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INDIAN CIVIL SERVICE

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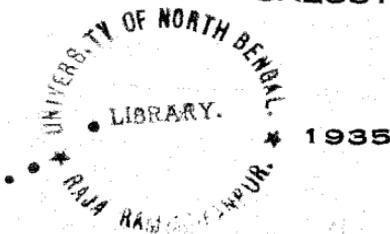
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PREFACE

For about one century and a half the Indian Civil Service has been the Government of this country. In the following pages, an account has been given as to the origin and growth of this Service. The system under which it was recruited in the beginning and the changes brought about in this arrangement in later years have been dealt with in as much detail as the importance of the questions demanded. Appointment of Indians to this Service constitutes the subject-matter of the third chapter of the book. It has been an important public question in this country for over one century. It has consequently been necessary to trace its long history and give an account of the methods by which attempts have been made at different times to solve this problem. The salary and constitutional position of the Civil Service are also vital questions of the day and in separate chapters they have been dealt with as exhaustively as the compass of the book permitted.

It is very difficult for an Indian student of the administration and politics of his country to write, without any prejudice, on the Indian Civil Service. But the author claims that he has tried to be fair and scientific as far as possible in the treatment of the different aspects of this subject. Without the proper solution of the Civil Service question, the march of democracy and the growth of responsible government in India cannot be unimpeded. The author will be satisfied if the following pages help in the solution of the problem to any degree.

City College, Calcutta. }
1st July, 1935. }

N. C. Roy.

INTRODUCTION

The administrative organisation which Sher Shah had initiated, Akbar had revived and developed and the other Great Moghuls had conserved came to pieces in the general anarchy which set in soon after the death of Alamgir in 1707. The forces of lawlessness were now abroad and the great machinery of imperial administration which had kept together the different parts of a vast continent under the control of one ruler and which had given peace and security to the teeming millions of this far-flung country was not only dislocated but absolutely broke down beyond repair. Government by accredited imperial officers under properly promulgated rules and regulations became a thing of the past. It was in most parts of the country replaced by the rule of petty tyrants who in that age of survival of the fittest were successful in chalking out some territorial authority for themselves. In Behar and Bengal, the anarchy was not so complete as in most other *Subahs*. Murshid Quli Khan and his successors were able Governors of this Presidency and they held the reins of administration as tight as it was possible to do in that age of disorder and disintegration. But even they could

not stem on the one side the tide of rapid feudalisation of the province and on the other the tide of corruption among the hierarchy of their own officers. Between 1707 and 1750, many of the attributes of sovereignty slipped out of the hands of the Nawab and were usurped by the great territorial magnates, the *zamindars* of revenue. Demoralisation of the public officers was not anything unexpected in that period of Indian History. Throughout the reign of the Great Moghuls, corruption prevailed to some extent among the officers of the state and if it was not on a large scale it was overlooked and even condoned. During the last days of Aurangzeb's life this corruption increased to a large extent and after his death public spirit disappeared altogether. People no longer thought in terms of the nation and the state. They thought only in terms of their own individual welfare and advancement. When such became the outlook of the people, it could not be expected that honesty and purity in public service would be regarded as virtues. Rather he who would stint himself for the welfare of the Government and the people would be regarded as a fool and perhaps as a maniac. No wonder therefore that corruption and bribery became the pre-eminent features of the public services in the eighteenth century.

The battle of Plassey gave only the last blow to the already crumbling structure of organised government in Bengal. It made confusion

worse confounded. The Nawab of Bengal, Behar and Orissa now became merely a puppet, nor were the reins of administration which fell from his hands were tightly held by any other power and authority. The British conquerors did not undertake the responsibility of public administration but they only clogged the wheels of the existing government of the province. The period from 1757 to 1765 thus saw the apotheosis of anarchy in this premier *Subah* of the Moghul Empire. The little of administrative organisation which had survived the ravages of the last fifty years also disappeared during this period when the old order had changed but the new had not yet taken its place.

In 1765, the East India Company at last thought it right to accept the *Dewani* of Bengal, Behar and Orissa at the hands of the Emperor of Delhi. The administration of revenue and civil justice was thus vested in the Company's representatives in this Presidency. The Company further made the Nawab a mere pensioner and transferred the *Nizamat* to a nominee of its own. Thus the East India Company became responsible both for the *Dewani* and the *Nizamat*, for the administration of revenue and civil justice as also indirectly for the maintenance of law and order and the administration of criminal justice. But for some years to come the Company did not take its duties seriously. It allowed things to drift and it was not till

1772 that the Company decided "to stand forth as the Dewan." For the next twenty years, the Company's Government of course refused to be responsible for the administration of criminal justice which continued to be discharged by the venal agents of the Nawab at Moorshidabad. The other functions however it had to take up immediately. Regulation and collection of revenue was the principal business to which Warren Hastings and his successors had to turn at once. But neither this nor the allied function of administering civil justice could be possible until disorder was to some extent checked and peace to some extent maintained. The old administrative system had totally collapsed and if the Company's Government were to discharge its functions, it must build up anew its own administrative organisation. It must create a machinery for exorcising the anarchical elements and maintaining law and order in the territories under its charge. This was the basic function on the proper discharge of which the progress of both the Government and the governed depended. It must also gather proper information as to the economic resources of the people and the methods of revenue administration in the past. On the basis of the facts thus collected it must frame suitable regulations for the imposition of revenue and the suitable machinery for its collection. The revenue settlement was one

of the most complicated functions of government in India. It involved the consideration of a multiplicity of rights and obligations and it differed also in both fundamental principles and details from place to place. It required on the part of those who would administer this department an excellent acquaintance with the manners and customs of the people, a sound judgment, a trained intellect and a well developed analytical skill. Without this equipment, it was impossible to discharge revenue duties with any show of efficiency.

The administration of civil justice was no less complicated a business which the British Government had at once to undertake. It involved the application of both Hindu and Mahomedan laws to the innumerable disputes that would come up before the Company's Courts. These laws were not in a properly codified form. They were a loose bundle of traditions which had been handed down from immemorial past. They also differed from community to community and locality to locality. The whole legal system was in fact in a state of flux. The procedure to be followed was equally in a fluid condition. Out of this legal morass, a solid body of law and procedure was to be created and operated. This was a task which required not only a detailed acquaintance with the Hindu and Moslem legal literature but also a sound juristic acumen and a true insight into the ideals and outlook of the people to be governed.

Another important duty which confronted the East India Company was to maintain diplomatic relations with the other contemporary Indian powers. A diplomatic service must be built up to supply officers to act as representatives of the Company in the different Indian Courts. In the 18th century and even after the conquests of Wellesley, the East India Company was only one of the great powers in this country. Some of the Indian States had indeed placed themselves in subordination to the British power but some others still enjoyed coordinate status and position. The British Government had to place their representatives in the Courts of both these kinds of States. The functions of these diplomatic agents were at once delicate and important. They were required to be polished in manners, strong in fibre, fluent in Indian tongues, prompt in correspondence and tenacious of British interests.

For about twenty years since Warren Hastings became Governor of Bengal, criminal justice was placed outside the purview of the British Government. It was left to the agents of the Nawab to discharge it as best they could. Cornwallis, however, thought it criminally wrong to leave this important public function in the venal hands of the Nawab's underlings. He vested this duty in the Government of Bengal and its officers had henceforward to mete out criminal justice as well.

The functions which the Company's Government were now called upon to undertake were indeed exclusively police in character. But to create order out of chaos, to build up an administration where none existed was no easy and mean task. It was a work of reclamation and restoration and it required well-stored resourceful minds and firm and energetic hands to carry it out.

CHAPTER II

RECRUITMENT OF CIVIL SERVANTS

The duties undertaken by the East India Company first in Bengal and then in other parts of the country were onerous and required men of ability and energy to carry them out. Men of judgment and vigilance were not only wanted at the helm, but officers of first rate acumen and power were as badly wanted at the oars. Not only the Governor and the members of his Council must be endowed with a large fund of energy and great powers of organisation but their assistants in the central offices and their agents in the mufassil must also be men of great intellectual and physical resources.

Unfortunately, however, for a long time to come, the persons who were called upon to fill this important role in the public service of the Company's Dominions in this country had neither the necessary moral nor the intellectual qualifications. These officers were drawn from the ranks of the old servants of the Company, the writers, factors and merchants who had been

sent down to keep the books of the Company's establishments or to manage their warehouses. Neither their early education nor their subsequent experience any way fitted in with the administrative duties which they were now invited to perform. Most of them had not gone beyond the primary stages of general education and on the eve of their coming out to India had somehow picked up the rudiments of book-keeping and other indispensable technical requirements of a commercial career. Even those few who had entered the portals of a public school had to cut short their classical studies in order that they might learn how to keep the ledger before they started at fifteen or sixteen for Calcutta or Madras. Men of such education, culture and outlook were not out of place in the Company's establishments so long as they were concerned only with buying and selling commercial articles and loading and unloading ships at the different ports. But when in 1769 some of them were appointed Supervisors over large territorial areas in Bengal and entrusted with a long list of responsible duties, they not unnaturally felt like fish out of water. They were square pegs in round holes. They could not take any interest in the work entrusted to them. They only "made confusion worse confounded." The general mass of these officers proved to be abject failures in this new field of public administration. Only a few could overcome

their original defects in education and experience and pick up the requirements of a new career. During the long Governor-Generalship of Warren Hastings, some officers became trained in administrative work. The foremost of these men was certainly Mr. John Shore (afterwards Lord Teignmouth) whose high character and great ability were testified to by Lord Cornwallis. Among the rest were Charles Grant, Jonathan Duncan and George Barlow. These were men of an exceptional calibre which was innate in them and which could not be kept down even by the unfavourable environments which beset them in their early career. As soon as opportunities for higher and more intellectual work were opened out to them, they seized them eagerly and turned them to advantage.

The general mass of the Company's servants, however, remained too saturated with the atmosphere of the factory and the warehouse to adapt themselves to the new field of work. Nor did the Court of Directors do anything for the remedy of these evils. They continued to send down from year to year fresh batches of writers of the same age and education as before, completely unconcerned that a revolution had taken place at least since 1772 in the status and functions of the Company's officers in this country. None of the three Acts of Parliament which attempted between 1773 and 1793 to regulate the Company's administration of Indian territories were concern-

ed any way with the most important question of the education and training of the civil servants in this country. Except with regard to the age of the candidates for the writership, there is in fact no reference to the question of their recruitment in these statutes. Of course when North's Regulating Act and Pitt's India Act were passed it had not yet been decided as to whether the Company was to govern India through European or Indian agency. For about twenty years it was an open question if the administration would be efficiently conducted by an exclusively Indian, a mixed or an exclusively European agency. It was not till about 1790 that the controversy was set at rest by the policy of complete Europeanisation introduced by Cornwallis. At last when European agency was determined upon, it was incumbent upon both the Court of Directors and the Parliament to make some arrangement either for recruiting the civil servants from among young men of requisite education and intellectual equipment or for giving proper education and training to persons already recruited to the civil service.

An opportunity for making some such statutory provision was supplied by the renewal of the charter of the East India Company which fell due in 1792. But no advantage was taken of this opportunity and the statute of 1793 was passed without any mention of this question. It only provided that the civil servants chosen by the Court

of Directors should not be less than fifteen and more than twenty-two years of age at the time of their appointment to the Company's service in India. The Court sent down as usual boys of fifteen or sixteen with little schooling and with their old titles which signified their service under a commercial concern and belied altogether the nature of real work they were expected to perform in India. When Elphinstone landed in this country as a writer in 1796, he was barely sixteen years of age. His education in Great Britain had been of the scantiest character, the total period of his schooling not exceeding two years. He was not an exception in this matter, he represented the type of young men generally sent out as writers. He of course later on became famous as an administrator and rose to be the Governor of Bombay and it is said that thrice afterwards he refused the offer of the Governor-Generalship of India. But his success was partly due to his exceptional innate merits and partly also to his association for some time with the College of Fort William. Most of his comrades had not these natural and acquired advantages, and it can be well imagined how they would be discharging their complicated revenue and judicial duties.

During the Governor-Generalship of Sir John Shore, no initiative was taken to make the civil servants intellectually fit for the responsible duties they were invited to undertake. But the appointment of Lord Wellesley as the head of

the Indian administration in 1798 opened a new epoch in the history of the Indian Civil Service. He himself was a finished classical scholar and was endowed with a large fund of constructive imagination. He could see at once that there was no correspondence between the qualifications of the civil servants and the responsible administrative functions of they were called upon to discharge. He was convinced that although the young men sent down as writers by the Court of Directors were expected in this country to discharge the functions of Magistrates, Judges, Ambassadors and Governors of Provinces, they were actually in most cases culturally and educationally fit only for the laborious and the unwholesome duties of a copying clerk. Accordingly he thought that some arrangement must be made without delay for the general cultivation of the intellect of the Company's junior servants and also for their technical education in Indian languages, laws and regulations. Lord Wellesley thought it indispensable that there should be "an inexhaustible supply of useful knowledge, cultivated talents and well ordered and disciplined morals." Without it an efficient management of the territories was out of the question. Accordingly without waiting for the sanction of the Court of Directors, the Governor-General in Council issued a regulation in May, 1800, for the immediate establishment of the College of Fort William. Three months later an elaborate Minute in

By his famous minute of 10th July 1800, this great Governor-General put an end to the "loose and

irregular system" which he found
in existence and worked into a single
course. Cambridge History of India. vol. 1
p. 337.

Council was sent on this subject to the Court of Directors.

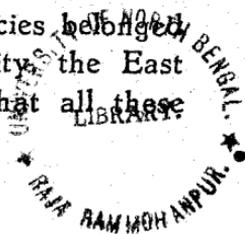
The College of Fort William started in 1800 was to be immediately under the control and guidance of a Provost and a Vice-Provost, the former being always a Church of England clergyman. The governing body would be constituted by the members of the Supreme Council and the Judges of the Sudder Courts. The Governor-General himself was to exercise the functions of Patron and Visitor. A three years' educational course was drawn up. It was of a mixed and comprehensive character. It provided for an instruction in liberal arts—Modern History and Literature, Classical History and Literature, Laws of Nations, Ethics, and Jurisprudence. This side of instruction was meant for broadening and liberalising the mind and quickening the imagination of the future civil servants. The syllabus also included Indian subjects, like Sanskrit, Arabic and Persian literature, Urdu, Bengali and Marathi, the different Codes followed in this country, the Regulations which had been passed from time to time by the Governor-General in Council and the History of India from all standpoints. The Regulation provided for the establishment of Professorships in the different subjects delineated above and actually many Professors were appointed to take charge of their respective departments.

It was enacted that all the new arrivals in the Civil Service would be admitted into the College and remain associated with it as students for three years. Those civil servants again who had already been in the country for less than three years would also be asked to join the college and stay there for three years. Any other junior civil servant might also take advantage of the instruction at the college for a period determined by the Governor-General in Council.

This rule was to be not only in the case of the junior civil servants on the Bengal establishment, but also in the case of those of Madras and Bombay who would be likewise compelled to undergo training in this college for the same period. Wellesley was convinced that if the civil servants of Bengal were incompetent and inefficient, those of Madras and Bombay were worthless to a greater extent still. If the public services in these two Presidencies were to be raised from this rut, the civil servants of these provinces must be compelled to spend a few years in the College at Fort William before they took up any administrative work. There was another salutary reason why the Madras and Bombay civilians should spend the first three years of their Indian career at Calcutta. As all the territories included in the three Presidencies belonged ultimately to one sovereign authority, the East India Company, it was essential that all these

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areas should be administered on the basis of the same principles and ideals. This uniformity, however, could not be expected until the officers immediately responsible for the administration of these three provinces ceased to cherish jealousy and hostility towards one another and became really imbued with the same traditions and inspired by the same ideals. The ambition of Wellesley in insisting on Madras and Bombay civilians being trained and educated at Fort William was to break down the barrier of suspicion, rivalry, and jealousy between the three Presidencies and give their future administrators the same outlook and angle of vision.

