* Will you assume that it should be All-India? It follows from the answer to the other question.

*Mr. Fazl-ul-Huq:* Yes. As regards the Judicial Service, I quite realise that it is far more satisfactory to get recruitment from the Bar. I want to point out that according to the cadre of the High Courts, one-third of the judges have got to be members of the Indian Civil Service. Possibly if we decide in some other way, the cadre will have to be re-cast. At the present moment, you cannot get rid of the fact that one-third of the judges of the High Courts have to be members of the Indian Civil Service.

That being my answer as regards the Indian Civil Service, I now come to the question: "Who should be the recruiting authority for the recruitment of All-India Services under the new constitution?" Upon that point I personally feel that the present system should continue, but I will not waste the time of the sub-Committee by giving my reasons, because the matter has been discussed already. I generally agree with the view that if there is a disturbance there, then we really affect our decision as regards the Indian Civil Service being good enough to attract the best graduates from the British Universities, because the graduates from the British Universities will not only look to their prospects in the Service, whether it is Provincial or All-India, but they will look to the method of recruitment. If we want to have a sufficient element of Europeans in the Indian Civil Service, I think that the recruitment should be All-India and not Provincial.

*Sir Cowasji Jehangir:* We are really discussing now one of the most important questions which the Round Table Conference can discuss.

Therefore, although I am going to answer these questions *seriatim*, as suggested by you, I might have to say a word or two in addition. I will take first the last question, No. 4: "Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?" I have already stated that I

consider that it should be the Government of India with a Public Services Commission. I cannot visualise a complete transfer of power or a full measure of government with the Secretary of State being the recruiting agency. I think that the statements are inconsistent. If you argue that there should be a full transfer of power and a full measure of government, it follows that a Secretary of State for India will not be required. Therefore, to say that for one Department of his work, namely, Services, his office should be maintained, is in my opinion inconsistent and illogical, but I cannot see the disadvantages of recruiting by a Public Services Commission appointed by an impartial authority and having the Government of India as the agency. That will not preclude them from recruiting in England. I will come to that point a little more in detail later. There I must again state that I do not think that we can continue to have the Secretary of State any longer connected with the question of recruiting.

Then the question is: "Is it desirable to secure an element of European recruitment, and if so, for which Services?" I take it for granted that the Indian Civil Service and the Indian Police Service will be All-India Services. I say: "Yes," in answer to that question; it will be necessary. It will be advisable, if not necessary. I think that the word "necessary" may be too strong a word to use; it is desirable, it is advisable.

*Sir Chimanlal Setalvad*: In the question the words are "Is it desirable. . . ."

*Sir Cowasji Jehangir*: I answer that question in the affirmative. I quite realise the argument that has been advanced by my friends here that a large number of Europeans will remain in the Services even if recruiting stops immediately, but there is the argument that has been raised before now, that if recruitment stops altogether, it will be a further temptation for Europeans in the Services at present to resign upon proportionate pension, and that argument nobody has yet answered. Speaking for myself, I think that for a number of years, the want of recruitment will not affect Englishmen in India, but after four or five years with a large number retiring, there may be smaller and smaller numbers of Englishmen in India. Naturally, being isolated in a vast country like India, they will find it more difficult to continue to live in India. I advance that as only one argument for a small percentage of recruitment of Europeans to continue. There are other arguments in favour of continuing a small proportion of Europeans. I do not propose to go at great length into those arguments.

As regards the ratio I quite agree that that ratio should be decided by each Provincial Government as it is being done to-day more or less. The question of the number of those recruited is being decided to-day. The present system is that in the Indian Civil Service, or in the Indian Police Service, or in the Indian Irrigation Service, a review is made of what will be the requirements for a year or two in the future. The Governments inform the

Government of India that they will require so many recruits for the Indian Civil Service, so many for the Police, and so many for Irrigation. The proportions of Europeans to Indians are fixed, but the numbers that they will recruit are varying. If the ratio even varies I cannot see how recruitment will be seriously affected. What will seriously affect recruitment will be if you stop recruiting Englishmen altogether for five or six years, and then start it again. That might be a considerable disadvantage, but if you varied the ratio from year to year, according to the requirements of each Province, that argument would not hold good for the reason that the numbers are being varied from year to year. It comes to the same thing when applied to this. You might recruit two Englishmen in one year and five Englishmen in another year. That happens now. Therefore if the ratio is changed the same result is arrived at. In one year you may recruit, by a variation of the ratio, five, and in the next year, two. I am sorry that my friend, Sir Shah Nawaz Bhutto, did not speak when we came to the question of whether Irrigation shall be an All-India Service or a Provincial Service. Evidently he was in favour of Irrigation being an All-India Service, but unfortunately he did not express his views. When the question had been decided by this Committee, Sir Shah Nawaz Bhutto came out with his tales of woe. I cannot agree with all that he has said. I have no personal knowledge of what took place in 1930, but I consider it my duty to inform this Committee that it is within my personal knowledge that before 1930 on critical occasions in Sind, Indians have played their part most creditably in the Irrigation Department. I am most surprised to hear of the events of 1930, of which I have no knowledge. I am not in a position categorically to contradict what Sir Shah Nawaz Bhutto has said. If I could contradict it, I would do so. I have not the knowledge. In 1928, in 1927 and in 1926, I definitely make the assertion that in critical times Indians have played their part most creditably, and with the greatest distinction to the Services to which they belonged, whether they be members of the Imperial Irrigation Service or of the subordinate Services. It has been my privilege to have had occasion to reward them for that conspicuous service that they had rendered. I quite realise that Irrigation plays a most prominent part in the lives of the inhabitants of Sind, and not entirely for communal reasons, but for other reasons, I desire to see a continuance of the recruitment of a few Europeans in the Irrigation Department of Bombay if Sind continues to remain a part of Bombay. Therefore I again assert, although I do not know if I am quite in order, that I am strongly in favour of the Irrigation Department remaining an All-India Service. Sir Shah Nawaz Bhutto has also made a serious allegation. He said that Irrigation officers are lent to other Governments in India and outside the country when the Provincial Governments require them. He mentioned that English officers had been lent and that the Province had been denuded of them for a particular time. I may state that there is a great demand by foreign govern-

ments and by other Provinces for our best Irrigation officers, and those Irrigation officers were lent, but they were not always all Europeans. On various occasions Indians were lent. I think that as many Indians as Europeans were lent to other Governments inside India and outside India. I maintain that English recruitment should continue. If it is argued that if these Services are recruited on an All-India basis by the Government of India, that recruitment will cease, and the source will dry up, I beg most respectfully to differ. If the position is clearly understood that the rights and privileges of officers under the new recruitment will be safeguarded as the rights and privileges of the present officers are, I can see no difference in the method of recruitment. The right of appeal may be to the Viceroy instead of the Secretary of State. If the right of appeal is to the Viceroy, what is the difference between the Secretary of State and the Viceroy? As a matter of fact, what happens now is, that appeals go from officers to the Secretary of State, and it will be necessary that the Viceroy should have assistance in the matter of deciding these appeals. He cannot do it personally. Cases may have to be worked up for him just as the Secretary of State does not personally go into every case that comes here on appeal. Is the Public Services Commission also to go into all these questions of appeals? Therefore I cannot see the real objection to moving recruitment from the Secretary of State to the Government of India if the questions of appeals are satisfactorily settled, and they can be satisfactorily settled if we desire them to be. I would appeal to you, Sir, and to all my friends, to consider this question impartially. It is a question of vital importance to India. Keeping in view our demands which we always maintain for a full measure of self-government, I for one am prepared to go any lengths, if that full measure of self-government is granted, to see that the demands of the Services are satisfied, and that recruitment in the future does not dry up, but I cannot bring myself to agree to the method of recruitment being any other than the Government of India, because I feel that it cuts across the whole principle of the grant of a full measure of self-government. That is the reason why I strongly object. I repeat that I feel that a method can be evolved whereby that bogey of appeal to the Secretary of State can be got over by an appeal to an authority who will be just as impartial and as just and equitable as the Secretary of State.

*Lord Zetland:* I have very little to say upon this subject because I said most of what I wanted to say upon an earlier head. Before I turn to the actual question to which we are asked to give an answer I would like to bear my personal testimony to the ability, professional capacity, and devotion to duty, of the many Indian officers in different branches of the Public Service who served under me during my time as Governor of Bengal. If I answer this particular question, which is now before us, as to whether it is desirable to secure an element of European recruitment, in the affirmative, it is not because I consider that in those respects Indians are in any

way inferior to Europeans. My friend Sir Chimanlal Setalvad took me to task very kindly and courteously, for rather frequently bringing up the communal issue in India as an argument when I was dealing with questions of this sort. Well, Sir, if I may say so, I need not speak further on that aspect of the case, because Mr. Fazl-ul-Huq has already from his own personal experience given the answer. He knows I know, we all know, that one of the great assets of the European officer is his neutrality. I do not want to say more on that subject.

Now the next part of the question is "should any such recruitment be done by fixed ratio, for example, the Lee ratio for each Service, or on some other system." My answer is that it should be done on a fixed ratio and my personal preference would be for the ratio provided by the Lee Commission, which aims at securing equality of numbers as between Europeans and Indians in the Indian Civil Service in 1939 and in the Police Service in 1949. Sir Cowasji Jehangir has made an alternative suggestion. He would prefer that each Province each year should inform the Government of India not only of the numbers of Indian Civilians that they are likely to require in the future but also the proportions as between Europeans and Indians that they would like. Now, Sir, to my mind the objection to that is this, that in any one year it will never be known in this country how many vacancies there will be available to European candidates, and consequently the young men in the Universities here who are contemplating going in for a career in India as Indian Civilians will not know what their prospects of success may be. There may be two vacancies for them to compete for in one year and perhaps a dozen vacancies for them to compete for in another year.

*Mr. Basu:* Is there a fixed number now?

*Lord Zetland:* It is worked on a fixed ratio.

*Chairman:* Taken year by year it works out exactly the same, 35 in one case, 12 in the other. Averaging it, it is the same every year.

*Lord Zetland:* Yes. Generally speaking, therefore, the candidates know what sort of prospects they will have of success, and for that reason I prefer a fixed ratio and preferably that proposed by the Lee Commission, and it seems to me that the year 1939, when under the proposals of the Lee Commission equality will be achieved in the case of the Indian Civil Service, will be a very suitable year for reconsidering the whole question, and I throw out that suggestion.

Now I come to the last point, which to my mind has been a little misunderstood by some of those who have taken part in this discussion, the question who should be the recruiting authority for the recruiting of the All-India Services under the new Constitution. Now, Sir, if the British Parliament had been intending immediately to abrogate all responsibility for the defence and good government of India I should no doubt have accepted the arguments put forward by



Mr. Chintamani, and, I think, Sir Cowasji Jehangir; but that is not the position. The British Parliament does not contemplate, as I understand, abrogating to-day or next year all responsibility for the defence of India or for the safety and security of India. The British Parliament will still retain a very important interests in the good government of India, and that being so the Secretary of State for India will have a great many more functions to discharge than Sir Cowasji Jehangir seems to imagine. Unless I misunderstood him, his argument was this, that if the Secretary of State is to remain the recruiting officer for the Indian Civil Service and Indian Police Service, that will be all that he will have to do, and that a Secretary of State should not be maintained for so trumpery a service. The Secretary of State is going to have a great many more functions to discharge than that. Let me try and explain to the Committee once more why candidates for these two Services in this country attach so much importance to the Secretary of State being the recruiting authority and consequently continuing to exercise, ultimately, control over their destinies. The reason is this, that the Secretary of State is responsible to the British Parliament. The British Parliament and the Secretary of State are things which the young men of this country know and understand, and they know that if in the last resort they have a real grievance, if their whole career is in danger of being jeopardised by some action in India, they have the appeal to the Secretary of State, and not only to him but to the British Parliament. That is what they attach so much importance to; it is the security in their careers, and, as I said earlier this afternoon, I really do feel sure that if you take that security away from them then the recruitment of young Englishmen from the Universities in this country will come to an end.

Now, Sir, there are one or two other points, but I do not think I need touch upon them, as regards communication, and so on. I have expressed my views, and I am quite satisfied that the Indian Irrigation Service, as the majority of the Committee desire, should be a Provincial Service and should secure such English expert engineers as it desires in the best way it can. Whether the Provinces will always be successful in securing the most proficient irrigation engineers from England, of course, I am not competent to say, but on the main question of what are known as the two Security Services, the Indian Civil Service and the Indian Police Service, my answers to these three questions are all in the affirmative.

*Mr. Chintamani:* Do I understand the noble Marquess to allege that to vote for continued recruitment in England, according to them, is also to vote for control by the Secretary of State and not by the Government of India?

*Lord Zetland:* Yes, certainly; ultimate control; control as it is exercised now. As has been pointed out, the Secretary of State under the Devolution Rules has transferred control for ordinary purposes to the authorities in India, but the ultimate control still

remains. It is not competent for an authority in India to dismiss from the Service a member of either of these Services recruited by the Secretary of State for India, and that ultimate control I argue should remain as it does at present.

*Sir Chimanlal Setalvad:* I confess, Sir, that all that Lord Zetland has so eloquently said has left me unconverted on the main points, namely, as to who should be the recruiting authority and where should the control be.

I will not repeat the arguments I have addressed before. I do maintain that if India is to be self-governing in the manner intended, then the recruitment and control of the Services must vest in the Indian Government and not in the Secretary of State. I am quite aware of what Lord Zetland meant, that for some time the control of the Army and Defence is not to be transferred. It is perfectly true that that is so, but that does not conflict with the complete control by the Government of India of the All-India Services, and to my mind it is inconsistent with responsible self-government that control of the Services and the recruitment of the Services should be vested in some authority outside India. But when I say that recruitment and control should vest in the Indian authorities, it does not follow therefrom as some speakers have assumed, that there will be a cessation of the recruitment of European officers in the Services. The recruiting authority, namely, the Government of India, according to my idea, will still recruit European officers from England, as certainly they will deem it desirable to do so. Further, I maintain if the recruitment authority is to be the Government of India, then the ratio in which they will recruit Europeans and Indians should also be left to their entire discretion. You cannot give responsible government to India and, before you give it, bind them down to a particular ratio of one race to another, and it should be left to their good sense, their responsibility for good administration, to determine how many Europeans and how many Indians there should be.

It could be left to the Government of India under the new Constitution to do the right thing to maintain a proper standard on administration, and to preserve the European element in such administration. Further, it must be remembered that the present European element in the administration will be there for many, many years, and therefore, during the first few years of the new Government coming into power, there will be in full strength the European element to work the Constitution. We need have no apprehensions, accordingly, on that score, either that the European element will disappear or that there will be no European recruitment in the future.

I want to make clear this position, that though we have agreed to the I.C.S. being an All-India Service, this does not mean that the I.C.S. is to be maintained as at present in the sense of officering the various Departments it now officers. In that respect I do maintain that the present system under which Indian Civil Servants

are drafted into the Departments is one which is not sound at all. We have an Indian Civil Servant recruited; he becomes an Assistant Collector in the Revenue Department; he knows nothing of the Civil law of the country, of the various systems of Hindu and Muhammadan law, but he passes certain examinations there in Criminal law, and all at once he is transferred to the Judicial Department. There he becomes a District Judge or Assistant District Judge, and he hears appeals in cases from the subordinate Judges, who are themselves trained lawyers in both Civil and Criminal law. The Bar in India has grown in efficiency and numbers, and the contrast between the equipment of the Civil Judge and the Bar is so great as to shake public confidence in the Courts. There are further anomalies. When you go to the High Courts you have Civilians drafted there who are not trained lawyers, and they are met with a trained Bar in the High Courts. That system about appointing Civilians to the Judicial Department and the High Courts has been a matter of great concern and controversy in India for many years, and we maintain that judicial appointments should be filled as in England by trained lawyers taken from the Bar. This is not a matter of Europeans *versus* Indians, but of proper training for the work to be done. I do not mind in the least if we import English lawyers to fill the posts, but whoever fills the posts should be trained lawyers, and not merely members of the Civil Service. In that connection it will be necessary to take steps to amend the relevant Sections of the Government of India Act.

*Chairman:* Our terms of reference are rather narrow, and I am afraid I must rule that the question as to whether Civil Servants should fill judicial offices is outside our purview.

*Lieut.-Col. Gidney:* For the reasons given by Mr. Fazl-ul-Huq and others, it is in my opinion desirable to have a European element, in each of the four Services named in Item (3) of the agenda. I agree with Lord Zetland that the ratio should continue to be as fixed by the Lee Commission, and that a revision might be undertaken in 1939 and 1949 for the I.C.S. and the I.P.S. respectively. As to who should be the recruiting authority for these Services, Lord Zetland rightly pointed out, that if we decide, as we apparently have, to continue recruiting Europeans into these Services—and I take it that the examination will be held in England—all candidates who appear for the examination must be given a sense of security. If recruitment and control were to be transferred to the Government of India it would result in a cessation of recruits. I therefore agree that the I.C.S., and in particular those members recruited in England should be placed under the control of the Secretary of State. It might be possible for those who are recruited in India to be placed under the control and recruitment of the Government of India, and those I.C.S. and I.P.S. candidates recruited in England placed under the control of the Secretary of State. This might obviate the difficulty and give adequate security to each class. But, as Lord Zetland has said, the men recruited in England must be given a sense of security. I do not think that

India can, for some time to come, especially in the transitional stage of the new Constitution, do without a fair ratio of Europeans in the Services. We have had our lessons in the past to guide us. When the Reforms were introduced, Sir Cowasji Jehangir said they did not dislocate the strength of the Services. Nevertheless, within a few years after the Reforms began to operate, over 300 officers of the Superior Services resigned largely from the Police and the I.C.S. I do not think it is the desire of the sub-Committee to repeat that experiment, because India is really taking on a heavy responsibility and burden in demanding a full measure of self-government, and she must retain the advice and assistance of its experienced British I.C.S. officers. I think it will be a long time before India can do without the services of the British element. I am not one who believes that you should always have them, but I do believe that India cannot do without their help and advice for many years to come. If the best type of English officers are wanted they must be given adequate security of service, and that security will only be possible for them if the Service is placed in the hands of the Secretary of State, and not in the Government of India in the new Constitution, a power which has yet to be created, and with which they are unfamiliar.

*Dr. Shafa'at Ahmad Khan:* We have been told by Sir Cowasji Jehangir and by Sir Chimanlal Setalvad that they do want a European element in the Services of the future. This element has been variously stated to be "necessary," "desirable" and "advisable." I think those were the words which were used. If it is necessary, then you cannot possibly have it without the intervention of the Secretary of State for India. As was pointed out by Lord Zetland, these men require security of service. I can say from my experience that in the Universities in India it is difficult, almost impossible, to secure the right type of European for many of the most important Chairs. I am speaking from an experience of more than seven years. If you really think that you are going to get your European recruits for the Indian Civil Service and the Indian Police Service through the agency of the Government of India, I can tell you that you are quite mistaken. Very few really brilliant, clever, and promising young men will come forward. They will demand, and legitimately demand, to know what is going to be their security in order that they may not really be left in the lurch when any important question arises. If Sir Cowasji Jehangir really thinks that the European element is desirable, if not necessary, in that case he should at the same time say that this element has to be secured through the Secretary of State for India. I do not see any consistency in desiring the European element on the one hand, and on the other hand saying that it should come about along a channel which is really impossible.

My second point is this: In 1919 and 1920, when the Reforms Act was introduced, there was a great deal of anxiety among the European members of the I.C.S. There was almost a revolution in the conception of administration at that time, and naturally the

European members were anxious as to their future. They did not know how they would fare, nor how the Ministers installed by the Act would treat them. In spite of all those anxieties they have behaved splendidly. They rose to the occasion and served the Ministers with a fidelity and devotion and zeal which was testified to by Mr. Chintamani in his evidence before the Reforms Enquiry Committee in 1924. Sir Chimanlal Setalvad also expressed his obligation to the European members of the Services. I should like this sub-Committee to go through the evidence of other Ministers from the Punjab and the Central Provinces. The evidence given to the Committee by various Ministers from different Provinces is a storehouse of information as to the way the Europeans behaved. If you are doubtful whether they will serve you well in the future, if you fear that they may try to undermine or countermine the new regime, you should simply go by experience, you should see how they actually behaved, worked, and rose to the occasion in the past. If they have been loyal, faithful, zealous, and enthusiastic for principles which they opposed at the beginning, but to which they became reconciled in the end, what justification have you for entertaining suspicion that they will be hostile or lacking in zeal?

*Sir Chimanlal Setalvad:* No one has said anything about hostility.

*Dr. Shafa'at Ahmad Khan:* In any case there is an idea that only the persons who are completely under you can serve you really well. That is the logical outcome of what you desire. At a time when they were practically independent of the Indian Ministers, when the Ministers had no authority or right over the officers of their Departments, at a time when those officers could go direct over the heads of the Ministers to the Governor, they yet served all those Ministers most faithfully and loyally.

*Sir P. Pattani:* Do you really mean that they would continue to go above the heads of the Ministers?

*Dr. Shafa'at Ahmad Khan:* I do not mean that at all. They would work the new regime as well as they have done in the past.

My next point is this: It is said by some persons that if the Government of India did not appoint members of the I.C.S. and I.P.S. they would have no control over them. I believe that is the argument brought forward by a number of speakers. Sir, according to the rules framed under Section 96 (b) (2), even now at the present time the local Government has got ample power over the I.C.S. and over the I.P.S. I will just read out Rule 10 under this Section:

“ The Local Government may for good and sufficient reasons (1) censure, (2) reduce to a lower post, (3) withhold promotion from, or (4) suspend from his office an officer of the All-India Service.”

Here is a power which the local Government even now possesses. That power is ample for all practical purposes, and if any officer is

really incompetent or cannot discharge his duties properly there will be absolutely no difficulty in any local Government resorting to one or all of these measures, as the local Governments have done in the past. I know of a number of cases where, on the intervention of the local Government, a number of members of the Imperial Service have been dismissed from the Service. The powers now possessed by the local Government are ample. All I suggest is that we should wait and see how this system has worked. The only test you really can apply in all these cases of a very complicated and intricate character is the historical test. If this test is applied I submit that we have no other alternative but to postpone the consideration of the ratio and keep the present ratio until 1939, when it will be proper for all of us to adopt the practicable system which experience has then shown to be the right one.

*Chairman:* Gentlemen, this to my mind is a really critical question. As Sir Cowasji Jehangir has said, it is one of the most difficult questions that this Round Table Conference has had to deal with. If I thought that it would become any easier by further discussions I would suggest that the discussions go on. I am afraid that the point is here, that, however much we go on discussing it, we have got to meet it sooner or later. May I tell you as the one around this table who knows least about this topic, what my impressions of the whole matter are? They are these; first of all if your Constitution is going to be a success, you have got to learn to live happily together, and you will only do that by give and take and by giving way to what you may often think to be unreasonable prejudices. It is quite obvious to me after listening to this discussion that there are a considerable number of people around this table who for reasons good or bad attach the greatest importance to the continuance of an element of European recruitment at any rate for a time. There are many of you who attach but little importance to that, and who would regard it as a matter more or less of indifference as to what they may be, so long as they are the best. What I would suggest to you is this: Those of you who take the latter view may regard those who take the other as quite wrong and quite unreasonable, but that they do take the other view you none of you can doubt. As they take the other view would it not be better to answer this first sentence, "Is it desirable to secure an element of European recruitment, and if so, for which Services?"—in the affirmative, at any rate for a time? The word is not "necessary"; it is "desirable." I should think that this is desirable, and that all of you would think it desirable, if only for the simple reason that there are some of you who desire it. If some of you, or a considerable number of you, desire it, then it is desirable to have it in order to satisfy their doubts and hesitations. I shall therefore propose presently that we answer that question in the affirmative, at any rate for the time.

The next question is, "Should any such recruitment be done by fixed ratio, *e.g.*, the Lee ratio for each Service, or on some

other system?" My impressions of the conversation with regard to that matter are as follows: What obviously matters is that you should have as nearly as possible a constant number coming in in order that the authorities in our schools and Universities, also parents and guardians and so on, may look upon this as a definite career for their young men. At the present time you do get a constant number. One can easily verify that as a statement of fact. You can look at the records. No doubt it is the fact that the requirements of one Province differ from year to year, but taking them in all, it does work out that the requirement is the same each year. The requirement of the I.C.S. is 35, half of 70. The requirement for the Police is 12, half of 24. Therefore at the present time you do have a constant number of vacancies. It seems to me that if you answer the first question in the affirmative, at any rate for the time, it is a corollary from that, whether you accept this ratio or that ratio or any ratio, that you must take steps to see that the number of vacancies to be filled year by year is constant. Otherwise you cannot be certain of getting the best class of men.

*Sir A. P. Patro*: I would venture to suggest that there should be a revision of the Services in 1939.

*Chairman*: I agree again. We cannot deal with this matter for all time. It is sufficient to look ahead for nine years. We may deal with this matter after 1939.

Now we come to question (4).

*Mr. Shiva Rao*: Before we leave question (3) I should like to say that I absolutely dissent from both these recommendations.

*Chairman*: I am not suggesting that I shall be able to get a unanimous conclusion. I am afraid that that passes the wit of man. I am trying only to devise some resolution which at any rate might get a measure of consent, possibly a majority of the sub-Committee.

*Sir Chimanlal Setalvad*: When you, sir, say that the conclusion is that we should have a fixed ratio, we say that the ratio should be fixed by the new Government of India.

*Chairman*: I am coming to that in question (4), which reads: "Who should be the recruiting authority for the recruitment of All-India Services under the new Constitution?" I am not quite sure that I agree with Lord Zetland here. My view would be this, subject to one consideration, and one consideration only, that the recruiting authority and the controlling authority must obviously be the same. I should like the recruiting authority and the controlling authority to be the Government of India functioning through a Public Services Commission in whom everybody would have the utmost confidence. But I do feel the force of Lord Zetland's objection to that. I know hardly any Indian Civilians, and I know very little about their point of view. I do not know what the Universities would think, but supposing that it is the fact, as we affirm, that if you abolish this right of appeal or

right of control, or whatever it may be, to the Secretary of State, you will not get the best men. Supposing that we recommend that a Committee be set up, and the Committee when it is set up comes to the conclusion that perhaps it is prejudicial, and they tell us, after hearing the University people and so on, that unless there is some right of appeal to somebody in this country, you will not get the best class of men, then might we not consider some method of getting out of the difficulty?

Let any new entrant into the Service know that he cannot be dismissed without the consent of some functionary in this country so as to allay his doubts and his fears. After all, that in no way detracts from your status. I have often pointed out at Dominion Conferences that a simple element of status is the freedom to contract. If the Government of India find it necessary, in order to get the best men, to agree to allow somebody over here to act as arbitrator, if you like, in the event of a dispute arising between any particular servant and the Government of India, that might be a way out of your difficulty.

*Sir Chimanlal Setalvad*: The Government of India may do that if they choose.

*Chairman*: Certainly. The point is that we want to give some security in order to ensure your getting the best class of men. I should like to maintain my position. If I were satisfied, and I do not pretend to know one way or the other, that you would continue to get the best class of men, then I should vote, and if necessary I shall vote, for the recruiting and controlling authority being the Government of India, but as I have doubts in my mind as to whether, in the absence of any appeal or right of redress from this country, which is, after all, the country in which the parents, the guardians, the mothers and so on, of these young men will live, we shall get the right men, I should like to make our recommendation here, subject to whatever the Committee may tell us, if we decide to set up a Committee under No. 6. Those are the conclusions to which I have come. I will endeavour by to-morrow morning to draw some resolution if I think that on broad grounds of that sort I shall get a majority. May I take them step by step? First of all, shall I get a majority to say "Yes" to the first question? I will see who the Noes are. ("Noes" were indicated by a show of hands.) At any rate I get a majority. Then should I get a majority if I put it in this way: that until 1939 we think that nothing should be done to disturb the numbers which would result from the application of the Lee ratio?

*Sir Chimanlal Setalvad*: The ratio should be left to the Government of India.

*Mr. Tambe*: No, we do not want that.

*Chairman*: We can couple with that, in order to make it sweeter, that after 1939 the ratio should be left to the Government of India.



*Sir Chimanlal Setalvad*: The ratio should be left to the Government of India now.

*Chairman*: Supposing that I cast the resolution in this way, that until 1939 the numbers which would be arrived at on the Lee ratio should approximately be the numbers to be taken?

*Mr. Mody*: Would not you rather leave it to this Committee, which is going to be constituted for the purpose of laying down the terms and conditions?

*Chairman*: I wish that we could do that, but I do not think that we can.

*Mr. Mody*: I do not see any objection to the Committee doing it.

*Chairman*: It is hardly their function, is it? We have got to tell them how many people we think ought to be secured. Then they have to tell us what terms and conditions there have to be in order to enable us to secure them. I think that that is really the way of looking at it. What do you say, supposing that I put some resolution upon those lines?

*Sardar Sampuran Singh*: Cannot we leave it as the Lee ratio? But we can say: "until it is changed by the coming Government of India".

*Chairman*: The suggestion is that we should fix 1939, or any other date you like. There is no magic in a date. The suggestion is that we should fix some date, and make it plain that thereafter it is a matter for the Government of India to consider. That is the suggestion which I make in order to try to meet everybody.

*Dr. Ambedkar*: My view is that your recommendations should be applicable only to the Indian Civil Service and the Indian Police Service.

*Chairman*: I would agree to that, and I will make that plain.

*Sir Robert Hamilton*: Would you say "not later than 1939?"

*Chairman*: Sir Robert Hamilton suggests "not later than 1939." After all, we need not make a final absolutely definite Report. All that we want to do is to say that at some stage, not in the far distant future, the Government of India takes this job on, but that for a few years, whilst you are swapping horses and you are more or less in the middle of the stream, you had better have the thing fixed. I think that upon those lines I could get some sort of agreement. I think that Mr. Chintamani is adamant.

*Sir Chimanlal Setalvad*: There are several people who take the view that the ratio should be fixed by the Government of India. You can ascertain the number of those who take that view.

*Chairman*: How many would agree to the resolution which I suggest? I am not purporting to word it now. How many would prefer to say that the Government of India should decide the thing straight away here and now. (*There was a show of hands with regard to each question.*) I should think that the previous one is carried, but it is not by very much.

With regard to (4), supposing that I cast a resolution upon these lines, that we desire the Government of India to take over both the recruiting and the control, but that, if it was apparent as the result of a Report of the Committee, that in the absence of some control, or redress, or appeal, or whatever you call it, in this country, you would not get the right type of man, then in that event we should advocate, since it is essential to get the right type of man, that there should be that appeal, or control, or redress, in this country.

*Sir Chimanlal Setalvad*: Should not that also be left to the Government of India? If they find upon that enquiry that it is necessary to do the other thing, they will do it.

*Chairman*: Should I get anybody at all to agree with me upon that?

*Sir Edgar Wood*: Of whom is the Committee going to be formed?

*Chairman*: It is the recruiting and controlling Committee, but as I visualise it, it would be the Public Services Commission of India, which is set up by and under the Government of India, but which of course has a very large measure of independence which is essential to it.

*Sardar Sampuran Singh*: Will that right of appeal lie only in the case of dismissal?

*Chairman*: I could not stand cross-examination upon that at the present time. It is only very vague in my mind.

*Raja Narendra Nath*: I think that on every point is should be given to them.

*Lord Zetland*: May I point out that I think that there is one other question involved in this? As long as the recruitment and control is by the Secretary of State, the salaries of these persons are non-votable. If the recruitment and control were transferred to India, then presumably the salaries would come on to the various Provincial budgets, and that again will undermine the sense of security of the young men in England.

*Sir Chimanlal Setalvad*: When a young man is engaged, he has a contract. You cannot cut down his salary.

*Lord Zetland*: The amount required to meet the salaries of these Services is non-votable, and it is a first charge.

*Mr. Basu*: I would point out to Lord Zetland that there would immediately be an action at law against the Government of India if it went behind the agreement. There will be a contract to start with. There is a contract now, and the Government of India has no power under any system of law to act in breach of that contract.

*Chairman*: You will remember that no Civil Servant here has any contract at all.

*Mr. Basu*: In India they have.

*Chairman:* I do not pretend to know about that. I am told that the legal position in India is the same as here.

*Mr. Basu:* No, because they are all known as covenanted Civil Servants.

*Sir A. P. Patro:* The salaries of all-India Services are put into every Provincial budget, but they are non-votable.

*Chairman:* The point is, has a Civil Servant a contract? In this country it is quite clear that he has not a contract. I do not know what the position is in India.

*Sir A. P. Patro:* It is a covenanted Service.

*Chairman:* I do not pretend to know about this. I am told that opinions have been given that the power of the Crown is absolute, and can override everything and that such security as you have by a contract is worth nothing, apart from the benevolence and generosity of the Crown.

*Sir Cowasji Jehangir:* That was the impression some time ago, but opinions have changed, and it has been held that the position is the same as in England. I do not see why if the recruiting authority is in India, some such system should not be evolved as there is at present where it is non-votable under the statute.

*Chairman:* I will try to cast a resolution upon the lines which I have suggested. Would anybody or would nobody agree to it? I gather that nobody would agree to it.

*Sir Robert Hamilton:* I should like to see it first.

*Chairman:* The first consideration being to secure a supply of the best men, we have to take such steps as will get the best men. If we are advised that one of the necessary steps to get the best men is, to use a quite ambiguous word for the moment, some measure of control or arbitration, or seeing that justice is done, by somebody over here, then for that reason, and only in that case, would I agree with it. Subject to that, I think that the ideal thing is that the Government, through the Public Services Commission, should deal with this matter. Would anybody object to that?

*Sir Chimanlal Setalvad:* With this variation, that, if that advice is given to the Government of India, then the Government of India will take every step to institute some arbitration authority.

*Chairman:* It is for us to give advice. I am only contemplating the advice that we should give.

*Sardar Sampuran Singh:* One thing is not clear to me. There will be a right of appeal here, but will that be only in cases of dismissal or supersession?

*Raja Narendra Nath:* Dismissal, supersession, suspension, degradation?

*Chairman:* I should think so.

*Sir Edgar Wood:* Will they give any assurances with regard to salaries and pensions?

*Chairman:* I doubt if they could do that.

*Lieut.-Colonel Gidney:* Will you put it to the meeting, those in favour of the control of the Secretary of State, and after that, those in favour of the Government of India and appeal to the Secretary of State, and after that, to the Public Services Commission?

*Chairman:* I will do that. As this is an important matter, I wanted to see if we could not devise some method by which we could get somewhere near unanimity. How many are there who desire the control of the Secretary of State as it exists at present to continue until 1939? (*On a show of hands, 10 voted in favour of this*). How many are there who desire the control to be vested altogether in the Government of India, without any appeal? (*On a show of hands, 10 voted in favour of this*).

*Mr. Mody:* Might I suggest that we sleep over it?

*Chairman:* I was going to suggest that. I was going to put: how many are there who feel that we should sleep over it? (*Agreed*).

*Mr. Mody:* In the meantime, will we have the draft that you have been speaking about?

*Chairman:* I have a difficult job to do. Would it not be well if you, Sir Cowasji Jehangir, prepared a draft too?

*Sir Cowasji Jehangir:* Very well.

*Chairman:* We have all sorts of ingenious minds here. If we could turn this over and see if we can come to some kind of a compromise, I think that it would be very useful. Quite seriously I do feel that it would be a most unfortunate thing if, on a fundamental issue like this, this Committee of the Round Table Conference has to present a Report indicating that it is divided exactly fifty-fifty. That really would be unfortunate. Therefore I ask you all to sleep over it, and see if you cannot evolve some method of getting a large measure of agreement. We must not re-open all this discussion to-morrow. We will sit all day to-morrow.

(*The sub-Committee adjourned at 5-40 p.m.*)

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PROCEEDINGS OF THE THIRD MEETING OF SUB-COMMITTEE NO. VIII  
(SERVICES) HELD ON 8TH JANUARY, 1931.

*Chairman:* I have tried to put something down on paper recording our discussions, and, so far as we made them, our resolutions of yesterday. The staff here have had a try also, but I am bound to say that I should like a little more time before offering them up for your consideration and the treatment which I have no doubt that they deserve. I found in trying to draft the thing, that I was perpetually straying into the topics which are really covered by 6 and 7. I think that you will all agree that the

discussions which we had yesterday did, to a certain extent, trench upon the desirability of having the Expert Committee and also the Public Service Commission. Therefore, subject to your better judgment, and I am quite willing to take whatever course you like, it occurred to me that it might be desirable this morning to leave 5 for the moment, because it strikes rather new ground, that is to say, the Civil Branch of the Indian Medical Service. That is a very important topic. I suggest that we leave it out for the moment, because 6 and 7 seem to me to be closely related to the subject matters which we have been discussing; indeed, the draft resolution which I am trying to prepare contains certain recommendations concerning them. Therefore may I take it that I have the sense of the meeting with me in suggesting that we now proceed to discuss 6 and 7? (*Agreed*).

Six is: "The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees:—and if so, whether any definite recommendations should be made for the guidance of such Committees." Of course, this is entirely for your judgment. What I had in mind that we might do was to suggest that the Government of India set up this Committee. Let this Committee, therefore, be the creature of the Government of India, appointed by the Government of India, and the personnel, selected by the Government of India, in which case, of course, the Committee would report to the Government of India.

*Sir Provash Chunder Mitter*: Should the Committee be appointed before or after the new Constitution? That is rather important.

*Chairman*: That is one of the matters upon which I should like to have the assistance of this present sub-Committee.

*Lieut.-Colonel Gidney*: Will this future Committee consider the question of the recruits for the Superior Services or for all Services?

*Chairman*: Certainly with regard to all the Superior Services. I do not know whether it would extend to Provincial Services or not. If it was appointed by the Government of India, it would be rather trespassing upon the preserves of the Provinces if it considered Provincial matters. Certainly I anticipated that it would cover all Superior Indian Services, such as the Indian Civil Service and the Indian Police Service.

*Sir Provash Chunder Mitter*: The question of the British personnel of the Services is an important one. To-day under the Provincial Governments we have British personnel. It may be quite open to the future Government of India, in consultation with the future Provincial Governments, to include as one of the terms of reference whether the Provincial Governments should have British personnel, and, if so, on what terms and conditions?

*Chairman*: Certainly. All this is a very proper subject matter for discussion under this head, and I think that we will now discuss No. 6.

*Mr. Chintamani:* Sir, in my humble opinion, the question of what conditions are required to attract and retain future recruits of the right type should be a matter, in the first instance, for consideration by the future Government of India itself. Either the Government of India will feel that the question is easy enough for them to answer without the guidance of a technical Committee, such as is suggested here, or they will feel that they should fortify themselves by the advice of such a Committee before reaching any conclusions. In the former event, it would place them in a somewhat difficult and delicate position for us to make a formal recommendation that they should set up such a Committee. In the latter event they will have authority to set up such a Committee, even in the absence of a recommendation from us. In other words, I am of the opinion, as I have been on previous points, that it is not necessary, and therefore it is not desirable, for us to attempt to fetter the discretion of the future Government of India by giving advice, or by making a recommendation, which will really place them in a somewhat delicate position. My observations apply also to the latter part of head 6, which was added yesterday, on the suggestion of one of my colleagues, namely, "whether any definite recommendations should be made for the guidance of such Committees." It follows from what I have so far said that to me, this question does not arise at all, as I do not think that we should make any recommendation that the Committee should be set up. Assuming the general sense of this sub-Committee to be in favour of recommending to the Government of India what is mentioned in head 6, even then you may trust the Government of India to the small extent of stating their own views for the guidance of such Committee or Committees, instead of our going further and acting as guardian to them by telling them, not only that they must set up a Committee, but also what they should tell that Committee to do. In the result, my answer to the question contained in head 6 is a negative answer with regard to both the first part and the second part.

*Lieut.-Colonel Gidney:* I am sorry that I cannot agree with my friend, Mr. Chintamani. I believe that there is a necessity for some Committee being appointed, although I am bound to admit that at present there is a Public Service Commission in the Central Government, which does deal with these matters. My reasons for wanting this, and for agreeing with the latter part, with regard to definite recommendations, are two. First, I consider that whatever Committee may be set up it should have some representatives of the minority communities on it. Secondly, there should be a specific instruction to that Committee that the interests of the minority communities should be safeguarded. It is for those reasons that I support this.

*Mr. Chintamani:* On a point of order, I think that it was decided yesterday that the question of minorities and allied questions might be discussed under head 7 when we come to the recommendations in relation to the Public Service Commissions. The

specific purpose of this Technical Committee is stated in the clause, and I do not think that this can be explained in the manner suggested.

*Chairman:* I rather feel that, Colonel Gidney. I rather feel that there is great substance in that point. After all, we cannot possibly advise the Government of India as to what personnel they should select, can we? We can clearly say with regard to the Public Service Commission that the Public Service Commission should take steps to see that the various minorities are given their proper share of any posts that are going, but I do not think that it would be practicable to state to the Government of India that they must have on the personnel of their Committee representatives of this or of that minority. I have not a shadow of a doubt but that they would see that they so selected the personnel of the Committee as to make it fairly representative of opinions as a whole, but I should suggest to you that we could not practically ask for that. If that is pressed as a point of order, I am inclined to think that the point of order is a good one. I think that the point which you raise, Colonel Gidney, really comes under 7 rather than under 6.

*Dr. Ambedkar:* Sir, I must say that I do not hold a very strong opinion on the question as to whether there should be a Committee appointed or not, in order to give guidance to the future Government of India, but there are two matters upon which I do hold a very strong opinion. The first is that I think the time has arrived when, instead of having one common Indian Civil Service to man all departments, we should have hereafter some provision made for the specialisation of Services in order that efficiency may be more greatly secured than it is now. I am not going to say anything as regards the capacity of the Indian Civil Service, because I think that it is generally admitted that it is a capable Civil Service, but, notwithstanding that, I do maintain that the kind of training that one gets in the Indian Civil Service is not sufficient for the discharge of certain duties in certain technical, or otherwise specialised, departments. Consequently it is necessary that some reorganisation should take place in the Indian Civil Service in order that we may get greater efficiency in the Service. That is one thing upon which I feel very strongly. The second point upon which I feel even more strongly is that, although we are all agreed that there must be Indianisation in the Indian Civil Service, and that there must be more rapid Indianisation in the Indian Civil Service than has been contemplated hitherto, my submission to the Committee is, that, looking at the problem from the standpoint of the Indian taxpayer, it is far more necessary that this Indianisation should not merely be a change in the personnel of the Service, but the Indianisation must be accompanied by some lowering of the burden on the Indian taxpayer. There must be some differentiation in the remuneration, the salary, the pay, and the pensions, and other privileges of the Indian element of the Indian Civil Service as compared with what is granted to the

European element of the Indian Civil Service. In this connection I should like to draw the attention of the Committee to the recommendations made by the Donoughmore Commission for the Constitution of Ceylon. At page 133, they recommend that the Ceylon Government should hereafter appoint a Salaries Commission, and with regard to that Salaries Commission they make a definite recommendation that there shall be a differentiation in the remuneration of the European element in the Ceylon Civil Service and the Ceylonese element in the Ceylon Civil Service. This is how they justify it: "On the merits of the case it is clear that there is no logical justification for remunerating both classes of public servants on the same basis. In one class are a body of men exiled from the temperate climate which is their birth-right and posted in a tropical country thousands of miles from their homes; a country in which it is impossible for them to bring up their children and from which it is essential for the sake of their own health that they should proceed on leave of absence at regular intervals; a country in whose service they are compelled, not only to face all the difficulties involved in the maintenance of dual establishments, the risks to their health and the personal sacrifice of family ties, but also to preserve at considerable cost a standard of living and hospitality in keeping with their own traditions and those of a Service which, for over 125 years, has represented a great Imperial Power. Side by side with them are men living and working in their native country, with their homes at hand, subjected to none of the climatic difficulties and to only a part of the financial burden imposed on their European colleagues. It is obvious that the former class of public servants must be paid a salary sufficient to compensate them, over and above the actual value of the work performed, for the personal risks and sacrifices involved in its performance. There can be no logical justification for extending to the latter the compensation necessarily paid to the former." I think that these observations apply with equal force to conditions in India. If this sub-Committee accepts the two points that I am placing before them, namely, the necessity for diversification in the Indian Civil Service, and also the necessity for differentiation in the remuneration between the two elements in the Indian Civil Service, then I think that it is a necessary corollary that there ought to be some body set up to advise the Government of India to carry into effect these recommendations. It is for those reasons that I support the suggestion that, after the new Constitution is brought into effect, the Government of India should be empowered to set up such a Committee as is recommended in head 6.

*Chairman:* May I say for the guidance of the sub-Committee that, as our terms of reference are the relations of the Services to the new political structures, obviously we cannot go at great length into the question of salaries? At present there is a differentiation in the pay of officials based upon what is called non-Asiatic domicile. I expect that you all know about this. The difference comes to this, that those who have a non-Asiatic domicile



get what is called over-seas pay, which is an addition of about £300.

\* *Dr. Ambedkar*: I think that that really hardly touches the point. You can create differentiation by adding something to the European salary. That is no relief to the Indian taxpayer.

\* *Sir A. P. Patro*: I think that the reasons given by Dr. Ambedkar necessitate a reply in the affirmative to the two questions propounded in head 6. I think that he has very strongly put the case of enquiry in the matter of Indianisation. The reference as it goes is, what conditions will be required to attract the right recruits? That is a very important thing. If the Committee thinks that the present conditions should be altered and changed in order to attract the best men, then the Committee will consider that aspect of the matter, and, therefore, it will be necessary to have a Committee. The other feature is, that it is said that the future Government of India should have the right of looking into the matter, and considering what would be necessary according to the circumstances which may arise then. I fear that there is a notion that the future Government of India will be so radically altered that the ministers would do everything that they could to revolutionize the existing system. The sooner that we forget that, the better for us, and then we would be more reasonable in our conception of these conditions of service.

After all, we know there is to be only a limited responsibility in the Centre. The responsibility of Ministers will be restricted. Therefore we should consider from past experience that there should be some guidance to the future Government of India, which must not be allowed to start with a blank cheque. It is purely a business matter, and my reply would be in the affirmative to both parts of Item No. 6.