The College was run on this elaborate and comprehensive basis for about seven years and during this period it trained up several batches of civil servants who got in this institution an excellent opportunity of continuing and maturing the general education which they had left half-finished or scarcely begun in England. They also came to acquire in this institution a real familiarity with the oriental languages and law. The several batches of civil servants thus instructed and trained by the College at Fort William included some honoured and famous names in the Indian Civil Service. In the first batch of civil servants we come across the names of Charles Theophilus Metcalfe and William Butterworth Bayley. Those who came out of the College in 1804 after undergoing full

three years' training included the names of George Swinton and T. C. Plowden and in the batch of the following year we notice the names of T. C. Scott and J. Marjoribanks. That the College justified its existence is amply testified to by the records of the officers who had the opportunity of passing through its portals. It set all at once a new tone in the civil service. The intellectual exercises which had to be undergone by the students not only developed their mental faculties but gave them a real insight into the social institutions of the people over whose destiny they were to preside. The essays they were to write, the subjects they were to debate upon in different Indian languages (under the moderating guidance of the Professors in charge) give us an idea as to the training they received. In 1801 we find on the Public Disputation day the subject for debate in Bengalee was "The Asiatics are capable of as high a degree of civilisation as the Europeans." In 1803, again the subject for disputation in Hindustanee was "the suicide of Hindu widows by burning themselves with the bodies of their deceased husbands is a practice repugnant to the natural feelings and inconsistent with moral duty." In the same year the subject for debate in Bengali was that "The distinction of the Hindoos into castes retards their progress in improvement." Disputations on such subjects not only sharpened the wits, and improved the knowledge of the students

in vernacular languages but what is more important, they added to their understanding of the social and political problems with which they would soon be called upon to deal. Besides arousing the mental and intellectual powers of the civil servants the college improved also their morals to a considerable extent. For three years during the most impressionable period of their life, they had to live under the strict but sympathetic supervision of the Provost and his Deputy. A spirit of discipline was thus as a matter of course introduced into the ranks of the civil servants. It was hence not an empty boast on the part of Wellesley when he said on the Public Disputations day of the College in 1803 that "this institution has answered my most sanguine hopes and expectations."

The College as conceived by Wellesley was not destined, however, to have a long lease of life. It had been founded in anticipation of the sanction of the Court of Directors. But the Court set its face against the step already taken by the Governor-General in Council at Calcutta. As a result of protracted negotiations, the College of Fort William was allowed indeed to continue on its comprehensive scale for a few years until in 1805 the Company's desire to establish in England a suitable institution for the training of the young cadets in its Indian Civil Service was fulfilled. The Hailebury College was started and from the following year

1806
 • "East India College"

The Haileybury College was closed by an act of 1855 with effect from 31 Jan. 1858 when the RECRUITMENT OF CIVIL SERVANTS Section 32 of the Mutiny Act in India Act, 1858

the College at Fort William was maintained only in a shrivelled and attenuated form. It was enacted that the young recruits to the covenanted civil service must spend two years at Hailebury where their general education would be continued and strengthened and where they would also receive their first acquaintance with Indian languages, laws and history. After keeping four terms in this institution those of them on the Bengal establishment would be sent down to Calcutta and here at Fort William they would add to their knowledge of Indian languages. The Fort William College was thus degraded to become merely a language school.

It survived till 1854 as a language school for Bengal civil servants.

The grand scheme of Lord Wellesley for the elaborate and comprehensive education of the junior civil servants was in one sense a tragic failure and in another sense an eminent success. It was a failure because his proposal of making this pet institution the centre of learning for all the future administrators of India was turned down by the fiat of the Court of Directors. After seven years of brilliant record, the institution was transformed into a local seminary for teaching some oriental languages. But the fundamental ideal which underlay the scheme of Wellesley could not be killed as the College of Fort William could be mutilated. That the civil servants must no longer be sent to their duties in the Cutchery without a proper education and training had now been successfully brought home to all interested

The power of regulating appointments to the civil service was made over to the Secretary of State in Council. Cambridge Hist. v. p. 55

in the Company's administration of Indian territories. The Court of Directors might wreak its vengeance upon a much too independent Governor-General by vetoing his scheme of education for the civil servants, but if the College of Fort William was to be abolished or transformed the gap thus created must be filled up somehow. The place could not be kept any longer blank. The Court in fact had to establish a new institution some ten miles away from London. The ideas behind the Hailebury College were as much those of Wellesley as the ideas behind the institution at Fort William.

1806-1858 For fifty years the Indian Civil Service was the product of the Hailebury College. It had its unmistakable stamp on the outlook, ability and character of all the covenanted civil servants who administered for half a century and more the British territories in India. The period of Hailebury rule represents the golden period of the patronage system. The civil servants of the Company had to be nominated as usual by the individual Directors. Each Director had at his disposal one nomination. The Chairman and the Deputy Chairman were entitled to nominate two candidates each and two such nominations were placed out of courtesy at the disposal of the President of the Board of Control. The Directors as a rule nominated their sons and nephews or the sons and nephews of their cousins and friends. Membership of the Indian Civil Service

was thus almost exclusively confined to the Anglo-Indian families in England and Scotland. Persons at the time of nomination were in average 16 years of age. Their general education could not therefore be expected to be of any high order. In most cases, in fact, it was of an insignificant character. After their nomination, they had to appear at an entrance examination on the success of which their entry into the Hailebury College depended. The test however was of a rudimentary type and seldom any one was turned back from the portals of the College. The test over, the nominees under the Statute of 1807 had compulsorily to pass four terms or two years at the College. Later on in 1813, this provision was to some extent amended and the Directors were empowered to send out to India with the approval of the Board of Control any student who had not yet kept the full terms at the College but had otherwise shown sufficient proficiency and passed the requisite examination. The syllabus drawn up by Wellesley for his College at Fort William was followed in substance in this institution. The budding civil servants had to continue their mathematical and classical education for two years under an expert supervision and guidance. Besides this general instruction, they had also to read Political Economy (which in those days was not looked upon as liberal study) and something of the principles of Jurisprudence, elements of Indian history and the

rudiments of Indian legal codes and regulations. They had also to pick up some acquaintance with Indian languages.

The course of study undergone at Hailebury corrected to a great extent some of the original defects of intellectual backwardness and ignorance in the young recruits to the Covenanted Civil Service. The College at least gave them the benefit of systematic education for some time. While however it certainly improved the intellectual calibre of the future civil servants, the improvement in most cases was not of a very appreciable character. The young nominees had opportunities of equipping themselves at Hailebury at least with that degree of liberal education which was available only in the best Public Schools. But it cannot be said that they did full justice to the opportunities vouchsafed by Hailebury. Nor was there any remedy against this laxity. The examinations which the students had to pass before they became qualified for service in India might have been stiffened as an incentive to greater attention to studies. But this higher standard of examination would have at once winnowed out a good many of the nominees altogether—a contingency which would have however created a flutter in the dovecotes of the Anglo-Indian families. It must not be forgotten that the system at best was one of qualified patronage. The professors had to walk a wary path. They knew that they would be

confronted with a hostile public opinion in case they tried to raise the standard of examination. It was in Jurisprudence and law that the students were the most backward. Law was not certainly an attractive study and it was mostly neglected by them much to the detriment of the judicial work which these young men had later on to undertake in India.

The defects in the Hailebury system were organic. The young men sent to this College had their minds yet unmaturing, their intellect undeveloped and undisciplined and their thoughts in no way systematised and synthetised. What they required was a full dose of liberal education. This only would have made them fit for administrative duties in India which really demanded great intellectual powers on the part of those who would like to do justice to them. But the time available at Hailebury was short and the money to be spent on the education of the civil servants could not be unlimited. In two years and in some cases even in a shorter period of time, had to be packed not only the courses of liberal study but also the teaching of such subjects as Jurisprudence, Political Economy, Indian history, Indian laws and regulations and oriental languages. Only young men who were intellectually above the average could store their mind with systematic and useful knowledge under such circumstances. The rest could only be expected to burden their mind with a smattering of slipshod information on the

different subjects they undertook to study. It was certainly to the credit of the institution that so many of the students who passed through it actually profited so much by their stay in this college.

It was not merely intellectually again that the Indian Civil Service profited by this institution, morally also it gained enormously. The social life of the college was, on all testimony, one of the very best. The best students who some years later would be employed in different duties in the widely apart districts and provinces of India developed an excellent community of interest and outlook. The College became noted for its corporate life and the excellent camaraderie of spirit which bound the inmates of the institution together. This corporate outlook, this spirit of comradeship was carried down to India by the Haileburians. They might be working in different fields and might be separated from one another by hundreds of miles, still the old ties of Hailebury kept them united and bound together. The enthusiasm and vigour of one officer came to be easily emulated by the others. Honesty and integrity of some proved to be contagious and soon became the fundamental ideals of the whole Covenanted Service. A set of healthy traditions was thus created among the civil servants which no one could violate without bringing dishonour upon the whole batch to which he belonged.

Of course this corporate spirit was a double-

edged weapon cutting both ways. As it infused into Indian administration a good deal of enthusiasm, vigour and honesty, so it introduced into it an equal amount of hauteur and despotic spirit. The civil servants looked upon themselves as the members of the governing corporation. The powers and privileges which they enjoyed were, they thought, the inevitable heritage of the Civil Service in India. They would not allow them to be curtailed or to be transferred to other hands. In the first half of the nineteenth century, however, the question of transferring any of the powers and privileges of the European Civilians to Indian hands had not obtruded itself into public consideration. The evils of camaraderie were consistently not yet manifest. But its good effects became noticeable in every branch of administration. It must therefore be admitted that Hailebury College contributed a great deal to the efficiency and integrity of the Indian administration. It made tolerable the otherwise ugly system of patronage which the Court of Directors were allowed to exercise till the early fifties of the last century.

But before the Hailebury system was twenty-five years old, it met with opposition and even censure in responsible quarters. Its very merits supplied arguments for its replacement. It was found that those who had won laurels in the Hailebury College also distinguished themselves most in administrative work in India. Those who

had been proficient for their studies (at Hailebury) became proficient also in the duties entrusted to them in India. It was hence naturally concluded that Indian administration would gain much in efficiency if only the most distinguished of the British youths were sent down to the covenanted civil service. It was objected that the system of recruitment in vogue gave to India only "an average amount of talent or one but a little above mediocrity." If "a high standard of Ability and Qualifications in the Civil Servants" was to be secured, some other method of choosing them should be devised and accepted. In 1831-32 before the Select Committee on the Affairs of the East India Company, Mr. Holt Mackenzie pointed out in no uncertain terms that if efficiency of the Civil Service was a desired goal, it should be recruited henceforward "by some system of competition so as to be sure of the selection of the best out of many good men." The Committee also after summarising the arguments for and against the system of recruiting the civil servants recommended that it was deserving of serious consideration if any system of competition "could be adopted so as to prevent all favouritism in the selection."

Time was not yet ripe for any plan of open competition being entertained. The Directors of the Company would not all at once sign a self-denying ordinance and throw open the Indian Civil Service to public competition. Their

right to make nomination to this service was looked upon as their real remuneration for the enormous trouble they took as Directors of the Company. The public also was not yet ready to deprive them altogether of this compensation for their arduous labour. The Board of Control was however convinced that the system of pure nomination must be ended and a mixed system of nomination cum competition should be introduced in its place. A clause was accordingly *inserted in the measure which became the Charter Act of 1833 to the effect that henceforward for every vacancy in the Covenanted Civil Service there should be four nominations and the appointments would be finally made as a result of the competition among those selected candidates. Mr. (afterwards Lord) Macaulay who was then a member of the Whig Ministry and had something to do with the framing of the Bill spoke eloquently in the House of Commons in support of this new arrangement. He admitted that the civil servants of the Company were a highly respectable body of men and in that body undoubtedly there were some persons of eminent ability. But such first class ability should be a general feature of the Indian Civil Service instead of being merely a stray and exceptional characteristic. Situation in India had changed considerably since the days of Cornwallis and Wellesley. General education of the people with whom the civil servants would have to deal had

* *Ridgway's Const. Law of England. ed. by Keith, 1934, p. 178.*

increased to a great extent. It was essential therefore that only men of superior intellectual ability should henceforward be recruited to the Civil Service of India. "We believe," Macaulay continued "that by the plan which is now proposed this object will be attained..... We conceive that under this system the persons sent out will be young men above par—young men superior either in talents or in diligence to the mass."

The system of limited competition introduced with so much hope in 1833 for the better and more efficient administration of India was not given any trial at all. It did not meet with the approval of the Directors who were unwilling to have their right to Indian patronage so modified and amended. For about five years this clause in the Act of 1833 continued to be on the statute book but it was in practice set at naught by the Directors who continued the old system of recruitment as if nothing had been done by the Parliament in the meantime. In April 1837 an Act was passed by Parliament investing the Board of Commissioners with the authority to suspend this four-fold system and to make meanwhile some suitable arrangement for the examination of all candidates for admission to the Hailebury College. Accordingly four months later in August 1837, the system of limited competition which had never been applied was suspended and the Board of Commissioners appointed some distinguished gentle-

men associated with the Universities of Oxford and Cambridge to be in charge of the examination and to see that those only were admitted to the Hailebury College who had already made some tolerable progress in classical education so that they might utilise to the full the opportunities of culture in this institution.

It does not seem that the arrangement for the preliminary examination introduced in 1837 made any appreciable change in the outlook, ability and character of the civil servants. Sir George Campbell who subsequently became the Lieutenant-Governor of Bengal complained in the early fifties that the standard of qualifications for admission to the Civil Service had not been raised at all, although the scale of duties required for this body had been raised considerably. In the early days of the Company the members of the Convenanted Civil Service had to perform both responsible and minor duties of administration. There were again many comfortable sinecures as well. The bad bargains of the Company who were really unfit for any responsible function requiring high intellectual powers would have been shunted off to these minor duties and sinecures. Now however the convenanted civilians were employed in responsible work alone. Any bad bargains therefore cost the administration dear. It was time that the general standard of the civil service was considerably raised. It

badly required an enhancement both of talent and education. Hailebury, however, was not fulfilling the purpose for which it was created. It interfered too little with patronage. It should have been an instrument of selection. It should have discriminated the capable from the incapable. Actually however it merely passed on to India all the cadets drafted to it by the individual Directors.

In 1852-53, some of the witnesses before the Parliamentary Select Committee on Indian Territories also complained that the Hailebury system inspite of the elaborate preliminary examination as introduced by the Act of 1837 was proving unequal to the demands for talent and ability in the Indian Civil Service. It would be vain to try any more to improve the system of patronage. It was possibly because of this experience that Sir Charles Trevelyan who for several years had been a member of the Indian Civil Service and was at this time the permanent Secretary to the Treasury at Whitehall, became a whole-hogger as to the system of competition. He suggested in his evidence before the Select Committee that all first appointments in the civil service should be subjected to the public competition of the whole country. His distinguished kinsman, Mr. Macaulay, was a member of the Select Committee and in this capacity he was questioning the witnesses—rather he was educating

them—as to the merits of this principle of open competitive examination for the selection of the civil servants. By his own arguments he tried to make some of the witnesses admit that this principle was quite applicable to the conditions of the Indian Civil Service. Most of those who appeared before the Committee were, however, men bred in old traditions. They did not appreciate so much the utility and virtue of competitive examination. They would point out that they could recall many instances of men who had not been distinguished at all in their college days, but subsequently developed talent and ability in public administration and became eminent figures in the Indian Civil Service. Some witnesses agreed that if the principle of examination was accepted “it would be advantageous as a means of securing the best educated candidates.” But they were doubtful if the civil service would continue to be so respectable as it was at the time.

Whatever however might be the opinion of the majority of the witnesses who appeared before the Select Committee, the Hailebury system was doomed. An opposition was long developing in England against the immense Indian patronage being exercised exclusively in the interests of a few Anglo-Indian families. Up to 1833, it was grudging but still tolerated by the British nation. But the Charter Act of this year took away the last vestige of

commercial monopoly of the East India Company and it henceforward became only a "patronage bureau". No reason could now be assigned as to why the patronage should still continue to be vested in the Court of Directors. By the early fifties public opinion became insistent that it should be taken out of the hands of the East Indian Directors without any further delay. But the patronage withdrawn from the hands of the Directors could not be vested in the ministers of the Crown. The appointments in the Indian Civil Service must consequently be made no longer by favour, They must henceforward be gained by merit. They should now be thrown open to public competition.

It was true that in the British Civil Service the patronage system still prevailed in an unqualified form. But a growing public opinion was demanding the introduction of public competition in this field as well. In 1853 Mr. Gladstone as Chancellor of the Exchequer appointed Sir Stafford Northcote and Sir Charles Trevelyan to enquire into the conditions of the Civil Service in England and recommend the methods by which it might be thoroughly reorganised, and made a more efficient instrument of public administration. After a detailed enquiry they submitted their Report in which they suggested that the appointments in the Civil Service should no longer be made by patronage, they should be made henceforward

by some kind of open competitive examination. Only by this means the joint authors of the Report expected that the best brains of the country would be harnessed to public service and the different departments of the Government would be run with requisite efficiency and ability. This recommendation of Northcote and Trevelyan was as much an index of public opinion on the subject as it acted as a further stimulus to it. It focussed public attention upon the conditions of the public services and quickened the demand for an open door policy in the civil service. Democracy was making rapid strides in England since the passing of the first Reform Act in 1832. The patronage system which was naturally exclusive in character was looked upon as inconsistent with the march of democracy. In the British Civil Service however the principle of competition could not be accepted all at once. It had to be delayed for twenty years more ; due to the exigencies of local politics. The Civil Service still remained for two decades more in the grip of patronage. The Government was allowed however in 1853 to start the open door experiment in the Indian Civil Service.

In the Government of India Bill of this year was embodied a clause to the effect that henceforward the members of the covenanted civil service in India would no longer be appointed on the nomination of the Directors, they would only be appointed on the results of a suitable competi-

* See ³Ridges - Const. Law of England
in The British Civil Service, p. 199A

tive examination held in London. This clause was vehemently opposed in the House of Lords by Lord Ellenborough who had held the offices of the Governor-General of India and the President of the Board of Control. He persuaded himself to believe that premature knowledge would not qualify men for the higher situations of life. Mr. Macaulay gave him a spirited reply. He pointed out that it was as early as 1813 that the plan of competition was suggested by Lord Grenville. Nothing was however done during the next forty years and the responsibility for this inaction attached exclusively to the Government. It was now time to make good the mistake and open the civil service appointments to a full-fledged public competition. He invited his colleagues to consult the Oxford or Cambridge calendar. If it would teach them anything, it would teach that those men who distinguished themselves most in academic competitions when they were young were the men who in after life distinguished themselves most in the competition of the world. His point was carried, the clause was approved of and the death-knell of the patronage system was sounded.

In spite of the opposition of Ellenborough and the people of his way of thinking, the provision for competitive examination was embodied in the Government of India Act passed in 1853. They took up more or less an attitude of resignation and the mild opposition they made did not avail.

The East India College, instituted at
Hertford in 1806, and transferred in 1809
to Haileybury, had various branches

Once the principle of competition was finally accepted the Board proceeded to frame the necessary regulations for its application. This important duty could not of course be performed except on the recommendations of an expert body. The Government accordingly appointed a small committee to examine the question and report thereon to the President of the Board of Control. The committee was one of the best chosen of such bodies. It consisted of persons who could speak with authority on questions of educational efficiency. It had Macaulay for its Chairman and Benjamin Jowett, later the Master of Balliol, as one of its members. It submitted its Report in November 1854. It was drawn up by Macaulay himself and his Roman hand is noticeable in every paragraph of the document to read which is even now liberal education itself. It may still be called the bible of the "competitive system". "It is undoubtedly desirable," observed the Report "that the civil servant of the Company should enter on his duties while still young, but it is also desirable that he should have received the best, the most liberal, the most finished education that his native country affords. Such an education has been proved by experience to be the best preparation for every calling which requires the exercise of the higher powers of the mind." Accordingly the Report recommended that twenty-three should be the highest limit of age at which the candidates should be allowed

and soon must be closed.
Lee - Warner - Dalhousie, II, p. 253.

to compete and eighteen should constitute the lowest limit. It was expected that only in extraordinary cases would young men of eighteen or nineteen have any chance of success.

The committee thought only the general intellectual resources of the candidates should be subjected to a severe test. They should not be asked to give any indication of their knowledge of any special technical subject. Such technical knowledge which would be indispensable in the discharge of duties in India should be acquired later. "We believe," the committee continued "that men who have been engaged up to one or two and twenty in studies which have no immediate connection with the business of any profession and of which the effect is merely to open, to invigorate and to enrich the mind, will generally be found in the business of every profession, superior to men who have at eighteen or nineteen devoted themselves to the special studies of their calling. The most illustrious of English jurists have been men who never opened a law book till after the close of a distinguished academic career; nor is there any reason to believe that they would have been greater lawyers if they passed in drawing pleas and conveyances the time which they gave to Thucydides, to Cicero and to Newton. The duties of a civil servant of the East India Company are of so high a nature that in his case it is peculiarly desirable that an excellent general education such as may enlarge and

strengthen his understanding should precede the special education which must qualify him to despatch the business of his Cutchery". Accordingly the committee recommended that the competitive examination should be concerned only with the subjects of liberal study like the European sciences and Arts. Sanskrit and Arabic were also of course included in the syllabus. They were however given only half as much weight as Greek and Latin. Nor was it unexpected in view of the fact that Macaulay who about twenty years before had written in a minute that all the books in Sanskrit and Arabic could be accommodated in one shelf of a European Library happened now to be the chairman of the committee whose other members were also equally ignorant though not so aggressively contemptuous, of oriental classics,

The committee further recommended that those selected as a result of this test should be called upon to devote two years to the study of Indian history, principles of jurisprudence, political economy, book-keeping and the vernacular languages—subjects a knowledge of which would fit them for their calling. Whether they were to carry on with these studies in the college at Hailebury, it was not for the committee to suggest. Actually this institution which served an useful purpose in its days ceased to be henceforward a college for civil servants and became from now on a British Public School.

The first competitive examination was held in 1855. This year as in the two following years it was held under the supervision of the Board of Control. It was not till 1858 that Her Majesty's Civil Service Commissioners were placed in charge of these examinations. The first three batches of 'competition' civil servants were sent to India without any further training and any second examination. There was too much of a demand in these years for fresh recruits in India and further training had to be abandoned in deference to this demand. From 1858 onwards, the recruits had to pass a period of probation in England before they were allowed to take up their duties in India. This period varied from one to three years during the next thirty years and the age of first competitive examinations and recruitment varied also from decade to decade.

The period of probation was fixed at first at one year and the higher age limit for the competition was reduced to twenty-two in 1859. It was thought that unless the civilians were young when they first reached Indian shores, they could not adapt themselves so easily to the new environments. It was on that account that this departure was made from the recommendations of the Macaulay Committee. Five years later the Civil Service Commissioners who were to report every year as to the age, health and general calibre of due candidates chosen recom-

mended that the period of probation should be extended to two years otherwise no justice could be done by the candidates to the special studies for their Indian career. Accordingly it was announced in 1865 that the period probation would be expended to two years. Now as this period was extended, the higher limit of age for the competitors was also brought down to twenty-one. This alteration constituted an appreciable departure from the ideals which had actuated the members of the Macaulay Committee in framing their recommendations. They had cherished the hope that many of the candidates for the first competitive examination would be those who had already taken their first degree at Oxford or Cambridge. But the higher limit of age now being twenty-one this hope would henceforward remain mostly unfulfilled.

On the second of March 1866, the Secretary of State for India requested the Governor-General in Council in a despatch to submit a Report as to the efficiency of the competitive system by which the Civil Service in India was now being recruited. The Government of India pointed out that they had only ten years' experience of the system and the *competition-wallahs* were yet mostly in subordinate positions. Any observation on their character would consequently be premature. The Government were however inclined to believe that some improvement was already noticeable in the quality of the

civil servants. The competitive system was "certainly effective to exclude great inefficiency which undoubtedly was not excluded under the old system." The Madras Government was more emphatic. It pointed out that so far at least as that province was concerned the old patronage system had altogether broken down. The generality of the civil servants recruited under that system could not cope with the duties of administration in the changed order of things. The competitive system had thus justified the hopes of its promoters and belied the expectations of its detractors.

In spite of this testimony of the Indian authorities many wild stories had been set afloat by interested people as to the conduct of the *competition-wallahs*. In 1874 when Lord Salisbury became the Secretary of State in the Conservative Government of Mr. Disraeli, he lent his ears to such stories and immediately set about inviting opinions as to what modification was necessary in the existing system of recruitment. In the letter written on his behalf on the 31st July 1874 to the Civil Service Commissioners, the complaints which had come to him against the civilians of the competition school were clearly delineated. It was thought that the youngmen now sent down to India had indeed very great aptitude for securing a large number of marks in an examination but they had very little of sound and well digested knowledge. It was positively complained

that a certain number of the selected candidates were not "of the intellectual calibre which might be naturally expected from the greatness of the prize competed for." The complaint again was that the community of tastes and interests, the common traditions and the knowledge of the habits and character of contemporaries which were fostered by the common collegiate life at Hailebury were now altogether lacking in the civil servants of the new school. Lastly the objection to the existing system was that the young civilians now proceeded to India at a far too advanced age when they had already lost the pliability of character and the adaptability of manners and outlook.

It was proposed that a college should be started somewhere at Oxford or Cambridge to accommodate all the selected candidates for two years or more. In this institution moral responsibility for the conduct of the students would be undertaken and the rules of discipline enforced. To facilitate this change of arrangement it was further proposed "to require candidates to pass the competitive examination at about the age of eighteen." This latter proposal "is also defended on the ground that competitive tests of general education are better adapted to an earlier period of life than to a later."

This proposal was referred to the Civil Service Commissioners who did not accept the view that the successful candidates in the competitive

examinations did not give any evidence of systematised and well digested knowledge. Many of the examiners were eminent University scholars and they were not the persons to be duped and deluded by the skilful cramming of the candidates. They scouted and belittled the idea of college discipline and maintained that the selected candidates if they were to turn their probationary period to any advantage, must live in London or its neighbourhood.

The proposals were as a matter of course sent to the Government of India who in their turn invited and received opinions on them from the Governments of Madras and Bombay and from a large number of Civil Servants working in different parts of Northern India. On receipt of these expressions of view the Government of India sent a despatch to the Secretary of State in September 1875. In this letter, the Government of India expressed an emphatic opinion as to the general result of free competition for the Indian Civil Service. The favourable view they had taken of the working of the new plan of recruitment in 1866 was, they thought, amply confirmed by the further experience they had gained during the last ten years. As to the age of the candidates, the Government as a whole gave no opinion. The individual members gave their own views on the subject in separate notes. The Viceroy (Lord Northbrooke) was in favour of raising the age to twenty-two so that a young man might be

enabled to take his degree at a University before he sat for the competitive examination. Many individual civilians also recommended either the extension of the age limit or the maintenance of the status quo.

It was found on an analysis of the memorandum that out of hundred and one officers who submitted their opinions five did not refer to the question of age limits at all, only twenty-seven would recommend any reduction of the existing higher limit; thirty-six would retain the existing limits and thirty-three were in favour of raising the maximum age beyond twenty-one. The Secretary of State seemed to have been from the first determined to lower the maximum limit of age to 19. He did not attach any importance to the opinions of the Civil Service Commissioners and of the sixty-nine out of the ninety-six officers who discussed this question of age limits. He rode rough shod over them and introduced the change as desired or supported by only twenty-seven of the officers. By an order dated the 24th February 1886 he reduced the maximum limit of age for the open competitive examination to nineteen.

The step taken by the Secretary of State evoked a wide-spread opposition in India. It was in the first place taken as a menace to the entry of Indians into the covenanted service. The lowering of the age-limits was also opposed as subversive of the qualities with which all the

members of the Indian Civil Service were expected to be endowed. In November 1876 the British Indian Association of Calcutta sent a memorial to the Secretary of State protesting against his order of February last. The duties of administration, it pointed out, now required men of matured minds and well trained intellect. The reduction of age limits would make out of the question the entry of such men into the Service. In 1883, the Indian Association of Calcutta sent a memorial to the Secretary of State, Lord Kimberley. The memorial was mainly concerned with the difficulties of the Indian candidates, but it also touched upon the general demerits of the measure which Lord Salisbury had passed in 1876. "Many of the apprehensions," it pointed out, "which had been entertained when the limit of age was reduced are now being almost literally fulfilled." Under the new system, men of higher culture and matured intellect were being practically shut out. "It is evident", the memorial continued, "that if the present rules remain in force they cannot fail seriously to impair the efficiency of the service and to weaken the character of the Indian Administration."

This memorial had to be sent through the Government of Bengal and that of India. The Government of India in forwarding this memorial observed that the time was inopportune for reopening this question. The Governor-General, Lord Ripon, agreed to this view of the majority.

of his Council. But he could not allow the despatch to be sent to the Secretary of State "without recording my belief that reduction of that limit from twenty-one to nineteen was a mistake and it would be desirable at the first convenient opportunity to return to the arrangement formerly in force." It was desirable that men who had passed through a regular university career should get into the service so that they might leaven it by their solid learning and careful training.

Nothing of course came out of it. The agitation against the arrangement was however carried on. Instead of giving to India men who had received a finished education, it gave half-educated school boys specially trained for an Indian career. Meanwhile the demands for the admission of Indians into the civil service became so insistent that a Public Service Commission had to be appointed in 1886 to examine and meet this demand in the best way possible. This Commission was of opinion that "the general results of competition as applied to the Indian Civil Service have been satisfactory and that the system should accordingly be maintained. It however did not agree that the lower age limits were to the advantage of Indian administration. It was rather of opinion "that the nearer the maximum limit can be brought into accordance with the recommendations of Lord Macaulay's Committee, the more satisfactory is the result likely to be." The Commission was further "decidedly of opinion that

the general education of students should be completed before and not after they enter upon the special studies designed to fit them for duty in India. It was not a defensible arrangement to spend the revenues of India upon the completion of the general education of the new recruits to the civil service. It was on these grounds that the Commission recommended the extension of the maximum limit of age of the Indian candidates to twenty-three and the minimum to nineteen.