*Lord Zetland*: On the whole I agree with Mr. Chintamani in his views on this question. I do not see much advantage in postponing to another Committee the decision as to the two important points before us, namely, whether it is desirable that there should be continued recruitment of European officers, and, if so, whether the recruiting authority should be the Secretary of State or some other body. If the Government of India wish to set up yet one more Public Service Commission they are entitled to do so, but we have had a great many Public Service Commissions in the past, which have gone into great detail regarding the conditions of service, and to suggest to the Government of India that it is desirable to appoint another of these Commissions is really beyond the scope of this sub-Committee. There is a large measure of agreement on the first of these questions, that there should be continued recruitment of European officers. The real difference of opinion is as to whether the recruitment should be by the Secretary of State. Those who take my views, namely, that if you withdraw the security afforded to recruits by recruitment by the Secretary of State you will not get European recruits, naturally agree with me that the present position should continue. There are other

members of the sub-Committee who apparently think that you will still get European recruits even if you deprive them of the security which up to now they have always most strongly demanded. In favour of my view is the practical experience of the past nine years. Sir Provash Mitter gave us some interesting observations, and said that though in Bengal they offered salaries nearly double the ordinary rate for educational officers they had been unable to secure the European recruits they required, and Dr. Shafa'at Khan gave us further examples to that effect. Therefore I suggest that since this is a representative sub-Committee, and since there is a fundamental difference of opinion on this question, we must accept that position, and say that opinion is divided, that a part of the sub-Committee—it may be a majority—consider that if European recruitment is to continue it is essential in order to obtain the right type of recruit that the security provided by recruitment by the Secretary of State should continue, but that other members of the sub-Committee consider that on other grounds it is desirable that the recruitment should in future be effected by the Government of India.

*Sir Provash Chunder Mitter:* I am inclined to think that it would be advantageous to appoint such a Committee some little time after the new Government of India has been constituted. There is, on the one hand, a natural apprehension on the part of the British recruit, who will be called to serve under unknown conditions. He naturally feels more confident if the recruitment is by the Secretary of State. On the other hand, it is natural for the Indian Minister to feel that he should have control over the Services. There we have the two fundamental difficulties. It is true that we have had Public Service Commissions; there was one such Commission on which Lord Zetland served, and we have had also the Lee Commission under the present constitution. But if we are going to have a new constitution I would give it two or three years' trial before setting up such a Committee. There is no difference of opinion that if we want European recruits they should have ample safeguards. But the Indian Ministers naturally want control over the Services, be the members of the Services British or Indian. It is not so much a racial question as a question of adjusting the two difficulties I have mentioned. I should like to add a word with regard to the point made by Dr. Ambedkar. The basic pay is supposed to be the same for the British and the Indian, but we give an overseas allowance, which is meant to meet the difference between a man serving away from his country and one serving in his country. With regard to the point as to whether the Indian in the All-India Service is getting adequate pay, or pay which is too high or too low, that does not really come within our province. But if it came about that we wanted to have an All-India Service even of Indians, we should have to take into account All-India conditions. From that point of view it may be desirable to set up a Committee, as also from the point of view of ascertaining what duties should be allocated to All-India Services, but in my opinion we should recommend that

such a Committee should be set up at least two or three years after the new constitution.

*Mr. Basu:* We have not the materials before us which will enable us to make a recommendation. The new Government may appoint one or more Committees, one, for example, to deal with the scientific Departments, like those of Forests, Agriculture, Scientific Instruction, Research, and so on, and another to advise it as to the appointment of judicial officers of the various Courts. I do not see how we can go on with this recommendation. I agree with Mr. Chintamani that the recommendation of the appointment of a Committee at this stage is premature.

*Sir Chimanlal Setalvad:* Lord Zetland says that he agrees with Mr. Chintamani, but their agreement is no agreement at all. They are as wide as under as the poles. According to Lord Zetland, Item No. (6) is unnecessary, because we should here and now decide that the present system of recruitment and control by the Secretary of State should continue. Mr. Chintamani, on the other hand, says that the power of recruitment and control vested in the Secretary of State should immediately go. That is quite contrary to Lord Zetland, but Mr. Chintamani also says that Item (6) is not necessary. Therefore the alleged agreement is purely superficial, and the real difference between the two is irreconcilable. In view of the very marked difference of opinion in this sub-Committee on the main question, whether the control and recruitment should remain with the Secretary of State or go over to the Government of India, I do not think it would be proper for this sub-Committee to say what Lord Zetland wishes it to say, that the present system should continue. On the other hand, as I pointed out yesterday, both logical and practical considerations require that the new Government of India should have complete discretion in the recruitment of Services, and they can well be trusted to lay down the conditions in such matters in respect to recruitment as to secure for them the materials they most require. Therefore I am in favour of giving no directions in the matter, but leaving it to the Government of India that will come into existence to exercise complete power in respect to recruitment and control. Having said that, I am not against the recommendation contained in No. (6) that the Government of India when constituted may or should set up a Committee.

*Mr. Basu:* One Committee?

*Sir Chimanlal Setalvad:* It does not matter whether it is one or more. Committees should be set up to go into the whole question of the conditions of recruitment. But I would go no further, and I would not have the last part of Item (6), "whether any definite recommendations should be made for the guidance of such Committees." I would not give any definite recommendation. In view of that, and having made it clear that my view is that the recruitment and control should go to the Government of India, I am quite willing that we should recommend that the Government of India should set up a Committee for the purpose of advising

them, as to the conditions whereby recruits of the right type might be attracted and retained.

*Sir Robert Hamilton:* I think Sir Chimanlal Setalvad has put his finger on the real point of difficulty. Those of us who believe that there should be no change in the present system of recruiting, and have suggested that 1939 would be a suitable year for revision, would consider that to appoint a Committee now to go into the matter would be premature. Those who think that the whole recruitment should go over to the Government of India, on the other hand, would naturally be prepared to put the whole matter before a Committee for consideration. That is the real difference. Those who think there should be no change consider that this advice would be premature, whereas those who think that the change over should be made immediately, would naturally not be averse from seeing a recommendation of this sort being made. I have already expressed the view that I think no change should be made immediately in the present system, and therefore I think it would be premature to set up a Committee.

*Mr. B. Shiva Rao:* I think it is desirable to appoint a Committee, but only after the new Government of India has been brought into existence. The functions of the Committee should be somewhat on the lines of those of the Commission appointed as soon as the South African Government was created in 1908, namely, "for the reorganisation and re-adjustment of the Departments of the Public Service." Amongst the functions of that Committee may be that to which Dr. Ambedkar has referred. But as this paragraph stands, taken in conjunction with Item (3), it seems to me that it is very much like foreshadowing the appointment of another Lee Commission, and I think it is inconsistent with our demand for self-government that we should suggest any steps to be taken by the new Government of India for the attraction and retention of future recruits of the right type from this country. Sir Robert Hamilton said yesterday that it is not necessary to be logical in all matters, but his colleagues in the House of Commons to-morrow would say, "here are the advocates of a full measure of self-government confessing that they have not confidence to run their own Government, and therefore coming to the Universities of this country." It would be better to be honest and say that in your opinion we are not fit for self-government.

*Sir Cowasji Jehangir:* If we come to a decision on this part of our agenda (No. (6)), and regard it as desirable that technical Committees should be appointed for this purpose, then, whether by the Secretary of State or by the Government of India, conditions of recruitment will have to be reconsidered, because the whole of those conditions are going to change. I think Lord Zetland would admit that even if the Secretary of State is going to recruit in the future, and if the conditions in India are going to change even as he visualises them in a narrow way, not in a broad way—

*Lord Zetland:* I do not agree with the narrow way at all.

*Sir Cowasji Jehangir*: Then if they are going to change in a broad way, the conditions of recruitment will still have to be reconsidered.

*Lord Zetland*: Surely the Government of India would be quite as competent to do that as anybody else. The Government of India are quite competent to appoint Commissions when they consider it desirable to do so, without a sub-Committee like this telling them what they ought to do.

*Sir Cowasji Jehangir*: May I point out that we are here in sub-Committee to make suggestions as to recruitment and how it is to be recruited, and Lord Zetland himself yesterday told us that he was definitely of opinion that if recruitment was done under the agency of the Government of India the sources of recruitment would dry up. There is a fundamental difference of opinion. Some of us believe that recruitment will not dry up, if recruitment takes place under the Government of India, and therefore in order to decide that point surely a Committee will be necessary. Lord Zetland appealed to many of the delegates to go and consult the University authorities in the United Kingdom—Scotland, England and Ireland—where we draw our recruits from, but is it possible for us in the short space of time that we have got available to go and visit these Universities for evidence, under the different and altered conditions which will prevail? Lord Zetland's experience, if I may say so with great respect, is entirely in connection with the present constitution, but if we definitely came to the decision that all recruitment was to be through the Government of India and it was not possible in the future to recruit through the Secretary of State, then the Universities and the authorities will look upon it from a different point of view; they will ask us, what do we mean by the Government of India? Who is the authority in the Government of India? We will have to answer those questions to their satisfaction. We cannot do that here, we are not in a position to do it, and therefore a Committee is necessary. Sir, I think the majority are in favour of answering the question "Is it desirable or not to have European recruitment?" in the affirmative. Being fairly sure of that, I say definitely that a Committee is necessary.

I quite agree that on No. 4 there is doubt as to where the majority is.

Now, Sir, the wording of No. 6 is not as wide as Dr. Ambedkar would like it to be. He has raised points which do not really, in my humble opinion, fall under No. 6. No. 6 is the question of appointing a Committee purely for conditions of recruitment, while Dr. Ambedkar has gone a little further than that. Whether it is in order or not I am not quite sure, but I should just like to say two words about that. I quite agree that in technical and special departments of Government special training is required, and whether the training given to an I.C.S. man is suitable or not is a moot question, but the point we are discussing is the Indian Civil Service and the qualifications that are required for that

Service. If the qualifications required for that Service are to be as high as they are to-day, how are they to be recruited? There are many other Englishmen serving in India under special contracts for special branches of specialised work: electricians and a large number of other branches. They are recruited by special contract. Those posts are not filled by the Indian Civil Service. I admit that their contract sometimes lasts 15 or 20 years, renewable at 5 years; I have known men serving in India for 20 years on contracts renewable at 5 years. That is quite a different matter; we are not discussing that matter, but I quite admit that in Telegraphs, Posts, Customs, which are specialised Departments, the Indian Civil Service are now serving in these Branches and playing a most important part, and I would suggest that if we require the same quality of man for these Services: Posts, Telegraphs, Customs, etc., and if the foundation is to be the same, you must draw these men from the Indian Civil Service; but I have always felt that those men must be made to go into those Departments from the very beginning, and must be prepared to stick to those Departments throughout. If a man is to be sent into the Customs and to learn Customs work, which is very specialised, after a certain stage and if his qualifications are to be those of an Indian Civil Servant—the foundation is to be of that quality—then let him go straight into the Customs after passing his examination. If he is to go to Telegraphs and Posts, let him go straight there. But if you want a man of a lower quality and the foundation is not to be so strong, then he comes into the Provincial Services, he does not go to the I.C.S. That is the distinction in all Departments, what quality of man you want. If you want the best quality he must come from that Service. If you want the lower quality then you have your Provincial Services, with lower pay.

Then, Sir, as to two grades of pay in the I.C.S. for Indians and Englishmen, that has been considered and discussed over and over again, and my friend Dr. Ambedkar will remember the strong objections that many Indians have to serving in the same Service with Englishmen at a lower grade of pay. They have strong objections, but I quite admit that the force of argument is much stronger and much more favourable to having two grades of pay. I do not see why an Indian, even with the qualifications of an Englishman, in serving in India should demand the same pay as an Englishman. The answer in short is this, which is put up by the Indian members of the Civil Service, that their standard of life is much higher when they are members of the Indian Civil Service—as high as an Englishman's. Their children are very often educated in this country and it costs them more than it costs an Englishman. We have heard those arguments before and I do not wish to repeat them, but I think it is a matter for consideration; it is not a matter we can decide straight off, and therefore a Committee is necessary. I do say that the members of the Indian Civil Service have got some grounds for complaint. Whether those complaints can be over-ruled, and whether we must insist upon Indians serving in the very highest services with the highest

qualifications at lower pay than Englishmen or not, is a question I should like to be reconsidered.

Sir, we have got really to decide on Question 4: that is the main thing. I think a Committee is necessary whatever way Question 4 goes, whichever way the majority vote, because it is dependent upon the recruitment of Europeans. Therefore I would certainly vote in favour of having a Committee, whatever way No. 4 may be decided.

*Major Stanley:* I cannot help feeling that the Committee has perhaps taken too much to heart Sir Robert Hamilton's warning against logicity. It does seem to me that in this discussion we are getting into such impracticable conditions, which was perhaps the sole reason for the temporary agreement between Lord Zetland and Mr. Chintamani.

This question can be divided first of all into these two parts: is this suggested Committee to be set up immediately, or is it to be set up after the coming into existence of a new Government of India? All those who have argued so far in favour of the Committee being set up have said that it is not to come into existence until after the new Government of India is set up. If that is so, if the recommendation of this sub-Committee takes the form of recommending a new Committee to be set up, how is it to be given practical effect? It can certainly be given practical effect if the recommendation was that a Committee should be set up by the present Government; but is it suggested that in an Act of Parliament a clause should be inserted that the new Government of India, when it comes into being, is to set up a technical Committee to deal with the exact conditions of the Civil Service?

*Sir A. P. Patro:* The Committee should come into existence immediately.

*Major Stanley:* That, of course, disposes of the matter that those who think it should be set up immediately are on logical ground. What is it to decide? It seems to me, from what people round the table have said, the position falls into two parts; one is dealing with the practical question of rates of pay, and conditions in the distribution generally of the Civil Service. Whether it is to be technical, specialised or not, seems to me to be clearly outside the terms of reference of this Committee. The other part is really a suggestion that this technical Committee should be asked to solve the main questions which have been laid before this representative sub-Committee and which I think we are trying to postpone to another body. I agree with Sir Cowasji that really the great function for this sub-Committee is to decide the main principle laid down in No. 4, and if we are unable because of fundamental differences between us, to come to an agreement on that point, to state it and realise that the people responsible for the drawing up of the new constitution will have to decide it, weighing the arguments which have been used for and against

the proposal by the members of this sub-Committee. Therefore I am opposed to answering No. 6 in the affirmative.

*Mr. Shiva Rao:* May I draw your attention to Section 141 of the Constitution of South Africa: "As soon as possible after the establishment of the Union the Governor-General in Council shall appoint a Public Services Commission to make recommendations for such re-organising and readjustment of the Departments of the Public Services as may be necessary. The Commission shall also make recommendations in regard to the assignment of Officers to the several Provinces." This is quite distinct from a permanent Public Services Commission, for which separate provision is made. So there is a precedent for this.

*Major Stanley:* If those who are asking for Dominion Status have no objection to the Parliament of this country legislating for the future action of the new Indian constitution, I certainly have no objection.

*Mr. Mody:* Sir, I feel that whichever way you look at it a Committee such as the one under consideration would be necessary in any case. If you decide that there shall be recruitment of Europeans in the future, even then it will be necessary to have a Committee like this, for the reasons which I gave yesterday. It may be my own personal reasons, but I have a very strong feeling on the matter, and that is, putting it again very briefly, that it would be impossible for India to maintain Public Services on a scale on which they are maintained at the present moment, particularly if you consider that the strength of the Services will have to be enormously increased in the very near future. I quite recognise that it will be impossible for the European in India to have the emoluments of the Service reduced. The basic pay for the same sort of work is the same, but the man who comes out to India, or, conversely, the Indian who comes here, on account of the fact that he would be serving away from his home, should have an adequate overseas allowance, and I think it would be quite practicable to reduce the scale of remuneration all round without affecting the recruitment of Europeans, and that would be done, as I say, by giving the European who came out to India an adequate allowance to enable him to maintain a decent standard of life such as he has a right to expect, and to enable him to maintain two homes, as he very often does. If you do not decide that, and if you come to the conclusion that hereafter there should be no recruitment of Europeans, then the case for the appointment of a Committee like this becomes even stronger, because under all circumstances I feel that the scale of pay of these Services must be brought down more in relation to the hard facts of life as exist in India to-day. The permanent officials in other parts of the world serve on a much more modest remuneration than those who serve in India, and in India herself there are many officials outside the Service, discharging very important functions, functions no less important than those exercised by Assistant and District Superintendents and Magistrates, who get nothing like



what the I.C.S get. In my opinion it is very essential for a Committee like this to be set up. Major Stanley made a point, and there is something in it. He wanted to know why it was that everybody was suggesting that this Committee should be brought into existence after the new Government came into being. I do not hold that opinion at all. My feeling is that just as you are going to set up other important Committees deciding upon equally important questions, such as franchise and everything else, so you can, as a part of your recommendation, say that a Committee should be set up at once by the Government of India. The great advantage of doing that would be that it would do away with our differences on many points if such a Committee—I will put it quite frankly before you—is brought into existence. If it makes certain recommendations it will depend entirely upon the nature of those recommendations what the proportion of Europeans in the Service may be. Therefore I feel very strongly that the appointment of a Committee like this is not only essential but ought not to be delayed at all, and that simultaneously with the appointment of various Committees which we in this Round Table Conference are going to recommend to be brought into existence at a very early date, this Committee ought also to be set up.

*Sir Edgar Wood:* Sir, I have no objection at all to this proposed Committee; in fact I feel quite sure it will be very necessary; but I, personally, see no reason for this Committee to recommend, in fact I strongly object to the recommendation from the point of view which was expressed yesterday, that it is essential to maintain the stability of the Services, especially during the transition period. I would go further than that and say that until 1939, so far as the I.C.S. is concerned, the best way to maintain that stability, I think, is to make it perfectly clear to the Civil Service that the 1939 conditions and proportions as provided by the Lee Commission will be retained. A Committee of this sort set up without it being clearly defined that it is not set up to revise the conditions of the I.C.S. previous to 1939, will, I consider, create a great deal of instability in the Service. I think that will have more effect than anything else in preventing good men from going out to the Service just at the time when they may be the most required. If it is made quite clear first of all that the 1939 basis is to be maintained, I see no objection whatever to this Committee. My own experience—a very small experience I will admit—in the commercial world is that at present it is extremely difficult to get good men to go out to India. For two years I have been trying to get men for certain billets in India—very well-paid billets—professional men, and I have found it impossible to get the right type of man because they are so uncertain about what is going to happen in India, and I do feel that that is bound to apply equally, if not more so, to the Indian Civil Service, and that it is necessary to assure them at this time that so far as the Civil Service is concerned the Lee Commission will hold. Provided that is done. I am entirely in favour of this Committee being set up.

*Raja Narendra Nath*: I am inclined to agree with what has been suggested by Lord Zetland. I think that the real question before us is that mentioned in paragraph 4. As we have not been able to secure uniformity upon it, I think that the best course for us to adopt is to report to the Conference the state of division which exists. I do not think that it was at all necessary to have mentioned the point dealt with in paragraph 6. I do not think that it was necessary for that to have been brought before us. I am inclined to think that it is not necessary for us to suggest the appointment of any Committee. The future Government of India has always a discretion to appoint such a Committee or not as circumstances require. I think that the very fact of this matter having been mentioned in paragraph 6 has raised an unnecessary controversy with regard to the scales of pay and the rates of salary between Indians and Europeans. Upon that point, although it is not directly before us, I should like to make a few observations. I have some personal experience of the matter. There was a time when the scale of salaries for Indian and European recruits for the Indian Civil Service was different, that is to say, different not as between those who were Indians recruited by competitive examination in England, but different between those who were appointed in India and those who were appointed in England. That racial discrimination gave rise to a considerable amount of discontent. It also gave rise to a difficulty to which none of the previous speakers have referred. The difficulty was that when a European officer was placed in a position of subordination to an Indian officer who was getting a salary of a lower scale, the position became positively anomalous. Sometimes an Indian Commissioner was drawing perhaps half the salary of his European subordinate, and it became rather difficult for him to exercise the control that he would have exercised if he had been drawing the same rate of pay.

*Dr. Ambedkar*: No.

*Raja Narendra Nath*: I say "Yes." I have experienced that difficulty. I experienced that difficulty, and the pay was increased.

*Dr. Ambedkar*: It all depends upon whether the matter is counted in terms of money.

*Raja Narendra Nath*: The world does count it in that way.

*Chairman*: I think that this question is getting very wide of our terms of reference. I hope that you will pass it over.

*Raja Narendra Nath*: Very well. My answer to the question is that it is not necessary for us to suggest the appointment of a Committee; that we should give our decision on paragraph 4, and report to the Conference the difference of opinion that exists, and the Conference will deal with it. If the majority of the Conference is of one view it will express it. If it is of the other view, it will express it, and will postpone the matter until the time when the Committee is appointed by the Government of India. I do not think that upon this controversial matter there will be unanimity in the Committee which the Government of India will appoint.

*Chairman:* I am not going to make any observations now, except to say that I have listened very carefully to what you have all said. I suggest that now we might go on and discuss No. 7: "Recommendations in relation to Public Service Commissions." Public Service Commissions, as I understand this matter, and please remember that I really understand very little about these matters, are as follows. As I understand it, there is at the present time a Central Public Service Commission and also one in Madras. It may be desirable, as I see it, to make some recommendations with regard to the existing Public Service Commission. That would clearly be in order. It may also be desirable to make recommendations as to the existing Provincial Public Service Commission in Madras, and as to the desirability of setting up Public Service Commissions on somewhat similar lines in any of the other Provinces. Mr. Chintamani, you generally lead off for us.

*Mr. Chintamani:* I take it, Sir, that there is no serious difference of opinion amongst us, if there be any difference at all, as to the desirability of there being a Public Service Commission to regulate the recruitment to the various Public Services in the country. I think that we are all agreed that thereby a more efficient Public Service can be obtained than if matters are left to the unfettered discretion of the Executive Government, either in the Centre or in the Provinces. As the Constitution of the country becomes increasingly democratic, the danger also proportionately increases of disinterested considerations of the public well-being, being subordinated to subsidiary considerations of what makes for the convenience and the stability of the personnel of the Government for the time being. There can be no difference of opinion with regard to this. That is a danger against which we have to guard ourselves. If in the Parliamentary Statute defining the constitution of the future Government of India, provisions are inserted to safeguard the Government and the country against that danger, which is only too frequent, it cannot be urged by anyone that that constitutes an infringement of the rights of the future Government. It no more constitutes an infringement than the provisions relating to an independent audit, and the appointment of a Controller and Auditor-General, absolutely independent of the Executive Government, which is a feature of every sensible constitution. This is the reason why, jealous as I am that the liberty of the future Government of India should not unnecessarily be encroached upon by Parliamentary Statute or otherwise, I have not the slightest hesitation in urging the necessity of the constitution of the Public Service Commission, not such as exists in India at present, but such as we desire, namely, a Commission independent of that Government, a Commission which will owe its existence and its authority to an Act of Parliament which that Government may not touch in any manner. At present we have a Public Service Commission, but one which is unsatisfactory for several reasons. It is a creature of that very Executive Government of whom we want the Commission to be independent.

If the sub-Committee agrees to make a recommendation that it should be a provision in the Constitution that there should be a Public Service Commission, the next question is whether the requirements of good government will be adequately met by one Commission for all India, or whether there should be a Commission for every Province. At the present moment only one local Government has gone in for a Public Service Commission. I remember that in another local Government a suggestion by the Government of India in this behalf was considered. It was negatived on the ground that they would secure more efficient recruits if they set up Selection Committees *ad hoc*, having reference to the nature of the candidates required, instead of setting up one Commission to recruit for all the Services. The experience of the last nine years in the Province to which I refer, where Selection Committees *ad hoc* have been set up when new appointments had to be made, suggests that the Government of the day rather exaggerated the value of the Selection Committees *ad hoc*, and also underestimated the advantages that would accrue from a Public Service Commission. I held the opinion in 1921 that Provincial Public Service Commissions would be inferior as regards results to Selection Committees *ad hoc*. As a result of nine years' observation of how the system has worked, I am a convert to the view that there should be a Statutory Public Service Commission, and the Provincial Governments should not be left the discretion of merely setting up Selection Committees of their own. In India there is a very special reason, which may not apply to countries more fortunately circumstanced, why there should be such statutory bodies. We in this Conference are aware, only too painfully, of the existence of a number of communities in our country who have not been able to look upon public questions eye to eye, because of different points of view. There is the fear in the minds of several communities, most of them minority communities, that they will not get adequate justice and equitable treatment from the Government for the time being if the personnel of that Government are not members of their particular community. There is nothing more important in endowing a country with a new constitution than to create an atmosphere of mutual trustfulness amongst the various component parts of the nation, instead of starting that constitution in an atmosphere of distrust and contention. From this point of view it seems to me to be eminently desirable to have statutory provisions in the Act of Parliament which should create confidence in the minds of every such community, that they will receive equitable and just treatment in the apportionment of offices in the Public Services. For this purpose I think that it is desirable, not merely that we should recommend that there should be statutory Public Service Commissions in the Centre and in the Provinces, but that we should go a step further, and indicate the lines on which the Act may provide, in order to bring confidence to the minds of every section of the population in India. I have here some suggestions before me in writing. I am indebted to one of the greatest public men, and perhaps the most accurate thinker among public

men amongst my countrymen, for the suggestions which I have before me. If the Committee does not think that I shall be taking up too much time, I will read a few clauses on the lines of which I, personally, should like our Committee to recommend to the Conference that provisions should be inserted in the Statute. As the clauses that I shall read will be found to be self-evident, and as they will include the arguments in support of the proposals, it will not be necessary for me to detain the sub-Committee with any explanatory comment of my own. This is a rough draft of certain provisions to safeguard the legitimate rights of minorities, and the interests of efficient administration in India. For "of minorities" you may substitute, if you like, "of communities". The provisions which are suggested are:—

" 1. No British Indian subject shall be denied admission to any educational institution maintained, supported or aided by the State or to any course of studies therein, save on the ground of want of qualifications; and membership of any particular community, caste, creed, or race shall not be a qualification or disqualification for such admission. Any discrimination between one individual and another on the ground of such membership or of communal representation by legislation or administrative order or otherwise shall be deemed invalid and an infringement of the fundamental right of a British Indian subject in respect of which an action may lie at the instance of any aggrieved person against the authorities in charge of the institution and the authorities sanctioning such legislation or order.

" 2. (a) All British Indian subjects are equally eligible for admission to the public services in British India, provided they are duly qualified for the same.

" Membership of any community, caste, creed or race shall not be a ground for preference, supersession or exclusion, provided, however, that as regards recruitment to the lowest grade of any class of appointments, the Governor-General in Council may for the purpose of avoiding the undue predominance of any particular community, caste, or creed reserve by rules not more than 25 per cent. of the posts in that grade and direct that they may be filled up by members of other communities, castes or creeds with due regard to such qualifications as may be prescribed in the interests of the public service.

" (b) Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any public service.

" (c) Any law, rule or administrative order providing for recruitment, preference, promotion or supersession in contravention of clauses (a) and (b) of this section shall be invalid and deemed to be an infringement of the fundamental right of any British Indian subject affected thereby, in respect of which he may maintain an action against the authorities by

whom any such law, rule or order might have been sanctioned or made.

“ 3. The members of any provincial Public Services Commission shall be appointed by the Governor-General and shall, after retirement from the Commission, be ineligible for any office of profit under the Crown. The qualifications for recruitment to the Public Services, whether All-India or Provincial, shall be laid down by the Central Public Services Commission.

“ 4. The Government of India has the power and jurisdiction to provide for the constitution of the Civil and Criminal courts and to regulate the recruitment to and the tenure of judicial offices.”

As I said at the beginning, not the whole of this is relevant to our purposes here. I should like to make a second point, namely, that I have not put this forward as containing propositions to every part and detail of which I myself stand committed. I have put it forward only as indicating the lines upon which we may find it advisable to proceed in order to create that confidence in the minds of all sections of the population, which I hold to be a condition precedent to the successful working of the future Government of India. If the sub-Committee should think that there are points in this draft, from which I have read, which are worthy of their consideration, and of recommendation to the Conference, they are welcome to do so. I myself am at liberty to drop any part of this, or to modify any part of this, according as the sense of the sub-Committee may suggest. I think, Sir, that a recommendation from this sub-Committee, that by statute Central and Provincial Public Service Commissions shall be constituted, entrusted with the responsibility of recruiting for the various branches of the Public Services, and endowed with the requisite power in order that they may be able to discharge that responsibility, and further charged with the duty of seeing that no discrimination is made against members of any community, and no undue preference is shown to members of any community, will meet the requirements, satisfy the wishes, and remove the fears of every section of the community in India.

*Lord Zetland:* I do not rise to speak upon this point at the moment, except to say, if I may, that I think that Mr. Chintamani has made one of the wisest of the very many wise speeches which he has made upon this subject. I rise merely to ask a question. As I understand it, his view is that the Public Service Commissions should be in all respects wholly independent of the Governments, whether Central or Provincial, in India. What I am not quite clear about is, by whom are the members of these Commissions to be appointed?

*Mr. Chintamani:* By the Governor-General in the case of the Central Commission, and by the Governor in the case of Provinces and not by the Government.

*Lord Zetland*: That is an answer to the first question which I asked. There is only one other question, and I ask this because I am ignorant upon the point. In what respect would the Public Service Commission of the Centre, which Mr. Chintamani recommends, differ from the existing Public Service Commission? I am not quite clear about that.

*Mr. Chintamani*: It will be a body which owes its existence, and its authority, to the British Parliament here, and not to the Government of India. The members of the Commission, once appointed by the Governor-General, and not by the Government of India, shall not be removable from office by the Government of India at all. Their position as authorities, independent of the Executive Government, will, as far as may be, be analogous to the position of the Controller and Auditor-General.

*Lord Zetland*: I am very much obliged to Mr. Chintamani for his replies. At this stage I will not do more than express my gratification at finding that Mr. Chintamani has such unlimited confidence in the Governor-General and in the Governors of the Provinces.

*Sir A. P. Patro*: I am gratified also to find that Mr. Chintamani has greater confidence in the Parliamentary Act than in the Act of the Indian Legislature or of the Provincial Legislatures who are expected to enjoy full responsible government.

I am quite familiar with the rules he read out from his draft; they have been repeatedly published in the Press, and we in South India can say that they are not new to us. But at a time when we are conferring full autonomy in the Provinces, and leaving everything to a responsible Government, that Parliament should establish a Commission for the purpose of the Public Services seems to me quite anomalous. The Public Service Commission is already established by the Government of India Act, and in the South we have a Public Service Commission established by the enactment of the Provincial Legislature. The powers that are conferred on the Public Service Commission are powers analogous to those now exercised by the Provincial Government. Therefore, while we are agreed that there should be a Public Service Commission to regulate the Services, I am not personally agreeable to the view that there should be an Act of Parliament setting it up. What is this Act of Parliament to do with the domestic affairs of the Provinces and of the Centre? It is incongruous that we should ask Parliament to pass such an Act. Let me say that while I agree that there should be a Public Service Commission, I do not think such a Commission is the proper authority for appointment and recruitment. The appointment will always rest with the Government. The Commission should be the agency for the purpose of selecting suitable and competent candidates to recommend to the Government. But the power of final appointment should remain with the Government, because the Government has to choose the instruments with which to carry on its business. The duties and functions

of the Commission must be clearly defined, and a distinction has to be drawn between the power of selection of suitable candidates for particular work and the power of appointment. Further, there should be no monopoly by any class of the community, and every class and every community should have an equal right to enter the Service, and special privileges should be given to those communities not adequately represented. In order to create contentment, harmony, and justice all round, it is necessary to see, in view of the many castes and communities in India, that these have a proper share of representation in the Public Services, and it ought not to be that because a community is educationally more advanced than other communities it has no monopoly. It is not that the standards of efficiency should be reduced, but, keeping the standards equal all round, candidates less represented in the Services should be given preference in the final selection. But I do not at all subscribe to the theory that Parliament should set up a Public Service Commission.

¶ *Sir Robert Hamilton*: Has Sir A. P. Patro any recommendations for any alteration in the application to other Provinces of a similar system to that of Madras?

¶ *Sir A. P. Patro*: We have worked our system for three years, and, with a little modification to suit our circumstances, we have borrowed our rules from the Central Service.

¶ *Chairman*: Who makes the appointments?

¶ *Sir A. P. Patro*: The Governor in Council with the sanction of the Secretary of State.

*Sir Chimantal Setalvad*: I am unable to follow Sir A. P. Patro in his remarks against the inclusion in a Statute of the setting up of these Public Service Commissions. The appointment of these Commissions rests with the Government of India and the Provincial Governments, and I fail to see any objection to the newly-constituted Government of India laying down by Statute that there shall be a Public Service Commission for the Central Government and also Public Service Commissions for the various Provinces. There is nothing incongruous in the fact that India, while becoming self-governing, should have a Statute setting up such Commissions. It would really be a part of the constitution. It is necessary also that the members of the Commissions should be perfectly independent of the Government; they should not be in a position to be influenced by any members of the Government at all. I agree also that provision should be made for securing their proper share of representation in the Public Services to the various communities in India. The draft which Mr. Chintamani has read to us is, I am afraid, rather too elaborate, and goes into too many details. To my mind the position can be met by the very simple provisions which some of us have considered during our sittings here, and which I will, with your permission, read:



(1) In every Province, and in connection with the Central Government, a Statutory Public Service Commission shall be appointed.

(2) The recruitment of the Public Services shall be made by such Commissions in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and of possession of the necessary qualifications.

(3) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of his religion or caste.

(4) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Service.

I do not approve of the inclusion in the Statute of provisions regarding the fair representation of the various communities. That could be provided for in the Instruments of Instructions to the Governors.

*Raja Narendra Nath:* So far as the advisability or desirability of appointing a Public Service Commission for the Provinces is concerned, I think there is no disagreement. I have no experience of the working of the Commission in Madras, nor have I before me the Act by which the local Legislature sanctioned the appointment of the Commission. But I certainly think that the provisions which have been recited by Mr. Chintamani are a little too elaborate to be embodied in a constitution, whilst those just given us by Sir Chimanlal Setalvad are perhaps too brief or too vague. To say that fair representation of all communities should be secured would be no proper guide to the Public Service Commission or to the Government. Such an instruction might be differently construed. In the first place, I do not want the principles on which appointments have to be made to be left to the Provinces. The broad principles should be laid down by Parliament as fundamental rights. My difficulty is that in certain Provinces where the majorities are opposed to any communal considerations, no communal considerations would be allowed to weigh with the Public Service Commission appointed. On the other hand, in Provinces in which the majority is in favour of these communal considerations, such considerations will be given undue weight. Therefore it is necessary for us to recommend what general principles should be laid down in the Provinces. We have a well-defined principle on which All-India Services are regarded by the Government of India. Of the appointments, one-third are reserved for redressing communal inequalities, and two-thirds of the appointments in the All-India Services are made strictly on merit. I only want that principle to be embodied in the Acts as a part of the fundamental rights. I would suggest that this necessity will be met if there is a slight alteration made in what

is now Section 96 of the Government of India Act. The Section runs as follows:—

“ No native of British India, nor any subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any office under the Crown in India.”

That is already there, but the word “ disabled ” is not enough. No one is disabled from holding office, but he is prejudiced by reason of his creed or his race. For example, a man belonging to the depressed classes is not disabled from being recruited for the Police Service, but he is prejudiced from being recruited for that Service, because he is not acceptable to the other members. Therefore I should add the word “ prejudiced ”, and I will, with your permission, suggest the slight amplification of phrasing which will be necessary at our meeting this afternoon. I would not mind if that reservation were embodied in the Statute for a certain number of years. If that reservation, which is observed in All-India Services, is embodied in the Provincial Services, I would not restrict it to minority communities, because in certain Provinces the majorities might benefit by the reservation, nor would I restrict it to communities; I would say, “ race, caste, or creed ”. The word “ race ” would satisfy Colonel Gidney, and caste or creed would satisfy the representatives of many people who are at present in a backward state of education. What I wish to present is this, that the interests of the Public Service should be the main consideration, and communal considerations should be subordinated to the public requirement of the efficiency of the Service. The recruitment should not be made on communal considerations; it should merely be made to satisfy requirements of efficiency, and the adjustment of communal differences would be a secondary question. Perhaps I may be allowed to lay before the sub-Committee a new draft of Section 96.

*Chairman*: I do not think we can usefully spend our time in discussing actual drafts of Statutes. We can only lay down broad principles, and I should like to know for my guidance how far the propositions which Sir Chimanlal Setalvad read out to us are acceptable to the sub-Committee.

*Sir Cowasji Jehangir*: Would these rules enable the Government to make regulations as to the percentages of appointments necessary to give a fair share to the various communities consistently with efficiency?

*Sir A. P. Patro*: I agree with the first two, but I think the last two cannot be accepted—the so-called fundamental rights.

*Sir Chimanlal Setalvad*: You have fundamental rights defined in any constitution.

*Sir A. P. Patro*: We have suffered from that very much. In the South we strongly oppose any such thing.

*Sir Chimanlal Setalvad*: I will read it again: "In every Province and in connection with the Central Government a Statutory Public Services Commission shall be appointed. Recruitment to the Public Services shall be made from such Commission in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and the possession of necessary qualifications."

*Chairman*: Is that all right down to that point?

*Raja Narendra Nath*: "A fair representation" is just the term which it may be difficult to interpret. That is why I say that the rule adopted and followed by the Government of India should be recommended.

*Sir Chimanlal Setalvad*: I submit that the general form in which I have ventured to put it is more workable than the other.

Then the fundamental rights I would define in this manner: "No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of his religion, caste, or creed." Do you object to this?

*Raja Narendra Nath*: It is not clear. Nobody is actually under a disability. He is prejudiced.

*Sir A. P. Patro*: Is there any difficulty now? Why should a new thing be created for which there is no necessity? Why introduce complications?

*Dr. Ambedkar*: I would point out a difficulty that will arise in the question of fundamental rights in the words which you are trying to introduce. The point is this. You are giving the Public Services a direction so to recruit the Services as to give due and adequate representation—whatever the words are. That means this: the Commission will have the right to choose between the different communities in order to make up the quota of the community which does not otherwise get into the Services. That means that they would have to exclude members of other communities in order to make good the claim of fair and adequate representation of other communities which have not hitherto been recruited in the Public Services, and if you have this fundamental right given to every individual of every community, that certainly would embarrass the Public Services Commission, because a person who had a fundamental right of this sort may say: You are prejudicing me by preferring some other member of some other community. There seems to me to be the difficulty.

*Sir Chimanlal Setalvad*: May I point out that this enunciation of fundamental rights, about there being no disability by reason of religion, caste, or creed, is merely repeating the proclamation of Queen Victoria when the Crown took over the Government of India. It was incorporated in the proclamation then made.

*Raja Narendra Nath*: It does not solve the practical difficulty.

*Chairman*: May I suggest that as it seems to be that the fundamental right is already there, is it necessary to repeat the

fundamental rights? Would the sub-Committee be satisfied if we accepted as our report the first two propositions which Sir Chimanlal has read, and not put in the declaration as to fundamental rights?

*Dr. Ambedkar:* I would point out that we have not only to guard against the Public Services Commission being influenced by the local Government in the matter of making appointments. It seems to me that we have also to guard against the Public Services Commission abusing its own powers. I feel somewhat strongly on this point. The Public Services Commission is bound to be very limited in its personnel; we therefore cannot provide that the Public Services Commission in its personnel shall represent the different communities in the country. The Public Services Commission will have to be drawn from some communities, and human nature being as it is I fear the Public Services Commission might abuse its own powers.

*Mr. Mody:* What will be the remedy?

*Dr. Ambedkar:* The remedy would be that the Legislative Council should have the power to pass a resolution of want of confidence in the Public Services Commission, just as, for instance—

*Sir Chimanlal Setalvad:* That would defeat the whole object.

*Dr. Ambedkar:* If this means is not desirable, I shall welcome some other means and some other method on this point, but I do feel very strongly that it is no use having a Public Services Commission which may be interested in their own community and not in others.

*Sir Cowasji Jehangir:* What is the interpretation that Sir Chimanlal places on the words he read out? Will it be open for a Provincial Government to make rules, as they have already made, to the knowledge of Sir Chimanlal, in the case of several Governments, stating that in such and such a Service, provincial or otherwise, the proportion of Muhammadans, Depressed Classes, etc., shall be so many per cent.? That is what is being done to-day. Governments have passed executive orders that the heads of Departments when recruiting clerks or other grades shall as far as possible consistent with efficiency have—say—25, 30 per cent. of Muhammadans, and 10, 15 or 20 per cent. of Depressed Classes. Those are executive orders which have been passed. What was originally intended was that the Commission should make the appointments, but the ratio in which the community should be represented in the recruitment should be laid down by rules by the Provincial Governments which they would be in a position to change according to the ratio in the Service. Is that the interpretation?

*Sir Chimanlal Setalvad:* I do not think Sir Cowasji has understood me quite. Here we have put out of the hands of the Government, as it will be constituted under the new constitution, the matter of selecting members for the Public Service. We are placing it into the hands of an independent Public Services Commission,

and we are telling them that they must make the selection in such a way as to secure a fair representation to various communities, castes and creeds. In doing that it will be perfectly open to the Public Services Commission to lay down to itself any discretion it may think necessary for securing that fair representation.

*Sir Cowasji Jehangir*: It is a question of minorities, and I think it is only fair we should consider it with open minds to satisfy everybody. The position is that you entrust this work to a Commission of only a few men—three or four—one if you like. After all, it will be a very limited number, and you are giving them considerable powers. It is entirely in their discretion to say what percentage of any community should be represented in the Service. I am not speaking for the minorities, but I think the minorities then may have some cause for complaint that they may not be able to influence that Commission as they may be able to influence the Government through the agency of the Legislative Council. That is the point. They are completely independent, irresponsible to anybody, and therefore there must be somebody responsible to the Legislature who has a voice in saying that the ratio shall be so-and-so and so-and-so—not the persons—they may then appoint anybody they choose, take their applications and find out the best men in the communities. They appoint; but I think some agency such as the Government influenced by the Legislative Council should also have a voice in the ratios—not in the appointments, only in the ratios.

*Sir Chimanlal Setalvad*: I am afraid that Sir Cowasji is missing the whole point of this proposal. It is because we want to take out of the influence of the Legislative Council and the Government the distribution of offices that we are creating the Public Services Commission. These words have been chosen after consultation. The whole object of the proposal is to take the patronage out of the hands of the political influence of the Legislative Assembly or Council where one community may be in a majority or minority in the Government, and to create an independent body which would not—

*Dr. Ambedkar*: Surely that Commission will belong to some community.

*Sir Chimanlal Setalvad*: Those who will make the appointment will have due regard to the position. What is the alternative? Are you prepared to place it in the hands of the Government or the Legislative Council?

*Mr. Zafrullah Khan*: Whatever may have been the object of those who framed this clause, it reads that the members of the Public Services shall be recruited through a Public Services Commission in such a manner as to secure fair representation. If it is through them and not by them, obviously somebody has in mind somebody else who is recruiting through the Public Services Commission and he is recruiting in a manner so as to secure fair representation to the various communities. That is how it is framed.

*Sir Chimanlal Setalvad*: The appointment can only be notified by the Governor in Council or the Governor-General in Council, as the case may be, but that recruitment shall be made through the Public Services Commission, and they shall not appoint anybody they choose, but appoint those recommended by the Public Services Commission with due regard to the principles mentioned.

*Sir Edgar Wood*: I think there is still a little ambiguity about this question of whether this Commission is to select or to appoint. Sir Chimanlal clearly said "select", and there is a very great difference between actual selection and appointment, because it is quite possible for a Commission to select two or three suitable people and for one to be chosen from those selections. I think I am correct in saying that when this question of the Public Services Commission came up in Madras we provided that that Commission would have powers of selection, and there was considerable discussion as to whether the selection should be binding upon the appointing body, and we decided that it should not be binding, but that the safeguard should be that with regard to any selections which were refused the names of the nominees should be placed on the Table of the House with the reasons showing why the Government Department concerned turned down the recommendations of the Commission.

*Sir A. P. Patro*: The proportion was fixed.

*Sir Edgar Wood*: I am not sure about the proportion being fixed. That was certainly one of the ideas underlying the appointments, that the proportions should be fixed. It was one of the reasons for the genesis of the Commission, and I think it is a very good safeguard that if the Commission selects, and their selection is not accepted, the reasons for throwing on one side the selection and going back to the Commission for a further selection should be clearly stated to all members of the Legislature, so that they make take it up in the Council if they object to the selections which have been made.

*Raja Narendra Nath*: That would not sufficiently protect the interests of the minority.

*Chairman*: It seems to me that one broad question of difference which is emerging is this: who is to be the body who is to lay down the percentages? Everybody seems to agree that the selection of a particular individual shall be left to the Commission. Ought you to have the Commission laying down for itself as a domestic rule what the percentages would be, or ought you to have the legislative body telling the Commission what those percentages ought to be? That seems to be the main topic of dispute. I am not certain whether there is another topic of dispute on that ground: supposing you have, as Dr. Ambedkar says, an unsatisfactory Commission. After all, there can only be one or two or three. Do you provide—I do not think you do—what check there should be on that, whether they should be removable, and, if so,

by what agency they should be removable, and ought we to make some recommendation with regard to those matters?

We might meet again at half-past two, and it would be convenient for you if I tried to get circulated the resolution proposed. Then we shall discuss something having the advantage of seeing it in typewriting.

*(The sub-Committee adjourned for lunch.)*

*Chairman:* You have had put before you two documents, one marked "A" and the other "B". We had better not bother about "B" at the present moment; that will be the subject of a good deal of discussion hereafter. Let us look at "A" and confine ourselves to this question of the Public Services Commission. "A" records, I hope accurately, the propositions which Sir Chimanlal Setalvad was good enough to read out, and I thought it would be convenient for the sub-Committee to have them before them. We will now resume our discussion on "A", the question being whether these propositions would be satisfactory, either Nos. 1 and 2 only or No. 3 as well.

*Mr. Zafrullah Khan:* With regard to the first two proposals—or to the second, as a matter of fact, because I do not think there will be any controversy with regard to the first—so far as the wording is concerned I have no objection to it, but, as I pointed out at an earlier stage, to my mind it does admit of the construction that I want to place upon it. The only point is that if there is any doubt as to its being susceptible of that construction, I for one should wish to have that doubt removed, and the second clause expressed in such language as to be susceptible of the construction which I want to place on it.