The Commission submitted its Report early in 1888, but for several years its recommendations had to be held over. It was not till 1892 that the lower age limits were abandoned and the new system in which the maximum limit of age was raised to twenty-three and the minimum to twenty-one was brought into operation. In 1906 the maximum age limit was further raised to twenty-four, and the minimum to twenty-two. At the present time this arrangement is still maintained in case of the candidates who appear at the competitive examination in London. But those who compete in India are required to be twenty-one at the minimum and twenty-three at the maximum. This difference of one year has been insisted upon on the ground that the successful candidates in London have to be on probation only for one year while those in India have to pass two years on probation in England. It seemed thus to be finally accepted that the candidates for the competitive examination should

be young men with a finished liberal education and with mind and intellect thoroughly trained and matured.

It will appear from the survey given above that under every system of recruitment some able and brilliant men were brought into the Indian Civil Service. Even from the ranks of the Company's servants recruited exclusively for keeping its books and managing its warehouses sprang administrators like Warren Hastings and John Shore. It is less surprising that when arrangements were made for the systematic education of the civil servants at Hailebury some men of first rate ability would be noticeable in the Civil Service. The services of John Lawrence, John Colvin, James Thomason and Richard Temple must have recognition from every historian of the 19th century India. When the Hailebury system gave place to the Competitive system, the flow of first class men into the Indian Civil Service was kept up, and the contribution of such officers as Charles Aitchison, and W. W. Hunter to the further development of Indian administration demands at once our attention.

But the entry of some men of superior parts into the Civil Service should not be taken as an index of the efficiency of any particular system of recruitment. It should be judged by the ability shown and the part played by the average men. It has been pointed out above how even the rank

and file of the Hailebury school of civilians were found unequal to the task they were expected to perform. So long as the government of Indian territories was a simple affair, the Haileburians made their mark. But as the administration became complex, the weakness of the Hailebury system was brought home to the people and the Government. It is the virtue of the competitive system that it facilitates as much the recruitment of first rate men, as it ensures high average ability to the civil service.

CHAPTER III

INDIANISATION OF THE CIVIL SERVICE

The Dewani was undertaken by the East India Company in 1765. But for four years to come, the administration was left entirely in Indian hands. Holwell indeed asked the Company in 1767 to run the administration of Bengal and Bihar through the agency of its own officers. But the advice was not regarded as quite practical. Men like Verelst rightly pointed out that the Company had on its establishment men sufficient only for its commercial purposes. Besides the servants of the Company had no acquaintance with, and training in, the duties of public administration. Their education and experience fitted them only for work in the warehouses. But the administration by an Indian agency did not also prove to be any way efficient and satisfactory. The eighteenth century was an age of absolute public demoralisation in India. The crash of the Moghul Empire and the disappearance of organised government had let loose all the forces of disorder

in the country. Public spirit was, in this welter of anarchy, completely stamped out. Not the welfare of the Government and the governed but their individual and private interests were the concern of the Indian agents of the Company. People suffered, as a consequence, heavily under their selfish and corrupt rule. In 1769, the Company's authorities decided to do something to mitigate this suffering of the people by the appointment of a class of British officers known as Supervisors. This was the first experiment on a small scale of Indian administration being conducted by British agents. This experiment, however, could not inspire much confidence. The confusion noticeable in the administration in 1769, was worse confounded by these men.

In 1772, when the Company stood forth as the Dewan these British officers were still allowed to continue as Collectors, but at the same time, Indian agents were associated with them (as Dewans). This arrangement was not also much of a success, and in 1774, the British agents were withdrawn from the districts and they were replaced by Indian officers. The district agency thus again became wholly Indian in personnel, but this time it was to work under the direction and control of the Provincial Revenue Councils, constituted wholly by European servants of the Company. This system of mixed administration continued up to 1781, from which date European Collectors came again to be appointed.

The replacement of Indians by European servants in the responsible offices of the Government was henceforward systematically pursued. After the retirement of Hastings, Sir John Macpherson, who officiated in his place, took to Europeanisation of the civil establishment on as wide a scale as possible. The advent of Lord Cornwallis as the head of the Company's Government in India gave a further impetus to this principle of anglicising the personnel of public administration in the Company's territories. He had no confidence in the Indian incumbents of those days. His attitude towards them was brought out into high relief in his letter to the Court of Directors, dated August 2, 1789, on the administration of criminal justice. He was convinced that unless Europeans were appointed superintendents of criminal justice, this department would continue to be an instrument, not of chastisement of crime but of tyranny over the people. So venal and so corrupt were the Indian criminal judges that it was common for the wealthy offenders to purchase impunity for the most atrocious crimes. The charges of Cornwallis against Indian officers were not far from correct. Their venality, their corruption were by-words in those days. But if they were open to bribery, the European servants were also not above it. Cornwallis had of course a scheme for reforming the European civil servants. The high salary and strict supervision which he prescribed

See Keith's
 Indian
 documents
 vol. 1
 155-165.

for them were expected to purify the civil service. But if these nostrums could raise the European civil servants out of the rut, it is difficult to understand why they would not cure the Indian recruits also of their corrupt practices. If it is argued again that the source itself of Indian recruitment had become poisoned and it would be no use trying any method for purifying the Indian officers, it must be remembered that Indian society in those days was corrupt indeed but it is doubtful if it was more corrupt than the eighteenth century English society. If the source of Indian recruitment was poisoned, the source of British recruitment was not less tainted. Cornwallis however was convinced that all stations of responsibility and authority should be filled by the European servants of the Company.

The principle thus enunciated practically became confirmed by the Charter Act of 1793. Clause 59 of this statute laid it down that all vacancies in the different Presidential establishments were to be duly notified by the proper Indian authority to the Court of Directors and the Court in accordance with that return would be sending out the requisite contingent of Writers. This provision was meant to be a check upon the cupidity both of the Governments in India and of the Court of Directors in England. Another clause (56) was also included in the statute which was productive of the same result.

It was to the effect that below the membership of the Council, all offices under the Company should be filled in every presidency by the officers of the establishment according to seniority. So the European servants of the Company would step into different positions according to their standing in the service. There would be no opportunity of jobbing by the authorities in India. The two clauses in the Act thus made impossible the appointment by the Governor-General of any of his friends and relations to any important office under the Company. But as the measure was salutary in this respect, in another way it was positively deleterious in effect. It shut out the Indians altogether from the public service of their country. After 1793, no responsible office was open to an Indian, however able and qualified he might be. Even a man of the ability and intellectual pre-eminence of Raja Rammohun Roy had no post save that of the Dewan to a Collector accessible to him. The claims of the Indians were thus entirely lost sight of and their door to responsible public employment banged and barred.

During the first quarter of the nine-teenth century the Indians were practically nowhere in the public service. They were employed if at all only as copying clerks. But gradually the functions of government increased and the burden of the covenanted service pressed too heavily upon the finances of the country. Some lower posts

had consequently to be assigned to the Indians. In 1824, the Court of Directors sent out a despatch to the effect that the lower judicial offices should be henceforward filled by Indians. So the offices of Munsiffs and *Sadar Amins* were made accessible to them. In 1831, another class of judicial officers was created and the *Principal Sardar Amins* were recruited from the Indian judicial officers. But the appointment to these lower judicial posts could not certainly satisfy the aspirations of the children of the soil among whom English education was now being spread. The establishment of the Hindu College in 1817 had given a very great stimulus to the movement of higher education in Bengal. As education spread, the ambition of the Indian youths grew correspondingly. They were discontented with their position as hewers of wood and drawers of water. They naturally aspired to the membership of the covenanted civil service, which was in practice the governing body of Indian territories.

In 1831-32 sat the Select Committee of the Parliament on the affairs of the East India Company. It was to look into the administration of India and prescribe the conditions under which the Company's charter of authority over this country might be renewed by the Parliament. The Committee in its Report admitted the unwisdom of excluding the Indians from higher employment and recognised that

“such exclusion is not warranted on the score of incapacity for business or the want of application or trustworthiness.” The Committee thought that there were at least four reasons why the Indians should now be admitted to higher employment. It “would have a beneficial effect in correcting the moral obliquities of their (Indians’) general character, would strengthen their attachment to British Dominion, would conduce to the better administration of justice, and would be productive of a great saving in the expenses of the Indian Government.” This recommendation of the Select Committee appealed to the Government with which Macaulay was now associated, though in a subordinate capacity. In the framing of the Bill which became the Government of India Act, 1833, Macaulay had a considerable share, and it was to a great extent at his initiative that a clause was inserted in the Bill which made exclusion of any citizen from the public service in India on grounds of colour or religion positively illegal. In support of this, “that benevolent and the noble clause.” Macaulay observed in the House of Commons that “to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause.” He solemnly protested against the policy of exclusion from higher employment which had been followed hitherto and which was advocated by some even then. He protested

See Keith
 on Indian
 Government
 Vol. 2, p. 244

against it "as inconsistent with sound policy and sound morality." Of course he would not like the Covenanted Service to be flooded all at once by Indian recruits. That would not be to the good of India. He would like Indianisation of the superior service to be carried out by slow degrees.

Unfortunately however this clause of the Act of 1833 remained a dead letter during the next twenty years. The measure embodied merely a pious wish of the Parliament which the Court of Directors did not think it expedient to carry out. The Indians still remained deliberately barred out of the sanctum of the Covenanted Civil Service. How exclusive was the stand-point of the Court of Directors was fully evident when Sir John Hobhouse proposed that Rajaram Roy, the foster son of Raja Ram Mohan Roy, should be admitted to the Covenanted Service. This young man had accompanied his foster father to England and possessed all the qualifications demanded as a rule of the candidates for a writership. The Court, however, turned down the proposal on the ground that it would be inexpedient and unwise to accommodate an Indian youth in the Hailebury College. After this no further attempt was made to admit Indians to the Covenanted Civil Service. The Court of Directors, of course, tried to conciliate to some extent Indian opinion by opening a few uncovenanted posts to the

Indian intelligentsia. In 1837 was created the office of the Deputy Collector and in 1843 that of the Deputy Magistrate. These offices were of a subordinate character, though the duties involved were not exactly of a routine type. It was thought that Indian aspirations would be considerably satisfied if some educated Indians were admitted to these posts.

In 1852-53, when the renewal of the charter of the East India Company was on the parliamentary anvil, the question of admitting Indians to the Superior Civil Service was again opened. Before the Parliamentary Select Committee, some witnesses testified to the ability and fitness of educated Indians for superior judicial and administrative offices. There were some however who thought that Indian genius was suited to judicial work alone and was not quite adjustable to administrative duties. Sir Frederick Halliday who a few months later became the first Lieutenant-Governor of Bengal was one of the chief exponents of this view. He deposed before the Committee that "it is in the administration of justice that the natives have longest and most effectually served us ; and it is, I think, generally admitted that it is that for which they are most fitted." He wanted one or two judgeships of the Sudder Court to be thrown open to Indian judicial officers. This contention of Sir Frederick that Indian talent was suitable only for judicial work seems to be quite an unauthoritative one.

Indians had been given a chance in the judicial department and there on the testimony of Sir Frederick himself they had given good account of themselves. In the higher executive work however their services were not requisitioned at all. Some minor posts only in the executive department had been opened to the Indians and that also only recently and it could not be proved that they had not acquitted themselves well in this new capacity. This prepossession however on the part of Sir Frederick Halliday led him to think that Indian aspiration should be satisfied not by putting Indian young men into the Covenanted Service, but by raising experienced Indian judicial officers to higher judicial offices from which they were under the existing arrangement of things rigidly shut out. He came to this conclusion also because he thought that the appointment of Indian young men to the Covenanted Civil Service was a risky affair. The chances of success in the Covenanted Service with young men from England were in their favour. But they were, in case of Indian young men, quite unfavourable. It was notorious, he observed, that Indians, brilliant and promising while young, deteriorated both in talent and character as they grew into manhood. It would not be wise, therefore, to admit Indians into the Covenanted Service. It would be more statesmanlike to promote to some selected higher judicial posts those Indian officers who kept up their energy and talent even

in the later years of their life. This reflection of Sir Frederick as to the deterioration of Indian talent and character was as unauthoritative and unwarranted as his contention that Indian talent was suited only to judicial work. But whatever might be the reasons he put forward, he was against the introduction of Indian element into the civil service fraternity.

Sir John Clerk, who had been a member of the Covenanted Service and rose to be the Governor of Bombay, had however no prejudice against the Indians being appointed to higher executive posts. He thought, in the course of the next ten years Indians should be appointed to the offices of District Magistrates and Collectors. Beyond these stations, he would not like them to go for the present. Another witness, John Sullivan, who had twenty-two years' service in India to his credit was even more go-ahead in his opinion. He thought that the recruitment of Europeans to the Civil Service in India should be discontinued and only Indians should henceforward be given civil employment. The general trend of evidence was thus to the effect that something should be done without delay for admitting Indians to some superior offices in the civil line.

The step, however, which the Parliament took at the instance of the Government for overhauling the system of recruitment of the civil servants, was not likely to bring superior appointments within the easy reach of Indian aspirants. The

principle of open competitive examination for the selection of the civil servants was now accepted by the Parliament. The reactionaries like Lord Ellenborough wanted that the Indians should be excluded from such competitive examinations. The Government, however, did not accept this point of view. Both Sir Charles Wood in the House of Commons and Lord Granville in the House of Lords were explicit in their opinion that Indians were "admissible to that competition equally with Her Majesty's other subjects." In fact it was thought that the problem of admitting Indians to the Covenanted Service was solved by the introduction of competitive examination. It would depend henceforward on Indians if they would get into this service. It was pointed out of course that the very fact that Indians must come all the way to London for appearing at the test, would necessarily entail on them "great expense, expose them to the risk of losing caste and thereby operate as a bar against their obtaining the advantages held out to all others of Her Majesty's subjects." To meet this difficulty Mr. Rich moved an amendment to the effect that Indians should not be required to come to London for purposes of this examination. Lord Stanley was also convinced that if this arrangement was not resorted to, one of the principal objects of this Bill, namely the introduction of Indians to higher offices, would be defeated. The amendment however was lost and the Government carried the point that

the examinations should be held only in London.

The effect of the competitive arrangement of 1853 upon Indian recruitment was what had already been foreseen by Mr. Rich and Lord Stanley. In 1856, the British Indian Association of Calcutta found to its regret that the introduction of the competitive test had made little difference in the position of the Indians vis-a-vis the Civil Service. The Association sent accordingly in 1856 a memorial to the President of the Board of Control, in which it pointed out that the mere chance of obtaining an appointment in the Civil Service was certainly not a sufficient inducement for an Indian young man to be sent to a foreign country six thousand miles away and to a society to which he would be an absolute stranger. Besides, a large body of the Hindus was precluded by custom from taking any journey by sea. The existing method of recruitment thus made the declaration of the Imperial Legislature illusory, conferring as it did all the offices in the superior Civil Service on the European-born subjects of Her Majesty. If the solemn declaration of the British Parliament made in 1833 and repeated in 1853 was to be made effective, some changes were essential in the competitive arrangement. It was the prayer of the memorialists that the Indian candidates should not henceforward be compelled to go over to London. They should be allowed to appear at the competitive examination

in the Presidency cities of India. Some alterations, they suggested, should also be made in the curriculum of the examination so as to adjust it to some extent to the educational system of British India.

This demand for the holding of the competitive examination in India was vehemently resisted by the Anglo-Indian press and community. The *Hurkaru*, an Anglo-Indian journal not only opposed the practical changes advocated by the British Indian Association but attacked the very principle of admitting Indians to the Covenanted Civil Service. It declared such admission to be in-expedient and even dangerous. It thought that the introduction of an Indian element into the superior Civil Service would only create discontent in the country. The reply which the Board of Control sent in March 1857 to the memorial of the British Indian Association was also not encouraging at all.

Close upon the heels of the disappointing reply of the Board of Control came the Indian Mutiny which dealt the death blow to the Company's authority in this country. In 1858 all political power was withdrawn from this commercial corporation and India passed directly into the hands of the Crown. Queen Victoria, on the assumption of direct rule over India, issued a proclamation in which she reiterated the Parliamentary declaration of 1833. Her proclamation emphasised once again that clour,

religion or birth was by itself no disqualification for any office in India under the Crown. This proclamation seems to have been made in all seriousness in 1858. It was not meant to be a dead letter, as the Parliamentary declaration of 1833 turned out actually to be. In the following year to examine how far this proclamation might be given effect to, the Secretary of State for India appointed a Committee consisting of some members of the India Council. This Committee submitted its Report in January 1860. It was definite in its opinion that the holding of competitive examination for the recruitment of the Covenanted Civil Service exclusively in London was a serious obstacle to the appointment of Indians to the governing service of their country. It recommended that this examination should no longer be confined to London alone. It should be held simultaneously in India as well. It consulted Her Majesty's Civil Service Commissioners on this question and they saw no reason why the examination could not have been held in India at the same time as in London. But neither the recommendation of this India Council Committee nor the expert opinion of the Civil Service Commissioners which prompted it had any weight with Her Majesty's Government. Not only did they refuse to act up to this recommendation but three years later they introduced a change in the regulations of the competitive examination which opened them not very

unjustifiably to the charge of throwing a fresh and deliberate obstacle in the way of the Indian candidates in London.

According to the recommendation of the Macaulay Committee Sanskrit language and literature and Arabic language and literature had only 375 marks allotted to them, while Greek and Latin were thought worthy of 750 each. This arrangement could not but create an unsavoury impression upon the Indian mind. It was taken as an invidious distinction made by the Committee and confirmed by the Government between Indian and European Classics. This distinction, it was thought, was deliberately created to make the chances of success of the Indian candidates more remote than they naturally would be. The memorial of the British Indian Association already referred to demanded that this inequality should be rectified and the position of Indian and European classics should be equalised. Either actuated by this memorial or acting spontaneously in the matter the Government saw to it in 1859 that the marks allotted to Sanskrit and Arabic were raised in each case to 500. In 1863, an Indian candidate for the first time braved the competitive examination in London and won a place in the Indian Civil Service. A few months later in the same year, the marks allotted to Sanskrit and Arabic were again reduced to 375 each. This change followed so close upon the success of the Indian candidate

as to awaken a natural suspicion in the Indian circle that it was aimed against the repetition of such successes in the future. So it came to this that the Government gave no encouragement to the idea of introducing competitive examination in India and facilitating thereby the higher employment of Indians. It rather opened itself to the suspicion that it deliberately made more difficult their entry into the Covenanted Civil Service by stiffening further for them the competitive examination in London.

Discontent among the educated classes was the natural consequence of this inequitable arrangement of things. To allay this discontent to some extent an Act (24 and 25 Vic. cap 54. sec. 3 and 4) was passed by the British Parliament in 1861, at the instance of Sir Charles Wood, the Secretary of State, which legalised the appointments made hitherto in contravention of the Act of 1793 and also provided for such appointments being made in the future when an Indian authority would think them necessary and desirable. The Act of 1793 laid down that all vacancies in the civil line of the service must be filled by the civil servants of the Company. Circumstances however changed considerably after the passing of the Act. New territories were brought under the Company and new functions had also to be undertaken. All the offices could not consequently be filled by the Covenanted Civil Servants whose number was limited.

Persons outside this Service had to be appointed to many of these posts. From year to year this practice continued and by the year 1861, it was found that at least one-third of the offices was filled by uncovenanted hands. All such appointments were strictly speaking irregular and unconstitutional. The Act of 1861 regularised and legalised them. At the same time the superior administrative and judicial posts which only had been habitually filled by the members of the Covenanted Service, were scheduled together and kept reserved for them. Even with regard to these superior posts, it was provided that when an authority in India thought it desirable any person though not in the Covenanted Service, could, under certain conditions, be appointed to such a superior post. An appointment of such description was, of course, subject to confirmation by the Secretary of State. Sir Charles Wood in defending this clause of the Bill in the House of Commons pointed out that such a permissive authority to appoint an uncovenanted servant to a superior office, ordinarily reserved for a Covenanted Civil Servant should be conferred upon the Government in order that this might facilitate the promotion of Indians to higher offices. He quoted Lord Dalhousie and the Ricketts to show how necessary it was to raise Indians of proved merit and ability to superior posts from which they have been so long shut out. Lord Stanley also gave his support to the measure, because he thought it

was one of the principal objects of the Bill to admit Indians to higher offices. When the Act however, was actually in operation, not Indians but British military officers profited by it. Only two Indian uncovenanted officers were ever promoted to a superior post under the authority of the Act of 1861. One of the main purposes of the measure was thus frustrated and it made little difference in the position of the Indians vis-a-viz the superior Civil Service.

However able and efficient an Indian officer might prove to be in the service he could not rise beyond the post of the Deputy Collector. This would, as a rule, damp all enthusiasm and cause disappointment and heartburning. In his Report on the Revenue Administration of Oudh for 1865-66, Mr. Davies made a pointed reference to this subject. He observed that there was no greater administrative evil in the existing system than the manner in which many Indian officers of ability were at an early period of life shorn of all incentive to exertion by the bar set to their promotion. He had in mind Rai Ajodhia Pershad, a Deputy Collector. This Indian gentleman had all the equipment for higher administrative offices from which however he has been barred out by the administrative arrangement in vogue and made to vegetate in the subordinate station of a Deputy Collector. The remark of Mr. Davies was formally taken notice of by the Governor-General in Council. The Secretary

of State, Sir Stafford Northcote, approved of the reference which the Government of India now made to the Report of the Commissioner of Oudh as to the case of Rai Ajodhia Pershad but in view of the development of education in the country he did not think the Government should be content with taking this forward step in the case of an individual officer. He pointed out in a despatch dated 31st May, 1867, that he desired "to see the whole question taken into careful review by your Excellency's Government." On receipt of this despatch, the Governor-General in Council recorded a resolution to the effect that he was fully alive to the urgent political necessity for opening up to Indians of ability and character a more important, dignified, and lucrative sphere of employment in the administration of British India. He regretted that even most of the posts of Deputy Collectors and Extra-Assistant Commissioners had gone to Englishmen and after the Mutiny when some of the superior administrative offices were filled by these uncovenanted officers it was Englishmen only who profited by this step. He now thought as in the Regulation Provinces all the superior posts were reserved for covenanted officers, Indian talent should be rewarded and Indian aspiration satisfied in the Non-Regulation areas. The Secretary of State in his comment on this resolution fully approved of its general tenor but he could not agree that Indian aspiration

should be met only in the Non-Regulation Provinces. "There is room", it appears to him "for carrying out the principle to a considerable extent in the Regulation Provinces also." He saw further no reason why Europeans should be appointed at all to posts not exclusively reserved for covenanted officers. They should henceforward be deliberately filled by Indians who had inherent rights in this matter and a preferential claim to those offices under the Government. Finally he repeated his conviction that the Governor-General in Council "will be able to provide hereafter higher and better paid employment for Natives in the Regulation as well as in the Non-Regulation Provinces."

In July 1868, the Government of India informed the Secretary of State that they had decided to establish nine scholarships of £ 200 a year each tenable in Great Britain for three years. These scholarships, the Government of India thought, would facilitate the object of bringing higher employment within Indian reach. These scholarships would open out an opportunity to deserving Indians, of proceeding to London and availing there the competitive examination for appointment to the Covenanted Civil Service. The Duke of Argyll, now the Secretary of State, could not be very enthusiastic over this decision of the Government of India. He pointed out in a letter dated April 8, 1869, that it would rather be futile to depend upon

competitive examinations in London for employment of Indians in higher offices. Up till then sixteen Indians had appeared as candidates and only one of them could get into the Service. He had consequently very little confidence in the scheme of scholarships. It should at best be dealt with only as an experiment. Meanwhile, he added, a Bill was on the Parliamentary anvil which if sanctioned by the legislature would entitle the Government of India to appoint Indians to all or any of the offices now reserved for the Covenanted Service. His idea was that only those Indians who had earned administrative experience and shown ability and merit in the uncovenanted service should be promoted to superior offices. Direct recruitment by competitive examination to the Covenanted Civil Service was, he thought, unsuited to Indian conditions. In the first place, competitive examination, in his opinion, could not bring into the public service the best Indian talent. It was again the first duty of the Government to guard the safety of the British Dominion. To this end only those Indians who might be implicitly relied on by the Government should be promoted to superior positions. Such Indians could be sifted out only from among persons already in service. Thirdly in the interests of British Dominion not all superior posts but only some of them might be opened out to Indians. In that case it would be better to raise uncovenanted Indian officers.

than to recruit Indian young men straight into the covenanted service, a membership of which would entitle them as a matter of course to all superior offices under the Crown in India.

This despatch of the Secretary of State did not appear so clear to the Government of India as to whether the scheme of scholarships should be continued or not. They accordingly sent a letter to him in May 1869 asking for his definite opinion on the subject. The Secretary of State thereupon sent a despatch two months later to the effect that the scheme should be suspended and that no more elections to scholarships should be held until further orders. In March 1870 he further wrote in reply to a despatch of the Governor-General in Council that a Bill had now been passed by the Parliament which would effectually carry out the desire that natives of India should be appointed to high offices under the Government as they might be fitted for by their qualifications.

This measure was originally introduced in Parliament in April 1868 at the instance of the then Secretary of State, Sir Stafford Northcote. He spoke on this question in the same vein in the House of Commons as he wrote to the Governor-General in Council. It however, made very little progress in Parliament and had to be dropped. In March of the following year, a fresh Bill on the same lines was introduced by the Duke of Argyll. On the second reading of the

Bill he observed that with regard to the employment of Indians in the covenanted civil service it could not be said that the Government had fulfilled the promises and engagements they had made. He was sure that if the only door of admission to the Civil Service of India was the competition examination held only in London, there was absolutely no chance of the natives of India acquiring that fair share in the administration of their country which their education and abilities would enable them to fulfil and therefore entitle them to possess. He always felt that "the regulations laid down for the competitive examination rendered nugatory the declaration of the Act of 1833." But even this measure had to be dropped that session for want of time. It was not till the next session that the plan was revived and the Government of India Act was at least so amended by the Parliament as "to afford facilities for the admission of native Indian subjects of Her Majesty to posts in their own country which had hitherto been closed to them." It empowered the Indian authorities to appoint, under rules and regulations to be hereafter framed, "natives of India to positions heretofore held by members of the covenanted civil service without their having necessarily undergone any examination what ever."

Thus was passed the famous Act of 1870. It differed on a vital point from the plans of the two previous years. The object of the Bills of

1868 and 1869 was to open out facilities for the admission of Indians to the Covenanted Civil Service. But the fourth and sixth clauses of the Act of 1870 made no mention of this "service". They did not provide for the appointment of Indians to this corps of officers. They merely provided for the admission of Indians under rules to be framed to some *particular offices*, which had up till then been reserved for the members of the Covenanted Civil Service. Mr. Grant Duff in moving the second reading of the Bill in the House of Commons also significantly put some emphasis upon the capacity of Indians for judicial work. He pleaded that Indians might be appointed to some superior judicial offices with distinct advantage to the Government and the people. We have already seen how in the early fifties Sir Frederice Halliday had emphasised before the Parliamentary Committee that Indian genius was suited mainly to judicial work. Now in 1870 this point of view was echoed by a member of Her Majesty's Government. This jealous emphasis on the capacity of Indians for judicial duties was a ruse employed to shunt them off from superior executive and administrative positions.

The Act of 1870 only laid down the principle of Indian admission to superior posts. It could be brought into operation only after the detailed rules and regulations were framed by the Government of India and sanctioned by the Secretary

of State. But for two years, the Governor-General in Council sat tight upon the Act and kept dead silent as to the rules to be made. In April 1872, the Secretary of State, the Duke of Argyll, sent out a despatch asking the Government of India if they had prescribed the rules which the Act contemplated for the regulation of the admission of Indians to appointments in the Covenanted Service. The Governor-General in Council however still did not break his silence and in the following October the Duke had to remind him that nothing had been done yet to implement the Act although he had already addressed his Government on the subject. He now demanded the immediate attention of the Government of India to this question. The Governor-General in Council, he pointed out, should consider three points in this connection. He should decide if any proportion was to be established between the number of Indians and Europeans in the superior posts. He must consider if all civil appointments should be thrown open to Indians and lastly he must decide if the rate of pay of the Indian officers should be regulated on the scale of remuneration given to the English officers in India or on that which Englishmen received in their own country. The Duke further urged that in considering these points the Governor-General in Council must keep in view the stability of British rule in India and the fact that to this end a large proportion

of British officers in the more important posts was essential. He must not also lose sight of the experience that Indians had great aptitude for judicial offices, but speaking generally they were not so well adapted for executive offices of Collector and Magistrate. He must consider therefore if Indians should not be appointed to these latter posts only in exceptional circumstances.

The Government of India on receipt of this despatch had to modify their indifference to the Act of 1870. They drew up a body of rules in 1873 and submitted it in the following year for the sanction of the Secretary of State. The law officers of the Crown however found that the Government of India in framing these rules had put too narrow a construction upon the Act of 1873. The rules demanded that the Indian candidates for superior offices must have served the Government with distinction in subordinate posts. They demanded, in other words, that the candidates must have proved merit and efficiency to their credit. The Secretary of State advised by the law officers had to consider this body of rules as inconsistent with the wide scope of the Act and to disallow it in consequence. Four years thus passed by without the Indians profiting at all by the Act of 1870. In the latter part of 1876 some confidential communications were made to the Governments of Madras, Bombay and Bengal at the instance of His Excellency

the Viceroy for bringing the Act in to operation to a limited extent. The Government of Bombay fell in with the proposal and appointed an Indian officer to a reserved judicial post. The Lieutenant-Governor of Bengal, Sir Richard Temple, was also an officer with a broad liberal outlook and he proposed that two particular offices under the Bengal Government should be filled by Indians. But one of these posts had not been sanctioned by the Secretary of State to be within Indian reach and the other being an administrative office it was not considered desirable to confer it on an Indian officer. So the generous recommendation of Sir Richard proved ineffective. The proposal of the Government of India met with hot resentment at the hands of the Madras Government. Not only this Government declined to make any appointment of the nature suggested by the Government of India but they even sent up representations directed against the policy of the Act of 1870. So actually very little came out of the suggestion of the Governor-General.

In the following year, the discussion on this question was carried quite to another plane. Mr. (afterwards Sir Ashley) Eden who succeeded Sir Richard Temple in the Lieutenant-Governorship of Bengal, wrote a letter on the 8th March 1877 to the Government of India. He embodied in this note his opinions on the question of operating the Act of 1870. He took his stand upon the axiom

established by the Duke of Argyll in his despatch of 1872 that as a political necessity the higher executive posts must be reserved for the Europeans. He thought that it must be recognised as a mistake that Indians were at all allowed to compete for and enter the Covenanted Civil Service for the higher posts of which they were to be necessarily excluded. This mistake must now be set right and the Covenanted Service must henceforth be confined to Europeans. But this service must be recognised as a corps d'elite with only those posts reserved for it which it was essential to fill with Europeans. Some of the offices now reserved for the Covenanted Civil Servants might without any danger to the safety of the state be taken out of the reserved list and opened out to the uncovenanted service the area and scope of which must now be widened as the only way of satisfying the ambition of educated Indians.