I conceive the functions of a Public Services Commission to be to select candidates from the point of view of efficiency and also to exclude any considerations of a personal or a private nature in the selection of candidates. That is to say, our main point is that with regard to the selection of individual candidates Ministers should be relieved of the responsibility of making the selection, inasmuch as influences have been brought to bear on them in the past, and are likely to be brought to bear on them in the future, which would not be conducive to the best selection being made; and in that way the Ministers themselves are placed in a position which they do not like.

With regard to the further question as to whether the determination of the proportions in which candidates are to be recruited into the Services is or is not to be left to the Public Services Commission, I am very strongly of the view that it should not be so left; it must be left to the Government—or I have no objection to leaving it to the Governor of a Province if the majority of the sub-Committee prefer it—from time to time to determine what proportion with regard to each Service, or vacancies existing in the cadre of each Service, is to be recruited from the different com-

munities, interests or races. The proportions cannot be unalterably fixed in advance; you cannot fix the proportions now and then work on them for ever. That would obviously be unfair owing to retirements which take place and other considerations which may subsequently arise. On the other hand, it would be very unfair to leave the determination of these proportions to a body which is to be almost entirely independent of the Government, the members of which are to hold their appointments permanently, as it were, and who are ordinarily in the normal course of affairs irremovable, and therefore who owe no kind of responsibility whatever to anybody.

Such people are required to say that A, B, C and D, whom they have selected for appointment to certain posts, have the qualifications which will enable them to discharge the functions of those posts. It is absolutely necessary that people who are entirely independent and who owe no allegiance to the Provincial Governments, or in the case of the Centre to the Central Government, should determine that; but it is not necessary that it should be left to them to adjust different communal demands which involve considerations of a different kind altogether. Therefore my submission is that this matter should be left to the Provincial Government. As I have said, in my opinion there is no harm in leaving it to the Provincial Government; but if there is any objection to that, leave it to the Governors, to be determined from time to time as various considerations may arise.

I am also opposed to its being left to the Legislative Council as such. We all know there are very grave and serious objections to doing that. If we leave it to the Government or to the Governor, the Legislative Council no doubt will be able to influence the decision of the Government or the Governor from time to time, and their efforts in that direction will be considered by the Government or the Governor, as the case may be, before they fix any proportion, and they will also consider any other considerations which may arise.

My submission therefore is that the Public Services Commission should be confined to their legitimate purpose of selecting candidates with regard to efficiency, to guarantee that the candidates selected by them will be able to discharge the duties with which they are to be trusted, without regard to any communal question or anything; they will put those candidates up to the Government and let the Government make selection from those candidates.

*Chairman:* May I ask you this before you sit down? I quite see that what you would really do would be that you would put in a new clause saying that the fixing of the ratios ought to be left either to the Government or to the Governor.

*Mr. Zafrullah Khan:* Yes.

*Chairman:* But you also suggest that there ought to be some amendment to clause 2. Could you conveniently indicate to me the form of words which the amendment would take?



*Mr. Zafrullah Khan*: Clause 2 at present reads: "Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair representation of the various communities consistently with considerations of efficiency and the possession of the necessary qualifications." I would add these words: "And the proportion in which recruitment is to be made among the members of various communities or interests shall be in accordance with directions which may from time to time be issued by"—as I have said, either by the local Government in the case of the Provincial Services, or alternatively the Governor; and in the case of the Central Services by the Central Government, or alternatively by the Governor-General.

*Raja Narendra Nath*: I think, Sir, the proposal made by my friend Mr. Zafrullah Khan considerably narrows the scope of the Public Services Commission and in a manner which stultifies the very object of appointing the Commission. If their scope is confined to the selection of fit candidates, then that is not a very difficult matter. Any *ad hoc* Committee appointed by Government can do that. In the first place, the qualifications of various candidates are obvious on the face of the application which they make, in which they state what their qualifications are. In the course of interviews granted to such candidates by the Committee, general considerations such as appearance and other matters which ought to receive due weight in making appointments are considered. It seems to me that to confine the functions of the Public Services Commission simply to making a selection of the fit candidates would be burdening the taxpayer far too much by appointing a Services Commission consisting of 3 or 4 members who receive large salaries and who have simply to select fit candidates. So far as the fitness is concerned, it is a matter which does not require very elaborate enquiry. The very object of appointing a Commission is defeated if the scope of the Commission is limited in the manner in which my friend proposes.

*Khan Bahadur Hidayat Husain*: Sir, I very strongly support the arguments that have been put forward by my friend on the left, with this modification, that I would like the proportion to be fixed not by the Government but by the Governor. I do so because lately, and I think almost always, there have been such great complaints and so much heartburning with regard to the entries in the Public Services, that I am afraid that on this one single point conflicts will arise which might threaten to break the safe working of the future constitution of India. Therefore, Sir, on this point of the entry into the Civil Services or into the Services, whatever steps you may take should be such as to work for the stability of the future Government. We are going to arm the Governor with certain powers which will conduce to that stability; we are going to give him such powers as will, if the time comes, assist him in maintaining that stability. I think therefore that the same complaints which may be raised against the Legislative

Council may as well be raised against the Public Services Commission.

*Raja Narendra Nath*: And against the Governor, too.

*Khan Bahadur Hidayat Husain*: And therefore I say that with a view of avoiding those complaints, it is better to entrust the task of fixing the percentage to the head of the Province who will be above all those weaknesses to which your Legislative Council and your Government will be subject. Therefore, Sir, though I support my friend here, I would say that the matter should not be left in the hands of either the Legislative Council or the Governor, but the fixation of the percentage should be left entirely and exclusively in the hands of the Governor of the Province.

*Lieut.-Colonel Gidney*: Sir, I rise to give my approval to the draft Resolution which has been placed before us and to make one or two suggestions. In view of the fact that the Federal Structure sub-Committee, I believe, has decided that the protection of minorities is to be a special charge of the Governor-General and Governors, and, as the Public Services Commission is mainly designed to protect and safeguard the interests of minorities, might I suggest that it should be stated here that the Public Services Commissions should be appointed by the Governor-General or the Governors, and that they alone shall have control of these Commissions? This is the one addition I would like to add, for reasons already given by the last two speakers.

Sir, I take this opportunity of placing another aspect of this matter before the sub-Committee for their sympathetic consideration. It is possible that my friend Mr. Chintamani, the mover of the proposals which have been placed before us, may think I am trying to go beyond them. I hope to prove I am not. There appears in the last line but one of (3) (b) the words: "not be a ground for promotion or supersession in any Public Services". Now, Sir, in pleading on behalf of the community I represent I do not ask for a violation of these terms. I accept them.

Sir, fate has willed it for good or for evil that for the past two centuries the Anglo-Indian community has occupied a social and economic position in the Public Services of India side by side with the European community. Every Indian community has looked upon these two communities as one for employment purposes. We have been brought up entirely on European ideals and traditions, and, as such, we have, as was truly said by Raja Narendra Nath, been with them in social isolation. I go further and say that we have been with them in complete economic isolation. Many Indians have said that the community has enjoyed preferential treatment in the Services. If this refers to Railways and the Telegraphs, I admit that they were employed in numbers in these Services in certain appointments carrying responsibility and trust. But, Sir, the operation of the Reforms for the past decade has changed that so-called specialistic preferential treatment, if I may call it such, to one to-day of differential treatment, and I make

this assertion with all reason and seriousness, supported with facts and official figures.

Let me explain: Within the last decade of the operation of the Reforms the community which has rendered great and abiding service to India finds itself in a most perilous economic condition as the result of Indianisation of Services. It finds that one-third of the appointments it held in 1921 have been lost to it within 10 years resulting in one-third of the employable population being unemployed. I shall not ascribe any blame to any one nor shall I give any reasons as to why this economic disaster has overtaken us. Suffice it to say that it is the direct result of the anomalous status that has been enforced on us in the Services. I shall not enter into details for I have already dealt with that aspect of the position, but, Sir, what position do we actually occupy in the All-India and Provincial Services to-day? We occupy but a bare 20,000 or less of the appointments in a total of 2,000,000 Government appointments. This works out to one in 1,000 appointments. Now, if the operation of the Reforms has lost us nearly 14,000 appointments within ten years, I ask you to picture what will be the position of my community in another 20 years. It is in the transitional stage of the new constitution, unprepared as we are, that I ask this sub-Committee sympathetically to consider the needs of a community that has served India well, and afford it economic protection to enable it to prepare itself educationally.

Perhaps, Sir, you would like me to show you why I entertain this fear. May I tell you, in Bengal alone, whereas a few decades ago the percentage of Anglo-Indians in the Bengal offices was 90, to-day it is about 10 per cent. only. In the Provincial Executive Service, whereas we formerly had 31 per cent. of appointments, to-day we have only about 1.5 per cent. In the Provincial Judicial Services we had 29 per cent., to-day we have none. I go further, and take another service, the Postal Department in which we were formerly largely represented. There is scarcely any further room for Indianisation of that Department, for in Bengal alone out of nearly 4,000 postal appointments Anglo-Indians to-day hold about one hundred, and about 50 per cent. of these employees will be superannuated within the next few years. Let me take another great Service in which we have rendered very valuable service to the Government of India, the Customs. Up till 1920 Anglo-Indians had entire subordinate charge of the preventive branch of the Customs Service. You cannot assess in terms of rupees, annas and pies the intrinsic value of the services this small body of loyal and trusted workers have rendered to the Government of India. Suffice it to say that the Customs Department to-day brings to the Government of India an annual revenue of nearly 30 crores. Within ten years of the operation of the Reforms, Anglo-Indians have lost in this Service almost 50 per cent. of the appointments created. The same condition obtains in the Appraiser's Branch of the Customs. We are also being rapidly replaced in the Telegraph Department and Railways which the

community have built up. I do not grumble, because I know that the time has come when every community must be given a chance. I am not complaining about that, but taking the past as a criterion for the future, I am apprehensive—gravely apprehensive—of what will be the future economic position of the Anglo-Indian community in the public services of the future India. You may safeguard it with Instruments of Instructions, you may safeguard it by appointing Provincial Public Services Commissions but I am in an extreme minority and safeguards have failed us in the past. The Anglo-Indian community is moreover a poor community, and why? Because it has slavishly, faithfully and loyally followed and served the Government of the past, a Government that is now transferring its powers and the pledges it has repeatedly given the community and handing us over as a bankrupt legacy to have new constitution. For the last ten years Government has told us, "Do not be afraid of Indianisation; you are natives of India by statute, and therefore as such you will receive every consideration for employment as does every other Indian community." The figures I have just given you, Sir, tell their own tale and show how those promises have been carried out. I go further and say that the Government of India have now realised the impossibility of economically protecting the Anglo-Indian community any longer under the term of "Statutory natives of India", for it has now definitely admitted its inability to do so, and has placed us as a special obligation on the British Parliament. Sir, while I appreciate the value of this obligation I do not appeal to Parliament alone, but to all my Indian brethren sitting here to-day. You are determined, I know, to give a sense of security to every minority community in the new constitution, but I am one of the smallest communities in India; in fact, I am the smallest community among my brothers here to-day, singularly positioned as regards its origin, living and traditions, and it is on behalf of that community, which has rendered great and invaluable service, that I fervently appeal to my British and Indian colleagues to-day. I am not complaining of unfair treatment nor do I mistrust my Indian brothers, but, Sir, I have certainly been prejudicially affected by the recent changes. I have been deprived of many of the appointments on the score of Indianisation. Being natives of India, Indianisation should have protected our economic interests as it has other communities; but what has actually happened in the past? I can only tell you from my own experience as a Member of the Legislative Assembly from its inception. Whenever I have publicly pronounced our acceptance of the status of natives of India, and taken my stand on that platform, I have been repeatedly told by Indian legislators in the Legislative Assembly that Indianisation does not refer to or mean Anglo-Indians, it means Indian-Indians.

Now, Sir, this is my grave fear, and it is not an imaginary fear: it is a justifiable fear proved by the figures I have quoted. Our economic position as shown by these figures stands out in

marked contrast with our position in the past, and it is to try and protect the community, it is to try and ensure that its future generations will hold these few thousands of appointments amidst the teeming millions of other Indians that I am asking this sub-Committee sympathetically to consider the Resolution I propose to place before it to-day, and I therefore ask you, Sir, kindly to incorporate the following in the recommendations of this sub-Committee:—

“ The sub-Committee realises that it is of vital importance to the continued economic existence of the Anglo-Indian Community that they should receive special consideration in the recruitment of those Services with which they are and have long been specially associated, and in which they are rendering and have rendered valuable services.

“ The sub-Committee therefore recommends that the Public Services Commission should be instructed to maintain for that community a due proportion of appointments in the Public Services.”

Sir, in offering this for your sympathetic consideration I should like to tell Mr. Chintamani that I am not violating any of the terms he has included in his draft resolution. One of the terms states: “ A ”, paragraph 3 (b), “ Membership of any community, caste, creed or race shall not be a ground for promotion or supersession in any Public Services ”.

My additional resolution does not violate this term, for I am not asking you to promote an Anglo-Indian over another Indian nor am I asking you to supersede any Indian by an Anglo-Indian. All I am asking this Committee to do is to incorporate my resolution in its recommendations to the Round Table Conference and in doing so I request both my Hindu and Mussalman friends as also the members of the British Delegation, on whose shoulders the Government of India has placed the future of my community after 150 years of loyal service, to retain in the Services of India a body of workers who are prepared to serve the future India as loyally, as honestly, as courageously and as patriotically as they have served the India of the past. I feel sure my appeal will not fall on deaf ears.

*Sir Chimanlal Setalvad:* I should like, if I may, to deal with the doubts raised by my friend Mr. Zafrullah Khan and another speaker. Their apprehension is that if, as is proposed here, it is left to the Public Services Commission to secure a fair representation of the various communities, it may be, as Dr. Ambedkar also suggested, they may abuse their powers and a fair representation may possibly not be secured. I think that can be met, however, by a provision in the Instrument of Instructions to the Governor or Governor-General that he shall see that such fair representation is secured.

Having laid it down that the Public Services Commission shall secure a fair representation to the various communities, we would

give power to the Governor, in his Instrument of Instructions, to see that such fair representation was secured.

*Dr. Ambedkar*: You might provide in clause 2 that this should be subject to such directions as may be given them by the Governor.

*Sir Chimanlal Setalvad*: That is giving too much power to the Governor. All you want to secure is a fair representation for the various communities; you want to see that the fair representation which we have provided that the Public Services Commission shall allot is in fact secured.

*Mr. Zafrullah Khan*: How will the Governor see to that?

*Chairman*: Major Stanley has been good enough to make this suggestion, which may be a *via media*. He suggests some words to this effect, that at the end of clause 2 we might insert: "This part of the duty of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result."

*Dr. Ambedkar*: Yes.

*Sir Chimanlal Setalvad*: That is all right; I am prepared to accept that.

*A Member*: Why "periodic"?

*Mr. Basu*: It will depend on retirements and so on.

*Chairman*: I do not suppose we mind much about "periodic"; we can say "to the review of the Governor".

*Mr. Chintamani*: This is entirely in harmony with the recommendation of the Provincial Constitution sub-Committee, which provided that there should be a provision in the Instrument of Instructions that the Governor was to see that minorities received fair and equitable treatment.

*Raja Narendra Nath*: I should like to add these words to the amendment which has been proposed: "Provided the majority of the appointments are made strictly on merit", without communal considerations. A certain number should be made strictly on merit, and the rest filled up to give representation to communities. I will not fix a proportion; I simply suggest it should be laid down that the majority of the appointments shall be made strictly on merit, apart from communal considerations.

*Mr. Chintamani*: The insertion of any such provision as Raja Narendra Nath has now put forward would be open to the same objection to which the lengthy draft I read out this morning lent itself, namely of going too much into detail. Secondly, when you have shown your confidence in the race impartiality of the Governor by endowing him with this special power and entrusting him with special duties, you may take it for granted that he will act honestly.

in the discharge of his duties and will not need these detailed instructions.

*Chairman*: May I put this to you with regard to clause 1? I understand Colonel Gidney's suggestion is to add to this clause, after "appointed", "by the Governor or the Governor-General as the case may be". Is that right? (*Agreed.*)

Then it is suggested that clause 2 shall stand as it is at present, and then it is suggested that we should either add to clause 2, or put in as a new clause, these words: "This part of the duties of the Public Services Commissions shall be subject in the case of the Provincial Public Services Commissions to the periodic review of the Governor, and, in the case of the Central Public Services Commission, of the Governor-General, who shall be empowered to issue any necessary instructions to ensure the desired result." (*Agreed.*) May I take it that at any rate down to that point clauses 1 and 2, with the addition I have read, meet with the approval of the sub-Committee?

*Sir Edgar Wood*: May I ask exactly what the intention is here? I raised the point this morning. Is it the intention that the Public Services Commission should have the final word in appointments, or are people simply to be recruited through the Public Services Commission? Are the Commission to say that certain men are suitable, it being left to the departments to make a selection from those men, or are the Commission to say, "There is one vacancy and you must take this man"? It seems to me that if a department is going to be tied down to one definite man for a vacancy, it may be that from their particular point of view he may not be quite suitable, and it will put them in a most extraordinary position, I think, to have imposed on them a man who for some reason or other is not suitable from their point of view. That would apply in particular to the Police, I think. For the Police Service a man might have the necessary qualifications and might by merit, as Raja Narendra Nath says, be qualified for the post, but he might from the departmental point of view be quite the wrong man, I think.

*Raja Narendra Nath*: This suggestion which I made did not receive the serious consideration which I think it deserves. Let me point out to the sub-Committee that I am simply referring to the rule which is already in operation with regard to the Government of India and the All-India Services.

*Chairman*: We will put it as an amendment and see what support it gets.

*Sir A. P. Patro*: At present whenever there is a vacancy several candidates are nominated. The Government say to the Public Services Commission, "There are two or three vacancies", and what happens is this. The Public Services Commission holds a competitive examination for the subordinate Service and prepares a list of competent, qualified and efficient candidates. With regard to what is known as the Provincial Service, the Public Services

Commission has instituted an examination—a competitive examination—for each department. If there are one or two vacancies then four names are called for and the four, who are equally qualified, are sent up to the Government and the appointments are made from among those who have been selected by the Provincial Public Services Commission. It is not, therefore, a case of one candidate who may be found wanting or unfit, but of choosing from several selected as a result of a competitive examination.

*Sir Edgar Wood*: If that is accepted I am in entire agreement with it.

*Chairman*: Is not that a matter of detail which has to be worked out? I think it is consistent with the wording here; I think Sir A. P. Patro is right, and that the present position is quite consistent with this wording. That is the suggestion so far, and to that suggestion an amendment is moved, and the amendment is that we should insert at the end of that these words: "Provided that the majority of the appointments are made strictly on merit regardless of communal or caste considerations."

*Raja Narendra Nath*: By way of explanation, may I say there is not only the rule of the Government of India, but my friend Mr. Zafrullah Khan knows very well orders have been issued by the Punjab Government that certain appointments must go in the proportion of 80 per cent. to certain classes.

*Sir Chimantlal Setalvad*: Let us leave that for the Governor.

*Raja Narendra Nath*: The Governor has already issued orders to that effect.

*Chairman*: It seems to me that that suggestion is really hardly necessary, but we had better get the sense of the meeting first of all on the insertion of the proviso. Who supports the insertion of the proviso? (*Not agreed.*) Who supports Nos. 1 and 2 and Major Stanley's clause at the end of No. 2? (*Agreed.*)

*Mr. Shiva Rao*: I want to suggest that we say that every member of the Public Services Commissions shall hold office during his good behaviour, and that the Chairman and other members of the Public Services Commissions shall not be removed from office except by the Governor-General on an address by the Central Legislature, and in the case of the Provincial Public Services Commissions by the Governor of the Province concerned on an address by the Provincial Legislature.

*Chairman*: Mr. Shiva Rao has suggested a new clause, and he puts the point quite clearly. We do not tie ourselves to language, but the substance of it is that we should state as a new clause that office is to be held during good behaviour, and that a member of the Public Services Commissions, whether Chairman or an ordinary member, is to be removable on an address of the Legislature to the Governor or Governor-General as the case may be. Let us put that.

*Dr. Ambedkar*: I support that.



*Mr. Zafrullah Khan* : I think it should be added.

*Sir Chimanlal Setalvad* : We have no objection.

*Major Stanley* : Let us suppose that the objection you took to a particular member of a Public Services Commission was that he was acting too much in the interests of the majority, and was ignoring the claims of the minority. What you are saying is that he could be dismissed only if a resolution to that effect was passed by a Legislature which *prima facie* would contain a majority of the very community that he was supposed to be favouring.

*Mr. Shiva Rao* : I want to make the position of members of the Public Services Commissions analogous to the position of Judges of the High Court in India at present.

*Sir Provash Chunder Mitter* : To insert a clause like that would be going a long way to defeating its object. There are provinces where a particular community would be in a majority, and if communal questions are raised the Commission might lose confidence in themselves.

*Dr. Ambedkar* : The position taken by Mr. Shiva Rao is that discretion in the matter of removal of members of the Public Services Commissions is to be vested entirely in the Governor or Governor-General. The fact the Legislature has passed a resolution by a majority will not *ipso facto* lead to removal, but the Governor or Governor-General will consider whether action should be taken or not.

*Raja Narendra Nath* : I would not allow the Legislature to interfere at all in respect of appointments.

*Dr. Ambedkar* : A man may be corrupt, just as judges may be corrupt. Should there be no remedy at all? Should there be no way of removing such persons? We are removing patronage from the Ministers because we feel they may be corrupt, but the Public Services Commissions may be corrupt, and if we have no chance of removing any of their members what will the position be?

*Dr. Shafa'at Ahmad Khan* : Dr. Ambedkar has admitted that a member of a Public Services Commission can be removed by the Governor, and if that is so what is the use of the address by the House? It is very dangerous to have a Legislative body interfering in executive matters. We must keep the deliberative function of the Legislatures completely apart from the function of the Executive, and if we mix the two functions in a matter of this kind, where thousands of appointments may be at stake, I think we shall be inviting trouble and making the whole of the regulations regarding the Public Services Commissions completely useless and utterly futile.

*Chairman* : Would it be in accordance with the desire of the sub-Committee—I think the criticism made is rather cogent—that we should insert a clause to the effect that any member of a Public Services Commission holds office during good behaviour and is

removable by the Governor or Governor-General as the case may be? (*Agreed.*)

*Sir Provash Chunder Mitter*: So long as the Legislature is not specifically brought in, I am satisfied.

*Chairman*: Would that further amendment be in accordance with the wishes of the sub-Committee? (*Agreed.*) We shall consider it at the report stage; we are considering it provisionally now.

Now we get to Colonel Gidney's point.

*Dr. Ambedkar*: Before you proceed to Colonel Gidney's proposal, when the draft was first read out there was a clause stating that a member of a Public Services Commission after he had ceased to hold office as a member of such a Commission should not be eligible for service under the Crown.

*Mr. Zafrullah Khan*: We have that already with regard to the members of the All-India Public Services Commission, but I think it is only fair that with regard to the Provincial Public Services Commissions there should be a chance for any member to be appointed to the Central Commission. I think in Madras that is permissible, and with that exception the proposal is all right.

*Chairman*: What Colonel Gidney suggests is this. He states, as I follow it, that he is a member of a small community and of a community which, if I understand the circumstances, is particularly identified with work under Government in one capacity or another; and therefore he says, following what I think the Statutory Commission and the Government of India have said, that it would be very desirable from his point of view, and generous on the part of the larger communities, if they would authorise me to put into the report something in the nature of a pious expression of opinion to the effect that we trust that the peculiar claims of the Anglo-Indian community will not be overlooked. (*Agreed.*)

That might lead, as Colonel Gidney will realise, to every other community making a like claim, and if that was done nothing would be gained; but on the other hand he is relying on the generosity of the larger communities and his position is, as I follow it, somewhat peculiar. I therefore put it to the sub-Committee whether they will authorise me in formulating the draft, which of course is merely for the report stage, to make some recommendation on the lines of what Colonel Gidney has suggested, which I will read out again. It is as follows: "The sub-Committee realised that it is of vital importance to the continued economic existence of the Anglo-Indian community that they should receive special consideration in the recruitment of those Services with which they are, and have long been, specially associated, and in which they are rendering and have rendered such valuable service. The sub-Committee therefore recommends that the Public Services Commissions should be instructed to maintain for that community a due proportion of appointments in the Public Services."

May I take it the sub-Committee will authorise me to say something like that? I think it is quite true logically to say that the point is already covered, because all this does is to say they shall have a due proportion of the appointments; but on the other hand it does indicate the fact that we have had this point particularly in mind, and that we realise their peculiar needs.

*Mr. Basu*: You have stated certain reasons which I do not think it is necessary to cite—their economic situation and so on. There are various other communities which may raise a point on those grounds. There are millions in India who have suffered from injustice for a much longer time than the ten years of which Colonel Gidney has spoken, and their claims are probably more urgent than the claims of Colonel Gidney's community. We should not, in the report of a sub-Committee like this, give any special importance to the economic needs of any particular community.

*Chairman*: That is one view. I cannot press it further, but on the other hand I should like if possible to make some statement about the Anglo-Indian community. What is the view of the sub-Committee on that?

*Dr. Shafa'at Ahmad Khan*: I think that should be accepted.

*Sir A. P. Patro*: Yes certainly.

*Sir Edgar Wood*: They are in a very invidious position, as Colonel Gidney has explained. I think they are in an almost helpless position, and on that account I do not think it is inconsistent to mention them specially. I think most members here would be in agreement that their position is distinctly different from the position of any other communities whom this Commission will affect.

*Lord Zetland*: I should be very glad to support what Sir Edgar Wood says. I agree they are in a very special position, and I think we might well make some reference to the particular position which they occupy.

*Dr. Shafa'at Ahmad Khan*: This matter was discussed by us in the United Provinces in the Simon Commission two years ago. The member representing the Anglo-Indian community on that Committee brought forward his proposals and the members of the Committee unanimously approved of them. I feel, Sir, that if the request of Colonel Gidney is not granted, literally the community will disappear from the public and economic life of India. It is a matter, therefore, not of strict logic, but of justice, generosity and fairness. I do hope that members will really keep this consideration in mind.

*Chairman*: I am much obliged. I shall draft some resolution for your approval.

*Mr. Basu*: I wish to make it plain that I have no objection to the claims of this community being mentioned; I merely felt that it was not necessary to mention the reasons.

*Chairman*: I quite follow that. Now I think you had all better look at the other resolution, which I have numbered B.

• *Lord Zetland*: There is the question of the declaration of rights.

*Chairman*: Yes, is it desirable or not desirable to have the declaration of rights? (*There was a show of hands.*) Those in favour of inserting a declaration of rights just win the day.

*Mr. Shiva Rao*: I want to suggest a slight addition in the last line of document A (3) (a), "by reason of his religion, caste or sex". I think "his" must disappear if we add "sex".

*Chairman*: Yes, there is no difficulty about that. Shall the declaration of rights be in the Instrument of Instructions or not? Well, I will draft something. Now may we consider B. I have had some suggestions made to me about B already, all of which seem to me to be improvements. I will ask you to read it through with me.

"We recommend that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should"—I suggest that we add: "no longer be recruited on an All-India basis" (*Agreed*) and strike out the words "be placed under Provincial management."

*Sir Cowasji Jehangir*: There are some Forest Departments already Provincialised.

*Chairman*: At present I want to put before you what the suggestion is. Will you therefore please strike out the words "be placed under Provincial management", and insert instead the words "no longer be recruited on an All-India basis".

"and we do not think it necessary to make any special recommendation with regard to these two services.

"we recommend that recruitment on an All-India basis should continue for the Indian Civil Service and the Indian Police Service (*Mr. Shiva Rao dissents—*" I do not know whether he is alone or whether there is anyone with him).

*Dr. Ambedkar*: My resolution is that except for the European element in these two Services, the rest should be Provincialised.

*Chairman*: I think that will have to be separately put in.

"(*Mr. Shiva Rao dissent from this conclusion, and would desire that all Services be Provincialised forthwith.*)" I suggest that we add here this: "some members are of opinion that recruitment for judicial offices should no longer be made from the Indian Civil Service."

*Sir Cowasji Jehangir*: I think it should be "all members."

*Mr. Chintamani*: A large majority think so.

*Raja Narendra Nath*: I am not of that opinion, Sir.

*Chairman*: Let us for the moment have "some" and we shall see where we get to. "Some members are of opinion that recruit-

ment for judicial offices should no longer be made from the Indian Civil Service."

"On the question as to whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

Some members of the Committee thought that any such recommendations would be out of place. They would leave it to the future Government of India to decide this question on its merits without attempting to influence that decision one way or the other." I suggest we add there, to make their view plain, these words: "They would leave to that authority"—that is the future Government of India—"the decision of all questions, conditions of recruitment, service, emoluments and control."

"Others, feeling that it was desirable to secure the continuance of the European element in the Indian Civil Service and the Indian Police Service, resolved to make a recommendation accordingly.

"It is, of course, a truism that it is not worth while to secure any European element unless the terms and conditions of service are such as to obtain for the Services the best class of men available." Now strike out the word "we," if you will, and put this in instead: "But those who are for continued recruitment in England are not in a position to come to any final conclusion as to what terms and conditions would have to be offered in the light of the new constitutional developments to bring about this result."

"If it had been necessary for us to come to any such conclusion many of us would have desired to have the guidance of an expert authoritative committee containing representatives of the likely sources of recruitment both in India and Great Britain.

We do not, however, conceive that we are called upon to perform any such task—for it will clearly be for the newly constituted Government of India to determine what number of European entrants should be brought into the Civil Service."

*Mr. Shiva Rao:* Could you add the words "if any" after the word "entrants"?

*Chairman:* Certainly. "—and to determine what terms and conditions must be offered to secure the required number of the best available class of candidates."

"No doubt such Government if it requires further guidance on the point would consider the advisability of appointing some such Committee—" The word "for" should come out. "And we do not doubt that that Government in considering the whole question of the reorganisation and readjustment of the departments of the Public Services will avail itself of the services of expert Committees." Add "when it may deem such guidance to be necessary."

“ In the meantime and until the newly constituted Government of India decides to the contrary the existing ratio of European to Indian recruitment as laid down by the Lee Commission would continue; and in view of the fact that it would obviously be undesirable to alter this ratio without due notice, some of us consider that this ratio should be definitely continued for a limited number of years.”

There remains the question as to what should be the new recruiting authority for Indian and European entrants into the Service; and it is clear that the recruiting authority and controlling authority must be the same.

Some of us take the view that in order to secure the best class of European entrants, control must for the time being remain with the Secretary of State; so that any European entrants into the Civil Service or Police Service will have the security of a non-votable salary and the right of appeal to a minister responsible to the British House of Commons.

Others feel that there would be no insurmountable difficulty in securing the best class of European entrants if recruitment and control were exercised by a Central Public Service Commission in India removed from the influence of party politics, with a right of appeal for any Civil Servant against disciplinary actions to the Governor-General himself.

We recognise that it would be the logical position that when the new constitution is established, the recruiting and controlling authority for the Services should be the Government of India. It might be that they would consider that for the purpose of recruiting such European officers of the best class as—“ they ” instead of “ the Government of India ”—“ might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal.”

Gentlemen, that is the best I have been able to do in the early hours of this morning. I think we might now consider this.

*Raja Narendra Nath*: There is one thing, Sir, to which I will go back if you will allow me to do so. With regard to the Public Services Commission in the Provinces, I would give them the same powers of appeal against action taken on disciplinary grounds by the Minister or Government.

*Sir A. P. Patro*: They are fixed by rules.

*Raja Narendra Nath*: No, not in the case of Provincial Services.

*Sir A. P. Patro*: Yes, also.

*Chairman*: We will bear that in mind.

*Mr. Mody*: This morning we were considering the feasibility of setting up a Committee almost immediately, just as other Com-

mittees would be set up. We left the question without any decision. That does not seem to have been provided for anywhere.

*Chairman*: I do not mind telling you that I altered this thing in the light of this morning's discussion. I came to the conclusion that the suggestion of the Committee was more likely to bring a sword than bring peace. Accordingly I thought I would merely indicate in a non-committal way what I have no doubt would be the fact, that the Government of India acting on the dictates of ordinary common sense would themselves appoint a Committee, at the same time not taking it upon ourselves to recommend that it should be done.

*Mr. Mody*: I entirely agree, Sir, but the point is this, that the Government of India which would appoint a Committee would not be the Government of India as it exists to-day, but the Government of India of to-morrow. The object of setting up a Committee, on the point which was raised by Major Stanley this morning, would not be served by any of these recommendations. These are recommendations which would come into effect when the constitution came into effect. But supposing it was agreed to-day—I am not suggesting we are all agreed, but supposing that opinion was pronounced here, that it would be desirable to have a Committee set up, just as other Committees will be set up, almost immediately, then there is no provision in these arrangements for the appointment of such a Committee.

*Mr. Chintamani*: Sir, as I understand the statement which you have been kind enough to read to us, it purports to be no more than a fair statement of the opinions reached, or the opinions not reached, and the tendency of discussion which has been carried on here. It does not purport to pronounce an opinion on the merits of a single question, but it is a faithful reflection of the opinion of the sub-Committee on the various questions to which the note relates. We might divide our discussion now into two parts, and, if it is agreed, as I have stated, that it is a very faithful statement of the opinions so far expressed, it might be adopted as it is, and then on whatever question it is desired to have a further discussion, that discussion may take place, and, in the light of that discussion, any alteration in the present statement may be made after the discussion is over.

*Sir Provash Chunder Mitter*: Sir, as one of those people who suggested a Committee, I am perfectly satisfied with this statement.

*Mr. Zafrullah Khan*: Sir, may I suggest with regard to the Indian Civil Service that I do not think there was such unanimity that it should continue to be recruited on an All-India basis. I know that the moment you mentioned the Indian Police Service, everybody said: Yes, they must be continued to be recruited on an All-India basis. But there has been a great deal of discussion and some difference of opinion existed as to whether the Civil Service should continue to be recruited on an All-India basis. If the mem-

bers think this is properly drafted I have no objection. I did not take part in the discussion, but that is my recollection of it. Two dissented, but it was at your suggestion that the matter was left over.

*Dr. Ambedkar* : I am in favour of both the Services being on a Provincial basis, but I am prepared to make an exception in favour of the European element in those two services.

*Mr. Zafrullah Khan* : I agree with Dr. Ambedkar.

*Sardar Sampuran Singh* : I endorse the same view.

*Chairman* : I am much obliged. That will certainly go in.

*Dr. Ambedkar* : On page 2, in the paragraph beginning " No doubt such government if it requires," and so on, you have mentioned the question of the reorganisation and readjustment of the departments of Public Services, etc. May I know whether you will add also the question of the basis of salary, in view of the discussions that took place this morning.

*Chairman* : That comes within those words, I think.

*Mr. Basu* : Sir, I desire in my remarks to point out that we have stated here the Indian Civil Service and the Indian Police Service. One can understand our stating the Indian Police Service in this Report, because the Police is a department that one knows must be continued; but the Indian Civil Service as it has existed is a Service of a peculiar kind which may not be required in the way in which it now stands by the future Government of India. They may have specialised judicial departments recruited from practising lawyers; they may have a special customs department with men who are recruited because of their special qualifications for the customs, and so on. The Indian Civil Service as it existed, I believe, from the early days of the 19th century, from the days of Lord William Bentinck, is more or less an anachronism at the present day, and therefore what I wanted to say was if we state " The Indian Civil Service " we probably may be taken to have indicated that we desire that the Service as it has stood for one century should be continued; but that is probably not the intention of many of us.

*Chairman* : That is why I put in those words " reorganisation and readjustment." I contemplated it, of course, as certain that when the new Government of India starts functioning, its first task will be to look into the Services and see what should be done about that. It must do that, I should think.

*Lord Zetland* : On that point may I say this. Members who have spoken about the Indian Civil Service have, as often as not, suggested that members of the Indian Civil Service are mainly employed as specialist officers; but that is, of course, not so. Nearly all the Indian Civil Service Officers are employed as district officers, as district magistrates, revenue officers and so on; and if you are going to do away with your Civil Service, how is it proposed that the duties of district officers, revenue officers and so on are going to be discharged?



*Mr. Basu:* As I pointed out yesterday, the function of a district officer has changed. The district officer, say, about 60 years ago, was the man who looked after the municipalities of the towns within his jurisdiction, who looked after the roads, the dispensaries, and various other things concerning the district, who looked after criminal work, who looked after the police, and so on, but gradually he has been divested of a great many of his functions and new authorities have been set up who in many cases have nothing whatever to do with him. So in that way we have changed even under the hard and fast system under which we have been living. We have not succeeded in avoiding the stress of modern life, and we have done that, and every day we feel that stress, and it may be that there will be special revenue officers, for instance, so far as revenue work is concerned, where we are tapping new sources of revenue, and where we are having readjustments of the old sources; so that the kind of revenue work that our revenue officers have been used to, probably may not be the kind of revenue work that they will have to do in the future. As regards district administration, looking after the police, as I pointed out in my remarks yesterday, we have one superintendent of Police, an efficient officer, supported on many occasions by a Deputy Superintendent and an Assistant Superintendent, with a Deputy Inspector-General at the Divisional Headquarters and an Inspector-General at the Provincial Headquarters; and having regard to the facilities of communication we do not need, at the present day, we have not the same requirement for, a district officer who has all functions vested in him as probably it was necessary in the days when Lord William Bentinck established the system in the 'twenties.

*Chairman:* But we are not considering the reorganisation of the Civil Service. Our terms of reference are such that we can hardly consider that matter. I am getting as near the line as I can in this Report, and I have probably exceeded our terms of reference in many respects. We cannot have a general discussion as to what development of the Services will be necessary in future. That is a matter which will have to be considered by the future Government.

*Sir Cowasji Jehangir:* What we want to make clear is that we are recruiting for a Civil Service of the standard as it exists to-day. What work it shall do in the future is a matter with which we are not concerned to-day. If that is made perfectly clear in this Report—and I think it is very clear indeed—I have nothing further to say. I want your opinion, Sir. We are not committed by the Report as it is worded to a policy of continuing the Indian Civil Service with all the work it has got to do. We are not committed to that.

*Chairman:* I entirely agree with every word you have said. We are not committed to continuing it as it is. We are not com-

mitted to altering it. Either occasion is really outside our terms of reference.

*Sir Cowasji Jehangir*: We can recruit whatever number we want of the quality and standing of the I.C.S. in this method.

*Sir Shah Nawaz Bhutto*: We want to maintain it as it is at present.

*Chairman*: What shall we do now? Are there any amendments proposed to this. Let us have definite amendments if there are any; or some people may want to dissent altogether.

*Sir Cowasji Jehangir*: I should like my dissent noted. I should rather have the Irrigation Branch added amongst the All-India Services.

*Mr. Basu*: Limiting it to Bombay, or extending it to all the others?

*Sir Cowasji Jehangir*: It must be in all other Provinces. Irrigation is of such importance that I think that the Irrigation Department should be an All-India service.

*Raja Narendra Nath*: I agree with that.

*Chairman*: Four members of the Committee agree with that. Shall I simply say "some"? Or shall I name them?

*Sir Cowasji Jehangir*: Simply say four members.

*Chairman*: Very well. Nobody, of course, must regard himself as committed to a thing which I have just read out for the first time. All I am trying to do is to get a sort of draft Report to form the subject of discussion on the Report Stage.

Now, shall we discuss Number 5, "Recommendations concerning the Civil Branch of the Indian Medical Service"?

*Lieut.-Colonel Gidney*: Sir, being the only medical man in this sub-Committee, I find myself in the favoured position of having some personal and intimate knowledge of the subject we are now discussing. I, however, desire to preface any criticisms I may make with a high tribute of appreciation of the great and valuable services the Indian Medical Service has rendered to India. Till the introduction of the Reforms the civil medical service of the country was practically controlled by the Government of India, by the Director-General, Indian Medical Service, and in the Provinces by the Surgeons-General or Inspectors-General of Civil Hospitals. Since then Medicine has been an entirely transferred subject, in the hands of Ministers. The point to note here is that even after the introduction of the Reforms the appointments of Surgeons-General and Inspectors-General were retained, which work could easily have been performed by the Secretaries. This retention is, in my opinion, the reason of the present conflict that often exists between Ministers in charge of Medicine and the I.M.S. Heads of the Departments in the Provinces. Perhaps you may not know, Sir, that in each Province there are water-tight compartmental divisions in the Medical Service such as the I.M.S. civil assistant

surgeons, military assistant surgeons and sub-assistant surgeons, and though the Medical Service is the most highly scientific of all, it is the only Service in India in which a subordinate, however able he be, can never rise to the highest appointments, *i.e.*, once a subordinate always a subordinate. This condition does not obtain in England or in any other country. This is one of the reasons which accounts for the present state of discontent in the Provincial Medical Service. Moreover, Civil Surgeoncies in the Civil Medical Services are arbitrarily divided into different grades and classes—good, bad and indifferent. In addition there are certain professorial appointments in our capital towns, and there is no denying the fact that at present the plums of all these appointments go to the I.M.S. Indeed, until very recently most of the professorial Chairs were filled by I.M.S. officers. Bombay stands out in marked contrast with other Provinces in that most of these Chairs are held by private Indian medical practitioners. There also exists a marked difference in allotting posts to members of the Provincial Medical Service, with the result that the I.M.S. men usually get the best Civil Surgeoncies. Indeed, I would say that most of the selected and lucrative appointments in the Provincial capital towns are almost an I.M.S. family concern divided between four and five favoured officers. In this discussion I feel I must give you a true picture of what takes place in the Provinces, irrespective of the fact that I am a retired I.M.S. officer.

Now, Sir, there is no use claiming that because a man has an English degree he is therefore *ipso facto* fit for any special appointment. The degree does not make the doctor; the doctor makes the degree, but I feel I must admit that of all Government Departments in India the Medical profession is the ideal for Indianisation. India possesses a number of medical men, both surgeons and physicians, who are second to none in the world, and as a surgeon of over 30 years' experience, one who has held professorial appointments both in England and India, I am in a position to say that there are many Indian medical men who are as good as, and in some cases better than, members of the I.M.S., despite the many scurrilous and wholly untrue criticisms that have been made on Indian medical men—for instance, a recent book written by a judge of the Allahabad High Court, Sir Cecil Walshe. Judging from previous speakers, there seems to be a desire to separate, if we can, the I.M.S. from the Civil Medical Department and to constitute it into a purely Military Service. We have no concern with the Military Medical Department. We are here dealing with the civil branch only. The I.M.S., as it exists to-day is recruited by nomination—which I consider is a very faulty system. Sir, whatever decision we arrive at in this Committee there is one point which you have to keep prominently in mind, and that is that the system of recruitment for the I.M.S. is wholly wrong. Notwithstanding this, the fact remains that the I.M.S. is essentially and primarily a Military Service to-day; its surplus officers being utilised as a war reserve in the Civil Medical Services. These surplus officers

being utilised as such are appointed to the various Provinces as Civil surgeons, professors, etc.

Recently orders have been issued by the Secretary of State in relation to such civil I.M.S. officers, which have placed Ministers in charge of these Departments, as also civil and military assistant surgeons, in a very anomalous position, often resulting in conflict between the Minister and the Surgeons-General and Inspectors-General.

Sir, an I.M.S. officer is really an All-India Service officer, and he is really under the control of the Army authorities, which Department has a prior claim on his services. The Secretary of State, as the result of various petitions, has recently issued orders in which certain Civil Surgeoncies and Professorships have been exclusively allocated to British I.M.S. officers, others to both European or Indian I.M.S. officers, and others to Provincial Medical Service officers. These appointments have further been divided into those to which only European I.M.S. officers are eligible, and those to which only Indians are to be appointed. Objections were raised to this racial distinction but the recent orders of the Secretary of State state that the vested interest of I.M.S. officers must be maintained—which means that if an I.M.S. officer held an appointment as an officiating charge he has a lien or a vested interest in the appointment, and therefore he cannot be denied such a claim when the appointment falls vacant. This and other orders from the Secretary of State have certainly caused a tremendous amount of discontent among the Civil medical profession and the Provincial Medical Services; and, Sir, I frankly admit I am one with them in this feeling of discontent. I consider it is quite possible to evolve a scheme which will give the Indian Army a class of military medical officers, and at the same time provide a war reserve. Let the I.M.S. examination be by open competition, not by nomination, let this examination be held simultaneously in England and India, let those who are recruited from England be under the orders of either the Secretary of State or the Government of India, as the new constitution will sanction, while those who are recruited in India should be under the Government of India. This should be an All-India Service for the Indian Army only.

The Provincial Medical Service as it exists to-day should be scrapped, and reorganised on a better and more attractive basis. It should be open to all communities by open competitive examination conducted by the Public Services Commission and be exclusively used to supply all the medical needs of the Provinces. Appointments in the Provincial Medical Services should contain a clause that every medical officer should undergo an adequate annual military medical training so as to constitute a war reserve for the needs of the Indian Army; this Service to be under the control of Local Governments.

It is no use saying you cannot get suitable candidates. You can get them; but I feel I must admit that the class of candidates

we are recruiting to-day for the I.M.S. from England is not the best. They are not as good as are being obtained to-day in India and I speak from personal knowledge. I submit, Sir, that we should in this sub-Committee resolve that the Civil Medical Service should be recruited in the Provinces, that the recruitment should be by open competition, and that it should be entirely under the control of Ministers recruited by the Public Services Commission.

There is no doubt that the recent orders issued by the Secretary of State have created great discontent, and the only way in which we can remove that discontent is by having a Committee of Enquiry into the I.M.S. as it stands to-day. We have had many Committees of Enquiry but not one of their recommendations has been accepted. The Lee Commission accepted a recommendation by a R.A.M.C. officer of high standing, but even that was never given effect to. I submit that this question is so complicated and so intimately related with the needs of the Indian Army that a Committee of Enquiry should be set up at once. Now, Sir, I come to the question of Indianisation of the I.M.S. which this Committee must consider. In my opinion Indianisation of the I.M.S. must be considered in relation to the recommendations of the Defence sub-Committee so far as Indianisation of the Army is concerned, i.e., *pari passu* with increased Indianisation of the Indian Army officers there should be a corresponding increase in Indianisation of the I.M.S., so that in time the I.M.S. will be an entirely Indianised Service.

The time has come when we must face things squarely and without prejudice, and I for one would give my hearty support to any recommendations based on what I have tried to outline. I, therefore, submit we should make some specific recommendation in this sub-Committee that the Civil Medical Services should be provincialised and placed under the complete control of the Minister, and that a Committee of Enquiry should be set up to examine the position of the I.M.S. in all its bearings, keeping in mind the recommendations of the Defence sub-Committee so far as Indianisation of the Indian Army is concerned.

*Sir Provash Chunder Mitter* : In the first place I desire to place some materials before this sub-Committee which will go to show how difficult and anomalous the present position is. The safeguarding of the existing members of the Services has already been accepted, so that those at present in the Indian Medical Service are safeguarded.

By the orders of the Secretary of State, passed after the recommendations of the Lee Commission were considered, certain districts were to be under the control of British I.M.S. officers. By a circular issued, I believe, speaking from memory, in May, 1920, not only were certain districts placed under British I.M.S. officers, but some of the most lucrative appointments in colleges were reserved for British I.M.S. officers. So far as I am aware, this is the first occasion on which the racial issue has been frankly raised,

between British and Indian members of the Indian Medical Service. There is no such racial issue in the Indian Civil Service or in any of the other All-India Services, and this has adversely affected the British I.M.S. more seriously than they seem to realise at the present moment.

There is a further difficulty. The Lee Commission, in the interests of British officials living in the mofussil, decided that certain British I.M.S. officers should be in those districts, but the British I.M.S. officers do not like to go to the districts; they prefer the more lucrative appointments in Calcutta (to speak of my own Province) and the appointments in the colleges, which are found to be lucrative; so that the local government—I do not speak of the Minister alone, but of the Minister, the Secretary, and the Governor—are placed in this very difficult position, that they want to carry out the orders of the Secretary of State about posting British I.M.S. officers, but they do not get loyal assistance from the members of the Indian Medical Service. That is quite apart from the question of whether the differentiation between British and Indian members of the same Service is right or wrong. The Secretary wants to help the Minister in carrying out the orders of the Secretary of State, and the Governor wants to help the Minister in carrying out the orders of the Secretary of State; but if the members of the Service are not very anxious to go to the mofussil it places the administration in a very awkward position. That is one difficulty.

Another difficulty is that it is not a question of dual control but of triple control, for Army Headquarters from Simla can pass their orders. That being the position, the fact is that to-day there is a tremendous feeling, even amongst the most moderate Indians, against the attitude taken by a limited section of the British officers of the I.M.S. A fair number of British officers of the I.M.S. see the difficulty and take a more reasonable view of the position.

If in the profession in towns like Bombay, Calcutta, or Madras there are not only Indian professional men who do not belong to the I.M.S. but also British practitioners with a large practice, the British commanding a large practice amongst the British and Indians, and the Indians commanding a large practice amongst the Indians and also amongst a fair number of the British, is there any reason why, in the large towns at any rate, it should be necessary to retain British officers of the I.M.S. for looking after the families of British officers? British officers in towns like Bombay, Calcutta and Madras can easily obtain the services of British medical men if they desire to do so. I can readily realise their natural desire to do so, but I also know that when it is a question of life and death neither the British nor the Indians would hesitate to place themselves under the treatment of doctors of another race. That being the position, is it right, is it fair, is it consonant with common sense, to force decisions in that way, quite apart from the responsibility which rests on the Government?

We have to approach this question mainly in connection with our terms of reference, the relations of the Services with the future constitution. From that point of view all the arguments which have been advanced with regard to the All-India Services apply, but, apart from the arguments advanced with regard to the All-India Services, the arguments in favour of a separate Indian Medical Service lose much of their force. It is not a Security Service. I am one of those who believe in give and take, and I am one of those who believe in safety. Therefore as regards the Indian Civil Service and the Indian Police Service I am in favour of giving powers of recruitment for some time to come. I know many of my friends do not agree with me. But that is a different matter. The arguments with regard to security and safety cannot possibly apply to the Indian Medical Service, and therefore I am not in favour of recruiting the Indian Medical Service as an All-India Service.

At the same time, from the point of view of giving medical relief I welcome any good medical man, whether he be British or whether he be Indian, in India, and the really good British medical man has nothing to fear. I know there are many good British medical men who command a large practice in the important towns, and I also know that because some British medical men have been placed in positions which, according to the judgment of the public and the judgment of the profession, they do not deserve to hold, they do not get that amount of practice which they would have got but for this prejudice against them.

I am therefore in favour of not retaining the Civil Branch of the Indian Medical Service as an All-India Service, but there is one point on which I think it is only right that I should touch. There is the defence point of view, that there ought to be an Army reserve for purposes of defence. You may have that Army reserve; first of all, in the Army itself; a fairly large number of British medical men serve with the Army. If their present pay is not attractive, that is a question which you may consider on its own merits; but to compel the Provinces to pay, with the money of the tax-payers, for a function for which the Provinces are not responsible is not the right way to deal with the situation.

The Army also requires Indian medical officers, and with regard to them I would say that you can give them a course of training so that they may serve as a reserve for the Indian Army. With regard to the British Army reserve, you have a fair number of British medical men in India to-day, and you may also train them, if you like, as a reserve for the Army. But those are questions which, if you do not consider them from the constitutional point of view, will lead to such confusion that the results will be disastrous, and therefore I will answer the question by saying that the I.M.S. should no longer be an All-India Service, subject to the requirements of the Army.

*Lord Zetland*: This question is admittedly one of very great difficulty. It has been considered by many bodies for many years past, and it may at first sight seem anomalous that you should have have serving in a civil capacity under the Provincial Governments a number of military doctors. Let us just understand, however, what the exact position is. By far the greater part of the medical work done under Government—and when I use the word Government I mean, of course, all the Provincial Governments and the Central Government—in India is not done by the I.M.S. officers at all; it is done by the Provincial Medical Services. These are recruited by the Provinces and over them the Provinces have complete control, just as they have over other Services like the Agricultural Service and so on. That being so, anyone who does not know what the situation is might very well ask why you should insist on the employment, under these same Governments, of a limited number of military medical officers.

The answer to that question is quite simple, and it is twofold. It is in the first place what has been pointed out by Sir P. C. Mitter, that from the point of view of the general economy of India it is economical to employ your surplus military doctors, whom you may require to call up in time of war, in a civil capacity during time of peace. That is the first answer to the question.

The second answer to the question is that rightly or wrongly—but you cannot get over the fact—the European members of the Services do demand that there should be within reasonable reach of them and their families, their wives and their children, a European medical officer. It may be thought that that is an unreasonable prejudice, but you cannot get over the fact that that prejudice exists. The Le Commission, which made its report only some six years ago, and on which there were certainly four Indian members, said that the almost universally expressed anxiety of British members of the Services in India to have access to British medical advice for themselves and their families was intelligible, “and in our opinion”, they said “this provision is vital to their contentment”. That, therefore, is the second part of the answer to the question why a number of military medical officers are employed in civil employment under the Provincial Governments in India.

May I just point out, Mr. Chairman, that as a matter of fact the number of officers so employed is comparatively small. In the whole of India there are only 200 odd posts reserved for members of the I.M.S. and those are not exclusively reserved for European members of the I.M.S.; a portion of them are available for Indian members of the I.M.S.

A number of these posts are posts under the Central Government—special posts in the Agency Tracts and in places like Baluchistan and so on. The actual number of posts reserved for members of the Indian Medical Service in the Provinces in India—that



is to say, officers serving under Provincial Governments—is at the present time only 178.

Of those 178 posts, while I have not in my mind the exact number I think only 112 have been reserved for European members of the I.M.S. Those are the answers to the question why for a long time past military medical officers have been employed under the Provincial Governments in a civil capacity.

I should like to refer for a moment to the point raised by Sir P. C. Mitter, when he said there was difficulty in persuading these members of the Indian Medical Service to take up posts in the mofussil. He said they preferred to serve in the big towns such as Calcutta, where the amenities of life were greater and the remuneration which they were able to obtain for their services greater still. May I point out to Sir Provash that it is quite definitely laid down where these persons are to serve, and, taking the case of Bengal, I find that 13 out of the 22 posts reserved for I.M.S. officers in Bengal are in the mofussil. That is laid down.

*Sir Provash Chunder Mitter:* If I may comment on that, very many members—British members—of the Indian Medical Service object very strongly to going; they put forward some excuse or other, and it has been very difficult for the local Government to deal with the situation. They could force them to go with the help of the Director-General, but that is a different matter. They went most unwillingly.

*Lord Zetland:* If that is so, may I say the local Government failed in the proper discharge of their duty, because, as I have already pointed out, the whole object of reserving a certain number of posts for European members of the I.M.S. is to secure that the other European members of the other Services shall have, within access of themselves and of their families, a European medical officer. It is for that reason that the districts in which the European members of the Indian Medical Service have to serve in Bengal are specifically laid down.

*Sir Provash Chunder Mitter:* The local Government did not fail in its duty, but in view of the discontent in the Service it was very difficult to discharge that duty.

*Lord Zetland:* I am at least glad to hear that the Government of Bengal did not fail in their duty, and if they did not fail in their duty then they did send these European members of the I.M.S. to the mofussil districts which are reserved for them under the orders of the Secretary of State.

I have nothing more to say on this subject. To the best of my ability I have put before the sub-Committee the reasons for the present position, and since it has been held by so many bodies, including the Lee Commission, that it is vital to the contentment of the European members of the other Services that they should have this form of medical service available to them, I do not myself see how,

for the present at any rate, we can get away from the existing system.

*Lieut.-Colonel Gidney:* Will the noble Marquess tell me, with reference to the need of European doctors in the Provinces for the medical needs of the European officers and their families, could not that be just as easily obtained by the reorganisation of the Provincial Medical Service into which Europeans should be allowed to enter at a certain ratio? You would then not only supply your needs for the European officers and their families, but you would also give a European introduction to that service. Might it not be done in that way, and so retain your war reserve, retain your prejudices against Indian Medical men, and also supply employment for Europeans?

*Lord Zetland:* If the Provincial services could guarantee that they could recruit the number of European medical officers required, that part of the problem could be dealt with in that way; but I still fail to see how that would provide for the medical reserve for the Army.

*Lieut.-Colonel Gidney:* I mean let every member of that Service be subject to a military training such as you have in England. For the R.A.M.C., the Territorial Force Medical Service is the reserve in time of war, the same in India, we have an Indian Territorial Medical Service, and we have a Medical Service attached to the Auxiliary Force. Can it not be done in that way, so that the members of the Provincial Service may receive a military training every year as a term of employment?

*Lord Zetland:* Then as far as I can see the position would differ very little from the position now. You would still have your number of medical officers. Those medical officers would have to be military men if they are to be qualified to serve with the Army in time of war, and I really cannot see any difference between that proposal and the existing system.

*Mr. Basu:* The question we are considering is whether this medical service shall be Provincial or Central. The Marquess of Zetland has referred to two very important considerations. One is our defence requirements, that is to say the creation of a body of medical men to be drawn upon in case of war. The other is the need of British officers in the other Services. As regards the military requirements, Colonel Gidney has pointed out that there is no dearth of qualified medical men in India. In fact during the war India did supply a very large number of medical men who distinguished themselves not only in the Eastern theatres of war but also in the Western theatres of war, and they did not fail in their duty.

As regards the second point raised by the Marquess of Zetland, he is aware that during the war practically the whole of India was almost denuded of all European medical officers, and various important charges, like the charges of districts, and professorships at the various medical colleges, had to be entrusted to Indians.

The British officers in the other Services that were there at the time did not make any objection, probably in view of the exigencies of the war. There has been no complaint that their medical requirements were not properly looked after by the Indian medical men who were then drafted into the service of the State during those four or five years. Those men were either independent practitioners not in the service of the State, or were Assistant Surgeons, or men with medical qualifications obtained at the various Medical institutions and hospitals in India itself. Where you make certain reservations of posts for European medical officers, you do it to satisfy the so-called needs of a very few persons. In some districts there are three or four or five European officers, and you force upon the local Government a very highly paid officer for the purpose of satisfying the so-called requirements of those few men. That is a very great injustice to the general tax-payer, when it has been found in practice that Indian medical men can do the work just the same. I am told, sir, that there are about 200 Indian medical men settled down in this country, in England, practising here to the satisfaction of their patients, and their patients are not Indians. Of course, there is that prejudice to which Lord Zetland has referred, but we all know, sir, that prejudices have to die down at some time or other, and the sooner they do the better.

There is one thing further: In the principal towns like Calcutta and Bombay, there are quite a number of European medical men who are not in the service of the State. Calcutta has a very large European population, and there are a good many English medical men there who are practitioners without being in the service of the State. Having regard, as I said on a previous occasion, to the facilities of communication, it is not difficult for them to visit the districts and to reach any patients who may require to be treated.

Further, sir, so far as Bengal is concerned, it is almost the general rule, and there is a very well equipped hospital, specially set apart for Europeans, known as the Presidency General Hospital in Calcutta, which is one of the best equipped hospitals in India. In all cases of serious illness amongst Europeans, whether they are in the service of the State or whether they are non-official, they always go to this Presidency General Hospital where they have the benefit of the best treatment. So that the treatment in the districts is practically nil for all practical purposes. Medical men are there; very little occasion arises for their services to be requisitioned, and their services are requisitioned by a very small number of people. You have to consider all those things.

On the other hand, sir, as Sir Provash has pointed out there has been a great deal of heart burning in India owing to the way in which the medical service has been recruited centrally by the Government of India. You do not consider the needs of every Province. In my Province, as the Marquess of Zetland very well knows, there are certain peculiar health problems, and we want a

particular class of medical man. The Government of India, on the other hand, drafts on us a number of their I.M.S. men of a type which we do not require. On the other hand, if we could have utilised that money in providing the class of medical men who could successfully deal with the particular kind of deficiencies in public health with which we are faced, we could have got on better; there would have been better treatment from the point of view of health. So I submit, sir, that from practical considerations and from considerations of sentiment, it is necessary that the Civil Medical Service should no longer be Central but should be Provincialised.

*Sir Edgar Wood*: Sir, as Lord Zetland has remarked, this is a very difficult question indeed. I think it is very closely bound up with this question of recruitment of Europeans for the Services in India. I do not think that, unless some provision is made for medical attention by European doctors, the response to a demand for recruits for India will be such as it ought to be. That is why the Lee Commission has provided a certain ratio of recruitment to the Indian Medical Service. I certainly do visualise a time when the European private practitioner will come out to India in larger numbers, and the European needs will be met in that way. We cannot merely judge this matter on sentiment; it is a question of hard facts, that Europeans have a preference for being medically treated by their own people at present. I have often gone to an Indian medical man, and I have never regretted it; but we have to remember that if Europeans are to be recruited, European medical men will have to be provided I think. It is, as the Lee Report says, vital to the contentment of the services.

I would very much like Sir Provash to let us know his ideas on this question of military service. How is he going to get over that? The I.M.S. are required for military service, and we cannot in saying that we will do away with those, forget that they are for a specific purpose as a reserve, besides for the purposes of attending on Europeans. As I say, there will probably be a time when private European medical practitioners are there, and that would meet Sir Provash's objection to making a definite service of it. But he would have to add to that, I think, that he would be prepared to give an allowance to Europeans to pay for the services of these private practitioners, because at present a free medical service is provided. If he would agree that it would be quite reasonable to pay allowances for medical fees, I think perhaps it would be largely met in that way. But I cannot see yet how he can get over this question of liability for military service.

*Sir Provash Chunder Mitter*: There is a question of providing for military service, but with that there is the natural desire of the British members of the Services to be treated by their own countrymen. As regards the natural desire of the British members of the Services to be treated by their own countrymen, I am willing to concede that those British members of the Services who

are in the mofussil, in the country districts, would be treated by their own countrymen; but I hope Sir Edgar will also concede that those British members of the Services who are in Calcutta or near chief towns where British medical men are available, would not insist on British members of the Service being posted there. Then as regards those who are in the country districts, the Provincial Medical Service may consist partly of Indians, partly of British and, if need be, partly of Anglo-Indians, if the British members have no objection. Then they can ordinarily be posted in those districts and that will meet that desire.

As regards the Army Medical Service, I have two points to make. The first is that after 1921 the Central Government is responsible for Army administration, and this is really a legacy of the past, before the separation of parts. Now after separation of parts of the Central Government and of the Provincial Government, it is unfair to fasten upon a Provincial Government the duty of meeting Army expenditure. But it may be said that a Provincial Government is dealing with a part of India, and from that point of view I am quite willing that the Provincial Government should be ready to take a certain percentage on their own terms. The Provincial Government would take a certain percentage of the Indian Army Reserve, British or Indian, for temporary employment, say for five years at a time. After one set goes, another set will come. That is a general principle. We are here dealing with general principles; we are not here dealing with details. I am quite ready, if necessary, to say it can be done. I will explain it. Lord Zetland has given us some figures, and I believe those figures are accurate, though I do not carry them in my head. We want a comparatively small percentage of our total requirements to be employed in the Provinces. At the present moment all that percentage is taken from the top. There are military surgeons; there are military assistant surgeons; we take both. We may take a certain percentage of military surgeons and a certain percentage of military assistant surgeons; but that ought to be a matter of negotiation between the Provincial Government and the Government of India, provided those officers can discharge the needs of the Provincial Government. Speaking for myself, although Mr. Chintamani says he does not agree, I am quite willing to go into that matter; I think it is quite feasible. But what I do particularly object to is this anomalous constitutional position. It is not really possible for the Constitution to function if you have two or three authorities butting in, and if, on top of that, the British officers, who ought to look after the interests of their own countrymen, object to going to mofussil stations because it is not attractive enough.

*Lieut.-Col. Gidney:* Sir, may I add something to an important point in view of the remarks made by Sir Edgar Wood. I sympathise with the demand of European families requiring their own doctors. Might I tell this Committee that at present there is a Secretary of State's order which gives to every official of non-Asiatic

domicile the right to consult any surgeon or physician. The fees are paid by Government, the travelling allowance is paid by Government, the medicines are paid for by Government, the nursing charges are paid by Government, the only expenditure that the official incurs is for diet and the hospital charges for accommodation. So that, Sir Edgar, you really have that privilege already in abundance. May I add that this order perpetuates racial discrimination between persons of Asiatic domicile and persons of non-Asiatic domicile. Any officer of the I. C. S. or any other Service including Railways, cannot get such free specialistic treatment if he is of Asiatic domicile. It will thus be seen that European medical attendance, free of all charges, is given to all British officials.

*Sir Edgar Wood:* Not from a private practitioner, I think.

*Lieut.-Col. Gidney:* Yes, anybody, the medical officer of the station, or the railway, or the department concerned has the power under the Secretary of State's order to recommend specialistic treatment for his non-Asiatic domiciled staff.

*Sir Edgar Wood:* That is not ordinary treatment; that is specialist treatment.

*Chairman:* Your resolution, Colonel Gidney, was I think to this effect: That the I. M. S. should in future be recruited entirely on a Provincial basis, organised, if you like, as before, entirely on a Provincial basis; that the Provinces should endeavour so to organise their services as to have available a number of doctors for a war reserve, and to have European doctors within reasonable reach of those stations to which European members of the Civil Services are appointed. I think that was the effect of your resolution?

*Lieut.-Col. Gidney:* I did not ask that the I. M. S. should be a Provincial service. I asked that there should be a separate Provincial Medical Service.

*Chairman:* Would you mind, Colonel Gidney, sitting down and writing down what you do mean? Let us adjourn to give Colonel Gidney time to write that down.

*(The sub-Committee adjourned for a short time.)*

*Chairman:* Colonel Gidney's resolution is not yet available, but as soon as I get it I will have it read to you.

*Sir Cowasji Jehangir:* I am not going into the details about the re-organisation of the Service. Colonel Gidney has gone into the subject of the re-organisation of the Service, though we have not yet seen what his intentions really are, but I am going into what I would call the crux of the question so far as we are concerned and so far as it has been criticised in India and dealt with by the reports which we have had placed at our disposal.

I touched on the main question on the last occasion when I spoke, and I am not going to repeat myself. The position is that there are 237 posts reserved for the I. M. S. in the Civil Department, out of which 178 are in the Provinces. Out of those 178 posts, 112 are reserved for Europeans. The Europeans must hold

112, and the remaining 66 are open to either Europeans or Indians. That is the position in the Provinces. In the Government of India there are 59 posts reserved, out of which 31 must be for Europeans, the remaining 28 posts being open to both Indians and Europeans.

I have not yet been able to fathom why in the Government of India a certain number of posts should be reserved for Europeans, but we know why in the Provinces these posts have been reserved for Europeans. They are, as explained by Lord Zetland, for certain districts which have a small European population who demand that they shall be treated by their own countrymen, and therefore, if you look through the main list, you will find that all the important districts in each Province are reserved for Europeans.

Most important districts are reserved for Europeans, that is to say, the places in which there is a big private practice, which brings in a very handsome income indeed, are reserved for Europeans on the ground that a very small—an infinitesimal—population in that district happens to be European. In some districts there are only 25, 30, 40, or 50. In the United Provinces, I find Benares is included. In Bombay, anyone knowing Bombay will realise that these are the most important districts—Ahmedabad, Poona, Belgaum, Mahabeshwar and others. All these are reserved for Europeans. All the private practice goes into the hands of those men and that is the complaint of the private medical practitioner and of the Indians in the Indian Medical Service—this racial discrimination.

We have received the explanation. Whether that is a sound explanation or not is for the delegates to consider. I can understand, Sir, any national, whether he be German, French, English, or Japanese, stating that if he goes to serve in a foreign country he can demand from his Government the services of members of the medical profession with qualifications equal to those held by his own countrymen in his own country. I can understand that demand. It is a legitimate demand and a fair demand, both for himself and for his wife and children. But I cannot understand a demand that that man, who has those qualifications, should also have a white colour and not a brown colour. There are large numbers of Europeans—English, French and German—in Japan. The Japanese have got the highest qualifications, and although there are European practitioners in Japan I know that the Europeans go to the Japanese practitioners, because they are better, and better qualified.

With regard to what happens in the big cities of India, I can speak with experience of Bombay, where the biggest practices are held by Indians with qualifications equal to any that be can obtained in the world, and Europeans go freely to them by choice, although there are numbers of European practitioners in the city; because after all, when it is a question of life or death, as has been said, it is not a question of colour but of skill. You trust your life to the best man, whether he be brown, black, white or any other colour. Therefore the demand is legitimate, fair and just that

wherever there is a small population of Englishmen the Government should make available a practitioner with qualifications to their satisfaction—not to the satisfaction of Government, but to their satisfaction.

*Mr. Shiva Rao*: Suppose they want a London M.D.

*Sir Cowasji Jehangir*: No, they cannot have a man with a London M.D., but a man with English qualifications.

*Mr. Shiva Rao*: Does Sir Cowasji suggest that Indian Medical Degrees are inferior to English, or what is his suggestion?

*Sir Cowasji Jehangir*: No. I have already stated what I suggest. I say an Englishman in India, if he is serving in India, can demand from his Government a man to treat him with qualifications equal to those he can get in his own country.

*Mr. Chintamani*: His Government?

*Sir Cowasji Jehangir*: The Indian Government is his Government; he serves in India under the Government, and the Indian Government is his Government. I think he can legitimately demand a man with the qualifications he could get in his own home, but beyond that he has no further right to demand anything, and the main point is that it is not difficult for Government to recruit such men in India to-day. They are to be found by the dozen.

They are prepared to go into the Provinces if you pay them. If you can pay an English civil surgeon Rs. 2,000 a month to go to Ahmedabad, why not pay an Indian with better qualifications the same amount to do the same thing? Why does the question of money come in? A brown doctor with a London M.D. is worth the same money as a white one, and if Government pay Rs. 2,000 to send an English qualified man to Surat they should be prepared to pay a brown man the same amount. I therefore contend that would be a just claim and a claim to which we can agree with some equity and justice, but I think this great injustice to the Indian Medical profession should now come to an end, and we should unanimously agree that there should be no distinction on grounds of colour in this Service.

I am not going into the question of re-organisation; that is a very big question which will have to be decided later on by a Committee—as to how many I. M. S. men should be in the Provinces, and whether they should be recruited by the Provinces as a reserve for the Army. That is a question to be discussed later on, a question for the Government of India of the future to decide. We are mainly concerned with this problem which is facing us in India, and about which there has been all this criticism and heart-burning, and we have come to feel that the criticism is justified and that the heart-burning has a foundation which, if not attended to, will create more bitterness and will make things impossible for Government in the future.

We have protested against this order, but naturally we have had no chance of being so effectively. Just as some of our friends have



put their case frankly, from our point of view we have attempted to do the same. If we succeed, well and good; if we fail, we shall be told by our countrymen that we may have succeeded in bringing back a full measure of self government, or perhaps not the full measure of self government that we hoped to get, but that we have not removed a distinction in the public service prejudicial to Indians, which is not only a question of a few posts, but which is an insult to a great Medical Service in India, a Service which has produced men with qualifications equal to any in the world, a medical profession which is second to none, as Colonel Gidney has said, and surgeons and physicians of a class of which we are now proud, both in the city of Bombay and in the Presidency, and I trust in the other big cities and Provinces of India. I trust, therefore, that whatever you are doing about reorganisation you will pay attention to this point. I am not really interested in re-organisation, but I am interested in the removal of this distinction. Put a limitation as to qualifications by all means; we are prepared to produce the men; but no further are we prepared to go.

My proposal is that in certain districts where there is a European population there should be a standard of qualification for the civil surgeon, but no colour bar; he must be an English qualified man, French or German.

*Mr. Shiva Rao*: But not Indian?

*Sir Cowasji Jehangir*: He should have the qualifications which Government considers are satisfactory for the people whom he is to treat there.

I think that is as far as we can go, and we can go no further. Remove the racial bar, and I am quite prepared not only to suggest it here but to justify it in India. I think that is as far as we can go.

*Sir Robert Hamilton*: May I ask Sir Cowasji Jehangir if he envisages it as an All-India Service?

*Sir Cowasji Jehangir*: Which Service?

*Sir Robert Hamilton*: The Indian Medical Service.

*Sir Cowasji Jehangir*: It is not a question of the Indian Medical Service. I am dealing only with the question which has arisen out of the problem of the I. C. S., which has necessitated through the demand of a certain section of the public the posting of only Europeans to certain important districts. The easiest way in which they could do it was to recruit the men from the I. M. S. and that was how they did it. Posts have to be found for a certain number of men of the I. M. S. The number is 302. They have assigned a certain number of posts all over India to those I. M. S. men. They found that was administratively convenient. Every Government will have to have a reserve for war time. Then they found this other problem which had arisen where certain districts had to be furnished with an English medical officer. Naturally they drew upon the reserve of the I. M. S. Why should they go out and find Englishmen to employ when they had a certain number of English-

men whom they had to employ? Therefore they posted them to those positions, and they made it absolutely incumbent upon any Provincial Government to post those Englishmen to those positions.

*Chairman*: I have now got the draft of Lieut.-Colonel Gidney's resolution which I now see for the first time. I think that it would be convenient that I should read it:—

“ The sub-Committee recommends that, subject to the rights of existing members of the Service, the Indian Medical Service in the future should have no prescribed share in provincial medical appointments. The Provincial Medical Services should be re-organised and made available to attract the best medical men, whether European or Indian. Recruitment should be made from all classes, with a certain number of Europeans. These Provincial Services should be placed under the control of the local Governments, but certain special appointments, such as those under the control of the Government of India, and for such Institutions as the Presidency General Hospital of Calcutta, the St. George's Hospital of Bombay, and a few others, should be held by British medical officers. To provide a war reserve of medical officers for the Army it should be a condition of employment in these Provincial Medical Services that members should undergo a military medical training. Arrangements should be made as far as possible for the European members of these Services to be available for European officers and their families. Where such arrangements cannot be made, European officers and their families should be allowed to have the services of private European practitioners free of cost.”

I am not sure that it would not be a convenient plan if Sir Cowasji Jehangir between now and to-morrow morning were to look at this and see if he could cast his observations into the form of a resolution.

*Sir Cowasji Jehangir*: I can do it straight away.

*Mr. Shiva Rao*: May I ask if it is necessary for us to go into such details with regard to this Service? Surely it is quite enough for us to lay down certain principles.

*Chairman*: I agree that we need not go into these details. If we indicate that reorganisation should take place, as Colonel Gidney indicates, I think that he will probably agree that the rest is hardly for us. Obviously we cannot go into details.

*Mr. Chintamani*: Colonel Gidney's resolution is good in parts, is not very intelligible in other parts, and in any case it is both unnecessary and, in my humble judgment, beyond the scope of the reference made to the sub-Committee. We are called upon here under Head 5 to make recommendations concerning the Civil Branch of the Indian Medical Service. What should be done with the medical services other than the I. M. S., by whom and when it should be done, are not questions that are left to us for consideration. Limiting myself to the reference here; “ Recommendations concerning the Civil Branch of the Indian Medical Service ” my

answer is simple and brief. There should not in future be a Civil Branch of the Indian Medical Service. The Indian Medical Service owing to its nomenclature is very greatly misunderstood by the man in the street as regards its purpose. He is apt to think that it is a Service with which Civil administration is concerned, like the Indian Civil Service, or the Indian Police Service, or other Services so designated. The Indian Medical Service is a purely Military Service. In my opinion it should be limited in its activities to the Army, and it should not be allowed to spread its tentacles to any Branch of Civil Administration. The evil of the present system has been repeatedly stated, and has been felt not only by politicians interested in the advancement of their countrymen, but by Provincial Governments. For example, as long ago as 1907, one of the strongest bureaucrats, Sir John Hewett, came out with a long and a loud complaint before the Decentralisation Commission on the ground that Provincial Governments had been reduced almost to impotence by the intervention of the Government of India in matters medical owing to the fact that the Indian Medical Service is a Military Service whose officers are employed in Civil Administration. If there is no Civil Branch of the Indian Medical Service it will be for the Army to consider what should be the numerical strength of that Service for the Army itself. It is not for us to indicate, even if we were competent to do so. Once this preliminary difficulty is got over, it will be for the Central Government and for the various local Governments to consider in what manner they will constitute their respective Civil Medical Services. There are already Provincial Civil Medical Services, and so far as they go, no problem is presented for solution. With regard to officers of a standing over and above the Provincial Medical Service, officers with higher qualifications or with greater responsibilities, that is a matter which has to be examined in detail by competent persons responsible to the Government of India, and thereupon it will be for the Government of India and the local Governments to take the decisions. I am now called upon to answer only one question that has been put, and that may be said to have been the most formidable argument against the constitution of a separate and distinct Civil Medical Service in India. That argument relates to the requirements of the Army in time of war. The Army draws upon the I. M. S. officers in civil employ to make good the medical requirements in time of war. It is said that if this is not done an Army reserve of medical officers would have to be maintained and paid for at all times which was on duty only when there was a war. The remedy for that is the same as is indicated in one of the paragraphs of Colonel Gidney's resolution, namely, that every medical officer engaged by the Central Government and by every Provincial Government should be required to undergo military training which was such that the Army authorities and the Government might prescribe, and to satisfy the same requirements of fitness, for such services they may be called upon to render, as the officers in the I. M. S. now fulfil. The suggestion that has been made to-day by Colonel Gidney is at least 11 years

old, because it was put forward by competent medical opinion before the Committee on the Reorganisation of Medical Services appointed in 1919. The question was again examined by the Esher Committee. It has been examined many times by various Committees. If now on the question of separation of the Civil from the Military we should be content with a recommendation that the matter should again go before another Committee, I should strenuously oppose any such recommendation on the ground that we have had enough of Committees on Medical Services, not one of which has led to a conclusive result, and the recommendations of not one of which have commended themselves to the military, or to the civil authorities or to the unofficial population. All material that can possibly be required by anybody who wants to reach a judgment on the subject is there embodied in Blue Books. The decision has to be taken. The military will care for themselves. The Civil Government can provide for its own requirements, and, in the interests of the taxpayer, who should not be asked to spend more than is necessary, the Civil Government should agree to insert a clause in the contract of service of civil medical practitioners that they shall agree to undergo such training as may be prescribed for them, and to render such service as they may be required to perform, being given additional remuneration for the additional obligation such as may be considered to be reasonable. I think, Sir, that this will be the simplest, as it is the most obvious, and I venture to think the most reasonable, answer that can be returned to this reference as to what shall be done with the Civil Branch of the Indian Medical Service.

*Major Stanley:* Although we do not quite know the exact form in which the resolution to be put forward is going to be put I think that the general principle which we have to decide is fairly clear. Lord Zetland stated very plainly the two objections that we feel to the proposal, but having stated those objections it is of course open to consider whether there are alternative methods to those at present in force for meeting them. First of all, with regard to the question of the Army reserve, I quite appreciate that it might be possible to meet that case by insisting on reservists among those employed by the Provincial Medical Services, but I would call the attention of the Committee to the document which Sir Cowasji Jehangir quoted, the reorganisation of the Medical Services in India on the question of war reserves. It is pointed out there by the Government of India that from the military point of view alone the reserve will have to consist of 134 British medical officers, the reason given being that in case of emergency British officers will not be able to be recruited in India, and that, therefore, a larger number of reservists actually on the spot will be required than will be the case as regards Indian Medical Officers. Therefore one of the things which the recruitment of reservists by the Provincial Governments would have to deal with would be the provision of 134 British members of the Provincial Medical Service.

*Mr. Chintamani:* Not merely Provincial—including Central.

*Major Stanley:* I thought that the point there was that whatever adjustments may be made between the Provincial Governments and the Central Government nobody would think of a scheme which made the Central Government keep 134 British medical officers unemployed in case they might at some time or other be required for war.

*Lieut.-Colonel Gidney:* Why British only?

*Major Stanley:* The other branch of the question was the one with which Sir Cowasji Jehangir dealt: the desire of the British Civil Service for medical treatment by British officers. He said rightly that that was prejudice. There is a desire on their part, and it is a desire which some of us would not share and perhaps cannot understand, but still the fact remains that it is there. Those who are already recruited have been recruited on the understanding that that medical treatment would be provided for them. Those who remain to be recruited may be deterred by the knowledge that the right which has been granted to previous entrants into the Service is to be denied to them.

*Mr. Shiva Rao:* Is Major Stanley quite sure that that has been guaranteed to every member of the Service?

*Major Stanley:* I do not say "guaranteed," but it was the practice under which they were recruited. I think that most people would agree that, whatever may be the legal effect, the new recruits did enter under that obligation of the Government which they serve. I should rather like to know what is the practical effect. Sir Cowasji Jehangir will see that this reorganisation envisages what is clear to everybody, namely, that the proportion of European medical officers will gradually decrease. As the proportion of European members of the Services decrease, so also will be necessity from this point of view decrease. I may point out that the effect of this circular, as stated in it, was to release 90 posts which had hitherto been held by the I. M. S. for the Provincial Services. Nobody would suggest, I imagine, that the existing European members of the I. M. S. should be thrown out of the Service. Everybody will agree that their position has got to be safeguarded, and they have got to be retained so long as their service lasts. Therefore it really comes down to the amount of European recruitment which is going to be made in the future. I do not know if any member of the Committee can tell me, first of all, what that amounts to in a year, and, secondly, if anybody can have any idea how that recruitment is going to be affected by the decrease in the numbers which is envisaged by the circular.

Because it seems to me quite possible that, whatever the theoretical aspect of this may be, in practice, if you join the two things together, the recruitment of Europeans for the Indian Medical Service, not from the military point of view but from the point of view of safeguarding the desires of the Civil Service, is practically going to cease.

*Mr. Chintamani:* I am not in a position to answer the last question of Major Stanley as regards the number of officers that

may be required. I will attempt an answer to his earlier questions. The first related to Army Reserve, and the principal point that he made, if I understood him aright, was that the Secretary of State stated that 134 British officers would be required as an Army Reserve. It should be remembered in this connection that the I. M. S. is for the Indian Army and not for the British Army in India, not for the British garrison in India but only for the Indian troops. The British garrison in India is served by the officers of the R. A. M. C., the Royal Army Medical Corps, the work of which is limited to the British Army in India. So that when we think of military requirements in connection with the I. M. S. we have only to think of the Indian Army, the Indian troops. That being so, I confess it passes my understanding why the Secretary of State should have insisted upon a minimum of 134 British officers. I decline to base my argument upon the proved necessity of 134 British officers. Those assumptions I do not take for granted. Many such assumptions have been made which have been absolutely detrimental to Indian interests in nearly every department, and I am here to see that these assumptions are knocked on the head.

Now, Sir, a certain number of British Medical Officers you may say will still be necessary, though it may not be 134, because the Indian troops are commanded by British officers. Those British Officers do not have R. A. M. C. officers to serve them, and therefore they will require these British people. First of all, let me say I do not accept the argument that an Englishman, be he a military or a civil officer, can only be attended to by an English medical man. That is an assumption that is disproved by actual facts which we see before our eyes in every big town in India where, notwithstanding the presence of British Medical Officers, there are a great many English people who prefer the services of Indian Medical Officers, where they think they will be better served by them. When we say that a Civil Medical Service should be constituted distinct and separate altogether from the present I. M. S., we do not mean that recruitment to that Service shall be limited to Indians. On our side we have not put forward a single proposal that will impose a fresh disability upon a single section of His Majesty's subjects. The Civil Medical Service, the constitution of which we propose, will be open equally to Europeans and Indians, and it is up to the Government of India and the Provincial Government concerned to instruct the Public Services Commission that will be set up under the terms of our own recommendation with regard to the representation of various communities and the public needs, to provide arrangements so that a proportion of the persons recruited to the Civil Medical Service, will be Englishmen, and not all of them Indians. Whether they can do this by means of a competitive examination or by means of selection are questions which it will be for them to decide. Even at the present moment the Secretary of State is sending officers to the I. M. S. by means of nomination. He has gone on increasing the rates of remuneration from time to time, because Englishmen were not available to

join the I. M. S., owing to the great opportunities which they have in their own land, and the Indian taxpayer has from time to time been asked to increase the rates of remuneration, and to put up with the material selected by nomination and not appointed as the result of a competitive examination, owing to the obsession that there are so many Europeans, and they cannot afford to replace them by Indians. These arguments must go.

As to the Europeans scattered in the various districts, where there is a European Medical practitioner, official or non-official within reach of them, let them by all means give effect to their preference and go to these European Medical practitioners. And the European officers of the Civil Medical Service will also be posted judiciously in such areas where there may be the greatest demand for them, without at the same time setting up an official racial bar to the appointment of Indians to those stations, such as there is at present. It is entirely a matter for action with common sense on the part of the various Governments concerned, and, as I submitted in a previous speech, the whole of the argument proceeds upon the assumption that there is an element of common sense in the Government.

What is to happen to the members of the I. M. S. who are now in Civil Medical employ. We have already passed a resolution unanimously that any recommendation that we make will be without prejudice to the position of any of the existing members of the Services, and I repeat once more that you will not find the most radical Indian politician who is desirous that a fraction of injustice should be done to or hardship inflicted upon a solitary English officer in any Department in India.

*Chairman*: Now I have got Colonel Gidney's resolution. I have got Sir Cowasji's resolution now, which I will read: "No civil appointments, either under the Government of India or the Provincial Governments, should in the future be reserved for Indians as such. The Committee can see no objection to the qualifications for certain posts, such as Civil Surgeons, to be of a standard to be decided by Government."

If I may say so, I do not think the last sentence has any very cogent meaning: "The Committee can see no objection to the qualification for certain posts, such as Civil Surgeons, to be of a standard to be decided by Government." I think I see what Sir Cowasji means, but I think it rather wants reshaping. The next suggestion I have to make is that Mr. Chintamani might draft his resolution.

*Mr. Chintamani*.—With pleasure.

*Chairman*: We ought to try to get some resolution which deals with the point of the Army Reserve. We have obviously got to deal with that point. It may be quite untrue to say that you have got to have 134 British officers to deal with it, but you have obviously got to have a considerable number of reservists whether European or Indian. We must prepare some resolution with regard

to that. Then I think we have got to make some statement such as Mr. Chintamani made in his last speech to the effect that as far as possible arrangements should be made to enable Europeans to have the advantage of European doctors if they so desire. I think we ought to put in something of that sort. Indeed, we can really take that from Mr. Chintamani's speech. I can get some resolution on those lines.

*Mr. Shiva Rao*: I am not so sure that he said that. I think, as far as I could gather, it was not his intention, or the intention of any Indian politician, to take away anything from the existing rights of European members of the Services.

*Chairman*: I will check it on the notes of his speech: but I paid some little attention to it at the time and I think he said so; but if he did not mean it, we certainly will not hold him to it, of course. I will look that through, and on those lines I think I can get some resolution which I can put to the sub-Committee and indicate how the difference of opinion lies.

*Lieut.-Colonel Gidney*: Is not that provided in the last two paragraphs of my resolution?

*Chairman*: Yes, I think it is, Colonel Gidney. The last paragraphs are: To provide a war reserve of Medical Officers for the Army, it should be a condition of employment in these Provincial Medical Services that members should undergo a military medical training. Arrangements should be made as far as possible for the European members in these Services to be available for the European officers and their families; but where such arrangements cannot be made, European officers and their families should be allowed to have the services of private European practitioners free of cost.

Now I will tell you what I will do. If I am going to have the benefit of Mr. Chintamani's resolution, with the three resolutions, I will see if before to-morrow morning I can propound some composite resolution which will contain suggestions derived from all three of them, and, if that fails, we can put one or other, or indeed all three of the resolutions.

*Sir Provash Chunder Mitter*: There is one suggestion I should like to make in preparing the draft: That as regards the Army Reserve an adequate portion of the remuneration should be paid by the Army Department, as defence.

*Mr. Basu*: There is another point to which I desire to call your attention. Mr. Chintamani pointed out that all civil military officers when entering the service of the State have to enter into a contract in writing. If there is a provision in that contract that when required they will have to serve in war, then there will not be that objection, if it is subject to his being paid such additional remuneration for serving out of the country or serving when the country is in a state of war. After all it is not so much the special training required for a military doctor as the willingness of a man to serve in war that is important; because more or less in the Medi-



cal Colleges in India the military doctors, the assistant surgeons and the Civil Assistant Surgeons, are trained under the same conditions, under the same professors and in the same way. The civil training is probably much higher because the man who wants to practise as a doctor, as a medical practitioner, physician or surgeon, has to undergo six years of training, while the military doctor, who is immediately drafted into the Army after his training as an Army Assistant Surgeon, has to undergo only a four years course in the hospitals and colleges. So that it is not so much the special training that is very requisite; it is the power of government to require these officers to serve in war that is required. If there is a covenant in every agreement under which a civil medical officer is appointed under the Provincial Governments, that he will have to serve in war if required to do so, then there should be no difficulty in their being taken from civil employ, because for every medical man who is in the service of the State there are at least ten independent practitioners in his locality; so that immediately he goes to war there will be quite a large number of men to fill the vacancy that he leaves.

*Sir Shah Nawaz Bhutto*: Sir, I want to point out one thing, that so far as I know all European officers and their families are not provided with a European Civil Surgeon or with the services of a European doctor. It is only so in big centres, as Colonel Gidney suggests. Does he mean that almost every European official will be provided with the services of a European doctor? That is not the case at all. As far as my Province is concerned it is only so in big important centres. In the whole of the Province only in two districts are there European Civil Surgeons. Of course all the officials are provided with free medical service, but they are not provided with the services of a European Civil Surgeon.

*Chairman*: I am going to put some resolution on the paper dealing with this matter. This will take some little time more, and then we have got to consider the internal administration of the police. We have also got to consider the head of Central Services. Subject to those three points, we have then done what I call the Committee stage. Then we have got to take our Report stage.

*(The sub-Committee adjourned at 5-52 p.m.)*

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PROCEEDINGS OF THE FOURTH MEETING OF SUB-COMMITTEE No. VIII  
(SERVICES) HELD ON 9TH JANUARY, 1931.

*Chairman*: We have still two things to do. I have drafted out some kind of composite resolution, but I have not quite got it ready yet. That is with regard to the Medical Service. We might I think first of all deal with one of these other topics. I hope in the course of the morning to be able to put before you the provisional resolution regarding the Medical Services. We have two topics to discuss; one is the Police; the other is a recommendation, if any is required, as to Services under the Central Government.

I do not know whether to-day we shall be able to finish both the recommendations as to special Services and the topic as to the

Police. If so, I shall be able to circularise you with resolutions so far as we have gone on all the matters, in order that you may have them before the meeting on Monday. Let us take the last subject matter of the agenda, No. 9. It reads as follows: "In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be. 2. Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commission shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, who shall be empowered to issue any necessary instructions to secure the desired result. 3. Members of the Public Services Commissions should hold Office during the pleasure of the Crown, and would be removable by the Governor in the case of a Provincial Commission and by the Governor-General in the case of the Central Commission. They shall after ceasing to be members of a Commission be ineligible for further employment under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible to become a member of the Central Commission and *vice versa*. 4. The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and recommend that sympathetic consideration should be given to their claims for employment in the Services with which they have for long been specially associated."

"(5) There should be a Statutory declaration that (a) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of religion, caste or sex; (b) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services."

Without asking you to give your final approval of that as a policy, which of course is a matter for the report stage after you have had an opportunity of considering this, I may take it that that fairly represents the result of the discussion on the Public Services matter.

At any rate for this rough Committee stage that represents what we decide.

*Mr. Zafrullah Khan:* With regard to one little matter the meaning may be perfectly clear to us, but I think it might be more clearly expressed, as some doubts may arise subsequently. In the second paragraph the second sentence reads: "This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, who shall be empowered—," Of course what is meant is the Governor in the case of the Provincial Service and the Governor-General in the case of the Central.

*Chairman*: "Both of whom" would meet it. We will alter that.

*Raja Narendra Nath*: There is that point about the Provincial Public Service Commission and the Central Public Service Commission being empowered to hear appeals against actions taken by the ministers as a disciplinary matter, that is to say, supersession, dismissal, etc., are mentioned. I want that also to be brought out; that ought to be made clear. An appeal to the Public Service Commission.

*Sir Chimanlal Setalvad*: You cannot have an appeal from Government to the Public Service Commission.

*Raja Narendra Nath*: There is in the case of the Central Public Service Commission. There was a case of an Indian civilian appealing to the Public Service Commission against orders of the Governor.