This letter of Sir Ashley Eden appealed to the political ideals of the Viceroy, Lord Lytton, who now drafted a note mostly on the basis of this letter. This note was circulated to the members of his Council and the provincial Governments. The Viceroy explained in this note that the Government was placed between the pressure of two antagonistic responsibilities. On the one hand they were pledged to the employment of Indians in superior posts and on the other hand there was the imperial necessity of maintaining

the safety and welfare of the empire by restricting the most important executive posts to Europeans. The solution of this dilemma consisted, he thought, "in the reduction for the future of the number of admissions to the Covenanted Civil Service and in the establishment of a close Native Civil Service which will have a monopoly of the appointments removed from the list of those now reserved to the Covenanted Service with a portion of those now held by the Uncovenanted Service." The new service, it was proposed, should be paid at a lower rate but should be equal to the Covenanted Service in status and position. The suggestions of the Viceroy were cordially received by the Provincial Governments. A Committee was then set up to consider these proposals with greater care and in greater detail. Amended and further worked out by this Committee they were sent to the Secretary of State in a despatch dated May 2, 1878. It was tentatively settled that the new service would include about fifteen per cent of the posts now reserved to the Covenanted Service and about ten to fifteen per cent of the posts filled as a rule by the uncovenanted civil servants. The Government of India emphasised in the despatch that this service must be "regarded as a branch of the Covenanted Civil Service, no distinction being made in the duties or responsibilities of those particular posts which will be open alike to both Branches, and the status and position of officers holding

the same posts being the same whether they were taken from the one branch or the other." The Government of India along with this recommendation made also a most reactionary suggestion. As in the case of the whole scheme of the Native Civil Service, this suggestion also had originally come out of the brain of Sir Ashley Eden, borrowed later by Lord Lytton and the Government of India. The suggestion was that "when this special Native Service is constituted, the ordinary Covenanted Civil Service should no longer be open to Native." "We deem this desirable as a matter of principle," wrote the Government of India, "because affirming as we do, without hesitation, that neither at present, nor within any period of time practically calculable, can the highest and most important executive posts of the Covenanted Civil Service, be safely or efficiently filled by Natives, it seems to us highly objectionable to encourage Natives to enter a service which ostensibly offers them as legitimate object of ambition, posts to which it is notoriously impossible to appoint or promote them." The Indian officers of the Covenanted Civil Service were undoubtedly an eye-sore to the Anglo-Indian public and press. They were a challenge to the supremacy which the Britishers had now enjoyed for about a century and which they had no mind to relinquish in the future. The position of equality with the British rulers which they had attained as members of the Covenanted Service

was thought to be undermining the racial prestige upon which British rule was based. Their promotion to district and divisional headships which were the keystone of the fabric of the British Raj was regarded as a real menace to its long continuance. The Anglo-Indian press, headed by the *Pioneer* of Allahabad raised therefore a hue and cry against the appointment of Indians to the Covenanted Service. The suggestion now sent by the Government of India only reflected very faithfully the opinions cherished both by the official and non-official European opinion in India.

The Secretary of State, Lord Salisbury, could not approve of all the recommendations of the Governor-General in Council. He was indeed glad that the Government of India had based their scheme on the three principles laid down in 1872 by the Duke of Argyll. He also thought that there would be no difficulty in giving effect to the main body of the suggestions sent to him for approval. But to make the proposed "Native Civil Service" a close one with a limited class of high appointments attached to it and to debar the Indians altogether from the Covenanted Civil Service would require an application to the Parliament which would have no prospect of success and which he would certainly not undertake. This despatch of the Secretary of State was sent in November 1878 and in the following May the Government of India despatched fresh

proposals for the sanction of the Secretary of State. It was now decided that every year Indians would be appointed by authorities in this country for employment in superior offices. The number of such nominations must not exceed one-fifth of the total number of recruits appointed by the Secretary of State to the Covenanted Service in any particular year. Persons thus appointed might be automatically promoted by the Local Governments concerned to any judicial office at their disposal but these officers could not be promoted to the chief executive posts like those of the district and divisional officers, members of the Boards of Revenue and the Secretaries to the different Governments and Administrations without the previous sanction of the Government of India. In other words these civilians were mainly intended for judicial situations and would rarely, if at all, be appointed to chief executive posts. Thus in theory the new service was not to be a close one, for to impose such a character on it would require an application to the Parliament which the Secretary of State did not think it politic to make. But rules were framed by the Government of India in such a fashion as indirectly to reduce the Service to the desired close character.

The Statutory service thus brought forth after nine years of travail did not grow beyond the infant stage. For about seven years it drew its nourishment from the Government of India and

then in 1886 the authorities became suspicious as to the health of the child and the desirability of its further existence. Pending the enquiry into the question by an expert body of Commissioners, fresh recruitment to the service was suspended and when the Public Service Commission recommended that the Statutory Civil Service had not served its purpose, further appointments to it were finally discontinued. Altogether forty-eight Indians had been appointed to this service of which nine were from lower Bengal. The Statutory Civilians were from the very start treated as of an inferior status and position. Their conditions of service explained, though they did not justify, to a great extent the treatment meted out to them. In the first place, they did not get the salary given to the covenanted civil servants. From the very inception of the measure of 1870 it was thought correct and wise that the Indians appointed to superior offices should be given less than the emoluments which were guaranteed to the covenanted incumbents. The Secretary of State finally pointed out to the Government of India in a despatch dated the 17th July, 1879 that it would be an injustice to the tax-payers of India, if the statutory civilians whose appointment was under contemplation were given the scale of salary which had been necessary to attract young men from England to the Covenanted Civil Service. "After mature consideration," he added, "Her Majesty's Government has decided that the

salaries to all the native gentlemen appointed under the new rules, except probationaries, shall not exceed two-thirds of the salaries assigned to English Civilians.' In consequence of this order it became the rule that statutory civilians though occupying the same office would be paid at the rate of two-thirds of the salary of the Covenanted Civilians. So far as it went, the decision was in principle a wise one. But unfortunately in practice, this lower salary of the statutory civilians was made an argument for the inferior status that was now in reality assigned to them. The very fact that a statutory civilian was not given the same emoluments as the covenanted officers was a testimony, in the eyes of all concerned, to his inferiority in rank and position. A statutory civilian again was not appointed to an organised service. A Covenanted Civil Servant was the member of such a body and participated as such in the rights and privileges vested by statute in this institution. A Statutory civilian was appointed only to specific posts beyond which he could not be promoted without a special sanction of the Government of India. A Covenanted Civil Servant had thus ensured to him by virtue of his membership of an organised body a regular ladder of promotion while a statutory civilian had to plough his lonely furrow and to depend for promotion beyond some specific appointments upon the favour of the Governor-General in Council. Members of the Statutory Service were

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therefore not unnaturally regarded as distinctly inferior to the Covenanted Civilians, in status and position.

The Indian public now came to think that its demand for a share in the superior employment was being side-tracked by the appointment of these statutory civilians who would only have some specific posts within their reach. What Indian public opinion demanded was the recruitment of Indians to the Covenanted Civil Service which was in reality the supreme governing corporation for India and the method which it advocated for this recruitment was competitive examination in India. The statutory service which was brought into being by the rules framed in 1879 was thus not the aim and object of the Indian demand. It fell far short of it and was consequently looked at askance by the Indian public. Nor did it meet with the satisfaction of the Government. It was anticipated that this service would attract to it those persons of superior intellectual calibre and social position who had not been attracted to public administration by the conditions of the uncovenanted service. The public Service Commission of 1886-87 came however to the verdict that the Statutory Civilians could not be judged to be superior in either respect to the uncovenanted civil servants in higher grades. In some cases and some respects they might rather be considered as distinctly inferior. It was therefore an injustice to the uncovenanted

civil servants that not they who had proved their merit and ability in public service, but some directly recruited Indians were being promoted to superior offices. The Statutory Civil Service which merited the appreciation neither of the Government nor of the people was therefore recommended by the Commission to be discontinued.

While thus the rules framed in 1879 proved to be inadequate and unsatisfactory, the reduction of the maximum limit of age of candidates to 19 in 1876 practically barred out the Indians from the Covenanted Civil Service. That the effect of this arrangement would be so was palpable to all. The order of the Secretary of State was issued in February 1876 and in the following November the British Indian Association sent a memorial to the Secretary of State on this question. It pointed out that even "under the existing rules the Indian candidates labour under serious disadvantages in competing with English youths in their own country and language for admission into the higher ranks of the public service" in India. And the new rules would close more drastically still the competitive channel of recruitment to the people of India. It was therefore clear that in the promulgation of the new rules, "the interests of the Indian candidates have been completely ignored." The only remedy against this inequitable system of recruitment was, the memorialists emphasised,

the institution of competitive examination in India. If the Government thought that such a step would result in the civil service being flooded by Indians, they might limit the number of appointments to be made in this country through this examination. Nothing came out of this memorial of the British Indian Association. The resolution passed in a mammoth public meeting of the citizens of Calcutta did not also meet with any better fate. It was held in the Town Hall under the Presidency of Maharaja Narendra Krishna Dev. Such meetings in that age were a strange phenomenon. And the very fact that such a meeting could be held showed that the people had become exasperated beyond doubt on this issue. It regretted the lowering of the maximum limit of age to 19 and demanded the holding of simultaneous competitive examinations in different centres of India for the recruitment of Indians. Similar meetings were held in other parts of Northern India at the initiative of Mr. Surendra Nath Banerjea and in all these meetings the lowering of the age limits was condemned and competitive examinations in India advocated. No action of the Government evoked greater popular resentment and roused to a greater degree the public opinion out of a century-old lethargy than this step of Lord Salisbury,

In 1883 the Indian Association of Calcutta attempted to bring home to the Secretary of

State how great a menace the reduction of age limits had proved to be to the legitimate interests of Indian aspirants for public employment. "It is now six years," the memorial pointed out "that the rule has been in force and though several have competed only a single native of India has successfully passed the competitive examination." Indeed a "Native Civil Service" had been constituted, but that service with the career which it offered to Indian youths, and with its mode of appointment, had failed to give public satisfaction. The Committee (of the Association) had no hesitation in saying that the Native Civil Service was looked upon by the great body of educated Indians as a perfect farce and in no sense was it calculated to satisfy the legitimate aspirations of the people. If the grievances of the Indian people were now to be removed the maximum limit of age of the candidates for the competitive examination must be raised at least to twenty-one, if not to twenty-two and arrangements must be made for the holding of such examinations in India.

The Government of India in despatching this memorial did not think the time opportune for reopening the question. The Viceroy, Lord Ripon and the Law member, Mr. Ilbert, while agreeing to this view, recorded their opinions as to the serious demerits of the step taken by Lord Salisbury. The Viceroy noticed it that "there is a widespread belief in India that one object

of the change made in 1876 was to exclude educated natives from the Civil Service." He of course did not find anything in the relevant papers and documents on the question to show that there was any such intention behind the action of Lord Salisbury. But "whatever may have been the intention, there is no doubt about the effect. Natives are now practically excluded from the home competitions altogether. In my judgment this result is greatly to be regretted." Mr. Ilbert also referred in his minute to the general complaint among the Indians "that they have been excluded by indirect means from a competition to which they are admissible by law."

The way in which Lord Ripon and Mr. Ilbert drafted their minutes lends them to the interpretation that they did not think the suspicion of the Indians to be altogether unreasonable and frivolous. A confidential minute which Lord Lytton drew up on the question of the higher employment of Indians lends further weight to this suspicion that not the efficiency of the Civil Service but the exclusion of Indians from its ranks was the motive behind the lowering of the age limits in 1876. Once appointed to the Covenanted Service the Indians would be entitled to appointment, in the fair course of promotion, to the highest posts in that service. But wrote Lord Lytton, "we all know that these claims and expectations never can or will be fulfilled. We have had to choose between

prohibiting them and cheating them and we have chosen the least straightforward course. The application to Natives of the Competitive examination system as conducted in England and the recent reduction in the age at which candidates can compete are all so many deliberate and transparent subterfuges for stultifying the Act and reducing it to a dead letter, Since I am writing confidentially I do not hesitate to say that both the Governments of England and of India appear to me up to the present moment unable to answer satisfactorily the charge of having taken every means in their power of breaking to heart the words of promise they had uttered to the ear." The attitude of the Anglo-Indian press gives further support, if that was at all necessary, to the view that the main purpose of Lord Salisbury, in insisting on lower age limits was to bar out Indians from the governing service of their country. In 1879, Mr. Lalmohan Ghose gave some addresses to the English public as the representative of the Indian Association of Calcutta on the question of the recruitment of Indians to the Covenanted Civil Service. While presiding over one of the meetings thus addressed, Mr. John Bright administered some home thrust to the policy which the Government were pursuing in this respect. This speech of Mr. Bright came in for a good deal of castigation at the hands of the Anglo-Indian press. The "Times of India"

fell foul of Mr. Bright and observed that "the mistake made originally was in admitting and not in excluding the Natives from the Covenanted Civil Service." This reflected not merely the isolated opinion of the Anglo-Indian oracle at Bombay. It reflected the general attitude of the Anglo-Indian Community as a whole in this country. It looked upon India as an estate which would give employment and support to the British-born people. Its jealousy was roused and its temper ruffled as soon as any superior post in the gift of the Government was opened out to an Indian. It was consequently opposed not only to the entry of the Indians to the Covenanted Service but it was also opposed to the Act of 1870 and the Rules of 1879 which placed some superior offices within Indian reach. The Ilbert Bill agitation which convulsed the Anglo-Indian society in the middle eighties was really at bottom a protest not so much against the proposed amendment of the Criminal Procedure Code as against the appointment of Indians in the Civil Service when there were so many Englishmen unemployed. "I could quote passages in letters in the Indian papers," observed Lord Hartington, "in which it is admitted that the agitation was directed against the policy of the Home Government in providing appointments for Native Civilians while there were many Europeans without appointments."

However disastrous might be the effect of the

policy of 1876 upon the entry of Indians into the Covenanted Civil Service no remedy was immediately in sight. The Secretary of State in his reply to the memorial of the Indian Association and the minutes of the Lord Ripon and Mr. Ilbert appended thereto, sent out a very disappointing despatch in May, 1884. Indeed he was disposed to regret the regulations when they were passed in 1876 but he could not certainly go back upon them now unless they could be definitely proved to have been a failure. Nor could it be said, he observed, that the intention of the Parliament had been disregarded, when one-sixth of the superior appointments reserved formerly for the Covenanted Civil Servants had been opened out to Indians since 1879.

But the statutory rules of 1876 which regulated the admission of Indians to the superior offices were, it was admitted, not working properly and desirably. The Secretary of State had to sanction towards the close of the year 1883 an enquiry on this subject by the Indian authorities. In September of the following year this enquiry was completed and the Government of India sent out to London a despatch on this subject. "The annual competitive examinations in England", so ran this letter, "should be the first door of entrance to the Civil Service and the resort should only be had to the statutory system in order to make up the due proportion of Natives to Europeans in the Service, as it may be determined from time to

time. We think therefore that all proper facilities should be afforded to Native students to enable them to proceed to England and then to compete on reasonably equal terms with other candidates for appointments in the Indian Civil Service. We are not satisfied that this is at present the case." The recommendation of the Government of India for the removal of this stumbling block was to the effect that the maximum age limit should be raised to 21 and a reconsideration of the position assigned to the eastern languages e. g., Arabic and Sanskrit among the subjects of examination should be made.

The reply of the Secretary of State to this letter was again a disappointing one. "The marks assigned to the various subjects", he wrote "have been fixed by the Civil Service Commissioners with the utmost care presumably on the principle of giving to each a number of marks corresponding to what the Commissioners believe to be its value as a test of intellectual capacity." Hence any charge, as recommended by the Government of India, would be inconsistent with the nature of an open competitive examination. The Secretary of State further observed that the subjects most highly marked were Greek, Latin and Mathematics, pure and mined. "For Mathematics, several of the native races have great capacity and if Arabic and Sanskrit have given to them the marks now

allotted to Greek and Latin, the examination would be very favourable to the Natives of India, even when they have received a minimum of European education. Indeed it would be a substantially oriental examination." The Secretary of State then proceeded to deal with the Viceroy's contention that the order of 1876 amounted to a clear violation of the intention of the Parliament. He thought that the mature judgment of the Parliament must be collected from its latter legislation. "The Act of 1870 is the Parliamentary remedy for any of the defects which may show themselves in the competitive system first established in 1853, and it is the plain duty of both branches of the Indian Government to exhaust this remedy before undertaking the possibly impracticable task of completely adapting competitive selection in England to the circumstances both of European and Indian candidates."

This despatch of the Secretary of State could not certainly be the final answer to the demand of the Indian people for a reasonable share in the Covenanted Civil Service. The cold answers of Her Majesty's Government could not kill the agitation on this subject. It rather grew in volume and strength. It was carried on at first only intermittently by the British Indian Association. The Indian Association of Calcutta which later entered the arena was not content with merely despatching one or two memorials to the Secretary

of State. It made arrangements for rousing public opinion on an extensive scale both in India and England in favour of the demand for raising the age limits and instituting simultaneous examinations in this country. In 1885 was held at Bombay the first session of the Indian National Congress. It was to be a forum of an all-India public opinion. One of the few public questions on which opinions were expressed and resolutions passed in the first session of this great body was the recruitment of Indians to the Covenanted Service. The resolution demanded that the maximum age of the candidates for the competitive examination must be raised at least to twenty-three and this examination should be held in England as well as in India. It was also resolved that those who competed successfully in both countries should be finally classified in one list according to merit. This last clause in the resolution was possibly a precaution against the kind of treatment meted out to the statutory civilians. These officers were at first classed in the same list with the Covenanted Civilians. But later on they were relegated to a separate list only by way of emphasising the inferiority of their position and status.

The volume of public opinion now created against the practical exclusion of Indians from the Covenanted Civil Service, set the Government athinking. In 1886, they thought it wise to appoint a Commission of enquiry and refer to

it the whole question of recruiting Indians to superior offices under the Crown. This Public Service Commission had for its President Sir Charles Aitchison, the Lieutenant-Governor of the Punjab and of the other thirteen members of this body five were Indians including Sir Romesh Chunder Mitter and Sir Sayed Ahmad Khan. The Commission submitted its Report in 1888. It recommended the abolition of the Statutory Service and in its place it proposed that some superior offices should be taken out of the reserved list and opened to members of the Uncovenanted Civil Service, which should henceforward be renamed as the provincial civil service. It also appreciated the grievance of the Indian people as to the age limits to which the candidates had to be restricted. It had "no hesitation in recommending that the existing limits of the age should be raised in the case of the native candidates for the competitive examination in England." The Commission thus recommended the reversal of the policy which Lord Salisbury had initiated for indirectly shutting out Indians from a service which was accessible to them by law. While this grievance was met, the demand of the Indian people for holding the competitive examination in India simultaneously as in London was turned down by the Commission. There was a considerable evidence before this body in favour of this demand. But the Commission had grounds to

believe at the same time that this demand was sponsored only by the Hindus, while the Mahomedans resisted it on the ground that competitive examination in India would only give a monopoly of appointments to the Hindus and they would not profit by it in the least.

The three Hindu members of course dissociated themselves from this conclusion and supported the holding of simultaneous examination in this country. But their opinion was of no avail. In 1889, the recommendation of the Commission as to the limits of age of the candidates was accepted by the Secretary of State, and the Indian National Congress in its session at Bombay thanked Her Majesty's Government for this wise though belated step but reiterated at the same time "the National Conviction" that no real justice would be done to India so long as the examination for the recruitment of the civil servants was held exclusively in England.

In January 1893, Mr. Paul moved a resolution in the House of Commons for the introduction of simultaneous examinations in India. He referred to the conclusions come to as early as 1860 by the India Council Committee and to the opinion expressed in this connection by the Civil Service Commissioners. He referred also to a resolution of this character introduced in this House of Commons in 1868 by Mr. Fawcett. He now thought it would be only doing justice to the Indian people to make arrangement for com-

petitive examinations in India. The Resolution was seconded by Mr. Dadabhai Naoroji who appealed in a very moderate speech to the good sense of the House. But the Under-Secretary of State, Mr. George Russel, opposed it on the ground that competitive examinations were unsuited to Indian conditions. In spite of this opposition from the treasury bench the resolution was accepted by the House.

The question now was as to what the Government would do with this resolution. The Indian people anxiously waited to see whether Her Majesty's Government would give effect to it. During the Budget debate, the Under-Secretary of State went out of his way to refer to this resolution and observed that "it may be in the recollection of the House that in my official capacity, it was my duty earlier in the session to oppose a resolution in favour of simultaneous examinations, but the House of Commons thought differently from the Government. That once done, I need hardly say that there is no disposition on the part of the Secretary of State for India or myself to attempt to thwart or defeat the effect of the vote of the House of Commons on that resolution." But in spite of that solicitude of the Under-Secretary of State for the opinion of the House of Commons, the resolution ultimately proved to be abortive and nothing substantial was gained by India by the votes of the majority of the

House on this occasion. The resolution was in fact unwelcome to the Government from the start. The majority of the members of the Secretary of State's Council were violently against sending the resolution of the House of Commons to the Government of India. In the teeth of this opposition the Secretary of State indeed sent a despatch, containing the resolution of the House of Commons, to the Government of India. In the covering letter, however, the observation which he made possibly by way of conciliating the members of his council, practically sealed the fate of this resolution. He asked the Government of India in the first place to acquaint him "in what mode and under what conditions and limitations this resolution could be carried into effect." In the next two paragraphs however he practically gave the Government of India full authority to attack the very resolution which in the first paragraph he asked them to find ways and means to put into operation. "It is not my desire," he wrote, "to fetter any way their (Government of India's) discretion as to the observations they may think fit to make on the resolution."

The Government of India in their turn referred the resolution to the different Provincial Governments for opinion. Of all the Provincial Governments, only the Government of Madras supported the principle of simultaneous examination. It would, the Governor in Council thought, remove

the disabilities which tended to hinder the entry of Indians into the Civil Service. He did not think it would any way endanger the British supremacy or impair the character of the administration as a civilised and enlightened Government. The other Provincial Governments set their face against it. Curiously enough one of the reasons why the Government of Bombay opposed the simultaneous examinations was a solicitude for the interests of the candidates from the colonies as also from Scotland and Ireland. If Indian candidates were favoured with this examination in their own country, the colonial, Scotch and Irish candidates might complain.

On receipt of the replies of the Provincial Governments, the Government of India sent out a despatch to the Secretary of State. They opposed the proposal of holding examinations in India on the ground that competitive examination was wholly unsuited to the conditions in this country. It would under the existing circumstances create a monopoly of certain classes of the people over the public service while other classes of citizens would be altogether shut out. The Government of India were further of opinion that competitive examinations in India would only test the literary powers of the candidates and ignore the consideration of many other qualities which it was indispensable for the members of the Indian Civil Service to possess in an adequate degree. Education in the United Kingdom

embraced not merely a course of literary instruction, but also a training in life and conduct which formed character. So in the educational atmosphere of that country, competitive examination might be useful but in India it would be an anomaly. Such a despatch from the Government of India proved to be a death-knell to the project of simultaneous examinations. The Secretary of State in Council informed the Government of India in a despatch, dated 19th April 1894, that Her Majesty's Government had considered minutely the reasons assigned by the Government of India for rejecting the plan of a competitive examination in India and "have arrived at the conclusion that there are insuperable objections to the establishment of the system." The resolution of the House of Commons was thus set at naught and consigned to a pigeon hole at Whitehall.

Towards the close of the century India came under the iron heels of Lord Curzon and he did not believe in any concession being made to the demand of the people. It was rather his policy to exclude Indians from all positions of trust and responsibility. When an agitation was set on foot against the policy he pursued, he pointed to the small number of European officers employed in the country and to the large army of Indians by their side. He conveniently overlooked the fact that what the Indians were the most restive about was not the proportion of European to

Indian officers in the Government service as a whole. What they objected to was the fact that all positions of trust, responsibility and power were being monopolised by the Europeans. In a Home Department Resolution dated the 24th May, 1904, Lord Curzon's Government justified the policy they were following with regard to European recruitment. It pointed out that the Government policy was based on two principles. A European Corps de'elite must be maintained and outside that body Indians were to be employed in an ever increasing manner. "The highest ranks of civil employment in India, those in the Imperial Civil Service, the members of which are entrusted with the responsible task of carrying on the general administration of the country, though open to such Indians as proceed to England and pass the requisite tests, must nevertheless, as a general rule, be held by Englishmen, for the reason that they possess, partly by heredity, partly by upbringing and partly by education, the knowledge of the principles of government, the habits of mind and vigour of character which are essential for the task and the rule of India being a British rule any other rule being in the circumstances of the case impossible, the tone and standard should be set by those who have created and are responsible for it." In other words, all the superior posts, all the positions of responsibility and leadership must continue to be held by

Europeans and Indians would only be employed in a subordinate capacity.

It was thus vain to expect that the Government with such reactionary tendencies would yield one of the most strategic citadels of their power and authority. They were in no mood to do anything towards the introduction of competitive examinations in India. A Liberal Government was indeed formed in 1906 in England with a large majority in the House of Commons. But Lord Morley did not like the idea of breaking away from the traditions of the India Office and displayed no enthusiasm for introducing any larger Indian element into the Indian Civil Service. The question of simultaneous examinations therefore continued to hang fire.

In India of course the agitation for larger employment of Indians in superior offices was continued with usual persistency. In 1909 Pandit Madan Mohan Malaviya urged from the Presidential chair of the Congress that "Higher appointments should be thrown open to the Indians in a much larger measure than they have been heretofore." He demanded this reform on the ground both of economy and justice. In January 1911, Mr. Gokhale in moving in the Imperial Legislative Council for a Committee of Enquiry into the causes of the increase in public expenditure urged that the employment of indigenous agency in the higher public service should be more and more extended at least to relieve the existing

strain on the public purse. About two months later Mr. Subba Rao led the attack on this question in a more direct way. He introduced a motion in the same assembly for the appointment of a mixed Commission of officials and non-officials to consider the claims of Indians to more extensive employment in the superior Civil Service. He made a long and detailed speech and traced the history of the question of admitting Indians to the governing Service. He found on calculation that the Indians represented, after more than sixty years of the operation of the competitive system, only five per cent. of the total strength of the I. C. S. It was certainly a sad commentary, he observed, on the Public Service Commission which had been appointed to do full justice to the claims of Indians to higher employment that "almost all the high appointments of the state involving direction, initiative and supervision have been jealously kept in the hands of the Europeans." This motion however was opposed by Mr. Earle, the Home Member, who observed that the appointment of a Commission as demanded in the resolution was not really called for: it would merely mean a waste of time and labour. If any enquiry was at all needed, the department concerned was quite competent to hold it. In the face of this speech of the Home Member the mover thought it wise to withdraw his resolution.

But as the demand on the Indian side for

larger employment in the superior Civil Service became thus gradually more and more insistent and the conditions of service including salary, pension, and leave also required some re-examination, His Majesty's Government repudiated the contention of Sir Archdale Earle that no commission of enquiry was called for and actually appointed in 1912 a Royal Commission with Lord Islington as the Chairman and with Mr. Gokhale, Sir Abdur Rahim, Mr. Herbert Fisher, Mr. Ramsay MacDonald and Lord Ronaldsay among the members. The Commission among other things was to investigate into "the limitation which still exists in the employment of non-Europeans in the superior Civil Service."

The Commission began its enquiry in 1913 and immediately it became manifest that the European members of the Indian Civil Service were determined to maintain its exclusive character. They had been considerably perturbed at the insistent demand of the Indian public for the holding of competitive examination in India. Their nervousness was further accelerated by the terms of reference of the Commission which covered this question. They now girded up their loins to stop any how a larger influx of Indians into what they regarded as their close preserve. The methods they resorted to were twofold. They were out in the first place to prove that competitive examination was, as an instrument of recruitment of civil servants, quite

unsuited to Indian circumstances. The second line of their argument was that the Indians already in the Civil Service were unequal to the demands generally made upon the officers of the Corps de'elite. They made it a point to declare that the Indian Civilians were distinctly inferior to their European colleagues in energy, impartiality and driving force.

In Madras, Mr. A. G. Cardew, the acting Chief Secretary to the Government of that Presidency, observed in course of his evidence before the Commission that the introduction of simultaneous examination would be undoubtedly objectionable on various grounds. It would be in the first place unworkable in this country, especially in the south, because of the astonishing intellectual superiority of one rigidly exclusive class, namely the Brahmins. The rivalry between the provinces would also rule out the system of pure competition as a method of recruitment to the public service. Then again in case examinations were held in India, the number of Indian candidates would considerably increase and the number of successes would also increase in that proportion so that a time might come when the Civil Service would be hundred per cent. Indian. Such a contingency should never be entertained, No system could be acceptable which would eliminate the European element altogether. It was a concomitant of British rule in India that a minimum proportion of Europeans in the Civil

Service must be maintained at all costs. There was a proposal that a ratio between Indians and Europeans might be fixed to avoid the swamping of the service by the former. But this fixing of the ratio would amount to the breakdown of the competitive principle. So any way the question was approached the conclusion was irresistible that no examination should be held in India. Mr. Cardew further suggested that the age limits should again be lowered the minimum being 18 and the maximum 20. This arrangement he recommended only to ensure a three years' probation which, he thought, would be a great gain to the service. Asked if this arrangement would not be detrimental to the interests of the Indian candidates he admitted that under it their prospects of success would certainly be diminished. But he did not regard it as an objection. Shut out from the superior Civil Service, the Indians should be given opportunities of higher employment by the extension of "listed" posts. This showed what he was actually aiming at. The Indians of the Imperial Service were the equals of their European colleagues, claiming all the rights and privileges of the service to which they belonged. This equality of position and status was rather inconvenient. The persons in 'listed' posts were however expected to be men with limited ambition and used to European dictation and contended with the small crumbs of favour bestowed upon them at convenience by their

European superiors. So the sum and substance of the evidence of Mr. Cardew was that not only the proposal of simultaneous examination should by no means be entertained, but the improvement in the position of the Indian candidates which had been brought about by the rules of 1892 should be revised and the entry of Indians into the Imperial Civil Service should be made as difficult as it had been made by the fiat of Lord Salisbury in 1876.

Mr. H. L. (later Sir Hugh) Stephenson, Financial Secretary to the Government of Bengal, was equally emphatic in his opposition to the institution of any competitive test in India. In his enthusiasm for shutting out Indians from the Civil Service he even went out of his way to cast reflections upon the ability of the Indian members of this Service. "The Natives of India," he said, "who belong to the Indian Civil Service are on the average distinctly inferior to the European Officers of the Indian Civil Service in force of character and initiative. Their nationality would prove a great disadvantage to them in administrative charges where they would come into contact with a large non-official European community or where there is widespread racial tension or unrest. For these reasons it is not usual to employ natives of India, even though members of the Indian Civil Service, in the heaviest district charges where personality and power of control count for very much."