*Chairman*: We will consider that, and you will perhaps put down an amendment on the report stage.

Now Mr. Shiva Rao is here. I have suggested that we should depart from our usual order and occupy ourselves for a few minutes in discussing No. 9: "Recommendations," if any are required, as to Services under the Central Government. You rather suggested this should go in, I think.

*Mr. Shiva Rao*: Yes, I thought it was an omission; but I do not know that that is open to any discussion, because I think the position is quite simple, that the Central Services should be recruited by the All-India Public Service Commission.

*Sir Cowasji Jehangir*: The point, as referred to by all Commissions and the Government of India Report, is as to how the Central Government is going to recruit, whether it is going to carry on the present system of recruitment from the Provinces, or whether it is going to have direct recruitment for its own purposes. That is the main issue. You will find it both in the Simon Commission's Report and in the Government of India's Despatch; both of them recommend that the present system shall continue as far as I remember.

*Sir Chimanlal Setalvad*: It must be left to the new Government of India to determine.

*Sir Cowasji Jehangir*: That is the issue that I raised on the first occasion; that is the only point.

*Lord Zetland*: That is not the only point. There are certain Services which are recruited by the Secretary of State, such as the Indian Political Service and certain other rather special Services. What the Government of India recommend is that with regard to those Services the present practice shall be continued except in one case. The case that they would make an exception to the present practice is that of the superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department. Those specialists are at present recruited by the Secretary of State.

*Sir Cowasji Jehangir*: From England.

*Lord Zetland*: Yes. The Government of India consider that it is not necessary that in that case the Secretary of State should continue to recruit. They point out that the British recruits are not likely to exceed, on the average, one in two years, and the number may even be less. They consider that the Government of India, without the assistance of the Secretary of State, will be able to secure the recruits if required. But then there are the other specialised departments: The Indian Political and the Indian Ecclesiastical Establishment, which are at present recruited by the Secretary of State, and which, in the opinion of the Government of India, should continue to be recruited by the Secretary of State. So that there are these specialised departments coming under the head of Central Services, as distinct from the point which was referred to by Sir Cowasji Jehangir, namely, supply of Indian Civil Service Officers for Government of India purposes; those would be drawn from the Provincial cadre.

*Sir Chimanlal Setalvad*: Sir, with regard to recruitment to these Services, political and the other which Lord Zetland mentioned, the position of some of us is very clear; we want all recruitment henceforward to be in the hands of the Government of India; we do not want the Secretary of State to come in in the recruitment at all.

*Sir Chimanlal Setalvad*: He may employ any agency he likes for that purpose.

*Mr. Basu*: As regards the Central Services, the Marquess of Zetland has referred to the Despatch of the Government of India, page 186, in which it is pointed out that the Secretary of State is responsible for the recruitment and control of the Indian Political Department, Indian Ecclesiastical Establishment, and the Superior Telegraph Engineering and Wireless Services. I desire to point out, Sir, that the Indian Political Department consists of officers—

*Sir Cowasji Jehangir*: Whether there is to be a Political Department or not in the future will depend upon the Report of the Federal sub-Committee. They will go into the question of the recruitment of that Department and will give some indication.

*Mr. Basu*: If there is to be a Political Department, consisting of Residents and Assistant Residents and Agents, as we have now, it is for this sub-Committee to say how it shall be recruited, and who shall control it.

*Chairman*: I rather agree with what Sir Cowasji Jehangir has said. It seems to me as far as the Political Department is concerned, it concerns foreign policy and the relations of the States to the Crown. It seems to me that it is really very doubtful whether this is properly within our terms of reference. It is so mixed up with the question as to whether you shall have a continuance of those Departments, that I do not see how you can really discuss this.

*Mr. Shiva Rao*: The Federal sub-Committee will consider the policy in regard to this Department as distinct from the manning

of the Department. Surely the Services part of it can come under the consideration of this sub-Committee.

*Sir Cowasji Jehangir*: But there may be no such Service.

*Mr. Basu*: There is another consideration also: If the States are coming into the Federation, then the Services, which will consist of the liaison officers between the Central Federal Government and the States, are a matter which should go to the Federal Government and not be under the control of the Secretary of State. It would be an absurd position of affairs if the recruitment and control of the Political Department, which consists of officers who are stationed in the several Indian States, should be under the Secretary of State. If you, Sir, are of opinion that this is a matter which should be considered by the Federal sub-Committee, namely, the manning of the Political Department and the sources of recruitment and control, then I need not say anything about it; but my submission to you is that having regard to the fact that the States will be within the Federation, it is almost as much as to say that district officers and agents will practically be in the same position, connecting the Federal Government with the Governments of the different States. Why should they be officers who will not be under the control of and will not be recruited by the Federal Government?

As regards the Ecclesiastical Establishment, I do not know when that establishment will be disestablished; but, if and so long as it continues, the Secretary of State need not come in at all. The Governor-General is there and he can do it. As regards the Telegraph Engineering and Wireless Services, the recommendation of the Government of India is that they should no longer be recruited by the Secretary of State. I agree with Sir Chimanlal Setalvad that recruitment to any of the Services under the Central Government should not be by the Secretary of State but by the Government of India.

Then, as regards the method of appointment, we have already recommended the setting up of a Central Public Service Commission, and, as the Marquess of Zetland has pointed out, the Government of India not only makes direct appointment, but also draws upon the Provincial Services for a large part of its staff; and in future it may have to do so. For instance, there is the Scientific Research Department. It may be that a particular Province may have such a man as the Government of India may think it necessary to appoint, and the Government of India may request the Provincial Government just to transfer that man to the Central Service. Room should be left open for the Government of India to appoint men under the Provincial Governments to the Central Government, and the appointments in the Central Services should not be confined entirely to recruits appointed through the Central Public Service Commission.

*Lord Zetland*: I do not think Mr. Basu has quite correctly stated the position with regard to the Indian Political Department. As the Chairman has pointed out, this really does involve a ques-

tion of high policy. As I understand it, the relations between the Crown and the Indian States in the future are not going to be a matter of the Federal Government; it is a matter for the Viceroy to deal with as the representative of the Crown. If that is so, it will be essential I think that the Viceroy, as representing the Crown, should have the necessary officers under him to carry out the functions which he will assign to them in connection with the relations between the Crown and the Indian States. I should doubt, therefore, whether a particular question is within the scope of reference to this sub-Committee. That is a matter for the Chairman to decide, but, if it is, I certainly think that our recommendation will have to be that in the case of the Indian Political Department the existing practice must be maintained. There are, however, just one or two other specialised Services which are involved. The Secretary of State also recruits the officers appointed outside India to the Superior Railway Services and he controls comparatively few officers holding the King's Commission on the active list of the Regular Army and the Royal Indian Marine who are employed in certain Central Services. Then the Government go on to say that they consider that that position should continue as it is at present. Personally, with the exception of the superior posts in the Telegraph and Wireless Department, and possibly, perhaps, the Railway Department, although I do not hold any very strong views one way or the other upon that, I think that the position should be maintained as it is.

*Mr. Chintamani:* Mr. Chairman, the noble Marquess has just stated that in the Political Department it is the Viceroy who acts, and not the Government of India, the Viceroy acting for the Crown in relation to the Indian States. I do not know whether it has been decided, and when and by whom it has been decided, that the relation of the Indian States is direct with the Crown, and that the Government of India have nothing to do with them except in so far as they are the Agents of the Crown. This is not a subject for us to consider at all. I wanted only to say that it came as a surprise to me, as I infer from the noble Marquess's statement, that a decision might have been taken of which nobody is yet aware.

With regard to the other points what strikes me is this: you saw the other day, on the question of recruitment and control by the Secretary of State, or by the Government of India, that opinion was equally divided in the Sub-Committee, ten voting on one side and ten on the other. Those of us who voted that the Secretary of State should no longer function in these matters, and that the Government of India should be the sole authority, would naturally take the view on the present occasion that all this should be in the hands of the Government of India, whatever might be the present practice in respect of such Departments, railways included. There is, however, one class of subjects which we gather from the reported discussions of the Federal Structure sub-Committee, will be reserved in the hands of the Governor-General acting in responsibility to the British Parliament and to the Secretary of State, and will not be

transferred to the control of the Central Legislature of India. What those subjects will be we do not yet know. The question of recruitment and control of those Services, which will be reserved under the control of the Secretary of State, will stand on a footing different from all those other subjects in respect of which the control will vest in the Indian Legislature. I think, therefore, that our recommendation under this head may well take this form: in respect of all Services, the control of which will be vested in the Central Legislature, the Government of India shall be the sole authority to determine how those Services shall be recruited for. In respect of such Services as may still be controlled by the Secretary of State through the Viceroy we make no recommendation whatever. The Political Department also will come into the latter category, and, therefore, we make no recommendation whatsoever upon this point. I think that this will meet the necessities of the case.

*Chairman*: I agree. I think that we can do something upon the lines suggested by Mr. Chintamani. I feel exactly as Mr. Chintamani says. Although you may logically say that manning is one subject and functions is another, yet as a matter of good business sense it is quite impossible to consider the one without at the same time considering the other. As some other Committee is going to consider the other, I should suggest, on the lines that Mr. Chintamani has suggested, that I might be able to draft some Report. Subject to your approval, I suggest that we leave this topic now, and that I bring up some Report on the lines that Mr. Chintamani has suggested, and put it before you on the Report stage.

*Sir Cowasji Jehangir*: There is one important point. I quite agree with all that Mr. Chintamani has said with regard to certain matters, upon which we really cannot decide, not knowing where the control is going to be. The main issue, however, as raised in the Reports is whether the Government of India, for their own purposes, such as for the Secretariat and for other purposes, is going to continue themselves to recruit, or is going to draw from the Provinces. That is the main issue which this Committee will have to consider. I think that it is very clear that the present practice should prevail, that is, that they should continue to draw from the Provinces, if necessary. They must have a certain staff in the Secretariat. They must have their Secretaries. From where are they going to draw those Secretaries?

*Dr. Ambedkar*: Direct recruitment.

*Sir Cowasji Jehangir*: There is a difference of opinion immediately. That is exactly the point. The point is whether they should continue to draw from the Provinces such men as they require in their Secretariat, which is a large number. The few appointments made by direct recruitment are specialised appointments, but the large bulk of the men that they require is at present drawn from the Provinces as they choose.

*Sir Chimanlal Setalvad*: It should be left to the Government of India to do what they like.

*Sir Cowasji Jehangir* : That is an issue which has been raised for consideration, and it has been raised in all the Reports. The point is whether the present system should continue, or whether they should recruit direct. It is nothing to do with the question of whether the recruitment should take place by the Secretary of State or by the Government of India. That question is not involved. The question is whether they should recruit for themselves, or whether they should carry on the present system of recruiting from the Provinces. I think, Sir, that the argument is in favour of their continuing to recruit from the Provinces.

*Sir Chimanlal Setalvad* : Why should not that be left to the Government of India to decide?

*Sir Cowasji Jehangir* : Then what is it that we are going to decide ourselves?

*Sir Provash Chunder Mitter* : The Constitutional issue only.

*Sir Chimanlal Setalvad* : It should be left to the Government of India to decide from where they should draw the Services.

*Sir Cowasji Jehangir* : In that case I think that we might well leave everything to the Government of India to decide. We are here appointed to consider this main issue. It is an issue raised in the Reports. We can very well say: "Leave it to the Government of India." Of course, we can leave everything to the Government of India to decide.

*Mr. Shiva Rao* : Sir Cowasji Jehangir is mixing up two points, I think. The bulk of the staff of the Imperial Secretariat is even now recruited directly by the Government of India.

*Sir Cowasji Jehangir* : No, never.

*Mr. Shiva Rao* : Only a handful civilian officers who occupy the top places in each Department is selected from the various Provinces. That is the fact.

*Sir Cowasji Jehangir* : All specialised appointments are recruited direct. There is a number of them. For instance, there are some Collectors of Customs who are drawn from the Indian Civil Service and some are recruited direct.

*Mr. Shiva Rao* : But that is a Civil Service.

*Sir Cowasji Jehangir* : Those that are recruited direct are recruited under the present system. Those who are drawn from the I. C. S. are drawn from the Provinces. That is one matter. The higher posts in the Telegraph Service are filled from the I. C. S., and they are drawn from the Provinces. All the Secretariat is drawn from the Provinces. You have a Secretary to Government appointed from Bihar or from the United Provinces, or from Bombay. When he has finished his work, he either goes back to Bombay or he finds another job in the Government of India. That is the position. Therefore the issue is, should they draw those Secretaries and Under-Secretaries, and there is a large number of them, directly? Should they recruit directly and have a cadre of their own, and promote from that cadre, or should they draw upon the expe-



rience of the Provinces? You very often get a Secretary to a Department in a local Government, and his services are borrowed by the Government of India. He is made the Secretary of the Government in a Department. It is a controversial question, because I know of one Province which has always been most reluctant to give of its best men, while others are most anxious to do so in order that they may gain experience, and they expect to benefit by that experience when those men return to the Provinces. It is an issue, and I think that we must tackle that issue. It is no use saying: "Leave it to the Government of India." That is my humble opinion. It is an issue which is raised, and it is an issue that we have to decide. If we consider that it is beyond us (and I do not think that it is), very well then, leave it to somebody else, but, if it is an issue that we can decide, I think that we should decide it. I have my own opinions upon this issue, and I am sure that there are advantages in borrowing from the Provinces. It helps the Provinces, it helps the Government of India, and personally I do not think that it will be possible for the Government to recruit direct. They will have to have a cadre of their own. They will have to recruit men separately from the Indian Civil Service, of the same calibre, of the same quality, and of the same standard, and they will have to say: "These men are for the Government of India; those men are for the provinces." It will not work.

*Mr. Basu*: I do not understand what Sir Cowasji Jehangir is driving at. Does he mean that a certain percentage of the superior cadre of the Central Services should be recruited by drafts from the Provinces? I believe that the idea of the Commission was that, say, about 20 per cent. of the superior cadre of the Central Departments should be drawn from the Provinces. I do not know if Sir Cowasji Jehangir has any definite recommendation to make. He has not told us what his recommendation is. I should like to ask what is the recommendation?

*Sir Cowasji Jehangir*: I have tried to explain the present system. There are specialised appointments which cannot be obtained from the Provinces, such as the one or two mentioned in the Report. There is actually the Telegraph Service. Up to now they have been recruited by the Secretary of State, and the Government of India want to recruit them themselves. That is actually mentioned in the Report. A suggestion has been made that half of the Customs should be recruited direct by the Government of India, and that half should be drawn from the I. C. S. higher posts. I have also drawn attention to the fact that the whole of the Secretariat of the Government of India comes from the Provinces. It comes from one Province or from another as they may choose. Is that to continue, or is it not to continue? If it is not to continue, how are those posts to be filled? Are they to be filled by direct recruitment by the Government of India, and how is the Government of India going directly to recruit? It is an issue which has been raised, and it is an issue which is known to everybody. I am not raising any new issue. I am only asking for a decision on an issue which has

been raised, discussed and considered. I am surprised at these questions. It is an issue which has been raised and discussed on more than one occasion, and it is up to us to decide that issue. I would suggest remaining as we are, and that they must draw from the Provinces. If they do not draw from the Provinces, then again the issue will be raised as to whether it will be under the Government of India or under the Secretary of State. If you leave things as they are, they will be recruited under the Government of India for all the Provinces. When they have got their training in the Provinces, they will pick out such men as they choose, and they will ask for their services for the Secretariat, and for such other purposes as they may require.

*Mr. Mody:* And the Provinces might decline.

*Sir Cowasji Jehangir:* They cannot decline to lend the Government of India a Secretary. What happens is, that the Government of India writes and says: "We want Mr. So-and-So to come up to the Government of India." Sometimes the Provincial Government says that it cannot spare him for a few months, but generally they have got to spare him. He goes to the Government of India and he serves there. If you do not have that system the alternative is direct recruitment, and those men will be cut away from the Provinces altogether. They will have no experience of the Provinces. They will know nothing about the Provinces, and if any Provincial subject is discussed in the Federal Government they will be absolutely at sea. The idea is to draw men from all Provinces so that there is a man available in the Secretariat who knows something about his Province and who will be able to have personal experience on the spot. That is the position.

*Lord Zetland:* Mr. Chairman, I am entirely in agreement with what Sir Cowasji Jehangir has said. The Government of India draw from the Indian Civil Service, which, after all, is known as an All-India Service, the administrative officers that they require. It is a great advantage, as Sir Cowasji Jehangir pointed out, that they should be able to draw men who have had actual personal experience of administration in the Provinces. When you are appointing a man to the Secretariat, you do want him to know something of the practical administration of the country. By far the best way of securing a man of that kind is to take a man from one or other of the Provinces, who has been doing the actual work of administration. I should like to point out that the mere fact that the Indian Civil Service is known as an All-India Service surely involves this position, that not only the Provinces, but the Government of India, should draw upon it for their secretarial and administrative staff. I should like to make a further point. Supposing that in future the Government of India were to have no call upon the Indian Civil Service, in spite of the fact that it is an All-India Service, they would have to form a new cadre of their own, consisting of men recruited in the same way, of the same type, and with the same qualifications, as the existing members of the Indian Civil Service. To do that would be extremely uneconomical. They would have to provide for

a comparatively small cadre of officers, a special reserve, in order to arrange for the ordinary leave allowed to officers of all Services. If you allow them to continue to draw upon the Indian Civil Service, the leave reserve for that Service is already in existence. Of course, the larger the Service, the more economical is the leave reserve and other similar questions. Therefore, I think that it would be quite desirable on the part of this Committee to say that, apart from the specialised appointments under the Government of India, the Government of India will continue to draw their secretarial and administrative officers from the ranks of the Indian Civil Service.

*Sir Provash Chunder Mitter* : The 9th point must be taken independently of our terms of reference, namely, we are to advise only on such matters as arise in the constitutional issue. At the present moment, it is perfectly true, and personally I think that it is a good system, that the Government of India is entitled to draw upon the Provinces for a certain class of officers, but when the future Government of India will be constituted, as regards the actual details of the decision, we must leave it to that Government, but the constitutional issue does arise only to this extent, that, if the future Government of India wants to draw from the Provinces, the Provinces to-day cannot say "No," because they are under the Government of India. The Provinces in future may say "No," and all that we are called upon to say is that if the Government of India desire to draw from the Provinces, they will be entitled to do so. Beyond that we are not going to run the Government from this Conference. We should say that only, but, as the merits have been discussed, I agree that the Government of India should have that liberty as regards the I.C.S. in the general administration. As regards specialised services it may or may not be better that the Government of India should have its own cadre, but that is a matter for the future Government.

*Chairman* : I think, gentlemen, that I can draft a resolution now that I see how this matter stands. I think that I can probably draft a resolution. I shall found the first part on Mr. Chintamani. I shall put in some reference to this. This seems to me to be only an administrative matter. At the present time, there are both systems. There is the system of drawing on the men who serve the Provinces, and there is also direct recruitment. Of course, it is a matter for the Government of India to consider, but I take it that both systems will be available to them in the future as in the past.

*Mr. Mody* : While I agree with Mr. Chintamani that in Departments which are not under the control of the Legislature, the method of recruitment must be left in the hands of the authorities to control those Departments, I think that a recommendation, if you will permit it, might be made that, for instance, with regard to the Political Department, some sort of Indianisation should take place. I am not suggesting it in any racial spirit, but entirely because it is a good thing that some opportunities for training in those Departments which will some day come to India must be afforded to the people of

the country. The Political Department has been more or less a close preserve all these years; there may have been reasons for it, but during the transition period during which this Department will remain under the control of the Viceroy, I think it will be an excellent thing if a recommendation were made from this Conference that Indianisation should be applied to that Department.

*Chairman*: I think we shall be in great difficulty if we attempt that with regard to the Political Department until we know the relation of the Services to the new political structure. The Viceroy is under the new political structure, and unless and until we know the exact functions of the Political Officers, how far they represent the States and what the relationship between the States and the Crown will be, we shall be skating on the thinnest of ice if we attempt to make any recommendation about it at all. If we say it is so bound up with the whole Federal question that we have not thought it possible to make a recommendation I think that would be better. But I will bear in mind what you say and see whether I can draft a resolution which will satisfy you all.

*Mr. Zafrullah Khan*: I would suggest that we take into consideration that which is put forward in paragraph 315 of Vol. I of the Statutory Commission where the points have been extremely well put with regard to this matter.

*Major Stanley*: Would not the appropriate place be where to deal with the recruitment of the All-India Services—in the Services recruited on an all-India basis the Central Government should retain this?

*Chairman*: I think I can do something on those lines. I have my resolution with regard to the Medical Services. Perhaps I might read it through to you now in order to get a kind of provisional, but in no way binding, approval. As I told you it would be, it is a composite resolution. I must express my indebtedness to, amongst others, Mr. Chintamani, Colonel Gidney, and Major Stanley who have helped to produce this composite resolution. It is as follows:—

“The sub-Committee are of opinion that in future there should be no Civil branch of the Indian Medical Service, and that no civil appointments, either under the Government of India or the Provincial Governments, should in future be listed as being reserved for Europeans as such. The Government of India and Provincial Governments should organise civil Medical Services recruited through the Central and Provincial Public Service Commissions. In doing so they should, in order to provide a war reserve, insert a clause in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge. Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and of the British:

population of India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services and should be prepared to pay such salaries as should bring about this result."

Down to that I have incorporated one passage suggested by a member of the sub-Committee.

"Where arrangements cannot be made for European members of the Medical Service to be available for European Officers and their families these should be allowed to have the services of private medical practitioners free of cost."

Then I want to add this:

"It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments would reserve a certain proportion of posts in the Provincial Medical Services for members of the I.M.S. who have performed a period of military service. This would of course involve the retirement of such officers from the I.M.S., subject to a claim on their services in times of emergency."

That would be of course a matter of agreement between the Central Government and the Provincial Governments.

*Mr. Mody:* Would you explain this last point?

*Chairman:* The difficulty is to get men to go into the I.M.S. if they have no prospects beyond leading the life of medical officers. You want to see that they have some prospects thereafter, if you want the best men. We want to see how far we can meet that desire. This is a suggestion that it might be worked by agreement between the Central Government and the Provincial Governments. I will read the words again: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments would reserve a certain proportion of posts in the Provincial Medical Services for members of the I.M.S. who have performed a period of military service. This would of course involve the retirement of such officers from the I.M.S., subject to a claim on their services in times of emergency."

*Mr. Shiva Rao:* What is the idea of incorporating the retirement of these Officers from the I.M.S.? I do not think that would be very attractive, because once they lose their position of employment with the Government of India they cannot regain it, and I cannot see how the military can have a claim on them when they retire from the I.M.S. if they become Indian Medical Officers. The other remark I desire to make is that if you desire to have an efficient Provincial Medical Service the first thing that is necessary before all else is a reorganisation of that Service. At present it will not attract good men; and I say, speaking with personal experience, that if you desire to provide a certain quantity of British Officers you will not get them in the Provincial Medical Service as at present organised.

*Chairman:* I have no doubt that that last point is right, but we are not a sub-Committee charged with reorganisation; and whom am I that I should express an opinion on a reorganisation of the Medical Services about which I know absolutely nothing either in this country or in India? Obviously reorganisation must be a matter which the new Government of India will take in hand as one of its very first tasks. But surely there is a fallacy with regard to your first point. After a man has served in the I.M.S. which is going to be in future a purely Military Service, he will after serving his time there be, as it were, for so many years on the reserve; that is to say, he will take on his civil practice, but he will be under an obligation to come up and rejoin the Colours if an emergency arises, although at the same time he has retired from the ordinary work of the I.M.S.

*Lieut.-Colonel Gidney:* The present method is that both for the R.A.M.C. and the I.M.S. they are recruited now with the option of retiring at the end of five years or twelve years with a bonus and they are placed on the Reserve List. The same Officers in the I.M.S. temporary service are placed on a reserve list and they are liable to service; but there is no such rule that if an I.M.S. Officer retired from the I.M.S. after five years he is bound to be put on that Reserve list. I do not see how the Military can have a claim upon him once he retires from the I.M.S. except it be that it is a temporary service only.

*Major Stanley:* Of course, if he retires entirely from the I.M.S. and goes back to England, say, or goes into purely civil practice on his own, the Military have no claim. But the claim is part of the consideration for this particular post under the Provincial Medical Service being offered to him. If he does not want it he can retire from the I.M.S. altogether. If instead of retiring altogether he accepts service under the Provincial Government, he accepts it under this liability to serve. It does not matter what happens now, but it is quite capable of being done in the future.

*Lieut.-Colonel Gidney:* Will you consider this point?—do not include that he should retire from the I.M.S.

*Major Stanley:* I only included that with regard to making it quite clear that he came under the entire control of the Provincial Medical Service.

*Mr. Mody:* Is there much point about the word "retirement"? It may be that he may be drafted into the Provincial Medical Service for two or three years, and then want to go back to the Army. What is done in those cases is that his services are lent, and he ultimately gets back into the Army.

Therefore I think the use of the word "retirement" is unfortunate.

*Chairman:* Would you like to use the word "seconded"?

*Lieut.-Colonel Gidney:* That is better.

*Mr. Basu*: If he does not retire he is under the control of the Army Administration, and it is only retirement which will relieve him of that position.

*Chairman*: Major Stanley does not want the man to be trying at one and the same time to be serving two masters. So long as he is in the Provincial Medical Service he must be in the Provincial Medical Service. If he is called up in an emergency then his master ceases to be the Provincial Government. It is largely a matter of words; but I will see whether I can put it right.

*Sir Cowasji Jehangir*: I want to follow the last provision which appears to me to be somewhat inconsistent with the beginning. We are taking the whole principle now as suggested by Mr. Chintamani, and this last paragraph appears to be inconsistent. I am merely asking for information. This is where my confusion is, that at present the I.M.S. is recruited and the reserve officers are lent to the different Provinces; now a new system is being introduced, and a very big, radical change is being made by the many suggestions that all those Services should be provincial including these army reservists—the basis of recruitment shall be Provincial; the training will be in the Provinces, the military training such as is required and therefore this reserve will be furnished in this way, consequently we get away from the idea of recruiting the number that is at present being recruited for the I.M.S. and the recruitment for the I.M.S. will be considerably reduced.

I want to know firstly where these men are coming from that I understand Major Stanley suggested. Secondly, why is it necessary? This is a new system. There will not be the men to spare. You are dividing the military and the civil completely now. You are providing for the reserve by a new machinery. I am not quite clear in my own mind as to whether the second part is not quite inconsistent with the principle enunciated, and I would like a little time to think over this. I quite understand that if recruitment is to take place on the military side, or to a larger extent than their actual requirements call for, you will have to find a place for them; but that was not intended by the original suggestion of Mr. Chintamani. If it is only meant that this should be a temptation, an attraction, for a better class of man to come into the I.M.S. so that they can get civil appointments, then that goes to the root of the principle enunciated by Mr. Chintamani. I should like that matter considered again; because after all, we must have the one principle or the other. In the first place we enunciate a new principle, but in the end we go back to the old principle.

*Chairman*: There are two principles. First of all the old draft before amendment, which contained these two things; (1) that no civil appointments in future be listed as being reserved for Europeans. At the same time Mr. Chintamani's draft contained this, that steps be taken to recruit a fair and adequate number of European doctors.

*Sir Cowasji Jehangir:* In the Provinces.

*Chairman:* Yes. Now, as I understand it, Major Stanley's suggestion is this: What you are to do is to recruit a fair and adequate number of European doctors, and you are to remember, so far as you can, that in doing that you should pay special regard to the claims of those European doctors who have done their service in the I.M.S.

*Sir Cowasji Jehangir:* That is not what is written there, so far as I have understood it. There will be two classes of recruitment, one for the military, and the other provincial, and in the provincial there shall be a reserve for the Army. So far as I have understood what you have read out, it is that from the Army block a certain number should be provided for in the Provinces—that is to say, that the Army block will recruit more than its actual requirements and have a reserve, and that reserve will have to be provided for in the Provinces. That is what appears to be intended, but it is inconsistent.

*Major Stanley:* I do not see the inconsistency. You have to remember that the Provinces cannot dissociate themselves from the Central Government; they have just as much interest—the Central Government—as have the Provincial Governments in an efficient military service, and there is nothing inconsistent that the Provinces and the Central Government should agree together to take steps to increase that efficiency. Nor is there anything inconsistent in the practice, which obtains in this country, of saying you will reserve a certain number of posts in your own particular Service for people who have completed a period of service elsewhere.

*Sir Cowasji Jehangir:* But that is the old principle again.

*Mr. Chintamani:* I myself see no great inconsistency, for this reason. We have said that the Provincial Governments shall recruit a certain number of Europeans to meet the requirements of the Army and the civil population. A doubt has been expressed in view of the suggestions of the Secretary of State about recruiting Europeans in view of the increasing difficulty that has been experienced in getting them, and it has been thought doubtful whether the Provincial Governments will be really able to fulfil this requirement and secure the number of Europeans necessary. From that point of view it will be an undoubted advantage to get those Europeans from the Army if the Army can spare them, provided the terms on which their services are to be got are agreed upon between the two authorities concerned. To that extent you do not infringe on the liberty of the Provincial Governments, you only give them liberty to draft from an area which otherwise might be considered closed to them. Incidentally, it has been said that Army medical officers who do not have a full day's work when there is no war going on do not like to let their knowledge rust and would like to be in practice and to keep abreast of their subject. It will be to their advantage to be employed as is suggested here. There, too, I see no difficulty,



but I rather dislike these words "reserve a certain proportion of posts". Further than that, I say that the Provincial Governments should be free to appoint temporarily or substantively the ordinary medical officers to that number of posts in their respective areas; they would only do so when they experience a difficulty in obtaining from the open market the number of men and the quality of men whom they and the Army both require. When their services are taken temporarily it should be provided that during the period of service the control over those services passes from the Army to the Provincial Government which obtains a loan of their services. I think at present whenever there is a loan of an officer from one authority to another, the borrowing authority inherits from the lending authority all rights of control over the officer on deputation. Where, however, an officer is taken over substantively, without any liability to undertake military service, except to help in the event of an emergency, the Army exercises its right of calling upon him. In that case there might be retirement from service so as to make the position quite clear. If Major Stanley agrees to change his phrase "reserve a certain proportion" to "the freedom to the Provincial Government to appoint by agreement with the Central authority", I think I should have no objection to it.

*Major Stanley:* Of course the difficulty I have about that is that unless the Provinces can enter into a fairly long term of agreement with the Central Government, it defeats one half of the object of the scheme. I agree that that satisfies the recruitment of the European element, but unless they can plan a programme for a considerable time ahead—by agreement, of course—it does not offer the inducement for recruitment of the Indian Medical Service, which is the other branch.

*Sir Edgar Wood:* It does not meet the Reserve either.

*Mr. Chintamani:* There are two points. In the first place, I must not be taken to mean by recruiting for the Indian Medical Service that that recruitment should be made in the certainty that a certain number of officers will be required by Provincial Governments. That would defeat the purposes of the remainder of the resolution with regard to the provision of a Civil Medical Service.

In the second place, it would be a matter entirely for arrangement between the two authorities as to what the duration of the deputation is to be. It would be open to the Military to say to a Local Government which applies for the services of one or more officers that unless that loan is required for a certain number of years the officer or officers will not be lent. That will be a matter of arrangement between them, and this draft resolution starts with the suggestion that an agreement should be made. It will be part of the agreement, and surely the lending authority would refuse to lend the services of an officer for a short time if that would dislocate their arrangements. That I think may be assumed, that the duration of deputation, where the loan is tem-

porary, will be such that both authorities can agree to it and not merely one authority.

*Chairman*: I think it must be observed that all that is being sought to be done here is to suggest that agreements might be reached. It is not sought to fetter in any way the control either of the Central authority, the Army authority, or of the Provincial authority, or of the doctor. You have got to have all parties consenting to this agreement. Then we merely record what is of course perfectly obvious, that they may make these agreements; we point out that it might be a convenient course for them to follow; that is all.

*Mr. Chintamani*: What I am considering is the word: reserve a certain proportion. That will lead to difficulties from which we have suffered so long.

*Lord Zetland*: I can see Mr. Chintamani's point; but surely there would be another difficulty. Unless you give the Army authorities a pretty accurate idea of the number of their retired officers who would be absorbed by the Provinces, unless you do that, the Army authorities will not know how many men to recruit to the Indian Medical Service. If they are told: Next year the Provinces will be prepared to take half a dozen men; and say a year after that they are told: The Provinces will be prepared to take 20 men; and in a third year they are told: No, the Provinces will take no men—they will never know how many men to recruit to the Indian Medical Service. That is the practical difficulty that occurs to me. There was one other point on which I would like to ask a question for information. In your resolution, Mr. Chairman, it is laid down, I think, that the Provinces should recruit a fair and adequate number of Europeans. I am not quite sure who will be the authority who will decide what is a fair and adequate number.

*Mr. Chintamani*: The Provincial Government. With regard to the noble Marquess's statement as to the difficulty the Army will experience in knowing how many additional officers it has to get in order to meet the requisitions of Provincial Governments, that surely will be settled between the Provincial Government concerned and the Army in good time to enable the Army to recruit those officers. The Army can notify the Provincial Governments: You have the power to get from us a certain number of officers; please let us know, not later than such and such a time, how many officers you will require, and on what terms. And they will only get them according to the arrangements so made at the time.

*Sir Cowasji Jehangir*: I think there is a little difference of opinion there which must be decided. What Major Stanley is trying to do is to provide an attraction for recruitment to the Civil side of the Medical Department, the attraction of Civil appointment. What Mr. Chintamani has very legitimately tried to do is to make his own proposal a practical one; that is to say,

if recruitment in the Provinces of Europeans is not made possible, he wants the Provincial Governments to have the privilege of asking the Military Department to let them have a certain number of officers. That I think is a very reasonable thing; it makes his proposal much more logical and answers any objections that may be raised that Provincial Governments may not be able to recruit European officers. If they are not, then he wants the privilege to be given to the Provincial Government to apply in good time to the Military Department to lend so many officers. What Major Stanley is really aiming at, which is also perfectly legitimate, is to give an added attraction to the recruitment for the military branch. Civil appointments are a great attraction.

*Major Stanley:* I have had both objects in view. As a matter of fact, I first drafted it to meet the point in Mr. Chintamani's resolution. It did strike me that at the same time it would meet another objection which has been raised against the abolition of the Civil Branch, that is, that it would discourage recruitment to the I.M.S. I cannot see that the two things are inconsistent. It seems to me that the same proposal could cover both. As Lord Zetland points out, unless the I.M.S., the Central Government, know how many men are likely year by year to be taken off from the top, they do not know how many new men to bring in at the bottom. I was only suggesting that if the agreement is to be effective it must be a long term agreement.

*Sir Cowasji Jehangir:* It will be of a long term character, and ample notice will be given, say a notice of a year and a half or two years.

*Mr. Zafrullah Khan:* So far as I recollect these two points, which are really one, have been separately expressed: that the Provincial Governments shall recruit a fair number of Europeans to the Provincial Services, and also, at the end, that they shall reserve a certain number of posts for members of the I.M.S., who, after having served a number of years, might be willing to take up civil appointments. I think it would bring the discussion and the points of view nearer together if both these proposals were expressed together in consecutive order, so to make it appear that there are not two separate obligations upon the Provincial Governments; that is to say, that apart from recruiting a fair or adequate number of European gentlemen into the Provincial Medical Services, they are in addition required to reserve a certain number of posts for members of the I.M.S. I think we might express it in this way: that they shall recruit a fair and adequate number of Europeans, and one method by which this may be secured is by means of agreement with the Army to take over members of the I.M.S. under those conditions. I think that might meet the difficulty.

*Lieut.-Colonel Gidney:* Sir, there are two points here. One is to provide an adequate number of European Medical Officers for the needs of the British families. The second point to settle is to make the I.M.S. attractive. Can these two points be achieved

by the addition of these words to the resolution: "To provide for the Medical needs of European Officers and their families in the Provinces, Provincial Governments can obtain such medical officers from the I.M.S. on terms agreed upon between the Governments"? These are the two points. You want to supply British Officers and families with European medical men. That is a claim you cannot deny.

*Chairman:* I have tried to put this in the form of a resolution. May I read to you what I have tried to put down? I do not want to bind anybody to it, including myself. Would this sort of thing do? This is a mere matter of agreement; we are merely suggesting agreement; that is all. This is what I have put down: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the Provincial Governments in selecting their European doctors might grant a preference to those members of the I.M.S. who have performed their term of service with the I.M.S. This could be arranged on terms which would enable the services of these doctors to be utilised for Army purposes in time of war and facilitate the task of the Provincial Government in obtaining suitable entrants."

*Mr. Shiva Rao:* Sir, need we take into account here the requirements of the Army?

*Chairman:* My resolution says nothing about it.

*Sir Cowasji Jehangir:* That is the entire principle.

*Mr. Chintamani:* Yes, I think it is best that we should do so, because the stumbling block in the way of the reform of the Medical Services for which we have been asking for two generations has been that the requirements of the Army are such that our proposal cannot be carried into effect; and, as we shall be interested as much as anyone else in the Army having proper medical assistance, and, at the same time that there should be a proper organisation of the Civil Medical Services, it will facilitate our task if we show we are not blind to the requirements of the Army and that we are making proposals which are compatible both with the requirements of the Army and the requirements of the civil population. I think it will be to our advantage to show that recognition. That is why I have taken note of it. In this draft which the Chairman has read to us two points have to be noted. The first is the granting of preference to those members of the I.M.S. who have performed their term of service with the I.M.S. At first sight it would appear to be rather objectionable, but it should be read along with the other part of the resolution: that it is only in selecting their European doctors that this preference is suggested. In the earlier part of the resolution we have suggested that Provincial Governments should bear in mind the requirements of the Army and of the European population, and therefore should take care to appoint a sufficient number of qualified European doctors also. That being so, the suggestion that in appointing a

small number of European doctors preference should be given to men who have finished their service in the I.M.S., does not really adversely affect Indian interests. Therefore the objection which at first sight would appear to arise out of the word "preference" really disappears. From that point of view I think I have no objection at all to the Chairman's draft.

There is one more point. In the earlier resolution the paragraph relating to European doctors ends with this sentence: "Where arrangements cannot be made for European members of the medical services to be available for European officers and their families, these should be allowed to have the service of private European practitioners free of cost", "free of cost" means at the cost of the taxpayer. I cannot possibly assent to this. This is a novel proposition which came up for the first time as a result of one or other of recent Public Services Commissions. It is comparatively recently that we in India have begun to hear of the invincible reluctance of Europeans to be treated by any but European doctors. If Europeans go to India as the servants of the Government of India, in receipt of salaries from the taxpayer of India, then they should put up with such conditions as are available in that country. They cannot expect the people of that country to undertake the responsibility of finding for them doctors of their own nationality and race at their expense. This is an obligation which as an Indian taxpayer I have never accepted and which I repudiate. It is one thing to say that we should consult the convenience and the requirements of those people as far as you can do consistently with general public interests. That recognition we have shown in the first part of this resolution in asking the Provincial Governments also to appoint a number of European doctors; but to go further and invite us to accept the proposition that we shall pay for any European doctors whom they may get, is to go altogether beyond any legitimate demand that can be made of any taxpayer. To this sentence, therefore, I object.

*Lieut.-Colonel Gidney:* I have only one remark to make here, Sir. In the addition you have just made, there is one word which I will ask you to omit. Where it speaks of "retired I.M.S. officers", I would omit the word "retired". Why should we specify that we should allow a retired I.M.S. officer to come in to supply the European needs of the Provinces? Exclude the word "retired" and let the I.M.S. officer be selected so as to fulfil your needs for European families. The word "retired" indicates an old man, and possibly a senior Colonel who will be drawing Rs. 2,500.

*Chairman:* I have not used the word "retired" here. What about this point of Mr. Chintamani? I put in this last sentence from your draft.

*Sir Robert Hamilton:* May I suggest that is rather outside what we are asked to do, to make a suggestion of that sort. We are only considering the Services.

*Chairman:* Yes, I think Sir Robert Hamilton is right there. We are considering the Services. This is really an administrative matter and I do not think it is within our terms of reference. I think Mr. Chintamani's point had better be conceded by striking out the last sentence, on the ground that it is not strictly within our terms of reference.

*Mr. Shiva Rao:* Does not Mr. Chintamani's objection also apply to the latter part of the previous sentence?

*Chairman:* I do not think so, because that is Mr. Chintamani's own draft.

*Mr. Shiva Rao:* "Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British population of India and take steps to recruit a fair and adequate number of European doctors to their respective civil medical services." I am against the introduction of any racial discrimination in this matter; I think it is entirely inconsistent with the spirit of the times.

*Mr. Basu:* Sir, in any event the expression, "The British population of India," should be omitted, because so far as the British non-official population in India is concerned, they look after their own medical needs. In the interior, for instance, in the tea districts in Assam they have their own medical men, and so also in other planting districts. The taxpayer will not be concerned with people who go out trading, exploiting or mining. What is meant is the official British population.

*Chairman:* I quite agree. I think it should not be "population," but "officials." It should be "official British population," or "British officials." Now I have enough to consider this on the report stage. We have one other topic to consider; that is the internal administration of the Police. In the course of our general discussions a good many questions were asked of Lord Zetland as to what exactly the point was. I do not know whether it would be convenient to him to open our discussions and enlighten us on the points. So far as I at any rate, am concerned I have a completely open mind, and I am afraid a completely uninformed mind; so that I would like the point put to me in order that I may follow them.

*Lord Zetland:* I think I can put the point that I raised on the Provincial sub-Committee quite shortly. In the first place, I think it very desirable that the control which is now vested in the Inspectors-General of Police by the Police Act, of 1861, should be retained, and I think it is desirable that this sub-Committee should make a definite recommendation to that effect. I think that it might also be desirable to go a little further than that, and to put the Inspectors-General of Police as far as possible on the same footing as the Executive Officers in control of the police in this country, that is to say, the Commissioner of the Metropolitan Police in London, and the Chief Constables in the Counties. In the Counties the Chief Constables have practically

complete control over the internal economy of the Police force. They appoint, they promote, they dismiss. It is laid down that those powers are within their competence. In the Counties the Chief Constables are responsible to bodies known as Standing Joint Committees. The Standing Joint Committee is a body which is formed partly of members of the County Councils and partly of Justices of the Peace. That is the authority to which the Chief Constables are responsible for the proper discharge of their functions. As I have said, so far as the internal economy of the Police Force is concerned the Chief Constable has practically independent control.

*Mr. Chintamani:* What are the functions of the Standing Joint Committees?

*Lord Zetland:* General supervision.

*Sir Provash Chunder Mitter:* Are they statutory?

*Lord Zetland:* Yes.

*Mr. Chintamani:* Would you have the same control by District and Municipals Board in India?

*Lord Zetland:* No, I do not think so. I would agree, of course, that the Inspector-General of Police must be responsible to the Provincial Government. The position of the Commissioner of the Metropolitan Police here is very similar to that of a Chief Constable, so far as his control over his Force is concerned. He has the same powers of appointment, promotion, and dismissal, and he is responsible generally for the discipline of the Force. The Secretary of State has the power to make Rules for the general discharge of these different functions, but the Secretary of State consults a body which is known as the Police Council, and the Police Council is a body which consists of representatives of the Police administration, and particularly of a body known as the Police Federation, which consists almost exclusively of Police Officers. When the Secretary of State proposes to make a Rule for the proper discharge of the functions of the different Police authorities he lays that Rule before the Police Council before he gives effect to it, and the Police Council then have the opportunity of making any observations with regard to it that they may desire. In other words, the Secretary of State takes them into his confidence, and consults them on the matter. The general result of that is to keep the actual administration of the Police Force apart from all political considerations. Of course the Home Secretary is responsible for answering questions in parliament with regard to the Police Force and Police administration, but in effect he really devolves his ultimate powers in the matter of the actual control of the Police Force to these various Police Officers under him. I think that it is a matter for consideration whether some such system as that might not be possible in India. I think that everybody agrees that it is very desirable that you should keep the Police Force, so far as possible, outside political influences. It is a semi-military force. It has to discharge a number of im-

portant duties, and in the actual discharge of those duties it is responsible to the head of the Force, namely, the Inspector-General.

There is just one other suggestion which has been made to me with regard to cases in which members of the Police Force may be attacked on the ground that they have behaved without impartiality in the case of communal disputes. As we all of us know who have had experience of administration in India, there is always a considerable prospect when a communal feeling runs high, and communal troubles occur, in which the Police Force have to intervene, that a Police Officer belonging to one community will be believed to have acted partially by the general public of the other community. Attacks are frequently made, both in the press and in the Legislative Councils, upon individual Police Officers in cases of that kind. It has been suggested to me (and I do not offer any very definite opinion myself upon this point because I really do not quite know how it would work) that Courts-martial, or Disciplinary Boards, formed of senior Police Officers, might be set up in order to prevent the victimisation of officers and men on communal political issues. That is a suggestion which certainly, I think, might be adopted.

*Mr. Tambe*: By the members of the public, or by the officers?

*Lord Zetland*: Of course the Board would be set up by the Inspector-General himself. That is a suggestion which I put forward.

*Mr. Tambe*: In respect of accusation by members of the public?

*Lord Zetland*: Yes.

*Mr. Tambe*: The members of the public would be the accusers, and the Police would be tried by Courts-martial?

*Lord Zetland*: No; I am not suggesting that the members of the public who made accusations against the police should be brought before a Court-martial. That is not my suggestion. The suggestion is only that, when public indignation is expressed through the press, or through the Legislative Councils, at the action of a particular police officer, say, in suppressing a communal riot, or anything of that kind, then the Inspector-General should have the right to set up a Court-martial, consisting of senior police officers to investigate the case. That is the only point.

*Sir Chimanlal Setalvad*: That is to say, that the local Government or the Minister should not appear in this investigation but it should be done by this body?

*Lord Zetland*: Yes.

*Sir Chimanlal Setalvad*: You want to exclude the power of the Minister and of the local Government to investigate those charges; that is the effect of it?

*Lord Zetland*: Yes, in those particular cases.



*Sir Chimanlal Setalvad*: You would withdraw the jurisdiction of the Minister and of the local Government to investigate that matter?

*Lord Zetland*: No. You cannot withdraw the jurisdiction of the local Government, because the local Government admittedly must be supreme over its officers, but it could be laid down that that should be the practice which it is desirable to pursue. That, Sir, I think covers what I want to put before the sub-Committee. The main point is to secure that the powers now vested in the Inspectors-General by the Police Act of 1861 should be retained, and I put forward various other suggestions, such as the formation of a Police Council in a Province for the consideration of the sub-Committee.

*Dr. Ambedkar*: I want to ask one question for information, if you will permit me to do so. Does the noble Marquess desire that the position of the Inspectors-General should be recognised by statute, or does he want the position as it now is under the Police Act to be maintained? Does he want them to be recognised by statute as officers having certain statutory rights and obligations?

*Lord Zetland*: Yes.

*Sir Provash Chunder Mitter*: By Parliamentary statute?

*Lord Zetland*: That is right. The Inspector-General now has these powers by statute, namely the Police Act.

*Dr. Ambedkar*: That is a different thing to the Police Act, which of course would be subject to amendment by the local Legislature. The question is whether you want the position of the Inspector-General to be recognised as that of an officer performing certain duties, and as an officer not liable to interference by the Minister or by the local Government?

*Lord Zetland*: That is the effect of it. That is my proposal. I think that the powers which are now vested in the Inspectors-General should be retained.

*Sir Cowasji Jehangir*: By what authority—by the Police Act, or by the Government of India Act?

*Sir Chimanlal Setalvad*: It should be beyond the vote of the local Legislature or of any Legislature to alter the provisions of the Police Act.

*Lord Zetland*: Yes. I think that it should be the Act of the Federal Government.

*Mr. Zafrullah Khan*: That can be done by placing the Police Act in the list as one of the Acts which cannot be repealed, altered, or modified, by a Provincial Government without the consent of the Governor-General.

*Dr. Ambedkar*: That would be the position to-day, because the Act cannot be amended with the previous sanction of the Central Government.

*Mr. Zafrullah Khan*: If it is not included, let it be included.

*Lord Zetland*: Should the sub-Committee recommend that it should be included in that Schedule?

*Sir Cowasji Jehangir*: It will be included.

*H.H. The Maharaja of Alwar*: Mr. Chairman, I do not exactly know what business I have to be on this sub-Committee, because I am not of the Services or in the Services. I found my name incidentally in the list, which was a compliment to me, but, I feel myself not directly connected with the Services because they relate essentially to British India, but, if my colleagues desire to have my opinion, whatever it may be worth, on the various items of the Agenda, I will finish in less than five minutes.

First of all, regarding the question of safeguarding the position of existing members of the Services, my answer is: "Certainly." With regard to the question of re-assuring existing members of the Services with a view to securing that they will serve for their normal term, my answer, in Parliamentary language, is in the affirmative.

The next question is: "Should Recruitment on an all-India basis continue for any of the following Services: (a) Indian Civil Service; (b) Indian Police Service; (c) Indian Forest Service; (d) Irrigation Branch of the Indian Service of Engineers." That is a question upon which again British Indians are best able to decide, but my own answer is again in the affirmative. It is only with regard to the Political Department that I and my Order are principally concerned. Upon that subject I shall be speaking in the Conference, or in the Committee of the Conference, when it assembles, in conjunction with my other colleagues who will be there.

With regard to the question whether it is desirable to secure an element of European recruitment, my answer again is in the affirmative.

With regard to the question whether any such recruitment should be done by fixed ratio, *e.g.*, the Lee ratio for each Service, my answer in Parliamentary language, is in the negative, because the Lee ratio, I understand, implies recruitment calculated to secure an equal number of Indians and Europeans in the Indian Civil Service by 1939, and in the Police by 1949. I hope that another system will be devised which will expedite the Indianisation of these Services.

With regard to (4): "Who should be the recruiting authority for the recruitment of all-India Services under the new constitution" my answer is, "The Government of India."

With regard to (5): "Recommendations concerning the Civil Branch of the Indian Medical Service," I believe that that is a very essential Service which is required to be created in India. It should be a special Service, suitable to Indian needs, with British and Indians, but mainly Indians, in the Service, but that will

have to depend on the number of recruits that you can find ready to join that Service.

With regard to (6): "The desirability of recommending that the question as to what conditions may be required to attract and retain future recruits of the right type should be referred to a technical Committee or Committees," my answer is, "Yes."

With regard to (7): "Recommendations in relation to a Public Service Commission," that is a question essentially for British India to decide, and it is not for me to express any opinion upon that subject.

With regard to (8): "The internal administration of the Police," my answer is that that subject is closely linked with law and order, and where that goes in the Centre or in the Provinces, there should the Police also be concerned.

*Chairman*: I am very much obliged to His Highness for giving us, in such a short space of time, the review of the whole of the problem that we have to consider. We have rather missed him here, but he has told us now what his views would be.

*H.H. The Maharaja of Alwar*: I should like to apologise for my absence from this Committee on many occasions, but the Committee work has been overlapping. Therefore I have been in another Committee, and I have had to keep one leg in one place and the other leg in the other.

*Chairman*: I have often had to try to do the same thing in the Courts.

*Sir Edgar Wood*: I have spoken on this subject already so I propose to be very brief indeed. I think Dr. Ambedkar has solved the problem of how to continue for a certainty the existing Police Act, which is all I have been really endeavouring to do in what I have suggested before. I quite appreciate that it is wrong to try and tie the Legislature so that it cannot repeal an Act. It is an impossible situation. All I have been trying to do is to secure that for the present the conditions under which the Police are working shall be the same. They want them, and if they get that I do not think there need be any anxiety about what the Police are going to do in the near future. That near future is going to be a very anxious time, and I do feel that it is up to us to reassure them. My proposal is, Sir, that the Act as it as present exists should be scheduled as one of the statutes which is not alterable except with the consent of the Governor-General. I think that meets the situation.

*Mr. Zafrullah Khan*: Section 80, sub-section (3), paragraph (h) of the Act.

*Sir Edgar Wood*: All we need is to give confidence to the Police for the time being.

Now with reference to what Lord Zetland has said about Courts-Martial. Those Courts-Martial would necessarily, I think, if I understand him correctly, not be the final word in an Inquiry. The

idea I think is to let the Police realise that their actions will be first of all judged by their superior officers, and that it will go on the records that their superior officers—naturally drawn from all communities so far as possible—have considered the question, whatever it may be—discipline or action—in the first instance whilst it is fresh to memory and have recorded their opinion for the benefit of any other body which may be required to make any further enquiry.

There is another point in connection with the Police. I think we agreed in the Provincial Committee—I am not perfectly certain about this—Sir P. C. Mitter is not here, but he stressed the point that the Inspector-General should have direct access to the Governor. I think that it is very necessary that the Police should have direct access to the Governor with the knowledge of the Minister. I think we agreed upon that, and I merely mention it in case a debate is required on that. I think it is very important, but I believe it is a matter upon which we have already agreed.

*Sir Cowasji Jehangir:* For all heads of Departments.

*Mr. Zafrullah Khan:* That the Governor may be supplied with such information as he may require, with the knowledge of the Minister.

*Sir Edgar Wood:* I am quite satisfied with that with regard to the Police.

There is one other matter. I wish Sir P. C. Mitter were here because I would like to be guided by his view on this—that where there are Second Chambers in the Provinces a vote of no confidence in the Executive in matters of law and order should not be effective unless confirmed by the Upper Chamber. That is a protection to the Ministers; it strengthens their hands to feel that they have the Upper Chamber behind them.

Then Lord Zetland has mentioned the question of a Police Federation. If I remember rightly, the Police Federation in England was the result of the strike of the Police in 1919, and I think it was rather forced upon the authorities. I am very doubtful whether a Union of that sort amongst the Police, which should consider orders passed upon them by higher authorities, is quite the correct thing in India. I have no doubt that Mr. Shiva Rao, who is so keen a Trade Unionist and such an earnest worker for trade unionism, would be in favour of that; but I am a little doubtful whether the Police in India are yet in a position to have a Federation which will enable them to criticise rules and regulations which may be proposed in connection with their Service.

All that I have been speaking for so far has been with a view of giving confidence to the Police at present. If we give them confidence during the next five or ten years then I think the Government of India can do the rest.

*Sir Chimanlal Setalvad:* I spoke about this matter at the time of the general discussion and I am still of the same view. I am

against providing anything which would show distrust in the new Constitution in the new Ministers that will come into existence under that Constitution. If you are going to transfer law and order, as you say you want to do, then let the transfer not be weighed down by distrust and by provisions of the character now suggested.

The Police Act is there and it has worked well. Why should you then suppose that the new Government which will come into existence would live under the old state of things—go back on that, and alter that? It is to their interests to carry on law and order and administration in the proper way. They will be on their trial in that sense. Why do you suspect that they will go and do exactly the wrong thing? If you have this proposal you show complete distrust in the new Administration, and that is not at all the way to begin a new reform. Therefore I would leave the matter where it is at present and trust to the new Administration to do the right thing. If at present the Police Act is an Act which cannot be altered without the sanction of the Central Government, that will be so; but if it is not so, I am not prepared to make it so. Let things be as they are. If the position is, as I now understand, that the present Police Act is not subject to the previous sanction of the Government of India, then I would not alter that position, because it must imply, without changing the present state of things, that we are not prepared to trust the new local Governments which would come into existence.

With regard to the proposal about the Courts-Martial. That is still more open to objection. It means, as Lord Zetland practically admitted when I put the question to him when he was putting forward that proposal, the withdrawal of the jurisdiction from the local Governments and Administrations on questions of discipline—that is, it must be investigated by the Courts-Martial and their recommendations acted upon. Why not leave it as it is at present? Leave it to the local Governments to adopt such measures for investigating such charges whenever they arise. There is nothing to prevent the local Governments doing it now; they appoint committees, when occasion arises, to investigate the matter. You must leave the personnel of such committees to be determined by the local Governments as at present, without cutting down their discretion in the matter by any provisions of the character suggested.

*Mr. Zafrullah Khan:* My view is exactly the same, but I personally would be satisfied if the local Governments were entrusted with the administration of this very important Department of Law and Order they would carry out their responsibilities in the matter quite satisfactorily; but I do not conceive the position to be exactly as the last speaker described it. He says if the Act is not at present in the schedule we do not want to put it in that schedule and therefore impose a check which does not at present exist. With all respect, that is not the correct position. At present the subject of law and order is a reserved subject, and our proposal is that it

should be transferred. The proposal that this Act should be placed in that schedule amounts to this, that you should transfer up to the extent of 99½ per cent. and reserve half per cent., not that you should add some check which does not already exist. You want to impose this restriction in the course of transfer—

*Sir Chimanlal Setalvad*: It is not to be a complete transfer.

*Mr. Zafrullah Khan*: It is to be a transfer subject to this, that if ever that entry is taken out of that schedule there must be this check upon the power of the Provincial Governments that they cannot alter this Act without the consent of the Governor-General in Council. I say this check is not required. Although I recognise that you must trust the Provincial Governments, it seems to me a question also arises of creating confidence in certain quarters, where at present there is some doubt or hesitation with regard to the matter. Those of us who conceive that the subject of law and order could be transferred without any amount of hesitation or qualms should be prepared to recognise that in certain quarters there is that hesitation, and if that hesitation can be removed by giving security that until this entry is taken out this Act may be scheduled as one of those Acts which shall not be lightly interfered with by any whim or passing indignation (as it were) of the local Legislative Council, I think no harm will be done and no subtraction made from the doctrine of Provincial autonomy; and when really a reform becomes necessary we do not conceive the Central Government of India should not give reasons for the repeal of the Act, and if there is a lack of confidence—which certainly does exist, although not justified—and it would secure the confidence of those who feel distrust in this matter, I should be prepared to agree to that although I am convinced there is no necessity for it.

*Mr. Shiva Rao*: On a point of order. I want to know how this suggestion comes within the terms of reference of this sub-Committee.

*Chairman*: The Report of sub-Committee No. II is this:

“*The Abolition of Dyarchy*.—The sub-Committee is agreed that in the Governore’ provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provincial legislatures. (See note at end.)”

Then the note at the end is this:

“(1) The question of the administration of the Police was raised by Lord Zetland under paragraph 4, and it was decided that this should be left for the report of the Services sub-Committee when set up.”

That question has been specifically referred to us, and therefore although I quite agree it is outside our broad terms of reference, yet by reason of this specific note it has been referred to us.

*Mr. Zafrullah Khan*: If I may add just this. Perhaps the members of this Committee are not all aware that both the Federal

Structure sub-Committee and the Joint sub-Committee set up by sub-Committees Nos. I and II have suggested quite a large number of enactments on comparatively unimportant subjects to be placed in that list under Section 80 (3) (h), and if we put the Police Act under that it will not contravene any principles whatever.

*Dr. Ambedkar:* I am in general agreement with Mr. Zafrullah Khan. The reason why the Police Act is not placed in the schedule to-day is that the subject is a reserved subject, therefore as a matter of fact the Government of India has a complete control over the Department of Law and Order; and when the Department of Law and Order comes to be transferred the position will be altogether different. I think it will be necessary to consider whether we should not at least for the transitional period, consider the necessity of certain safeguards at least for keeping such as they exist at the present time. I personally am in favour of the suggestion that this Police Act should be included in the Schedule which requires to-day the previous sanction of the Governor-General or the Government of India.

There is another point to which I should like to draw your attention with respect to the question of the Police and the Department of Law and Order, a point which I raised also in the Provincial Constitution sub-Committee. This question has been considered, of course, from the standpoint of the responsibility of the future Provincial Governments. It seems to me that this question has also to be considered from the standpoint of the different minorities in the Provinces and the emergency occasions which may arise on occasions of communal trouble and such other emergencies. It seems to me that it is indeed a great safeguard for the minorities in the different Provinces to know which officer belonging to what community is going to administer law and order in that particular locality when a communal riot has taken place. We are all aware that all Police Officers are accused of partiality and of showing favour to one community or the other. There may not be sufficient justification for that accusation; but there may be cases when there may be abundant justification for the partiality of the officers operating law and order in those particular localities. It seems to me that it is very necessary in the interests of the protection of the minorities that the transfer and posting of Police Officers should not be, at least in times of emergency, in the hands of Ministers. It may be that a Minister who may have a communal majority in the Province may on any particular occasion shift a Police Officer who may not favour the particular community to which he belongs.

*Mr. Zafrullah Khan:* Ordinarily the Inspector-General does it.

*Dr. Ambedkar:* I know that in the Bombay Presidency a great row was created on account of the transfer of Police Officers. I do not know whether it was done under the Inspector of Police or by the Officer in charge; but I think that is a great safeguard which it is necessary to provide for in the future Constitution of India.

My specific proposal is this, that in cases of emergency, as a riot or communal trouble takes place, the Governor should have over-riding powers over the Minister in different localities with regard to the Police.

*Raja Narendra Nath*: I do not know whether the suggestion that has been made meets with Lord Zetland's approval and whether he thinks that all he wants will be sufficiently met by adopting that suggestion. If that is so, I wish to point out that I believe that in the future Government of India Act the word "Governor-General" will be substituted by "Government of India" and as there is a great deal of transfer of responsibility in the Central Government the action of the Government of India will be guided to a great extent by the opinion of the Central Legislature. That is one thing. But even if that change is not made and if the word "Governor-General" is retained the influence of public opinion on the Governor-General will play such an important part that it may be presumed he will not disregard that public opinion. So I think, Sir, that the suggestion may be adopted, and if the wishes of the noble Marquess are met, the whole controversy ends.

*Lord Zetland*: First of all may I say a word in reply to what Dr. Ambedkar said. If the Police remain an All-India Service recruited by the Secretary of State, the posting of superior police officers will continue to be subject to the concurrence of the Governor, as it is now. He will find that in the Devolution Rule.

*Raja Narendra Nath*: Not necessarily.

*Lord Zetland*: Yes, because the Secretary of State will have the right to require that, if he retains control of the Police. Devolution Rule 10B says that no order for the posting of an officer of an All-India Service shall be made without the personal concurrence of the Governor.

*Sir Cowasji Jehangir*: "Concurrence"?

*Lord Zetland*: That of course would meet Dr. Ambedkar's point. Now with regard to what Mr. Zafrullah Khan says, his suggestion of course meets me entirely so far as the Police Act is concerned, because that would ensure that the existing powers vested in the Inspector-General of Police by the Police Act would not be withdrawn from him, as Mr. Zafrullah Khan says, owing to a passing gust of indignation blowing through a Provincial Legislative Council. It would secure that those powers were retained, subject always to the concurrence either of the Governor-General or the Governor-General in Council—I am really not quite sure which it is going to be.

Now with regard to the other suggestions which I placed before the Committee I think there has been a little misunderstanding. In reply to the question by Sir Chimanlal Setalvad, when I was speaking on the subject of the establishment of disciplinary boards or courts-martial, I said that of course the whole thing was subject to the control of the minister. It must be subject to the control



of the Local Government. All that I would like to do is this, that this sub-Committee might suggest as a desirable or at any rate as a convenient form of procedure for the Local Governments to follow in these particular cases—

*Sir Chimanlal Setalvad*: Surely we are not here to give directions of that character to the local Government. They will use their discretion.

*Lord Zetland*: Not directions—suggestions. That in a case of this kind where there is a hue and cry against a particular officer of having acted partially in a communal issue, it would be a desirable form of procedure for a Court-Martial or disciplinary board to be set up to investigate the matter. Of course they would report to the minister.

*Sir Chimanlal Setalvad*: Consisting purely of police officers?

*Lord Zetland*: Yes; and of course they would report to the minister naturally, and the minister will take what action he thinks desirable on that.

*Sir Chimanlal Setalvad*: The minister may think it desirable to have a Committee not of police officers, but, say, of judicial officers or non-officials.

*Sir Cowasji Jehangir*: May I draw Lord Zetland's attention to this, that what he really requires is already in the Police Act. It is Section 12. It has been so interpreted and has been carried out in practice; so there is really no dispute about it. The Act says this, "that the Inspector-General of Police may from time to time, subject to the approval of the local Government, claim such orders and rules as he shall deem expedient relative to"—so and so, which is irrelevant; then there is this; "all such orders and rules relative to the Police Force as the Inspector-General shall from time to time deem expedient for preventing the abuse or neglect of duty and for rendering such force efficient in the discharge of its duties." Under the rules that he frames he has the right of appointing Committees to investigate and take disciplinary action. It is in the Police Act and it has been done in Bombay on more than one occasion to my knowledge. But it will depend upon the standing of the officer; there are certain officers with regard to whom he has not that power of disciplinary action. They are the officers at the very top, such as the Inspector-General himself, the Deputy Inspectors-General down to Superintendents. As to anybody below a Superintendent of a district he has this power of disciplinary action. I do not think the point need be stressed further.

*Lord Zetland*: Very well; I am very much obliged to Sir Cowasji for calling my attention to Clause 12 of the Police Act. I have not got the Act before me, and I do not bear in mind exactly what its provisions are, but if that Clause covers this particular point, I do not press the matter further.

*Sir Cowasji Jehangir*: When you make that statement, Sir, it covers the point that the Inspector-General can order an investigation into the conduct of a Police Officer on any individual occasion—on any specific charge or charges—is that what you mean?

*Lord Zetland*: Yes.

*Sir Cowasji Jehangir*: Then it does cover that.

*Lord Zetland*: Then the other suggestion I put forward, merely for consideration, is whether it might not be possible and desirable to establish in India a Police Council on the lines of that which exists in this country. And may I say that when I am accused by Sir Chimanlal Setalvad and others of showing intense distrust of the future Governments in India, I am doing nothing of the sort. I am only asking you to consider whether arrangements which have been found to be eminently desirable in this country might not be equally desirable in India.

*Sir Chimanlal Setalvad*: Yes, but the new Government will consider that in their administration. Why need we say that that should be done?

*Lord Zetland*: But is there any objection to our putting forward a particular suggestion for their consideration?

*Sir Chimanlal Setalvad*: Then you must consider the whole administration and make suggestions with regard to it. That is not what we are here for.

*Lord Zetland*: Well, that was the suggestion that I put forward, whether it might not be possible and desirable to establish in India a body on the lines of the Police Council in this country.

*Raja Narendra Nath*: What will be the functions of that Police Council?

*Mr. Chintamani*: Mr. Chairman, I do not want to detain the sub-Committee at this stage at any length. I have only a word or two to say. I fear the few words I have to say will not come within the category of one of the wisest speeches I have made here, to which the noble Marquess was pleased to refer yesterday. I disagree with his suggestions *in toto*, I accept his assurance that his motive is not to betray a mistrust of the future Governments in India; but his proposals have no meaning at all if they do not refer to such a state of mind, namely distrust. The noble Marquess has no complaint to make of existing law or of existing administrative practice; he is motivated wholly and entirely by the fear that the new Governments in India may not conform to the present practice and may be impatient to change the present law.

What is the foundation for this fear? What has happened anywhere to justify this apprehension in respect only of this one department? Every head of Department, in common with the Inspector-General of Police, has certain powers vested in him. Why has not the noble Marquess shown similar distrust that in the future Government other heads of Departments may require also to be

deprived of some of their existing power, and therefore it is prudent for us to make a suggestion? The mere fact that he has singled out the Police administration because that is going in future to be placed in charge of a minister as requiring a suggestion to be made from us that certain things should be done or should not be done, has a meaning only, on the footing that he is not easy in his mind as to what the future Government may do in the administration of the Police. As I have said before, if your structure of reform is founded upon that fear and distrust, it will be far wiser and far more prudent to say we do not trust to the sense of responsibility or the common sense of Indians who may form legislatures and governments, and therefore we will put an end to these labours of ours.

The only answer we can return to the reference made to us with regard to the internal administration of Police is that we have no recommendation to make, because the administration has been considered by us and we should not make an exception of it.

The noble Marquess has told us a good deal which is interesting about the organisation in England. I may make this offer to him: Let him agree to change the Police administration in India on the lines that prevail in England, vesting power in Statutory local bodies, like district and municipal boards, corresponding to your district and borough councils, and then I shall be free to consider all the other suggestions that he makes; but often it has happened that if there is anything which will work to our detriment in India it is put forward on the plea of analogies in England; but when there is something good in England for which we aspire, then we are told that our conditions are totally different and these things will not suit us.

I formally move that this sub-Committee's answer to this reference be that we have no recommendation to make.

*Sir Robert Hamilton:* May I say one word in answer to Mr. Chintamani? I should like to ask him whether it is not statesman-like to recognise that there is apprehension in the Force. That apprehension has been voiced. There is apprehension in the Force, and we who are desirous of seeing the new Constitution succeed are anxious that this Force, which is such an important weapon in the hands of the new Ministers, should be useful to its fullest extent. If the apprehensions that do exist in the Force can be met on the lines of the suggestion made by Mr. Zafrullah Khan, is not it desirable that we should meet them in that way?

*Mr. Chintamani:* My answer is that I think that such apprehensions do exist in the minds of European officers, not only of the Police Department but of every single Department of every Government in India. These apprehensions did exist in 1919 when the transfer of certain Departments was proposed. These apprehensions have been uttered by the officers of every reserved Department. Then why do not you take notice of these apprehensions in every Department and make similar recommendations? Why make an exception in this case?

*Chairman:* It looks to me as if in drawing up something for the report stage, I had better follow the procedure which I followed at an earlier stage of our report and make it perfectly plain that there is a divergence of opinion; then we can record the two views, and, if you like, record these on one side and those on the other. I will do that. We will now adjourn and I will try to let you have all the stages we have gone through, and I hope we shall not be very long in getting to our report stage.

*(The sub-Committee adjourned at 1-13 p.m.)*

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PROCEEDINGS OF THE FIFTH MEETING OF SUB-COMMITTEE No. VIII  
(SERVICES), HELD ON 12TH JANUARY, 1931.

*Chairman:* We will begin the Report stage. I think the best thing would be if I read this thing through sentence by sentence, so that you may tell me at the end of any sentence if there is any amendment which is desirable. You have all got the document before you, I hope.

Paragraph 1: "Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

"When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds, should be provided."

*Sir Chimanlal Setalvad:* That, I suppose, is with regard to the existing members of the Services?

*Chairman:* The existing Services. It is all headed: "Existing members of the Services."

"As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term.

"In particular the sub-Committee agreed that the right to retire on proportionate pension should be extended.

"The opinion of the sub-Committee was divided as to whether the extension should be for an unlimited term or for a definite period of years, say, 5 years.

"The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted, provided that the same is conducive to loyal and efficient service."

*Mr. Shiva Rao*: Instead of "say, 5 years," would not you say "not to exceed 5 years"?

*Sir Edgar Wood*: I think the opinion was that it should be over the transition period, which is more than 5 years, I take it.

*Mr. Chintamani*: In the paragraph beginning "In particular" and the two following paragraphs, I move that the Report might read as follows: After "that they may serve for their normal term" then: "To this end the sub-Committee agreed that the right to retire on proportionate pension might be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding 5"—and omit the subsequent paragraph.

*Chairman*: I do not think there is any objection to the first two. You say "not exceeding 5" instead of "say 5." I think the grammar of yours is rather better than the grammar of mine.

*Sir Cowasji Jehangir*: What is the material change?

*Mr. Chintamani*: There is nothing material in the last paragraph: "The sub-Committee recommend that whatever course is necessary to avoid the risk of these results should be adopted, provided that the same is conducive to loyal and efficient service." This paragraph might be interpreted by implication to mean that even those who did not want the extension of this concession for more than 5 years would be willing that it should be extended for a longer term if that was found necessary to avoid such results. Those who are for limiting this to five years have, I believe, gone the farthest length and would not be prepared to see an extension of that right under any plea whatever, and therefore I ask that that paragraph should be omitted. As regards the others, it is agreed that there should be a definite extension. The meaning is clearly brought out in the foregoing sentences. This has a meaning only so far as the 5 year people are concerned; otherwise, it has no meaning, and the limitation to 5 years.—

*Chairman*: Will you read the last two paragraphs again?

*Mr. Chintamani*:... "it is desirable to take such steps as are necessary to reassure existing members of the services with the view that they may serve for their normal term." Then I say "to this end the sub-Committee agreed that the right to retire on proportionate pension might be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding 5." This brings out the opinions of both sides quite clearly—there is no ambiguity whatever—the extent of agreement and the extent of disagreement.

*Lt.-Col. Gidney*: Might I ask for an explanation regarding the suggestion to put the word "should" instead of "might" because "should" is definite?

*Mr. Chintamani*: The only difference I can see is this. Assuming the Government of India found that whatever might be the changes or concessions necessary in order to bring about the intended

results, the extension of this particular right was not one of the things necessary, then there would not be before them a definite recommendation that a certain thing should be done; it would be only before them for consideration as a thing that might be done.

*Lt.-Col. Gidney*: I think the consensus of opinion was that we should respect this proviso, and that existing members should be given this opportunity of retirement within a certain period. The word "might" certainly renders its value very nugatory.

*Chairman*: It is entirely a matter for the sub-Committee to decide which is best. I point out this if I may. Do not forget that we have that sentence before explaining the object of the whole thing, in which we say: "It is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste"—I think that was Sir P. C. Mitter's suggestion—"and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term." I suggest that Mr. Chintamani's suggestion is an improvement; when he puts in "To this end" instead of "In particular," it links up the new sentence with the old sentence, and I would rather suggest that you have "should" instead of "might." It is a small matter.

I would suggest, as far as that sentence goes, that we should accept Mr. Chintamani's phrase "to this end" instead of "in particular." Then I suggest you could accept Mr. Chintamani's idea of joining the two sentences, because I think it is neater: "But opinion was divided as to whether the extension should be for an unlimited term or for a definite period." Now comes the point of substance I think, as to whether we should say "say, five years," or whether we should tie ourselves down to "not exceeding five years." Let us discuss that now.

*Mr. Chintamani*: As far as the discussion went, it ended with a compromise; but no one who was in favour of a definite extension was in favour of more than 5 years; so that it would be a faithful reproduction of the discussion to say "not more than 5."

*Sir Edgar Wood*: I think I am correct in saying that one member suggested extending it every 5 year period.

*Mr. Chintamani*: That is quite a different matter; that does not come into this category at all. He wanted the right to revise it every 5 years.

*Sir A. P. Patro*: As far as the discussion was on this point, I think it would be a faithful reflection of that discussion to say that it was for 5 years, because those gentlemen who wanted to have a definite period adhered to the period of 5 years.

And therefore, it would be correct to say "for a period of 5 years" or "not exceeding 5 years"; that is correct as far as the discussion went. Then comes the disputed question: "The sub-

Committee recommend that whatever course is necessary to avoid the risk—.” I entirely object to the deletion of that, because it is absolutely necessary to state faithfully what took place here in this Committee. In this Committee we recommended that it was absolutely necessary to avoid risks if these results should be adopted, “ provided that the same is conducive to loyal and efficient service.” That was the general trend of opinion in this Committee; this paragraph therefore states what was the discussion. Hence I see no reason whatever to delete that paragraph. But if it is said that even now a few members do not wish to make this recommendation, it will have to be modified and we shall have to say that a portion or a section of the Committee is of such and such an opinion. It is quite wrong to say that the whole of this paragraph should be deleted because there is no discussion and no opinion expressed on that matter.

*Chairman:* What do you say about “ say, 5 years.”

*Sir A. P. Patro:* On that portion I think it is correct to say there was an opinion that it should not exceed 5 years; but as regards the last paragraph I stated quite definitely that to enlist the loyalty and co-operation of the Services it was necessary to facilitate the taking of any steps in that direction.

*Mr. Chintamani:* Mr. Chairman, the point brought out in this disputed paragraph is already brought out in the preceding paragraphs as to the motive and purpose. Apart from that, you will remember that I gave you notice immediately you read this that I would move to delete this when we got to the report stage; so that I am only doing what I said I would do.

*Chairman:* Mr. Chintamani is quite right; he said at the time he was going to move to delete the last paragraph; he is certainly not in a position of having let the thing go by default or anything of that sort.

*Sir A. P. Patro:* It is not as though we were drafting a statute here, in which case it might be said that we should not express the same idea more than once. Therefore, as it is, it is correct.

*Chairman:* I do not mind at all; but I will tell you what I had in mind in putting it in, if that is the smallest use to you in guiding your judgment. It was simply this: There was a difference of opinion as to whether we should extend it for a period, let us say, not exceeding 5 years, or whether we should leave it open. But though there was a difference as to the means, I wanted to emphasise, what I thought was the fact, that the Committee were all agreed that the object was to prevent what I think I termed a landslide of officers, and I think everybody agreed that that would have to be done. Some thought 5 years was ample time to do it; others thought unlimited time was necessary; but I thought there was a general opinion that, whatever was necessary to be done had to be done.

*Mr. Basu*: That hope is I think to some extent expressed by that paragraph: "As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps—". You do state that. It is a mere repetition or a paraphrase of what has gone before.

*Mr. Shiva Rao*: I think this paragraph as it stands is liable to be misunderstood in this way, that even those who are for limiting the period of 5 years are willing to concede this point that if the Services think it should be an unlimited period in the interests of loyal and efficient service, you are willing to waive that point. I think there is a good deal of force in Mr. Chintamani's point that the last paragraph should go out in view of the fact that you have already made the point of view very clear in the introductory paragraph under that head.

*Mr. Mody*: It is a small point, but how would it do if at the end of the third paragraph you add the words: "With a view that they may serve for their normal term, and render loyal and efficient service."

*Major Stanley*: How would it be if you simply transposed the order of these paragraphs and made No. 3 No. 1. I am talking of the block of the last 3 paragraphs.

*Mr. Chintamani*: The words "The sub-Committee recommend that whatever course is necessary," if put at the beginning might mean anything—not merely with regard to extension of term of office and so on, extension of the right to retire on proportionate pension.

*Mr. Basu*: We have to keep in mind the interests of the administration as well as the interests of the taxpayer. If an officer, after the new constitution has been working for 5 years, cannot make up his mind that he should retire, then, if he is allowed liberty to retire after the first 5 years at any moment he chooses, the State loses an experienced officer, and the officer too will always be thinking of finding some job that he would probably get elsewhere, and it would impair the efficiency of administration. May I suggest the compromise in the following words: "Some of the members of the sub-Committee think that whatever course is necessary—".

*Sir Chimanlal Setalvad*: That is inconsistent with the first paragraph in which we have said that we all think it is necessary to take steps. Having given the reason why we recommend it, we say: "it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve for their normal term."

*Lord Zetland*: If I may say so, Mr. Chairman, I am a good deal impressed with what Mr. Chintamani says. I do not myself see that this last paragraph is really of very much substance; it



does to some extent conflict, I think, with what is said in the earlier paragraph, as Mr. Chintamani points out. So far as I understand it, I do not attach any great importance to retaining the last paragraph.

*Mr. Chintamani:* My contention is that it is not merely a repetition in other language of what has gone before, but an extension.

*Lord Zetland:* Yes; I see your point, and I think your point is a good one, if I may say so; I am in agreement with you.

*Sir Cowasji Jehangir:* Sir, if you drop that paragraph, you leave out these words "loyal and efficient service." If you drop it out, then, as Mr. Mody says, it should go in at the top. It means he must not seek employment elsewhere.

*Lord Zetland:* I think if Mr. Mody's words are put in where he suggested, they should be put in, the Committee might come to an agreement on that. (*Agreed.*)

*Chairman:* Then it will read like this, "it is desirable to take such steps as are necessary to reassure existing members of the Services with a view that they may serve for their normal term and render loyal and efficient service."

*Mr. Tambe:* Or "with loyalty and efficiency."

*Chairman:* Yes, what about that: "With loyalty and efficiency."

*Sir A. P. Patro:* I do not agree to that; I adhere to the objection which I raised. I want the retention of that clause.

*Chairman:* Then we had better put this to the vote. As I see it, there are two courses open. I suggest, first of all, that we accept Mr. Chintamani's suggestion of the words "to this end" instead of "in particular." We accept "should" which he is willing to do. We accept his suggestion of the word "but" joining the two together; and we say "not exceeding" instead of "5 years." Then the two rival suggestions are these. There is not much in it one way or the other. One is that after the words "they may serve for their normal term" the words should be added "with loyalty and efficiency." The other suggestion is this, that you do not put those words there but leave the last sentence, in order to emphasise that the difference of opinion is merely a difference as to means and not a difference as to the ultimate result. It is said, on the contrary, that that is already made plain by the longer paragraph above. I think we had better just take a vote on this and settle it one way or the other. Those in favour of the suggestion of striking out the last sentence and putting in the words "with loyalty and efficiency?" (*There was a show of hands*). 13. Those in favour of keeping in the last paragraph?—8. Then we will do that: we will strike out the last paragraph, and put in the words "With loyalty and efficiency."

Now No. 2: "Future recruitment for the All-India Services. We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised. Four members"—they are clearly entitled to have their names mentioned if they desire—"would prefer that the Irrigation Branch should remain an All-India Service. Mr. Shiva Rao desires to record his view that all Services should be provincialised forthwith."

*Mr. Tambe:* My name may be added to that.

*Chairman:* Yes. Then we must make it "desire to record their view".

*Mr. Tambe:* Yes.

*Chairman:* "Doctor Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service, save in respect of the European element in that Service. Some members are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service."

*Dr. Ambedkar:* Also the Indian Police Service, Sir.

*Chairman:* You want put in, do you, "for the Indian Civil Service and the Indian Police Service"?

*Dr. Ambedkar:* Yes.

*Chairman:* Does that apply to Mr. Zafrullah Khan?

*Mr. Zafrullah Khan:* Yes.

*Chairman:* And to Sardar Sampuran Singh?

*Sardar Sampuran Singh:* That is right.

*Chairman:* I am only purporting to record your views there, so I will put in the words "and for the Indian Police Service".

*Mr. Mody:* Then you will have to say: they are of opinion, instead of "some members".

*Mr. Zafrullah Khan:* And we shall have to say: "in those Services".

*Mr. Chintamani:* I wish to draw attention to something in the very first sentence and in the very last sentence. The very first sentence is "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis". The last sentence is: "Some members are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service." My proposal is that this last sentence should be linked up with the first sentence. It will then read like this: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis but—" either "some members are of opinion" or without that, "recruitment for Judicial Offices should no longer be made from the Indian Civil Service". The idea

which I have in mind is that when the number of places in the Indian Civil Service year by year that has to be recruited is determined, account is taken of the number of Judicial Officers as well as Executive Officers for which new men are required, and that number is recruited for. What we desire is that in recruitment the Judicial Officers should be left out altogether; the recruitment for Judicial Offices should not be in the Civil Service; it should be a separate recruitment. Howsoever the language may be expressed, this was the opinion of all those who objected to Indian Civil Service officers continuing to be Judicial Officers for the future. Therefore I should like to put it in that way.

*Chairman*: I think that is a good idea, to link the two up; but what about "some members" as opposed to "all members". I do not think all members will agree to that. I see some heads being shaken already.

*Sir Robert Hamilton*: What do you mean by "Judicial Offices"; how far down would you go?

*Mr. Chintamani*: District and Session Judges, High Court Judges and Subordinate Judges. Those are true Judicial Officers.

*Sir Prorash Chunder Mitter*: I agree with Mr. Chintamani on that point.

*Mr. Zafrullah Khan*: May I suggest, if a majority is in favour of this, that it should be part of the Report, and with regard to those who differ, it should be said somewhere that some of us were of opinion that this should not be done.

*Chairman*: Mr. Chintamani put this language in. I have had a little doubt as to whether this is really within our terms of reference.

*Mr. Chintamani*: Yes, it is in connection with the Civil Service.

*Chairman*: I am not too sure of it; I think there is argument for it and argument against it. I do not want to press it too much, because, after all, we are concerned with the loyalty of the Services to the new political structures. We are not so much concerned with what the Services have to do, which is a matter for the reorganisation of the Services.

*Sir Cowasji Jehangir*: Give Mr. Chintamani the benefit of the doubt, Sir. May I point out that it is relevant, because what Mr. Chintamani and most of us wanted was that recruitment for the Judicial Services should not be on an All-India basis but on a provincial basis—it does not matter where they were recruited from which would enable each government then to recruit people for the Judicial Services from the Bar or from the Provincial Services, or however they chose. Therefore Judicial Services must be excluded from the All-India Service, and that is relevant.

Then that will carry out the wishes of most of us. I must point out, for the information of some members, that there are only four judicial posts now which are held by the Indian Civil Service.

There are only two District Judges who are members of the Indian Civil Service; all the rest have been provincialised. I am only talking of my Presidency. In the High Court there are one or two members of the Indian Civil Service.

*Mr. Chintamani:* You must have at least one there.

*Sir Cowasji Jehangir:* We have three now; and we have only five in the whole of the Bombay Presidency to my knowledge holding Judicial posts.

*Chairman:* Should not we represent the sense of the meeting if we said this: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis; but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service."

*Lieut.-Colonel Gidney:* Sir, there is one point which seems to create a divergence of opinion between Mr. Chintamani and Sir Cowasji. Mr. Chintamani's resolution means that if you are a member of the Indian Civil Service, you are debarred from sitting in the High Court. Sir Cowasji said that these appointments should be recruited from the Bar and from the Provincial Civil Services. Does he mean by that that while Provincial Civil Servants may become judges of the High Court, members of the Indian Civil Service are to be debarred. That seems to be rather contradictory.

*Sir Cowasji Jehangir:* Judicial Service is the work of a trained lawyer.

*Lieut.-Colonel Gidney:* Of course the Provincial Civil Servant is a different officer from the Indian Civil Servant, but they are both government officers; and if the objection is to a Civil Servant becoming a Judge of the High Court, that objection should apply to both.

*Mr. Zafrullah Khan:* May I say a word with a view to explaining what the position is at present. So far as the High Courts are concerned, the Government of India Act provides as to what classes High Court Judges are to be drawn from. The present provision is that not less than one-third of the Judges shall be members of the Indian Civil Service, not less than one-third shall be Barristers of England, Ireland, or Scotland; and the remainder, which is always less than one-third, may be members of the Civil Service, may be Barristers or may be Advocates, or are taken from the Subordinate Judiciary. That is as far as the High Court is concerned. So far as the Subordinate Judiciary is concerned, no doubt they become members of the Provincial Judicial Civil Service, but they are drawn from the Bar. The appointments are now in all the Provinces confined to members of the Bar. So that the original recruitment to that branch of the Service is from the Bar. What we desire is that recruitment to the High Courts, which is partially from the Bar. and to District and Session Judges, which is also.

partially from the Bar, should be entirely from the Bar as is the case in the Subordinate Judiciary Service.

*Lieut.-Col. Gidney:* When they are drawn from the Judicial Offices of the Provinces, they become *ipso facto* Provincial Civil Servants.

*Sir Provash Chunder Mitter:* With regard to the immediate point, I am afraid that it will be confusing the issue if we refer to the High Court. The point is recruitment for the future. As regards recruitment for the future, as soon as an officer is recruited he does not go at once to the High Court. The time for going to the High Court is perhaps ten years later or twenty years later. Therefore we should say that in future, so far as the Indian Civil Service is concerned, we recruit a certain number, with the object that we recruit some to fill up judicial posts, and some to fill up executive posts. In future we desire, for the sake of security, that we shall continue to recruit for the executive posts. Therefore the argument of the High Court does not come in at all.

*Mr. Fazl-ul-Huq:* The suggestion which has been made would meet the point. No discussion is necessary if you say: "The majority are of opinion".

*Chairman:* The only question is whether we shall say "some" or "the majority". I should like to see how many are in favour of putting in the words. The amendment reads: "We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis, but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made from the Indian Civil Service". I am told that it would be better to put: "should no longer be made in the Indian Civil Service". Do you accept that, Mr. Chintamani?

*Mr. Chintamani:* Yes.

*Chairman:* Will those in favour of those words being inserted kindly signify? (*On a show of hands there voted in favour of this 16*). Will those against the words being inserted kindly signify? (*There was another show of hands*). The words "the majority" are carried. We will insert, after the words "on an All-India basis", the words, "but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service".

We now come to page 3 of the draft. The heading is "The recruiting and controlling authority for the future All-India Services". I should like to tell you, first of all, that I am by no means proud of this drafting. I am only too conscious of the fact, on reading it through in cold blood, that it is not a very good piece of English composition. Sometimes I say "Some members of the Committee are in favour of" this, and then: "Some members of the Committee are in favour of" that, and then I introduce a sentence where it is doubtful whether I am talking

about some members of the Committee or all members of the Committee. I have no doubt that you have noticed that. Please do not think that I am in any way wedded to this draft. I see that Lord Zetland has suggested that this might be very much reduced in length without in any way getting away from the sense of what the Committee did. Where does yours come in, Lord Zetland?

*Lord Zetland:* I suggest that it comes in at the end of the second paragraph.

*Chairman:* The first two paragraphs read: "Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services. On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion". Down to there, may I take it that it is all right? (*Agreed.*) The amendment suggested by Lord Zetland will now be circulated. I have only at this moment seen it myself. I am not complaining, but I would have let the Committee have it if I had seen it earlier.

*Sir Cowasji Jehangir:* For what is this a substitute?

*Chairman:* It is for the whole of the rest of it. I take it.

*Lord Zetland:* Yes. I would insert here a new paragraph which would take the place of the rest of page 3, and of pages 3, 4 and 5, down to the end of the last paragraph but one on page 5.

*Chairman:* That is to say, down to the word "dismissal".

*Lord Zetland:* That is right. I think that it really says very much the same thing, but it says it in a shorter way. This is the paragraph as I have it. "The majority of us are of opinion that in the case of these two services it is desirable that some recruitment of Europeans should continue". As far as I remember, there was a majority in favour of that actual proposition. "On the question of the ratio there is a difference of opinion, some of us holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India. With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be and also what conditions of service may be necessary to enable them to secure the number and type of recruits that they require. Those of us who take this view"—this is still the majority—"attach importance to complete control over the Services being vested in the Indian and Provincial Governments". That is the point of Mr. Chintamani and of other members of the Committee. "A minority of us"—and this is where I come in myself. I must not be understood to have included myself in the majority; I was being as generous as I could to my

friends here—" think that the recruiting authority should be the Secretary of State, since we hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those of us who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules "

*Mr. Foot:* May I ask a question with regard to the word "British"? The word "British" has been used, and frequently the word "European" is used. Is it necessary that the word "European" should be used at all?

*Lord Zetland:* Yes. I think that it should be "European". The word "European" is always used in this connection in India.

*Sir Provash Chunder Mitter:* Upon that point I should like specifically to limit it to "British" and not "European". We may be willing to have the British element, but there is no reason why we should have French or Italians.

*Chairman:* The amendment proposed is on page 3, after the first two paragraphs which I have read, to cut out the whole of the rest down to the words "supersession, suspension, removal, or dismissal," which are to be found 7 lines from the bottom of page 5, and to substitute this paragraph in place thereof.

*Mr. Chintamani:* To begin with, I am not clear in my mind whether it is the majority of us, or some of us, who are in favour of this.

*Chairman:* We will settle that. Perhaps it is as well to take an opinion upon it now. It is useful, I think, in order to guide us in our deliberations, to see whether that first statement of Lord Zetland's is right. It reads: "The majority of us are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue". Will those in favour of that please signify? (*A show of hands was then taken*). I am told that that is a majority. Who is going to speak upon this amendment?

*Sir Cowasji Jehangir:* I take it that all these points are covered in Lord Zetland's amendment, because I have not had time to verify it. Lord Zetland has done it very carefully, and no doubt all the points in the three pages are covered in the amendment. The amendment reads: "With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be", and so on. I think that the majority held that it should be the Government of India, and not that it should be left to the Government of India. The discussion was whether the recruiting authority should be the Government of India or the Secretary of State. According to this draft, it says that the majority did not desire to come to a decision upon this point, but desired to leave it to somebody else, namely,

the Government of India. That was not the point as far as I remember. So far as I recollect—I am not certain whether it was the majority, and we can leave that to be ascertained—those who expressed the opinion were clear on the point that it should be the Government of India who should be the recruiting authority, and we had no desire to leave it to anybody else to decide that point.

*Lord Zetland*: Upon that point Sir Cowasji Jehangir may be right, but that was not what I understood the sub-Committee to wish. I understood that the majority of the sub-Committee wished to leave the decision to the future Government of India. And it was for that reason that it was suggested that we might advise the Government of India to set up a Committee. I thought it was felt that that was quite unnecessary, and after that, I thought that it was decided that it was desirable, in the opinion of the majority, that the decision should be left to the future Government of India to take.

*Sir Cowasji Jehangir*: My impression was that it was the Government of India or the Secretary of State; some were for the Government of India and others were for the Secretary of State. Upon this particular matter, as far as my recollection goes, neither Sir Chimanlal Setalvad or Mr. Chintamani, who were arguing the case in favour of the Government of India being the recruiting authority, ever stated on this point that they desired to leave it to the Government of India.

*Sir Chimanlal Setalvad*: I think that Sir Cowasji Jehangir is right in indicating the view which we expressed. The view was that in our opinion the recruiting authority should be the Government of India, and that the control also should vest there.

*Lord Zetland*: If the majority of the Committee consider that it should be definitely laid down that it should be the Government of India I have no objection, because I am not in that majority. It does not matter to me one way or the other. The question is, what does the majority wish?

*Chairman*: We had better ascertain that. I am not quite sure that I follow this. Is not this rather the same question as we had before, the question as to whether a recruitment of Europeans should continue? If you leave it simply to the Government of India, then those who are in favour of that course are not giving any guide, but they are leaving themselves completely in the hands of the Government of India as to the recruitment of Europeans or not. Is it not rather the same question as we had before?

*Sir Chimanlal Setalvad*: No. This does not concern Europeans or Indians. Whatever the recruitment should be, both of Europeans and of Indians, the recruiting authority and the controlling authority should be the Government of India.

*Sir A. P. Patro*: It should be left to the Government of India whether it is going to recruit any further or not.



*Sir Chimanlal Setalvad:* Whether Europeans or Indians are recruited, the recruiting authority and the controlling authority should be the Government of India.

*Mr. Mody:* We go on to a new idea in the second sentence. With regard to the recruiting authority, our definite opinion was that it should be the Government of India.

*Chairman:* I will leave this to the vote, but I suggest to you for your consideration that this is very ambiguous. The sentence is: "With regard to the recruiting authority, the majority of us hold that it should be left to the future Government of India to determine who this should be and also what conditions of service may be necessary to enable them to secure the number and type of recruits that they require". I am sure that that will be read as meaning that it is for the Government of India to decide whether they want Europeans or not.

*Lord Zetland:* Surely that sentence leaves it to the Government of India to determine whether, in the case of these two Services, the recruitment is to be effected by one authority or by another authority.

*Sir Chimanlal Setalvad:* The Government of India may also recruit Europeans.

*Lord Zetland:* Yes; that is my point.

*Sir Cowasji Jehangir:* In my opinion the racial question ought to come after the authority question. If you first decide who is the recruiting authority, then you can go on to the racial question. That is how we discussed it, and I think that it should be put in that order.

*Lord Zetland:* I thought that that was a bad order, and that was why I reversed it. Two things go together. The question of the continued recruitment of Europeans; and the ratio in which they should be recruited, is surely one subject. Another subject is by whom should they be recruited?

*Sir Chimanlal Setalvad:* I would like to make a definite suggestion. Instead of this sentence beginning with the words: "With regard to the recruiting authority" and ending with the words: "to secure the number and type of recruits that they require" I suggest that we substitute the words: "The majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India".

*Sir Edgar Wood:* I feel quite sure that it was the view that the Government of India should have the door left open so that they could adopt whatever they thought would be the more efficient method. I thought that this Committee agreed to leave the discretion in the hands of the Government of India, and not to close the door.

*Mr. Shira Rao:* With regard to the recruiting authority for Indian and European entrants into the service, the majority of us

held that it should be the future Government of India. That is practically what Sir Chimanlal Setalvad suggested.

*Chairman*: If I might guide the meeting, with the very greatest respect to Lord Zetland, I think that this sentence is ambiguous. I understand it in a different sense from the way in which Lord Zetland obviously means it to read. I think that the part which makes me understand it differently is the phrase: "to enable them to secure the number and type of recruits that they require". I think that that would be met by Sir Chimanlal Setalvad's amendment. Perhaps he would not mind reading it again.

*Sir Chimanlal Setalvad*: "The majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India".

*Chairman*: And you strike out the other words.

*Sir Chimanlal Setalvad*: Yes. The whole sentence goes, beginning with the words "With regard to" and ending with the word "require".

*Mr. Mody*: I think that that statement by itself is a little bald, and I would like to amplify it. I would say: "with regard to the recruiting authority, the majority hold that it should be the Government of India". Then I take a sentence from your draft, and that is: "They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control". I think that it should be amplified.

*Chairman*: Yes, but that is a sentence borrowed from my Report dealing with ratio, and it is applied to the recruiting authority.

*Mr. Mody*: That is the real meaning. With regard to the recruiting authority, Sir Chimanlal Setalvad refers to recruitment and control. I want to make clear what it means. Therefore I would say: "With regard to the recruiting authority, the majority hold that it should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control," because all these questions were considered by the majority.

*Chairman*: Very well. If there is no objection to that, I will put Sir Chimanlal Setalvad's amendment as amended. I think that it would be a good idea if I made a further amendment. "Whatever decision should be reached as to ratio"—that differentiates this from ratio. "Whatever decision should be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments, and control". I want to ascertain whether there is a majority of the Committee in favour of that.

(On the show of hands there voted in favour, 14; and against, 12.)

*Chairman*: I think it is right to say that there is a majority in favour.

*Sir Cowasji Jehangir*: I want added to this, exactly as you have read it out: "It might be that they would consider that for the purpose of recruiting such European officers of the best class as they might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal".

*Sir Chimanlal Setalvad*: Here you have left complete discretion for them to consider everything.

*Sir Cowasji Jehangir*: We amplify it to show that even if it is left to the Government of India, the recruiting officer is the Government of India; the Governor-General may be the authority who would decide appeals. That is a very strong point in favour of having it in the Government of India, because the objection raised is that the Services would feel more confident if an individual such as the Governor-General, were the deciding authority and that paragraph of yours brings in that idea very clearly. We do not lay down anything, we only amplify it. It is at the bottom of page 5.

*Chairman*: There is the suggestion. Sir Cowasji proposes this. Shall I read those original words over again; perhaps I had better do so. So far what I have got is as follows; the proposed amendment is: "Whatever decision may be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of recruitment, service, emoluments and control—" we had better put in there "it might even be that the Government of India would consider that for the purpose of recruiting such European officers of the best class as they might desire it would be necessary that in the case of those recruits the Governor-General or some authority in England should be given ultimate powers in such matters as supersession, suspension, removal or dismissal". Sir Cowasji wants to add those words there. (*On a show of hands, four voted in favour.*)

Then I will take a vote on the main amendment, which is to be as I read—I need not read it again—"whatever decision may be reached as to ratio" and so on. If we are not in favour of this we shall have to go back to my draft. We are working on Lord Zetland's draft, and the suggestion is that the following words be inserted after the words: "future Government of India"—"Whatever decision may be reached as to ratio, the majority of the Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions, conditions of

recruitment, service, emoluments and control". The amendment before us is that those words be there inserted.

*(On the show of hands there voted in favour 16.)*

*Chairman:* That is a majority. And now we will read on in Lord Zetland's draft: "Those of us who take this view attach importance to complete control over the Services being vested in the Indian and Provincial Governments. A minority of us think that the recruiting authority should be the Secretary of State, since we hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those of us who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules". Lord Zetland's suggestion is that that takes the place of all this stuff right down to the end of paragraph 5, leaving only the last paragraph of 5 to be added.

May I take it that that represents the wishes of the Committee? *(Agreed).*

Then we turn to the last paragraph of my draft: "There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain Central appointments. Under the new regime it will be a matter of arrangement between the Government of India and the Provincial Governments to continue this practice which has obvious advantages".

*Sir Cowasji Jehangir:* There is one point here to which I should like to draw your attention. In the last sentence again here you leave it to future discussion between the Government of India and the Provincial Governments. The issue is whether the officers for the Central Government should be drawn from the Provincial cadre or the Government of India should recruit themselves; that is the issue. You have decided that issue by saying it should be left over to the future for discussion between the Government of India and the Provinces.

*Chairman:* Not quite that. Will you look at page 12. It rather comes under two heads. It may be that that meets your view. Just read on for a moment: "7. The Central Services."

*Sir Cowasji Jehangir:* "We recommend that the Government of India should be the sole authority for recruitment in the case of all those Departments which are to be under the control of ministers responsible to the Legislature." My point is this, that this is rather a controversial point on which I think it would be advisable to give a definite opinion. I am afraid some Provinces may agree to supplying officers for the Government of India, while others may not, and it will raise a controversy in the future which will be interminable. Therefore I would much rather express a definite opinion.

*Sir Chimanlal Setalvad*: We cannot bind the Governments of India; they must arrange between themselves.

*Sir Cowasji Jehangir*: It is not that. It is an issue that has been raised and has been considered. I raised this point on the last occasion. It has been left indefinite again.

*Sir Provash Chunder Mitter*: What is the definite suggestion?

*Sir Cowasji Jehangir*: The definite suggestion is that the present system continues, and the Government of India should get such officers as they can from the Provinces.

*Sir Chimanlal Setalvad*: If the Government of India come to a different conclusion, why should we debar them from doing that?

*Chairman*: Can you give us your amendment in the form of words?

*Sir Cowasji Jehangir*: Yes, quite easily. "In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain Central appointments." Then I would add the following words: "Under the new regime the present system should continue."

*Sir Chimanlal Setalvad*: I am against Sir Cowasji's suggestion. Why should we tie down the Government of India and say they should continue the present system? We say the present system is of obvious advantage, and then leave it to them to make such arrangements as they can with the Provincial Governments.

*Sir Cowasji Jehangir*: I do not like the words "and the Provincial Government".

*Sir Chimanlal Setalvad*: Why not? The new Government of India will come into existence. We indicate to them that the present system should continue, and then we leave it to them to make what arrangements they wish to get these men. I do not see why we should lay anything down.

*Major Stanley*: I did not think that was quite Sir Cowasji's point; he did not want to tie the Government of India down to doing this.

What he was frightened was that the Government of India should say: "We want to go on with the scheme", and the Provincial Governments, or some of them might say: "We refuse to fall in."

He does not want this amendment to make it obligatory on the Government of India to go on, but he wants to give them the power to go on, *vis-à-vis* the Provincial Government, if they want to.

*Sir Cowasji Jehangir*: It is an obligation on the Provincial Governments to continue.

*Mr. Chintamani*: Even at the present moment the Provincial Governments have a large measure of liberty in regard to parting with certain officers, whereas Sir Cowasji wants to deprive the

Provincial Governments of the right of saying that such an officer is not available.

*Lord Zetland:* That is quite true; sometimes the Government of India asks for an officer from a local Government; the local Government is not prepared to lend that officer, and the local Government is not coerced.

*Chairman:* Will this meet you, Sir Cowasji? I am not at all sure that it would; it may be a sort of half-way house between the two. "Under the new regime we hope that it may be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages."

*Sir Cowasji Jehangir:* I accept your wording, Sir.

*Chairman:* Very well. Does any one object to my wording: May I take it my wording is accepted?

Now we start: "4. The Indian Medical Service." It is suggested to me that we ought to make it plain that this is all subject to our general recommendation with regard to existing officers, and it is suggested to me that we may put in the words: "subject to paragraph 1". I do not think there would be any objection to that. (*Agreed.*)

"The sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such. The Government of India and Provincial Governments should organise Civil Medical Services recruited through the Central and Provincial Public Service Commissions. In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of Service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge. Further, the Governments and Public Service Commissions in India should—" I suggest that we strike out the words "bear in mind" and put "in view of", so as to make it read: "Further, the Governments and Public Service Commissions in India should in view of the requirements of the Army and the British officials in India—" Strike out the word "and". "—take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result. It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members should sever their connection with the Indian Medical Service during the term of their

employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agreement between the Army authorities and each Provincial Government.”

Now let us see what amendment there are to that.

*Mr. Chintamani:* In paragraph 3 I prefer the original draft.

*Lieut.-Col. Gidney:* With all respect to the drafter of this resolution, there seems to be an under-current of misunderstanding. When this Committee decided that there should be no Indian Medical Service officers in the Civil Medical Service we referred particularly to appointments of Civil Surgeons, Professors, etc. In this resolution you have confused the issue between the Provincial Governments and the Government of India. May I take the paragraphs one by one, Sir? “The sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointment either under the Government of India or the Provincial Governments should in future,” etc. My suggestion is this: “And that no civil appointments under the Provincial Governments should in future be listed as being reserved for Europeans as such.” If we do not do that, it means to imply that the Government of India will have an independent Civil Medical Service, and the Provincial Governments will have an independent Indian Medical Service. I think this Committee decided that so far as the servants of the Government of India are concerned they should recruit from the Provinces for the Civil Service. But the confusion here is that you are confusing the Government of India with the Provincial Governments. I will tell you why. There are certain appointments, such as the Foreign and Political, Research, Railways, which are Government of India subjects, and which I believe the Federal or Provincial sub-Committee have decided to be Government of India subjects. They are outside the Civil Surgeoncies with which this Committee is principally interested. So that I would suggest the elimination of the words, “Government of India” in the first paragraph and say: “No Civil appointments under the Provincial Government should in future be listed as being reserved for Europeans as such.” You see these are all Provincial Government. You do not anticipate a separate Government of India Medical Service; because then you would have a small cadre, and, as Lord Zetland pointed out, the expenses, the leave reserve, etc., will entail an expenditure that we do not wish to include in this resolution. That is the confusion I think.

*Mr. Chintamani:* On a point of order, Mr. Chairman, the Medical appointments on our Railway and such other Central subjects are part of those Central Services. The medical and other appointments in any Central subjects are part of those Central subjects, and paragraph 7 on page 12 of your draft is specially devoted to Central Services.

*Chairman:* And, indeed, our second paragraph on page 6 expressly says that the Government of India as well as the Provincial Governments should organise Civil Medical Services.

*Mr. Chintamani:* Then we might omit the references. For instance in this first paragraph, Colonel Gidney says his objection is to the words "Government of India"—"that no Civil appointments either under the Government of India or the Provincial Governments should in future be listed." We can omit the reference to both governments, and say: "No Civil appointments should in future be listed."

*Lieut.-Col. Gidney:* Then you get the difficulty in the second paragraph.

*Chairman:* Suppose we leave out in the first sentence all the words from "either" down to "Governments", so as to make it read: "Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments should in future be listed as being reserved for Europeans as such."

*Lieut.-Col. Gidney:* I want to make this clear, because there will be trouble afterwards, because Foreign and Political and Research are entirely Government of India appointments.

*Mr. Tambe:* But those would be Civil appointments.

*Lieut.-Col. Gidney:* Not Foreign and Political.

*Chairman:* We are only dealing with Medical Services here.

*Lieut.-Col. Gidney:* May I point out that there are certain Medical appointments attached to the Foreign and Political Departments; there are Residency Surgeons and so on.

*Mr. Tambe:* But they are not military appointments; they are Civil appointments.

*Lieut.-Col. Gidney:* They belong to a Department which I believe is going to be excluded from the new constitution, and, if that is so, then we are infringing on that decision.

*Chairman:* I had better put Colonel Gidney's amendment. It will now read, "Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments under the Provincial Governments should in future be listed as being reserved for Europeans as such."

*Sir Chimanlal Setalvad:* The result of that amendment will be that civil medical appointments under the Government of India may continue to be reserved for Europeans. Therefore, I prefer the original words which are: "The sub-Committee are of opinion that there should be no Civil Branch of the Indian Medical Service; and that no Civil appointments"—we are not touching the military appointments at all—"either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such."



*Major Stanley:* I wonder if the appointment to Political offices is under the constitution left to the Viceroy, and would that carry with it the appointment by him of the medical officers for the Political Services?

*Mr. Chintamani:* Yes. The medical officers in the Political Service are also in the Political Service.

*Sir Chimanlal Setalvad:* The whole difference would then be, that instead of the Government of India making the appointment, the Viceroy would be making the appointment, but still we can recommend that those appointments need not in the future be reserved for Europeans as such.

*Mr. Chintamani:* The Viceroy will certainly know that this is the view of the sub-Committee. We may take it that no Viceroy will go out of his way to reserve a certain appointment for members of a particular race. So far as appointments to which reference has been made, namely, the Central Services, the only part of our Report which applies to that is the last sentence of the last paragraph, namely: "As regards the Departments under the control of Ministers responsible to the Governor-General, we do not feel called upon to make any recommendation."

*Chairman:* I think that I can now put the question. Will those in favour of Colonel Gidney's amendment to strike out the word "either", and the words, "the Government of India or" signify the same in the usual manner? (*Only one member voted in favour of this.*) I am afraid that you are all alone, Colonel Gidney. If there are no other objections to the first sentence, we can conclude the discussion on that sentence. (*Agreed.*)

We come now to the second sentence.

*Lieut.-Col. Gidney:* With regard to the second sentence, there is another amendment. It now reads: "Government of India and Provincial Governments should organise civil medical services recruited through the Central and Provincial Public Service Commissions." I suggest that the words: "The Government of India and" be omitted, because you are not asking the two Governments to organise separate medical services.

*Chairman:* Colonel Gidney's proposal is in the second sentence to leave out the words: "Government of India and", so as to make it read, "The Provincial Governments should organise civil medical services recruited through" and then leave out the words "Central and" so as to make it read: "the Provincial Public Service Commissions." Is that the point?

*Sir Chimanlal Setalvad:* It is the same point.

*Major Stanley:* Is it quite the same point? Here we are definitely recommending that the Government of India should set up for itself a separate Medical Service with a full cadre. As far as I could see from the list of posts which were reserved, if you exclude the Indian Political Service, they will have practically

nothing to fill except appointments in Delhi and in Simla and medical research. Do you really want to lay down that they must have a separate Service to fill that small number of posts, because that is what this Report does?

*Mr. Chintamani:* We are referring to the War Reserve and so on, but I have no objection at all to the present amendment of Colonel Gidney's.

*Lord Zetland:* This is a very difficult point. Perhaps it would help if I gave the sub-Committee the sort of posts which are at present filled by the Government of India out of the Indian Medical Service. There are about 30 of them altogether. There is the Director-General of the Indian Medical Service, and a Deputy Director-General. Then there are the Superintendent of the X-Ray Institute, the chief Serologist, the chief Medical Officer at Delhi, two civil surgeons at Simla, a civil surgeon at Coorg, a Health Officer at Simla, an Assistant Director of Public Health at Delhi, and 15 Medical Research Department appointments; also the Senior Medical Officer at Port Blair.

*Mr. Basu:* How are they going to be recruited? ,

*Lord Zetland:* That is the point with regard to which I am not quite clear.

*Chairman:* It is said that the requirements are so small, some 30 or 40 in all, that to talk about organising a Civil Medical Service is to use altogether too grandiloquent a phrase; that is the point.

*Lord Zetland:* Many of them are specialists, such as the Superintendent of the X-Ray Institute.

*Sir Cowasji Jehangir:* They will never get them from the Provincial Governments.

*Sir Chimanlal Setalvad:* Could not you omit all reference to the Government of India and to Provincial Governments, and say only "The Civil Medical Services should be recruited through the Public Service Commission"?

*Chairman:* Is that the sense of the meeting? (*Agreed.*) Is there any other objection to that paragraph?

*Lieut.-Col. Gidney:* There is another matter. Continuing on with the paragraph, it says: "in doing so they should, in order to provide a war reserve," and so on. It should be: "In order to provide an Indian Army War Reserve," and not "A War Reserve".

*Chairman:* We will agree to that if nobody objects. (*Agreed.*)

*Lieut.-Col. Gidney:* Then it goes on: "In doing so, they should, in order to provide an Indian Army War Reserve, insert a clause in the Contracts of Service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do."

*Chairman:* I am told that it is a point of some importance. Before you get the R.A.M.C. reserve out from England, in the event of a war, it is always contemplated that you shall use these gentlemen temporarily for the R.A.M.C., until reserves come out from this country, and then the R.A.M.C. would have its own reserve. It is to fill up a temporary gap in the R.A.M.C.

*Mr. Chintamani:* This complication has arisen only because of the addition of the words "Indian Army".

*Chairman:* I suggest that we should leave them out.

*Lieut.-Col. Gidney:* I do not press that. It is not an important point.

Following that sentence, it says: "In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do." I would advise you to alter it in this way: "In doing so, they should, in order to provide a war reserve, insert a clause in the contracts of service that all such officers shall undergo such military medical training", and so on.

*Chairman:* I suggested that that was unnecessary because you might not want all of them, but I do not mind at all.

*Lieut.-Col. Gidney:* The point is that you cannot have certain officers under certain terms of service and others under different terms. Therefore you must have a Service equipped so that the Army can take advantage of it, and they can then be distributed to the stations.

*Sir Cowasji Jehangir:* In practice it will be very difficult.

*Lieut.-Col. Gidney:* They can be distributed for civil work. It is done to-day. To-day they are divided into classes.

My amendment is that all such officers shall undergo a military medical training, and not a military training.

*Chairman:* Where does the amendment come?

*Lieut.-Col. Gidney:* You start from the line "insert a clause in the contracts of service", and then you go on "that all such officers shall undergo such military medical training", and so on.

And instead of the words "military training" you use the words "military medical training".

*Mr. Basu:* I desire to point out that if you have that, it will be exceedingly difficult to have specialists. They may refuse to enter the Provincial service, and the Provincial service may be in great need of them, if we insert that clause about their all undergoing military training.

*Chairman:* It seems to be a cogent argument. The question before us is that the words "all officers" be inserted, instead of the words "a sufficient number of officers".

*Sir Cowasji Jehangir*: Colonel Gidney wants the whole of the medical service to be ready for the Army.

*Lieut.-Col. Gidney*: That is the only thing to do.

*Chairman*: Will those in favour of that amendment please signify? (*A show of hands was then taken.*) That is not carried.

*Lieut.-Col. Gidney*: The other amendment that I propose is that instead of the words "military training," it should be "military medical training".

*Sir P. C. Mitter*: "Such military training" covers medical training.

*Chairman*: Will those in favour of that amendment please signify? (*A show of hands was then taken.*) The amendment is not carried.

We now come to the third paragraph. "Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective civil medical services, and should be prepared to pay such salaries as would bring about this result".

*Mr. Basu*: In line 3 of paragraph 3, I should like, after the words "and take steps to recruit" the words "if necessary". It would then read: "and take steps to recruit, if necessary, a fair and adequate number of European doctors". You do not want to make it compulsory to recruit. It should depend upon whether the Government of India consider it necessary.

*Chairman*: I rather hope that that will not be pressed, because this was accepted as the result of a compromise. I gather that the sub-Committee prefers the words as drafted. (*Agreed.*)

If there are no other questions on paragraph 3, we will pass on to paragraph 4. Paragraph 4 says: "It is suggested that agreement might be reached between the Central Government and the Provincial Governments, whereby the latter in selecting their European doctors, might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army."

*Lieut.-Col. Gidney*: With regard to the next three lines, I should suggest that they should read: "whose services shall be seconded during such employment", and so on.

*Chairman*: Will those in favour of that alteration please signify? (*A show of hands was then taken.*) That is not carried. Will those in favour of paragraph 4 as it originally stood please signify? (*On a show of hands this was carried.*)

Are there any other questions?

*Lord Zetland*: Mr. Chairman, I think that I shall have to put in some words as a reservation unless I can get support in the

sub-Committee for a suggestion which I am going to make, namely: that we might add, at the end of paragraph 4, another paragraph. Let me explain quite briefly my reason for this. The Government have certain very distinct obligations in connection with the maintenance of a medical reserve for the Army, and in connection with providing European medical assistants for existing members of the Service. Personally I am very much afraid that, under the scheme which is set out in the Report of this sub-Committee, the Government will fail to recruit European medical officers of the type required. I should, therefore, like to add, at the end of our recommendations, the following words: "Some of us feel that the recommendations contained in the second and third paragraphs will need to be considered by His Majesty's Government in the light of the obligations that they are under, with regard to the provision of: (a) adequate European medical assistance for the existing officials and their families; (b) an adequate medical reserve for the Army in time of emergency". I feel very strongly myself, Mr. Chairman, on that point and I should like to know whether any other members of the sub-Committee would be prepared to support me in that contention.

*Sir Chimanlal Setalvad*: I want to understand what Lord Zetland means concerning the obligations to provide medical attendance to existing members of the Service, and also in the future to provide European officers for that purpose. We have made recommendations for that. I do not know what Lord Zetland means by saying that His Majesty's Government may have to consider it. His Majesty's Government will have to consider the whole thing.

*Lord Zetland*: His Majesty's Government will have to consider it in the light of their obligations.

*Sir Chimanlal Setalvad*: Those obligations we have ourselves acknowledged, and we have made recommendations for providing local officers for that purpose. We have done it.

*Lord Zetland*: My point is, I do not think you will get the European officers under that scheme.

*Sir Chimanlal Setalvad*: I understand that Lord Zetland's view is that the recommendations we have made are not sufficient. Then he can express that opinion of his, but I do not understand what he means by saying that His Majesty's Government must consider this. In view of their obligations, His Majesty's Government will consider all the Reports of all the Committees and everything before they come to a conclusion as to what is to be done. I can understand Lord Zetland saying that according to his view—or asking his view to be recorded—he does not consider these recommendations sufficient. That I can understand, but not this.

*Mr. Shiva Rao*: Is it the suggestion that the present Government of His Majesty should consider this, or a future Government after the new constitution has been brought into existence?

*Mr. Chintamani:* Paragraphs 2 and 3 of this draft were put before the Committee as an essential compromise. The whole view of the situation was taken, the various opinions and points of view, the desires of the people, and the obligations of the Government, and proposals have been put forward which do not completely meet the essentially Indian point of view. The underlying purpose of these two clauses is that firstly the present position in the military service, as in the civil administration, should be secure; secondly, that there should be adequate scope for Indian medical officers in all branches of the medical service; but thirdly, that the requirements of the Army should also be borne in mind, and all necessary and adequate steps should be taken to meet those requirements. As Sir Chimanlal has said, it is open to any subject of the King to say that the actual recommendations we have made are inadequate to the purpose in view. If so, it is open to him to move amendments to those paragraphs, to substitute some other proposals for the proposals embodied therein, and those proposals would naturally be considered with due respect to the eminent position of Lord Zetland, and the majority would reach the conclusion which seemed to be equitable. As Sir Chimanlal has said, what Lord Zetland has now read is not this. He brings in His Majesty's Government in England, which indicates a want of confidence either in the willingness or in the capacity of future Governments in India to meet the obligations specified therein, and special attention is drawn to His Majesty's Government in England. Well, there are some of us who have objections not only to the clause which he wants but to its contents, and may also desire to indicate our objections to that clause. I do not think, if Lord Zetland will forgive me for saying so, that it is quite fair to the sub-Committee which has proceeded to consider the problem from both British and Indian points of view, from the Services point of view, and which has borne in mind the requirements of the Army, the requirements of the British officials in India and the obligations which in fairness and generosity should be discharged. I do not think it is quite fair to come out with this clause, bringing in the Government in England into the whole affair in definite language. If Lord Zetland insists on that clause it will be my duty to request you, Mr. Chairman, to put down the names of some of us and also to permit us to state our objections to that clause by name in the Report.

*Sir Cowasji Jehangir:* I have not quite followed, and I would like to ask Lord Zetland, does he consider it is an obligation on His Majesty's Government or anybody else to provide British officers for British officials? Is that one part of the contract? If it is, let us know. Nobody wants to get out of a contract. Is it a contract?

*Lord Zetland:* It has been a promise, surely, to existing members—I am not talking about future members—to existing members of the Services, that adequate provision will be made in that respect.

*Sir Cowasji Jehangir*: Adequate provision for their medical treatment. Does that adequate provision entail the supply of British medical officers, or European medical officers, for the European officials? I know it is considered advisable, I also know that some British officials expressed a desire to have European officers; but when you talk about an obligation we go much further. An obligation means a part of the contract; it is a part of the contract that they shall be given free medical assistance—only the officials, not their wives and children. You must remember that only officials are included; their wives and children are not included in the contract. They have got to pay.

Therefore, is it part of the contract? Is it an obligation? I would like to know; I ask for information.

*Sir Edgar Wood*: I share Lord Zetland's view that there may be very great difficulty in obtaining these medical officers, but I incline on the other hand to the opinion that what we have suggested including in the Report already is sufficient to show that the wish does exist that the Europeans in India should be met in this way so far as is humanly possible by the provision of European medical attendants, and, with all due deference to Lord Zetland—I quite understand his point—I do not really think we need go further than what we have done in the Report.

*Lieut.-Colonel Gidney*: I may inform this Committee that there is a definite agreement that European medical officers should be supplied to the military officers in India. As to the British Army coming out to India, I believe there is a term in the contract between the War Office and the Government with regard to the British soldier and the British military officer, that it is an obligation of the Government to provide them with the same medical treatment as they are used to in their own country. I elicited that from the Director of Medical Services about four years ago.

*Chairman*: Colonel Gidney, may I suggest: Could not we meet that point of Sir Cowasji's, which is a small point, in this way: Instead of using the phrase: "in the light of the obligations they are under", which assumes they are under some obligations, use the phrase: "in the light of any obligations they may be under", leaving it quite open as to whether there are obligations or not?

*Sir Cowasji Jehangir*: There is a great controversy in India on this point, and it has reached a stage when it is causing a considerable amount of trouble and irritation. Personally I accept this draft as a compromise, as Mr. Chintamani has said. Many of us feel, and I frankly admit it, that even as worded it will be strongly criticised. But we are prepared to accept that. I have thought over it and I do not raise any objection to the draft as it stands, although I warn Delegates that it will be strongly criticised as it stands. See the wording as it stands, Sir: "Further the

Governments and Public Service Commission in India should bear in mind the requirements of the Army." That is all right. "—and the British officials in India and take steps to recruit a fair and adequate number of European doctors." What does that mean? It means that we admit that for British officials a certain number of European doctors are necessary. I think it is an admission, if the Committee is agreed upon it, which is going much further than many of us intended; but many of us thought it would be advisable, and I would suggest that if the draft is left as it is, a great deal has been gained already.

*Mr. Chintamani:* Read the last sentence also: "and should be prepared to pay such salaries as would bring about this result".

*Sir Cowasji Jehangir:* Yes. I would suggest that as it stands we are going very near the margin; we are going as far as we possibly can go, and we stand open to a considerable amount of criticism, even as it is drafted; but I am prepared to accept it. I have already stated what I think is a fair proposition, that the British officials can demand first-class medical assistance. Here we have already gone a good step further; I think we had better not go any further than that.

*Mr. Chintamani:* Lord Zetland and Major Stanley assisted in giving this shape to these two paragraphs.

*Major Stanley:* I may say I did move the amendment which is contained in paragraph 4 and I should like it to be made plain that my acceptance of the clause as a whole is contingent upon such an agreement being arrived at.

*Lord Zetland:* I do not want to press anything on the sub-Committee which obviously is distasteful to it. My real difficulty over the whole of this question is that I feel convinced in my own mind that neither the Army nor the Provincial Governments will get first-class European medical officers under the scheme put forward by this sub-Committee. That being so, I think the simplest thing for me merely to say in so many words: "Lord Zetland fears that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure the European medical officers of the type required, and considers therefore that the scheme is premature", or something like that. I mean I feel that if I do not make a reservation of some kind, it will be assumed that I think that this is a good and workable scheme. I wish I did think so, but obviously I do not; and, that being so, it would be dishonest of me at least not to make that clear. So that perhaps I may just put in a personal reservation to this particular part of the Report, Mr. Chairman; I will write something quite short such as this: "Lord Zetland fears that under the scheme neither the Provincial Governments nor the Indian Medical Service will secure European Medical officers of the type required", or something like that.



*Sir E. Wood*: I would like to associate myself with that expression of opinion.

*Chairman*: Major Stanley, do you want a reservation too?

*Major Stanley*: I will think it over, and, if so, it will be on the lines that my assent to it is on the possibility of the agreements being arrived at.

*Chairman*: Very well then. You desire to associate yourself with Lord Zetland; you will get into touch with him I daresay.

*Mr. Chintamani*: May I definitely presume that the particular clause put forward by Lord Zetland is not to be pressed?

*Lord Zetland*: Yes.

*Chairman*: Now we come to page 8, "5. Public Service Commission. (1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be." (*Agreed.*)

"(2) Recruitment to the Public Services shall be made through such Commission in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Services Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result." We have got an amendment coming, but down to that point it is all right? May I take it down to there? Now Raja Narendra Nath has got an amendment that comes in here.

*Raja Narendra Nath*: I propose the following additions to be made: "Provided that in no case the proportion of appointments to be filled to redress communal, caste and class inequalities shall exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit."

*Sir A. P. Patro*: All appointments will be filled on considerations of merit.

*Raja Narendra Nath*: In connection with this I should like to read out to the sub-Committee an extract from a very important and authentic old document which is paragraph 105 of the Despatch No. 44 of the Court of Directors, dated 10th December, 1834. "But the meaning of the enactment"—that was the Despatch which accompanied the Act of 1833—"we take to be that there shall be no governing caste in India, and that whatever tests or qualifications may be adopted, distinction of race and religion shall not be of the number." All that I want, Sir, is that the essence

of this paragraph may be embodied in the constitution somewhere so as to have sufficient binding force.

Now in providing that there shall be "adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications", a disregard of comparative merit is involved. What I want is this, that the disregard of comparative efficiency and comparative qualifications may be confined to a certain number of the appointments, and that that proportion of appointments should not be determined by the Governor or the Governor-General, but should be determined by us now and laid down in the directions that we give. There is nothing novel or extraordinary in the suggestion which I make. This rule of reserving one-third of the appointments to redress communal and caste inequalities is already observed by the Government of India with regard to All-India services.

I want that very rule to be observed with regard to Provincial Governments, and I do not want it to be left to the discretion of the Governor. To leave it to the discretion of the Governor will raise many difficulties. In the first place it will drag him into unnecessary communal squabbles. In the second place, he will be placed in a very awkward position when he has to meet the demands or to reject the demands of a minister or a Cabinet representing the majority community, and he will have to solve that very difficult question which we have not up to this time been able to solve in the Minorities Committee, as to the claims of the population basis versus weightage. It will lead to differential treatment of minorities. That is why I wish to take it altogether out of the hands of the Governor or the Governor-General.

The efficiency of Public Service is the first consideration in recruitment. If from the very outset the posts have to be divided between different classes and communities, that consideration of efficiency is subordinated between castes and communities, which I do not want, and which I think will be detrimental to the Public Services, apart from other considerations of inconvenience and administrative difficulties which will arise. My friend on the opposite side referred to the convention which exists in the United Provinces with regard to the proportion of appointments to be set apart for Mussalmans. Well, I appeal to him to consider that conventions are not sacrosanct; conventions would be broken; and what will be the effect of following that convention when the observance of the convention is resisted by a Cabinet the majority of which is made up of the majority community? So I think we shall solve all difficulties if we give a direction now that the communal and caste and class inequalities should be considered only with respect to one-third of the appointments to be filled, the remaining two-thirds to be filled on considerations of merit only. That is all I have to say on this amendment.

*(The sub-Committee adjourned at 6-44 p.m.)*

PROCEEDINGS OF THE SIXTH MEETING OF SUB-COMMITTEE NO. VIII  
(SERVICES) HELD ON 13TH JANUARY, 1931.

*Chairman:* We were dealing with your amendment, Raja Narendra Nath. I do not know whether you have finished your remarks on the first part.

*Raja Narendra Nath:* The extract from the paragraph in the Despatch which I quoted is not the old document that it appears to be. It was not as the result of my research work that I traced it; I found it in the speech of Sir Malcolm Hailey who delivered a speech as Home Member in the Legislative Assembly. I forget the exact date of his speech. As far as my memory goes the Finance Member of the Punjab, Sir Geoffrey de Montmorency, referred to this in a speech dated the 19th July, 1927. The policy laid down in that paragraph forms the bedrock of the present system of recruitment. All I fear is that when the Provinces become autonomous, when the Federal system of Government is introduced and when the Central Government is given very little power of interference with the Provincial Governments, that principle may be forgotten, and the Governor of a Province may find it very difficult to resist the wishes of the majority. That is why I want that principle to be embodied somewhere so that it may have some effective and binding force.

I will speak on the other amendment afterwards.

*Chairman:* The amendment as proposed is, "At the end of clause (2) add, 'provided that the proportion of appointments to be filled to redress communal, class, and caste inequalities shall not in any case exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit'".

*Mr. Fazl-ul-Huq:* My objections to it are as follows. In the first place, it seems to me that we are going somewhat into details which we ought not to do in making our recommendations to the Conference. We are here to lay down, if possible, something like principles and not go into details.

Secondly, Sir, it seems to me that we might have complete confidence in the members of the Public Service Commission, and also the Governor's controlling authority, in order to take such steps as they like, and that it would be improper to bring about the desired end which my friend has in view. He proposes that one-third of the total appointments should be reserved to redress inequalities and the other two-thirds should be filled up on merit. I should have thought that all appointments should be filled up on merit alone. It is no use saying that two-thirds of the appointments should be filled up on merit and that the others should be filled up in some other way. Therefore I appeal to my friend not to press this, but to leave it as a matter of detail to be determined by the members of the Public Service Commission. That is all I have to say.

*Sir Chimanlal Setalvad*: I agree with Mr. Fazl-ul-Huq that we should be well advised to leave the clause as it stands. All the clause does is to indicate that in filling these appointments consistently with considerations of efficiency and necessary qualifications there should be a fair and adequate representation. That is the general principle of guidance to be laid down. I think we shall be well advised to leave the clause as it stands.

*Mr. Tambe*: In the present system of Government of India appointments, including the I. C. S. the practice is that two-thirds of the appointments should be filled on merit and one-third to adjust communal inequalities. That is the present system which is in force and it also obtains in some Provincial Services. There is no doubt that there was a tendency at one time for many of the Government of India Services to be manned by a community, and it was to obviate that that the Government of India asked that one-third should be reserved to adjust communal inequalities. That gives an opportunity for minor communities to get representation.

*Chairman*: I will put the amendment in two parts. This is first. The proposal is to insert at the end of clause 2 the words which are before you, beginning with the words, "provided that the proportion" down to "solely on considerations of merit".

Those in favour of those words being there inserted, please indicate the same. The contrary? that is not carried.

*Raja Narendra Nath*: I wish my reservation to be mentioned in the Report, and also the fact that it was lost.

*Chairman*: We will certainly put that in. Do you wish to associate yourself with that or not, Lieut.-Colonel Gidney.

*Lieut.-Colonel Gidney*: I am told this will be left to the Public Services Commission.

*Sardar Sampuran Singh*: I associate myself with Raja Narendra Nath.

*Raja Narendra Nath*: The second amendment is in the following terms; "The Provincial Public Services Commission shall also hear appeals against disciplinary action taken by Ministers involving supersession, suspension, or dismissal of the Members of the Provincial Service." The power of hearing appeals is given to the Governor. I think the Governor would be put in a very awkward position if he has to hear appeals and decide against his own Minister who represents the majority party, and who has the whole administration of the Province in his own hand. I would give that power of appeal to the Public Service Commission and not to the Governor.

*Sir Edgar Wood*: I have no objection to that provided there is added, "and shall advise the appropriate authority thereon," or words to that effect. In my opinion the Public Services Commission should be the medium through which these appeals should

go to the final authority, such as the Governor. If it is necessary to put anything in at all, I think that should be made quite clear.

*Lieut.-Colonel Gidney*: If it would help Raja Narendra Nath at all, I might say that this is a duty which has already been proposed.

*Mr. Chintamani*: I oppose the amendment which involves a certain degradation of the status and authority of the Ministers. It is not an appeal to him and to his own chief, but to the Public Service Commission which is an outside body. It is to him that we have entrusted the function of issuing general directions to the Public Service Commission with a view to securing all the ends in view. An appeal from the decision of a Minister to the Governor would be a natural thing which no one would resent, but an appeal to the Public Service Commission stands on a different footing, and I think it ought to be opposed.

*Dr. Shafa'at Ahmad Khan*: I thought there was no need for this amendment because every Public Service Commission is constituted on a proper basis. These powers have been conferred on every Public Service Commission so that I am rather surprised to find that Mr. Chintamani opposes it. As a matter of fact if the Hon'ble Members will look through the Lee Commission's Report they will find there is a reference to the granting of such powers. In Australia and other countries various Acts actually confer all these powers on the Public Service Commission so I am rather surprised that an innocent and, I think, really beneficial proposal like this should be opposed. I do not know what conception of the power of Ministers Mr. Chintamani holds. So far as I am concerned, I certainly would not like any Minister to interfere in any matter concerning the supersession, suspension, or dismissal of members of the Service. Unless the Members, whether of the Provincial or Imperial Services, are secure in their appointments and are guaranteed against any attack—either a Party attack or any form of attack which we know is quite frequent—they will not really be able to discharge their duties properly. For these reasons I support the amendment which has been proposed.

*Sir Cowasji Jehangir*: I think the present principle so far as the Central Government is concerned, that the appeal is made to the Governor-General—

*Sir Edgar Wood*: On a point of order. I would point out to the speaker that the rules are that the Governor-General shall obtain the advice of the Commission before forwarding to the Secretary of State an appeal made to him. The words are, "the Governor-General shall consult the Commission".

*Sir Cowasji Jehangir*: It is generally done, but in principle it is not binding on the Governor-General. The advice is generally taken, and it would be under very exceptional circumstances that a Governor-General would turn down the advice on such a question given by the Public Service Commission. At present the appeal

is to the Secretary of State, and it goes with two opinions, that of the Commission and the Governor-General. I do not know whether it is necessary to make it a statutory provision that an appeal should go through that channel. That is all it amounts to. I do not know whether it is necessary or not. I do not think it is any use discussing a detail of this sort, which is whether it is absolutely necessary that statutory provision should be made that this channel should be used. I think personally that it might be left as it is and the usual practice is bound to be followed; that is that the Commission will be made a channel through which all appeals of this sort will reach either the Governor or the Governor-General. I do not think it is a question on which we need waste any more time.

*Lord Zetland*: I assumed—I daresay I was wrong—that under the existing act these bodies had to be consulted in these cases.

*Sir Edgar Wood*: That is correct.

*Lord Zetland*: Of course in some Provinces we have not yet got Public Service Commissions, and I therefore see no harm in our saying, as Raja Narendra Nath proposes to say in this paragraph, that this should be the practice.

*Chairman*: The existing rule which I have before me is this, “the Governor-General in Council shall before considering any appeal presented to him”—he is the appellate authority—“consult the Commission in regard to the order to be passed thereon”. It is one thing to consult a Commission with regard to the order which you pass on an appeal; it is a wholly different thing to provide that the appeal is heard by the Public Service Commission. I think the Committee ought to have that distinction clearly in its mind, and realise that this amendment if passed in this form, as I follow it, is not the existing law or the existing practice.

*Mr. Chintamani*: The Public Service Commission, according to our resolution here, is concerned with the improvement of the Service. It is not concerned once an officer is recruited with any question relating to him after he has become an officer of the Government. An officer actually in the Service can go to the outside authority with regard to any departmental action taken by his own chief.

*Mr. Mody*: It becomes a channel. What are the words which it is proposed should be added?

*Chairman*: “And shall advise the Governor thereon.”

*Mr. Mody*: That is all it means now, a channel.

*Sir Provash Chunder Mitter*: I think we can meet Mr. Chintamani's objection. My suggestion is that in every case the appeal should lie with the Governor, but that it should be obligatory on the Governor to consult the Public Services Commission. I think that is better because the Governor must have advice. He has the advice of the Minister. He has no right to assume that the Minister

is wrong, and if he also gets the advice of an independent body then I think both points are met.

*Chairman*: May I give you the words? It is proposed that you should add words like these, "The Governor shall before considering any appeal presented to him in respect of disciplinary action taken by Ministers involving supersession, suspension or dismissal, of the Members of the Provincial Service consult the Commission in regard to the order to be passed thereon".

*Major Stanley*: Might we know what the practice is in Australia and New Zealand where they have these Public Service Commissions functioning?

*Lord Zetland*: It is obligatory.

*Raja Narendra Nath*: The difference is as you yourself, Sir, pointed out, and that difference is a very marked difference. I still insist on the amendment as it stands, and that the words which have been suggested at the end should be taken into consideration and made the subject of a vote.

*Lord Zetland*: Do you realise that if this is passed in this form you will deprive the Governor apparently of any say in the matter?

*Raja Narendra Nath*: Yes, I mean that.

*Lord Zetland*: It means you will have to eliminate the Governor altogether.

*Raja Narendra Nath*: Yes.

*Lord Zetland*: I cannot agree to that.

*Chairman*: Will you propose the amendment which you have suggested, Raja Narendra Nath.

*Raja Narendra Nath*: I will put it in draft form.

*Chairman*: I will read the rule. The rule provides that, "the Governor-General in Council shall before considering any appeal presented to him in accordance with the Statutory appeal rules against any order of censure or withholding of increment or promotion or reduction to a lower post, suspension, removal, or dismissal, or before passing any original order withholding an increment or promotion" and so on "consult the Commission with regard to the order to be passed thereon".

*Raja Narendra Nath*: Could we not substitute the word "Governor"?

*Chairman*: What about "in accordance with the statutory appeal rules"?

*Raja Narendra Nath*: That is not any different from what I propose.

*Chairman*: There is a proviso added, "provided that it shall not be necessary for the Governor-General in Council to consult the Commission in any case in which the Commission has at any previous stage given advice as to the orders to be passed and no fresh

question has thereafter arisen", and so on. We need not bother about that. Your amendment is this, substitute the word "Governor" for the word "the Governor-General in Council". Delete the words "in accordance with the statutory appeal rules", and delete the proviso. You propose the amendment in that form?

*Sir Provash Chunder Mitter*: Yes.

*Sir Edgar Wood*: I think that will do.

*Raja Narendra Nath*: Will you allow my amendment to be mentioned and say it is lost? I should like my amendment to be put first.

*Chairman*: Very well, I will put Raja Narendra Nath's amendment first. He proposes the words, "the Provincial Public Services Commission shall also hear appeals against disciplinary action taken by Ministers involving supersession, suspension, or dismissal, of the members of the Provincial Service and shall advise the Governor thereon.".....

I will next put Sir P. C. Mitter's amendment.

Those in favour of Raja Narendra Nath's amendment please indicate.

Now I will put the words of Sir P. C. Mitter; "the Governor shall before considering any appeal presented to him against any order consult the Commission in regard to the order to be passed thereon". It has been proposed by Sir P. C. Mitter that those words be there inserted. Those in favour? against? it is carried.

*Raja Narendra Nath*: I should like a note made that I proposed this amendment.

*Chairman*: Very well.

Now will you turn to page 8. Are there any questions on No. (3)?

*Mr. Mody*: We have here the provision that any Member of the Public Service Commission shall after ceasing to be a Member of the Commission be ineligible for further office under the Crown in India. That is a perfectly sound principle, I admit, but are you not making it very hard for any man to serve on the Public Service Commission? The Governor can dismiss a man if he does not behave like a good boy, and on top of that you make him ineligible for any further office under the Crown. That means, in other words, you will be getting the type of man who will be or should be thinking more of the other world than this; that is to say, a man who is probably in his dotage and who has nothing to look forward to. While I admit altogether the soundness of the principle, I suggest that you should have a time limit within which he should be ineligible for further office under the Crown. I think if there was a limit of 5 or 10 years after he ceased to be a Member that would meet all objections; otherwise what will happen will be that you will not get any men of eminence on this Commission; it also means that you will not get a young man.



I suggest that it would be advisable to put a time limit within which he should be ineligible, otherwise you will get third rate men or men who are too old to be useful.

*Chairman:* Mr. Mody would like some words such as these "They shall, after ceasing to be members of a Commission, be ineligible for a period of five years". Or would you say: "for some period of time to be fixed"?

*Mr. Mody:* I am quite agreeable.

*Chairman:* Then the phrase will read: "ineligible for some time to be fixed."

*Mr. Mody:* I should like to suggest a period of five years.

*Sir Provash Chunder Mitter:* I cannot agree to that, it will nullify the effect of it. Five years may be too long a period.

*Lord Zetland:* I should like to ask whether in Madras they have any experience of this matter. I understand that there the present rule is the same as that proposed in the main draft. Have they had any difficulty in Madras in securing suitable people for the Public Service Commission?

*Sir Edgar Wood:* The Commission there has only been in operation for about two years.

*Lord Zetland:* But you have had to appoint members of the Commission?

*Sir Edgar Wood:* We get very suitable members.

*Chairman:* The proposal is that after the word "ineligible" in paragraph 5 (3) some words be inserted suggesting that the ineligibility shall only remain for a limited period of years. Let us decide that principle first. I will call for a show of hands.

*(A show of hands was taken and there voted in favour of the principle 11, and against 4).*

*Chairman:* The question is now what words shall be inserted.

*Mr. Chintamani:* I would suggest that the words be "for a period to be fixed by the Governor."

*Dr. Ambedkar:* I think we should say "not less than five years".

*Chairman:* I think I will put it to the meeting as suggested by Mr. Chintamani, namely, that the words be "for a period to be fixed by the Governor".

*(This was put to the meeting and agreed to).*

*Chairman:* Perhaps we ought to say "Governor or Governor-General, as the case may be".

Does anything else arise on this paragraph?

*Mr. Chintamani:* I think there is some revision needed in the last two or three lines. I would suggest that after the words "as members of the Central Commission" we should insert "or of another Provincial Commission".

*Chairman:* I think the Committee will agree to those words being inserted. (*Agreed.*)

We pass now to paragraph (4). Are there any amendments?

*Mr. Shiva Rao:* I think that sub-paragraph (4) is liable to misunderstanding. It suggests that, so far as the Anglo-Indian community is concerned, we are recommending some deviation from the principles laid down in paragraph 2. I think also that it is wrong in principle to earmark any special Departments for any special communities. I would therefore suggest, after the words "and recommend that", the addition of the words "subject to the principles enunciated in paragraph 2". I would also suggest the deletion of all the words after "employment" in the last line but two, and I would add the words "for a temporary period". I think that was what Colonel Gidney claimed.

*Mr. Basu:* I think that the principle should not hold good for all time, but only for a temporary period. If it is stated dogmatically like this, it implies a permanent principle.

*Mr. Mody:* I would leave it to another Round Table Conference in ten years' time.

*Chairman:* Do you really press your amendment, Mr. Shiva Rao?

*Mr. Shiva Rao:* I feel rather uncomfortable in that the paragraph might be considered to lay it down that Customs, Telegraphs and Posts should be reserved for Anglo-Indians. What I have suggested would, I believe, improve the phrasing.

*Mr. Basu:* The members of the Anglo-Indian community are coming into line with the other communities, in the profession of law, for example, and in several other ways.

*Mr. Chintamani:* The only point in Mr. Shiva Rao's amendment which is of importance, to my mind, is the last part, "subject to the provisions enunciated in paragraph 2." The objection is that certain Services may become the monopoly of certain communities. That is rightly a matter for objection. If the last words are deleted, what is offered to the Anglo-Indian community is something rather more than if the words are retained. The appeal will now relate to all the Services of the Government, and so long as the Government responds to that appeal to treat the community with generous consideration, it is immaterial to that community whether the Services concerned are of one category or another. I think the sub-Committee would do well to delete these last words.

*Chairman:* There is a suggestion that we should keep the paragraph as it is, except that we should end it with the word "employment" in the last line but two. May I take it that that represents the wishes of the Committee? The words we are proposing to cut out do have a certain limiting effect.

*Lieut.-Colonel Gidney:* If that is the implication I am prepared to accept it. But may I ask that the paragraph end, not at

“employment,” but at “Services” (“employment in the Services”).

*Chairman:* I think there will be no objection to that. Does that meet your point, Mr. Shiva Rao?

*Mr. Shiva Rao:* Very well, Sir.

*Dr. Ambedkar:* I should like to have a new paragraph inserted after sub-paragraph (4) to this effect: “The sub-Committee desires that a generous policy be adopted in the matter of the employment of the depressed classes in the public service, and it particularly recommends that the recruitment of the Police and Military, from which they are now excluded, should be thrown open to them.”

*Mr. Chintamani:* Are they excluded by rule, or merely as a matter of practice?

*Dr. Ambedkar:* By rule. The Police Service Commission expressly lays it down that the depressed classes are ineligible.

*Mr. Chintamani:* If there are rules excluding the depressed classes from employment in particular Departments, such as the Police or Military, they are not rules which hold good over the whole country. There may be such rules in some Provinces, but not in all.

*Dr. Ambedkar:* If it is desired I would have my proposal end as follows: “and in particular recommends that they (the depressed classes) should not be excluded from any Department of the Public Service hereafter by reason of their untouchability”.

*Raja Narendra Nath:* Surely clause (5) (a) covers that?

*Sir Cowasji Jehangir:* The position is that this community has been excluded on account of the impracticability of employing them. It is no good going into details here and now. If we had a separate section of the Police for the depressed classes, there would still remain the difficulty of members of such classes doing the work of policemen amongst a population which resented it. How this great disadvantage is to be removed is not clear. I cannot express any opinion. What has been done has been done with the greatest reluctance, as I think Dr. Ambedkar will admit. But I see no objection in expressing what Dr. Ambedkar wishes us to do—even though it be merely pious. I am afraid that we have expressed the same opinion on hundreds of occasions, and nothing has come out of it. Dr. Ambedkar knows very well what orders have been passed, and how they have proved to be impracticable. Nevertheless, I support the inclusion of such a paragraph as he proposes. We take the risk and know it may not be a practical proposition, but as you have said on a previous occasion, we cannot always be logical when we are aiming at an ideal.

*Dr. Ambedkar:* I am particularly anxious that the Police and the Military should be mentioned, because those are the Departments for which the members of the depressed classes would be most fit.

*Chairman*: The point is covered by paragraph (5) (a) and (b).

*Dr. Ambedkar*: In that way the question of the Anglo-Indian community is also included. I propose a new clause to follow clause (4): "The sub-Committee desires that a generous policy be adopted in the matter of the employment of the depressed classes in the public services, and in particular recommends that the recruitment to the Police and Military Departments, from which they are now excluded, should be thrown open to them."

*Raja Narendra Nath*: I have a suggestion to make, namely, that we should add: "No person shall be under disability or shall be prejudiced in any way for admission to any Service of the country, merely by religion, caste, or sex." I would have that as a special recommendation.

*Dr. Ambedkar*: That will come later.

*Mr. Basu*: I sympathise with Dr. Ambedkar's desire to see the disabilities under which his community suffers removed, and if there is in any Province any disability laid down by administrative rules, those rules should be done away with. But the way in which he has put this statement makes it much too general. For instance, in my Province, a great many posts are filled by members of the depressed classes. This is not a matter which greatly concerns my Province.

*Dr. Ambedkar*: I am prepared to insert some limiting words such as, "where they are at present excluded".

*Raja Narendra Nath*: There is no rule debarring their employment in the Police, but in practice they are not employed. Once a question was raised by a Member of the Council asking the Government why these people were not recruited for the police and whether the practice was not in contravention of Section 96 of the present Government of India Act; the reply was not satisfactory. I think the addition of the words which I have suggested will help, and that also the expression of a general desire and general recommendation will also help. But let me tell you that the expression of a general sentiment would not be so effective as the insertion of the words which I have suggested.

*Major Stanley*: A specific reference to the Military Service is surely outside the scope of this Committee.

*Mr. Mody*: We have recommended that the requirements of the Army should be borne in mind.

*Chairman*: I suggest you would make it slightly less controversial if you said this, "And in particular recommend that the recruitment to all Services should be thrown open to them."

*Mr. Mody*: Yes, from which they are now excluded.

*Chairman*: I should not say that because that will raise a point of controversy. All you want to say is that recruitment to all Services should be thrown open to them.

*Lieut.-Colonel Gidney*: That there shall be no disqualification for such employment.

*Chairman*: May I point this out? If we are to make this Report read intelligibly it is a little awkward if we have two consecutive paragraphs which seem to me to cover exactly the same ground, and therefore I would suggest to Dr. Ambedkar that if we have these words it is better that they should come after clause 5. We should make our general recommendations in clause 5, and then I suggest we should attach a paragraph at the end of clause 5 saying something of this sort: "In making this recommendation,"—that is to say the recommendation in clause 5—"the sub-Committee have particularly in mind the case of the depressed classes. They desire", and so on.

*Dr. Ambedkar*: Very well.

*Chairman*: We will discuss clause 5 first if you do not mind and see whether we ought to add some clause to that effect. Has any one any observations to make on clause 5 as it is drafted?

*Raja Narendra Nath*: That is what I said. I suggested after "disability" you should add "or shall be prejudiced in any way".

*Chairman*: I will put that later. We will take it subject to that point; we will come to that later.

Dr. Ambedkar suggests, having passed clause 5, that we should add these words, "in making this recommendation the sub-Committee have particularly in mind the case of the depressed classes; they desire that a generous policy be adopted in the matter of the employment of the depressed classes in Public Services, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them". That is the amendment proposed by Dr. Ambedkar to be added on to the end of clause 5.

Those in favour of that please signify; those of the contrary opinion; it is carried.

*Major Stanley*: I am a little worried about the word "sex" in clause 5 (a). It seems to me that might be liable to some misconstruction. What will happen if a woman comes and demands admission into the Police Service?

*Raja Narendra Nath*: There are women Police already.

*Major Stanley*: They are in a Women's Police Force; but is it not going rather far to say that sex is no disqualification for admission into any branch of the Public Service?

*Chairman*: I notice in this draft in (a) that there is a different collocation of words. In (a) it is merely by reason of religion, caste, or sex; but in (b) it is community, caste, creed, or race. I do not know whether there is any significance attached to that.

*Sir Chimanolal Setalvad*: I suggest it should be the same set of words in both.

*Sir Edgar Wood:* I think it would be a good thing if the gentleman who made this addition would explain what he has in his mind.

*Chairman:* The challenge is up to you, Mr. Shiva Rao.

*Mr. Shiva Rao:* I introduced the word because a particular request was made to me to do so. Neither of the two lady delegates was present, and therefore it was suggested that one of us should take it up and have this word introduced. I do not see any objection to the retention of the word. Sir Edgar Wood has sat as a member of the Legislative Council which has had a lady as Deputy President, and I do not think he has had any reason to complain whatever about that.

*Chairman:* The word " person " in English by the Interpretation Act includes both sexes. The proposal is this, that in (a) instead of the words " religion, caste, or sex ", strike out " religion, caste or sex " and insert " community, caste, creed, or race ". Will that do?

Those in favour of the amendment; those against; that is carried.

It is suggested that we pass on now to clause 7 on page 12. That clause is in these terms, " The Central Services. We recommend that the Government of India should be the sole authority for recruitment in the case of all those Departments which are to be under the control of Ministers responsible to the Legislature. As regards the Departments under the control of Ministers responsible to the Governor-General, we do not feel called upon to make any recommendation ".

It is suggested that we ought to omit the word " sole " so as to make it read, " we recommend that the Government of India should be the authority," and it is suggested to me that we should substitute for the words " to be under the control " the words " the sole concern ". So that it will read in this way, " We recommend that the Government of India should be the authority for recruitment in the case of all those Departments which are the sole concern of Ministers responsible to the Legislature ".

The object of this amendment is to secure that in Services where military officers are employed and defence considerations exist, see page 169 of the Government of India Despatch, the authority responsible for defence will be able if necessary to intervene.

*Sir Provash Chunder Mitter:* We are not dealing with any of the Departments; we are dealing with Departments outside defence.

*Sir Chimanlal Setalvad:* Here we are dealing with Departments for which Ministers are responsible. The case referred to is the case of officers drafted into Departments from the military, but the Department is still in the hands of the Ministers.

*Chairman:* You might have the Royal Engineers employed for the time being in the Railway Service. Is that what you mean? I am told that does happen now and would presumably continue.

In a case like that, the Department, *i.e.* the railway service, is under the control I suppose of a Minister; but the Royal Engineers who are for the time being employed in that Department, a Department under Ministerial control obviously—at least I gather so—for the time being come under the control of the Governor-General.

*Sir Chimanlal Setalvad*: This is not met by the proposed amendment.

*Sir Cowasji Jehangir*: Is the object that they should be under the control of the military while they are serving?

*Chairman*: The object of this amendment is to secure that in Services where military officers are employed and defence considerations exist, the authority responsible for defence will be able if necessary to intervene.

*Mr. Chintamani*: This cannot be accepted by us. That means that the military authority cannot merely give advice but can intervene with regard to the railways, the post office, and so on. That means that in ordinary times the military would have a voice in the administration.

*Mr. Mody*: I have a little difficulty about this. I do not quite follow the drafting. Once the officer is recruited no such question arises.

I think it would be intelligible if you not only talked of recruitment but also of control and other things. This merely talks of recruitment. Once they are recruited it does not matter at all what happens afterwards.

*Mr. Tambe*: I suggest that instead of these words we should say, "we recommend the Government of India should be the authority for the recruitment of those Services which are under the control of the Ministers responsible to the Legislature".

*Chairman*: I have no objection. It is suggested it should read in this way, "We recommend the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature". Is that accepted?

Then, "as regards the Services under the control of Ministers responsible to the Governor-General we do not feel called upon to make any recommendation".

*Mr. Chintamani*: I move in the last line but one the deletion of the three words "Ministers responsible to". I do not know whether the two are to be Ministers responsible to the Governor-General or what arrangement is going to be made.

*Mr. Shiva Rao*: Could not we say, "as regards the other Services we do not feel called upon to make any recommendations"?

*Mr. Mody*: No, that is too vague.

*Chairman*: Could we not put it in this way, "as regards the Services under the control of the Governor-General, we do not feel

called upon to make any recommendation". Those in favour of that? Those against? That is carried.

Are there any more observations on clause 7?

Now clause 6 follows: The internal administration of the Police. I have an amendment proposed by Lord Zetland, and I have an amendment by Sir Robert Hamilton, which cover more or less the same ground.

First of all I will read the passage, "subject to the recommendation which has already been made by the Provincial Constitution sub-Committee, that under the new Constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee". Has anyone any objection down to there?

Then Lord Zetland proposes that we leave out the words beginning, "we do not doubt that" and going down to the words, about seven lines from the bottom "well founded, would accordingly recommend". Lord Zetland propose you should put a bracket after the word "recommend"; that all the words from "we do not doubt that" down to "well founded, would accordingly recommend" be omitted, and that instead there be inserted the amendment which is on the paper before you. I will ask Lord Zetland to explain that amendment. We will discuss it on those lines.

*Lord Zetland:* May I say that the end of my amendment comes out also? I will read the words which I propose to insert and then I will stop when I come to the point where I wish them to finish. May I also add that I propose this amendment with a view to shortening our discussion? All that I propose to ask you to do now is to agree that the existing Police Acts should be put in the category of Acts which cannot be amended or repealed by the Legislature without the previous consent of the Governor-General. That, in brief, is my point. That being so, I would leave out the whole of page 11 altogether. I will give up all those points. I leave out the last line on page 10 and the whole of page 11. I quite realise that the Chairman can put this point into his daaft to meet the point which I raised; but I also realise that the majority of the sub-Committee did not see eye to eye with me on these points, and therefore, I do not propose to press them.

Now let me read the words which I propose to insert on page 10 after the words "this sub-Committee" in line 8. They are as follows: "We have given consideration to various suggestions made under this head and while some of the sub-Committee"—I put in the words "sub-Committee" there instead of "us" because objection was rather taken to the word "us" in previous amendments—"while some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others"



—leave out “ of us ”—“ who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise,” and then we go down to line 23 of the main draft, “ advise that the Indian Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Act of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General”, and leave out everything else. That confines my proposal to that one point, that these Acts should not be repealable or alterable except with the previous sanction of the Governor-General.

*Chairman:* Let us make it plain. You will see in the draft as originally before you the words in line 8 “ we do not doubt”. Will you put a bracket before the word “ we”. You will then see reading line 23 the words “ would accordingly recommend”. Will you put a bracket after the word “ recommend”? Lord Zetland proposes that all the words between those brackets be left out; and he proposes, further, that on that same page, on the last line of the page “ others of us feel ” be left out to the very end of the clause, and he proposes in the first place which you have indicated by brackets that these words be inserted which you see in his draft, “ we have given consideration to various suggestions made under this head and while some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise . . . .”

The question is that those words be inserted in place of the words between the brackets.

*Mr. Chintamani:* Whether the words proposed to be deleted are deleted or retained, or modified, is comparatively less important than whether the proposed amendment should be inserted. In a word, the amendment amounts to this, that the Provincial Legislatures should not have the power of amending existing Police Acts except with the sanction of the Governor-General. What is involved in this proposal? It is that no confidence can be reposed in the sense of responsibility of Provincial Governments and Provincial Legislatures, and accordingly this safeguard should be inserted. For the very reason that has prompted this amendment I oppose it. The reasons of my opposition were set forth at considerable length at previous sittings of the sub-Committee, and I need not repeat them. The motive which prompts the amendment is precisely the opposite of the motive which prompts the opposition to the amendment. We feel that confidence should be reposed in the sense of responsibility of future Governments and Legislatures as much in Police administration as in others, and

because we feel that we ask for the reform, and because we feel that we oppose the amendment.

*Lord Zetland:* Might I remind Mr. Chintamani that there is a very long list of Acts which is included in the Schedule to clause 80 (a) (3) (h) of the Government of India Act? May I further remind him that a special Joint sub-Committee of the Federal Structure sub-Committee and the Provincial Constitution sub-Committee has sat and has made a recommendation as to how a large number of these matters should be dealt with under the new constitution? They have recommended that this Schedule should be retained and revised; that some Acts should be taken out of the Schedule and that other Acts should be placed in the Schedule. At the present moment there is more than a page of printed names in the Schedule and if Mr. Chintamani objects to the Police Act being in the Schedule for the reasons which he has given us he must equally object to every one of those Acts.

*Mr. Chintamani:* Not necessarily.

*Lord Zetland:* It is not really discriminating; it is only adding particular Acts to an existing Schedule; and, moreover, the Schedule which it is intended should continue under the new constitution . . . . .

*Sir Cowasji Jehangir:* Why did not the sub-Committee do so?

*Lord Zetland:* The sub-Committee did not do it because they did not deal with the details of the Acts. They recommended that the Schedule should remain but should be revised as necessity required.

*Sir Chimanlal Setalvad:* I do not think there is much force in the argument now advanced on the Schedule. True that Committee reserve a good part of the Schedule, but if you look at the Schedule that was done on the principle that in certain matters there should be uniformity in the country, for instance, with regard to Property Laws and so on. That was mainly to preserve uniformity in the various Provinces with regard to matters of general interest. That stands on quite a different footing from the case that we have here.

*Sir Provash Chunder Mitter:* I think there is an element of suspicion which makes the position more difficult. There is more than a page of Acts in the Schedule. Now we are going to have a new state of things, and therefore, when it comes to a question of the Government of India interfering I strongly oppose it. When it comes to a question of particular legislation not being undertaken except with the sanction of the Governor-General I think that is due to suspicion. I think it is desirable that we should not have one kind of Police Act in Bengal and a different kind of Act in the neighbouring Provinces, because in the administration of a Department like the Police uniformity is very desirable.

*Mr. Chintamani:* But impossible.

*Sir Provash Chunder Mitter:* However, my point is that as it is not a question of administration, as it is a question of legislation, it ought to be considered on its own merits or according to the suggestion put forward to the sub-Committee to which Lord Zetland referred.

*Chairman:* Before you go any further, I think there is a little danger of this point being obscured. When I drafted this as a result of our deliberations it was quite obvious to me that I could not get a unanimous report, and therefore the scheme of this draft of mine is to set out the two reasons. Some thought this thing and others thought the other. I set out in an argumentative way, as fairly as I could, the arguments which each side had advanced, and that was the scheme of it. Lord Zetland's scheme is exactly the same, as I follow it, but he is omitting all the arguments. I think, perhaps, that it is an advantage because it makes it shorter. I put the other in in case some people wanted it. It is not much good trying to get the discussion back to each of these two things. It is manifest that there is a division of opinion and it is manifest that any report has to state both views. The only difference is as to whether we state both views quite simply and shortly, or whether we set out the arguments which have led the adherents of each view to advance that view.

*Sir Robert Hamilton:* I agree entirely with what you say. Our task is to report what took place in the sub-Committee, and it is a question whether we should rehearse the arguments submitted on either side or state shortly the results in the shape of the two opposite opinions expressed. I have put in an amendment directed to the same end as that of Lord Zetland, namely, to cut out all these various arguments which are rehearsed. In the Provincial Constitution sub-Committee, we agreed *simpliciter* to the abolition of dyarchy, and here we are concerned only with the internal administration of the Police. Therefore, I think I would rather see these arguments omitted than a mere statement in our Report as to whether the Police Act should be scheduled or as to whether complete control should be left in the hands of the Minister.

*Mr. Chintamani:* I quite follow what you, Sir, have said, and I think that you have explained very correctly the point of view from which you have drafted this particular part of the Report. The only argument I want to put forward is that while your statement of the respective points of view gives satisfaction to those of our way of thinking, and our position finds a faithful expression in this draft, the bald statement, in the absence of the arguments addressed on either side, would be inadequate. It is true, as Sir Robert Hamilton has said, that in the Provincial Constitution sub-Committee, we simply made the recommendation that dyarchy should be abolished, but Sir Robert Hamilton ignores the fact that that recommendation was unanimous, and that being so, there was no reason to put in the Report the arguments which were expressed. Wherever there is a substantial divergence of opinion in a Committee or sub-Committee, it is very usual to give the grounds for

the different opinions in the Report, though there is force in Sir Robert Hamilton's contention that a Report need not state all the reasons brought forward. I come now to Lord Zetland. Lord Zetland was the Chairman of the Joint sub-Committee which considered this Schedule. I should like to ask whether, in the Joint sub-Committee, any member or Lord Zetland himself proposed the view that the Police Act, 1861, should be included in that Schedule.

*Lord Zetland:* The matter was not raised, and for this reason, that individual Acts were not considered. The recommendation was that the Schedule should remain, but should be revised. We did not consider the individual Acts which were to be placed in the Schedule at all.

*Mr. Chintamani:* If that Joint sub-Committee recommended that the Schedule should be revised, the sub-Committee meant that the revision should be undertaken by the authorities concerned. Very well, let us leave it to the authorities concerned. I am not asking you to include in, or exclude from, the Schedule any particular Act; that would be according to the discretion of the authorities. But there is a certain principle which runs through the whole of the Schedule. It concerns matters in respect of which uniformity of practice was deemed to be both expedient and desirable, and in respect of which more than one Province was involved. That argument does not come in here. It has been said that different Police Acts in different Provinces would be undesirable. But the Police Acts are more administrative than anything else, and in respect to administrative provisions not only are they different as between one Province and another, but such differences are inevitable, having regard to the conditions in the different Provinces. The only impression that can be conveyed to the public mind of India by the singling out of the Police Department in the manner suggested here will be this, that one sub-Committee, having recommended the abolition of dyarchy, said that all administrative services in a Province shall be in charge of the Ministry responsible to the Legislature, another sub-Committee of the same Conference goes back and makes a special recommendation in respect of the Police and the Police alone. On the balance of all the considerations, I will give my vote for the original draft without the amendments proposed by Sir Robert Hamilton and Lord Zetland.

*Mr. Mody:* Apart from the arguments on the merit of the case, this Schedule, to which our attention has been drawn by Lord Zetland, consists of all the Government of India Acts, which obviously cannot be altered or repealed by any local legislation. As regards the Police, the Police Act, 1861, is not applicable to the whole of India. Therefore there seems to be a real constitutional difficulty in saying that that Police Act shall be included in this Schedule. I do not see how, in a list of Government of India Acts, we can include an Act of which there are local editions, as there are in Bombay and Madras.

*Chairman:* Is not the position this: that the Police Act, 1861, is the general Act which applies to the whole of British India, except Bombay, Bengal, and Madras? With regard to Bombay, Bengal, and Madras, these have their own Provincial Acts which regulate and govern their Police. Outside those Provinces, it is the Police Act of 1861 which is the governing authority. Now, I understand, you are going to transfer, under the new scheme, to each Provincial Government, the responsibility for law and order. For instance, Assam will have responsibility for law and order transferred to it, and will therefore become possessed of the relevant powers under the Act of 1861. That is why you can, as a constitutional matter, if you so desire, put this matter outside their control without getting a prior consent.

*Mr. Chintamani:* May I point out, Sir, that the Act of 1861 provided that every Province which was endowed with a Legislative Council was empowered to have its own Police Act. Those Provinces which had no Legislative Council were under the Government of India, and came under the Police Act.

*Sir Provash Chunder Mitter:* I should like to explain that under Section 33 of the Government of India Act, the superintendence, direction, and control of the civil and military government of India is vested in the Governor-General in Council, who is required to pay due obedience to all such orders as he may receive from the Secretary of State. Therefore the Police at the present moment being a reserved department, the Government of India can stop the introduction of a Provincial Act dealing with the Police. Mr. Chintamani is under some misapprehension. The Police Acts are Acts which should have a federal aspect. If I may take a parallel case from a non-contentious subject, the same is true of epidemic disease. There again, there may be certain aspects which ought to be considered from the federal point of view. My argument would have met with the support it deserves but for the fact that for the last century, for reasons into which I need not enter, the Police have been an object of suspicion. But I press for the inclusion of this in the Schedule, having in view the interests of the citizens, rather than as any matter of suspicion. I am as strong as any of my friends here on the question of interference by the Government of India in the internal administration of Departments, but in police matters as I have pointed out, there is a federal aspect, just as there is in the case of epidemics. What would happen if one Government were to act in such a way as detrimentally to affect the health of the people in another Province? It would be at once pointed out that the question has an All-India aspect, and the same is true of the Police.

*Chairman:* The form in which I should put the question is as to whether we shall take the lines of my original draft—that is to say, the presentation of the two views, with the arguments—or whether we shall have the two views set out without the arguments.

*Sir Cowasji Jehangir:* I should like to make a point of explanation. I think we are rather involved with the constitutional

question. I quite see what it is Lord Zetland wants; he wants a safeguard, and that is really a matter pertaining to the Provincial Constitution sub-Committee, but it has been referred to us. He wants one further safeguard, namely, that no Provincial Legislature shall change the Police Act if it applies to them, or any of their local Police Acts, as in Bombay, Bengal, or Madras.

*Lord Zetland*: Without the previous sanction of the Governor-General.

*Sir Cowasji Jehangir*: We have all agreed in principle to Provincial autonomy. That would imply that any Act passed by a Provincial Government should be amended or rescinded entirely by the Provincial Legislature without any interference from the Government of India. Those three Acts, relating to Bombay, Bengal and Madras, were passed by the local Legislature, and if any check cannot be put upon them, the check must be by the Governor . . . .

*Lord Zetland*: I accept that.

*Sir Cowasji Jehangir*: In this case, if it is the Governor, then we get over this constitutional question of Provincial autonomy, and it would become only an additional safeguard which we could accept. I personally would be prepared to accept it for the Provinces, if it is a question of the Governor, not the Governor-General.

*Chairman*: I will put it in that form. But shall we clear out of the way the broad issue of principle? Do you prefer to have the two views set out with the arguments, pro and con, on the lines of my draft, without committing yourselves to the precise words, or do you prefer Lord Zetland's scheme, simply setting out the two views, and omitting the arguments? I will put first Lord Zetland's proposal.

*Lord Zetland*: I should like to point out, Sir, that I do not omit the arguments. May I read my amendment? "We have given consideration to various suggestions made under this head, and while some of us think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments . . . ."; that is the main argument.

*Chairman*: I am sorry if I misrepresented Lord Zetland. What I meant when I said that it was proposed to put it forward without arguments, was that it should be put forward without detailed arguments. One view is that we set out the opposite opinions, with the appropriate detailed arguments; that was according to my original draft. Since then, Lord Zetland has stated that he thinks it sufficient to set out the two views with the broad arguments. I will ask you to vote on Lord Zetland's proposal.

(There voted in favour of Lord Zetland's proposal 14, and in favour of the original draft, 8.)

*Chairman*: Lord Zetland's proposal is easily carried.

*Sir Prorash Chunder Mitter*: I should like to have it added that the Governor-General should have a say in this matter.

*Chairman*: Let us now turn to the text of Lord Zetland's amendment to paragraph 6. He proposes to leave out what follows after the first sentence of the paragraph and to insert the following:—

“ We have given consideration to various suggestions made under this head, and while some of us think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments, others of us, who consider that the control over the Police forces at present secured to the Inspector-General by statute should be preserved, advise . . . .”

Is it accepted by the sub-Committee down to that point? (*Agreed.*)

Now I come back to my draft again, “ That the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal, and Madras, should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.”

*Sir Cowasji Jehangir*: Of the Governor.

*Chairman*: Yes. I suggest you must have the same word in both places. It is quite illogical to have “ Governor-General ” in one place and “ Governor ” in the other. Historically there is no doubt a good reason for it, but since you are going to confer control of the Police on each Provincial Government ought not each Provincial Government to be in the same position?

*Sir Cowasji Jehangir*: The Governor of the Province?

*Lord Zetland*: I suggest that a Police Act which has been passed by the Central Legislature should not be altered without the previous sanction of the Governor-General, and that the Police Acts which have been passed in the Provincial Legislature should not be altered without the sanction of the Governor.

*Chairman*: The view I was putting was this for what it is worth. Although historically that, of course, was the position, now each Province is going to be placed in the same position with regard to Police, and each Province is going to have control of law and order. I suggest to you now that whether through the Governor or Governor-General you ought to have the same principle applicable to each Province.

*Sir Prorash Chunder Mitter*: I suggest it ought to be Governor-General for the sake of uniformity.

*Mr. Mody*: Uniformity is all very well, but in this particular instance it simply cannot be had, for this reason, that the Police Act is a Government of India Act and the Governor-General's consent is necessary. So far as the local Acts are concerned, namely, the Acts of Bombay, Bengal and Madras Presidencies, the sanction of the Governor-General, if you impose the consent of the Governor-General, is necessary. Then you are taking away from them the power they actually enjoy at the present time; in other words, for the sake of uniformity you are transgressing the Provincial autonomy which exists in the various Presidencies.

*Sir Cowasji Jehangir*: As soon as each Province gets control over law and order it will have to make the choice of either using the Government of India Act or of having a Police Act of its own like Bengal, Madras, and Bombay. If their choice is to have an Act of their own naturally it will be the Governor in that Province who will be the authority to decide whether the Act shall be amended or not. If they choose to make use of the Government of India Act, which they have every right to do, they must submit to the Governor-General being the authority, and therefore, there is no question of not having uniformity; it is entirely a question with regard to which Act they are going to avail themselves of. Up to now the three Provinces have had their own Acts. It is for them to amend or rescind. You want to deprive them of that power without a superior authority. It must be the Governor; it cannot be the Governor-General, unless we go and further recommend that there should be one Police Act for the whole of India and the Acts that Bombay, Bengal, and Madras have should be rescinded. There is nothing illogical in what I have suggested; it is only in keeping with the principle of Provincial autonomy. That is the point. I do not see where any argument is needed.

*Lord Zetland*: Might I suggest that this might meet the position? Starting from the part of your draft which we proposed to keep could not we say, "the Police Act of 1861 shall not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and the Police Acts of the Governments of Bombay, Bengal, and Madras," then leave out the next words, and then say, "without the previous sanction of the Governors of those Provinces"?

*Sir Provash Chunder Mitter*: I move the amendment "without the previous sanction of the Governor-General." It is true those Police Acts are part of the local legislation, but local Governments could not introduce those Acts without going to the Government of India. Now that we are going to have Provincial autonomy I think it is desirable that we should go to the Governor-General.

*Sir A. P. Patro*: I think that in the interests of Provincial autonomy there should be uniformity. I have no faith in this safeguard. What is the safeguard for not amending the Act of 1861 when you have the Governor merely acting as a constitutional



Governor in the Province? It is very easy if the Minister thinks that the Act ought to be amended; it is not difficult for him to obtain the sanction of the Governor. I do not attach any importance to this safeguard. I think that this safeguard is absolutely useless and ineffectual. It is no safeguard at all. However if it pleases you that there should be a safeguard I will support it, but I do say that I cannot agree with my friend Sir P. C. Mitter when he says that for the sake of uniformity we should have the sanction of the Governor-General. There is no meaning in that. He must consider what is to be the future. We have to consider the relation of the Services with regard to the future constitution, and that would be completely in the hands of the Provincial Governments. This safeguard is merely eyewash; it will be ineffectual; it will not help to preserve that independence upon which Lord Zetland rightly insists with regard to the Governor-General; it will be left to the discretion of Cabinet Ministers. I suggest, therefore, that it must be left to the Governors and not the Governor-General.

*Chairman*: May I ask this question? After this Act is passed is it possible for the Punjab, for instance, to pass their own Police Act?

*Sir A. P. Patro*: Yes.

*Chairman*: That is quite obvious. What is the effect of our recommendation if it is in these words. That Act is not the Act of 1861, everyone would agree with that—neither is it the Police Act of the Governments of Bombay, Bengal, or Madras; and if we make our recommendation in this way those who want safeguards have not got one. I only want to understand it. I do not like signing things when I do not know what they mean. If it means the Police Acts of Bombay, Madras, and other Provinces hereafter passing Police Acts, by all means let it be so.

*Sir Cowasji Jehangir*: Put that in. I have no objection to that if Lord Zetland agrees.

*Chairman*: I think the best way to get a decision on this is to put the question with regard to each. In the first place it is the Governor-General. Then those who want uniformity can vote in accordance with the first decision. The first decision which I ask you to take is this. You see the words "Governor-General" in this context, that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General. An amendment has been proposed that instead of the words "Governor-General" the word "Governor" should be inserted.

*Sir Cowasji Jehangir*: Not there.

*Chairman*: That is the amendment which I have put—instead of the words "Governor-General" insert the word "Governor." Those in favour of the word "Governor" being there inserted

please indicate the same; those against the word "Governor" being inserted there?—The words "Governor-General" remain there.

*Mr. Chintamani*: I withdraw my second amendment.

*Chairman*: Very well. Does anyone desire to have the word "Governor" instead of the words "Governor-General" in the next place?

*Sir Cowasji Jehangir*: Yes.

*Chairman*: You see the words "Governor-General" and that the Police Acts of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General. Mr. Chintamani proposes leaving out the words "Governor-General" and inserting instead the word "Governor." Those in favour of the word "Governor" being inserted instead of the words "Governor-General" please indicate. The words "Governor-General" remain in both places.

I think that finishes our deliberations.

*Sir Chimanlal Sethalvad*: What about the note which Lord Zetland mentioned about the Medical Services? I want to say a word about that. The passage is on page 6, "further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result."

Some of us took the view, you will remember, that it should not be obligatory to provide European medical assistance for these people, but only that medical assistance of an efficient character should be provided. We agreed to that compromise, but if Lord Zetland now insists then certainly expression should be given to the view of those who do not agree with him. This was a compromise and I am ready to stand by it.

*Lord Zetland*: I never accepted it.

*Chairman*: I cannot be responsible for Lord Zetland, but so far as I am concerned if I am worth anything you have still a little bit of the compromise left.

*Lord Zetland*: On that point I understand that any member who could not accept a particular provision was entitled to say so. We have got reservations by a number of other people.

*Sir Chimanlal Setalvad*: I am afraid I am not understood properly. We should have asked for our view to be reserved if this compromise had not been arrived at. Now it appears that the compromise is not effective because one of the persons who I thought had compromised in that manner, Lord Zetland, withdraws. I think the necessity has arisen for putting in a sentence or two to give expression to the other view.

*Sir A. P. Patro*: I suggest that we should leave matters as they are.

*Chairman*: If you feel you must, you are clearly entitled to put in a paragraph representing your views.

*Sir Chimanlal Setalvad*: There are other people who hold the same view.

*Sir Cowasji Jehangir*: I am quite agreeable to accept this but I do not see the exact point. You will have to re-open the whole question.

*Sir Chimanlal Setalvad*: It is not a question of re-opening the question except to state that some of us took the view that it was not necessary to provide European medical officers.

*Chairman*: If you submit a sentence of that kind you may put it in, but I think Lord Zetland throughout made it plain that at least it was very doubtful as to whether he would assent to this. As for the rest of us, Sir Robert Hamilton, myself, and Major Stanley have accepted this compromise. I do not know whether Sir Edgar Wood insists on his name going in with Lord Zetland.

*Sir Edgar Wood*: I should prefer it to go in because I do think what is put up is unworkable and I think it is right to record our view that we think it is not practicable in the interest of the Service to leave things as they are.

*Chairman*: You are clearly entitled to have that in. Sir C. Setalvad has got, at any rate, the majority of us here supporting him on his compromise, and I hope he will rest content with that.

*Sir Cowasji Jehangir*: The only two signing this are Lord Zetland and Sir Edgar Wood?

*Chairman*: That is so. I suggest it would be very desirable if on this very complicated topic there was no further dissent, but of course that is in your hands.

*Sir Chimanlal Setalvad*: On this point there is very strong feeling in India. The people object to this condition being imposed on them that they should be served by European doctors.

*Major Stanley*: You have every right to express your opinion. If others are going to express their own view withdrawing from the statements they made as to recruitment of European officers then I wish to add my name to Lord Zetland's dissent.

*Chairman*: It is rather a big decision to take and we are now after our time. I think if this is pressed it is only fair that the Committee should be given another chance, because as Major Stanley has said, there are other members of the sub-Committee who might desire to sign the reservation or to reconsider the whole matter. If it is pressed I think we had better say that we will discuss the matter again. We can meet to-morrow if necessary.

*Sir Chimanlal Setalvad* : I will do anything to avoid another meeting.

*Chairman* : I thank you all very much, Gentlemen.

*Sir A. P. Patro* : I am sure we should all like to thank you, Sir, for the patience and courtesy with which you have conducted the meetings of this Committee.

*Chairman* : I have been very glad to sit with you all. I thank you.

*(The proceedings then terminated.)*

**Sub-Committee No. VIII (Services).**

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REPORT PRESENTED AT THE MEETING OF THE COMMITTEE OF THE  
WHOLE CONFERENCE HELD ON 16TH JANUARY, 1931.

The terms of reference to this sub-Committee were as follows:—

“ The Relation of the Services to the new political structure.”

The following Delegates were selected to serve on the sub-Committee:—

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| <p>Sir William Jowitt<br/>(Chairman).</p> <p>Lord Zetland.</p> <p>Major Stanley.</p> <p>Lord Reading.</p> <p>Sir Robert Hamilton.</p> <p>H. H. The Maharaja of Alwar.</p> <p>H. H. The Maharaja of Nawanagar.</p> <p>Sir Prabhashankar Pattani.</p> <p>Rao Bahadur Krishnama Chari.</p> <p>Sahibzada Sultan Ahmed Khan.</p> <p>Mr. Chintamani.</p> <p>Sir P. C. Mitter.</p> <p>Dr. Narendra Nath Law.</p> <p>Mr. Basu.</p> <p>Mr. Tambe.</p> <p>Sir Chimanlal Setalvad.</p> <p>Mr. Shiva Rao.</p> | <p>Mr. Mody.</p> <p>Sir Cowasji Jehangir.</p> <p>Sir A. P. Patro.</p> <p>Rai Bahadur Kunwar Bisheshwar Dayal Seth.</p> <p>Maharajadhiraja Kameshwar Singh of Darbhanga.</p> <p>Raja of Parlakimedi.</p> <p>Dr. Ambedkar.</p> <p>Lieutenant-Colonel H.A.J. Gidney.</p> <p>Mr. Paul.</p> <p>Sardar Sampuran Singh.</p> <p>Sir Shah Nawaz Bhutto.</p> <p>Mr. Ghuznavi.</p> <p>Khan Bahadur Hafiz Hidayat Husain.</p> <p>Mr. Zafrullah Khan.</p> <p>Dr. Shafa'at Ahmad Khan.</p> <p>Mr. Fazl-ul-Huq.</p> <p>Sir Edgar Wood.</p> |
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The sub-Committee met on the 6th, 7th, 8th, 9th, 12th, and 13th of January, 1931, and have authorised me to present this Report.

1. *Existing members of the Services.*—Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds should be provided.

As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve with loyalty and efficiency for their normal term.

To this end the sub-Committee agreed that the right to retire on proportionate pension should be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding five years.

2. *Future recruitment for the All-India Services.*—We recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis but the majority of the Committee are of opinion that recruitment for Judicial Offices should no longer be made in the Indian Civil Service. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised.

(Four members would prefer that the Irrigation Branch should remain an All-India Service.)

Mr. Shiva Rao and Mr. Tambe desire to record their view that all Services should be provincialised forthwith.

Dr. Ambedkar, Mr. Zafrullah Khan, and Sardar Sampuran Singh are averse to further recruitment on an All-India basis for the Indian Civil Service and the Indian Police Service, save in respect of the European element in those Services.)

3. *The recruiting and controlling authority for the future All-India Services.*—Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services.

On the question whether we should record any recommendation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion.

The majority of the sub-Committee are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue. On the question of the ratio there is a difference of opinion, some holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India.

Whatever decision may be reached as to ratio, the majority of the sub-Committee hold that the recruiting and controlling author-

ity in the future should be the Government of India. They would leave to that authority the decision of all questions such as conditions of recruitment, service, emoluments and control. Those who take this view attach importance to complete control over the Services being vested in the Central and Provincial Governments. A minority of the sub-Committee think that the recruiting authority should be the Secretary of State, since they hold that without an ultimate right of appeal to him, and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those who take this view consider that adequate control over the members of the Services can be secured to the Indian and Provincial Governments under the Devolution Rules.

There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain central appointments. Under the new regime we hope that it will be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages.

4. *The Indian Medical Service.*—Subject to paragraph 1, the sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service; and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such.

The Civil Medical Services should be recruited through the Public Service Commissions. In order to provide a war reserve, a clause should be inserted in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge.

Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result.

It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. We contemplate that such members would sever their connection with the Indian Medical Service during the term of their employment in the Provincial Medical Service—subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agree-

ment between the Army authorities and each Provincial Government.

(Major Stanley wishes to make it clear that his acceptance of this section is contingent upon the possibility of securing satisfactory agreements under paragraph 4.

Lord Zetland and Sir Edgar Wood fear that under the scheme proposed neither the Provincial Governments nor the Indian Medical Service will secure European Medical Officers of the type required, and they would prefer that the present arrangement should continue until Indianisation both in the Indian Army and in the Civil Services has proceeded further.)

5. *Public Service Commissions*.—(1) In every Province and in connection with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be.

(2) Recruitment to the Public Services shall be made through such Commissions in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result.

(Raja Narendra Nath and Sardar Sampuran Singh desire to add a proviso that the proportion of appointments to be filled to redress communal, class and caste inequalities should not in any case exceed one-third of the total appointments to be filled, the remaining two-thirds of the appointments being filled solely on considerations of merit.)

The Governor shall, before considering any appeal presented to him against any order of censure, of withholding an increment or promotion, of reduction to a lower post, of suspension, removal or dismissal, consult the Commission in regard to the order to be passed thereon.

(3) Members of the Public Service Commissions shall hold office during the pleasure of the Crown and be removable by the Governor, in the case of a Provincial Commission, and by the Governor-General in the case of the Central Commission. They shall, after ceasing to be members of a Commission, be ineligible for a period to be fixed by the Governor or Governor-General as the case may be for further office under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible for appointment as members of the Central Commission or of another Provincial Commission, and *vice versa*.

(4) The sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and



recommend that special consideration should be given to their claims for employment in the Services.

(5) There should be a statutory declaration that—

(a) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of community, caste, creed, or race.

(b) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services.

In making this recommendation the sub-Committee have particularly in mind the case of the Depressed Classes. They desire that a generous policy be adopted in the matter of the employment of the Depressed Classes in Public Service, and in particular recommend that the recruitment to all Services, including the Police, should be thrown open to them.

6. *Internal Administration of the Police.*—Subject to the recommendation which has already been made by the “Provincial Constitution” sub-Committee, that under the new constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police was left to this sub-Committee. We have given consideration to various suggestions made under this head. Some of the sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments. Others, who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.

7. *The Central Services.*—We recommend that the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature. As regards the Services under the control of the Governor-General, we do not feel called upon to make any recommendation.

Signed on behalf of the sub-Committee

W. A. JOWITT,  
Chairman.

St. James's Palace, London,  
13th January, 1931.