Mr. G. B. H. Fell, officiating Secretary to the Government of Burma, also joined in the chorus of opposition to the proposal of simultaneous examination and also in this hymn of hate against the Indian members of the Indian Civil Service. He approvingly quoted some offensive remarks of the "*Round Table*" against his Indian colleagues. "Far oftener than the Englishman", wrote this journal in its issue of December, 1912, "the young Indian competition-wallah lacks the other necessary qualities for this career, often he comes of poor stock and is badly unfitted for a robust and exacting life, often success has turned his head, over-study has enfeebled his physique or intellect; oftener still perhaps a narrow upbringing and caste prejudice have made it hard for him to take a broad and detached view. The best Indian public servants have been selected in India and have qualified in a hard school in the Provincial Service. We are touching on problems with which the forthcoming Royal Commission on the public services will grapple. It is intensely to be hoped that they will find some way of encouraging Indian merit without flooding the service with effete or conceited weaklings."

Sharp came the attacks in this wise from far and near not only upon the demands for simultaneous examination in India but also upon the Indians who had found their way into the Civil Service through a most unfavourable competitive arrangement. It could only be

expected that this attack would provoke some retaliation. Mr. J. N. Gupta who had put in about twenty years' work as a member of the Civil Service gave a pointed reply to the statement of British officers like Messrs. Stephenson, Cardew and Fell. The initiative and driving force of an officer were testified to, he observed, by the schools and hospitals established, tanks and village roads built, disputes between Zeminders settled by personal intervention and gangs of *badmashes* broken up. "If such a test were to be adopted I venture to say that those of us who have held charge of districts will not shrink from a comparison with the record of any European officer." Referring to the charge of partiality which Mr. Stephenson had brought against the Indian members of the Service, Mr. Gupta pertinently asked "can it be proved that all the English District Officers were able to maintain a more impartial attitude and to hold the balance even between the different classes more successfully than was found possible in the case of Indian District Officers?" "An impartial enquiry into the real facts in each case may," he submitted, "result in giving a shock to the pre-conceived notions of some of our critics." He then disposed of the arguments that because Indians were not put in charge of important districts and given secretariat appointments they must be inefficient. The late Mr. R. C. Dutt was placed in charge of several heavy districts

one after another and in every case he acquitted himself very creditably and won the encomium of the Government on that score. Since his time however no other Indian was ever placed at the head of an important district. The Indian Officers of the Superior Civil Service were treated in this matter in the same way as officers holding listed appointments and given only small and unimportant charges. There had been thus only one case of an Indian being put at the head of important and heavy districts and that experiment was eminently successful. So it was nothing but sophistry to say that Indians were not given important charges because they were not so efficient.

While the British members of the Indian Civil Service did their best to damn the proposal of simultaneous examinations in England and India, it was almost universally advocated and commended by the Indian witnesses before the Commission. Not only the Nationalists like Pandit Madan Mohan Malaviya, Mr. B. N. Sarma, Mr. Surendra Nath Banerjee and Mr. R. P. Paranjpye demanded competitive examination to be held in India as a mere act of justice and fair-play towards the candidates from this country, but witnesses like H. H. The Aga Khan and Mr. M. A. Jinnah also lent their unqualified support to this proposal. The Aga Khan gave it out as his deliberate opinion that it was the only means of doing away with the unfairness from

which the Indians had suffered so long. Nor did he think that the possibility of the Mahomedans not getting their due share as a result of the competitive examinations in India was a valid argument against the proposal. So far as the recruitment to the Indian Civil Service was concerned, he would have no communal separation and advocated an open door policy. Mr. Jinnah also took his stand absolutely upon grounds of merit and fitness. He brushed aside all sectional claims of communities and provinces and thought that they were quite irrelevant in any discussion of the question.

Before the Commission could digest the evidences placed at its disposal and come to definite conclusions, the services of Mr. Gokhale were lost to it. He died in 1915 and it was not till the following year that the Commission submitted its Report. The War was then at its height and the Government was anxious to avoid controversial issues during its continuance. They therefore thought it unwise to place the report before the public at once. One year thus passed by, but the War still continued in full swing. So at last in 1917, it was published. The recommendations of the Commission fell far short of the demands of the people. They would have been inadequate even in pre-war circumstances. But after the war had taken its toll for three years, they proved to be hopelessly out of date. It was taken for granted by this body that for

many years to come, a preponderating proportion of British Officers would be required in the Indian Civil Service. One of its other major recommendations again was distinctly retrograde in character. The age limits of the candidates for the competitive examination in England constituted a subject on which the political mind of India had been much exercised. It was a protracted agitation of fifteen years that had persuaded the Government to revise in 1892 the order of Lord Salisbury. Now in 1917 the Commission proposed practically the re-imposition of the disability upon the Indian candidates which had to be withdrawn after fifteen years of struggle on the part of the people in this country. It was recommended on the ground of administrative convenience that the age limits of the candidates should henceforward be $17\frac{1}{2}$ and $19\frac{1}{2}$ so that after three years' probation a civil servant might take up his duty in this country at about twenty-two or twenty-three at the latest. This recommendation was not warranted by the bulk of the evidence placed before the Commission.

The majority of the members of the Commission could not entertain the proposal of the examination being simultaneously held in India and England. They thought that the educational curricula in the two countries differed widely from each other. But the competitive examination to be successful should always be closely adjusted to the subjects which were being actually learned

by the candidates in the normal educational life. In view of the wide divergence between the courses pursued in the Indian and British schools and universities, the same examination in India and England would be inexpedient and even injurious. But although this proposal was rejected by the Commission it appreciated the spirit "which underlies the loud and persistent demand for its acceptance." They thought they should be concerned not so much with the means as with the end. What was wanted was not so much a particular form of competition as a method by which more Indians would be secured to the Civil Service on equal terms as to conditions of service with other members of that body. "The solution we offer is to have two separate channels of access to the Indian Civil Service itself; one in London which should be open to all alike without racial distinction and one in India open to statutory natives of India only. In this way we would endeavour to secure the ripest products of the educational systems of the two countries and would fuse them together during the three years' probationary period in England." In view of this recommendation for an examination in India the Commissioners decided to fix the quota of Indians to be recruited through this source. They thought that in addition to the Indians successful at the competitive examination in London, twenty-five per cent. of the officers occupying superior civil service posts

should be Indians. Altogether they counted there were 755 such appointments, a quarter of of them being 189. Now out of these 189, they recommended 81 to be filled by promotion from the Provincial Civil Service and the rest (108) to be filled by direct recruitment in India. They calculated further that this would allow of a recruitment of nine officers a year through the medium of an examination in this country.

On the publication of the Report of the Islington Commission in 1917, there were debates on its recommendations in the Indian Legislative Council. They brought to the fore the dissatisfaction of the people with the nature and character of these recommendations. A Resolution was moved by Mr. (later Sir) B. N. Sarma condemning the assumption of the Commission that a preponderating proportion of British Officers was still required in the Indian Civil Service. Mr. Coachman, an official member, observed that the resolution if accepted would only result in the creation of a Brahmin oligarchy in India. Mr. Srinivasan Sastri was immediately on his legs. "I must confess" he said, "that I have never clearly understood the cogency of the argument. In the first place what evidence is there that this Brahmin oligarchy arising from the soil, rooted in the soil and with its interests fully centred in the soil, associated all round with the affectionate sentiments of the people who live here, with the interests

far more permanent than the interests of the Civil Service in this country, what proof is there that this oligarchy will be less acceptable to the people at large, less solicitous to advance its general welfare than the present European oligarchy which is smaller?" Secondly, he asked, what reason there was to think that only the Brahmins would be admitted to the Civil Service. Sir William Vincent, the Home Member, pointed out that the Commission was most carefully chosen and it made its recommendations after deliberations for two years. It would be unwise therefore to hold them at once in contempt. The Government however had not yet made up their mind as to what to do with them. The resolution was consequently withdrawn.

Pandit Malaviya then moved a resolution that the same competitive examination should be held simultaneously in England and India to recruit officers to the Indian Civil Service. This was the only way, he thought, to bring more Indians into the Superior Civil Service, Sir William Vincent urged, without committing the Government to any definite scheme, that simultaneous examinations would mean over-representation of certain provinces and classes in the Civil Service and might be detrimental to the interests of certain classes, especially the Mahomedans. To this Mr. M. A. Jinnah gave a prompt, pointed and convincing reply. He

observed that the Mahomedans were no longer so backward as they used to be years ago. They were now quite in a position to hold their own in a competition with the cadets of other communities. Granting, however, that the Hindus still came in larger number than his co-religionists, he could not see how that would be more objectionable to the Mahomedans than that a larger element of the Europeans should get in. The Resolution however had no chance of being accepted by the Council, the officials being in a standing majority. It was negatived.

The year these debates were held was also marked by the famous declaration of the Secretary of State in the House of Commons concerning the future government of India and by the subsequent visit of Mr. Montagu to this country. The declaration suggested an increasing association of the Indians with every department of the administration. In the following year was published the Joint Report on Indian Constitutional Reforms, commonly known as the Mont-Ford Report. It took note of the fact the War had further quickened the political consciousness of the people and accelerated their aspiration for self-determination. The pace of Indianisation of the superior Civil Service recommended by the Commission fell in consequence far short of the demand as evidenced by the trend of debate in the Indian Legislative Council. Mr. Montagu and Lord

Chelmsford found on their enquiry that the "effect of the report was to irritate rather than to satisfy Indian opinion." They were convinced that a greater share of the superior offices must be placed at the disposal of the Indians. To this end they proposed two steps to be taken, at the earliest convenience. In the first place they thought that the recruitment to the Superior Civil Service must not continue to be made exclusively in England. There must be an arrangement for appointment to this body in India as well. Further they thought that in view of the changed conditions of the country it would be insufficient to recruit only 25 per cent. of the superior offices in this country. The altered circumstances warranted some increase in that percentage. They suggested accordingly "that 33 per cent. of the superior posts should be recruited for in India, and this percentage should be increased by one and half per cent. annually until the periodic Commission is appointed which will re-examine the whole subject."

The Government of India Act passed in 1919 came into operation early in 1921. In September 1921, Mr. N. M. Joshi asked a question in the new Legislative Assembly as to the percentage of Indians in the Indian Civil Service. He was informed that it was only 13. This small percentage of Indians in the governing service of the country was taken to be inconsistent with the spirit and objective of the new Reforms.

Nor, it was thought, would the recommendation of the Mont-Ford Report, when given effect to, improve the position very much. Indians even of a very moderate political opinion were therefore convinced that some drastic step should be taken at once so that in the course of ten years there might be a large proportion of Indians in this Service. In February 1922, Mr. Jamnadas Dwarakadas, a public man of "liberal" views moved a resolution in the Legislative Assembly that all recruitment, except in technical services, should be made as far as possible only in India. Sir William Vincent, the Home Member, after pointing out that a British element was still necessary in the Indian Civil Service moved an amendment to the Resolution. This was to the effect that enquiries should without delay be inaugurated as to the measures possible for increasing the rate of Indianisation of the All-India Services.

Some few months later, these enquiries were actually set on foot. The Secretary of State agreed that the Provincial Governments should be consulted in this matter and on the materials and opinions furnished by these authorities, the Government of India were to prepare a reasoned despatch on the subject for the Secretary of State's consideration. Accordingly on the 30th May 1922, Mr. S. P. O'Donnell, Secretary to the Home Department, sent down to the different Provincial Governments a letter which created a flutter in the Anglo-Indian dovecots. The

letter was a string of dispassionate arguments for and against the continuance of British recruitment to the Civil Service. It enunciated and elaborated the arguments against further European recruitment in such clear, lucid and convincing a way that an impression was created that the Government of India were really contemplating the discontinuance of this recruitment. European Civil Servants were at once at work to counteract the effect of this circular. They did not allow grass to grow under their feet. Almost immediately they submitted a memorial to his Majesty's Government expressing their apprehension as to the future of their Service. On the basis of this memorial, there was a debate on the 2nd August in the House of Commons, in course of which the Premier, Mr. Lloyd George, made his celebrated "steel frame" speech. In his enthusiasm for the continuance of British recruitment, he observed that he could foresee no period when "they can dispense with the guidance of a small nucleus of British Civil Servants." They were, he thought, the steel frame of the Indian constitutional structure. "I do not care what you build on to it. If you take that steel frame out, the fabric will collapse."

The speech of the Premier came to India as a bolt from the blue. It was taken not only as the death-knell of the Indianisation of the superior Civil Service but also as a real menace to the growth of full responsible government in

the country. The powers and privileges of the Civil Service which the Premier declared to be inviolable were inconsistent with the implications of responsible government. Loud protests were consequently made from different parts of the country against the speech of Mr. Lloyd George.

The civil servants were at this time carrying on an agitation for the betterment of their financial conditions. They were unsatisfied with the increment of salary granted to them on the recommendation of the Islington Commission. They demanded further improvement in their pay and allowances. The British Government also became convinced that some thing should now be done in this direction. The problem of further Indianisation, inspite of the Premier's speech, was also inviting attention. Towards the close of 1922, His Majesty's Government decided to appoint a Royal Commission to which both these questions were to be referred. The announcement however that such a Commission was being sent down was resented very much by the Indian public. They looked upon this Commission only as a portent for a greater burden upon the finances of the country.

Some time later the personnel of the Commission was announced. It was to be presided over by Lord Lee of Fareham, then First Lord of the Admiralty in the Conservative Government. It began its itinerary in November, 1923 and after taking evidences in different parts

of the country for about three months and then deliberating upon them for some time it submitted its Report in March 1924. The Commission thus worked almost at break-neck speed. It had to expedite and hurry its work. It had little time to digest fully the evidences at its disposal and consider them coolly and calmly. Another serious draw-back in the work of the Commission was that most of the evidences were taken in camera, their contents being withheld from public notice and criticism. The rest of the evidences also were not published. Only some criptic summaries came out in print at the time they were submitted. The Indian witnesses who appeared before the Commissions were unanimous in demanding the rapid Indianisation of the Civil Service. Sir Sivaswami Ayyar the great Indian publicist deposed before the Commission that further recruitment to the Indian Civil Service should be stopped at once.

It cannot be said that the Commission attached much importance to the views expressed most emphatically by the Indian witnesses. The four Indian members of the Commission who were in a minority did not insist on any minority report. They yielded on the question of Indianisation of the security services in order to win the support of the European colleagues in the matter of reorganising the services operating in the transferred field. The Commission recommended that in the Indian Civil Service "a proportion of 50

per cent. Europeans and 50 per cent. Indians in the cadre should be attained within fifteen years from the time that the new rate recommended comes into force." The Commission thought this result would be attained under certain circumstances if twenty per cent. of the superior posts were filled by promotion from the Provincial Civil Services, and of the direct recruits for the remaining offices, half were Indians and half Europeans. The ambition of the Commission was thus to see that by 1939 fifty per cent. of the superior civil servants including those holding listed appointments were Indians. That this fell far short of the Indian demand and would evoke great opposition should have been brought home to the Commission by the trend of the evidences before it. In September 1924, Sir Alexander Muddiman, the then Home Member, moved a resolution in the Legislative Assembly by way of giving effect to the recommendations of the Lee Commission. The late Pandit Motilal Nehru, the leader of the Nationalist Party, then introduced his amendment to this resolution. He pointed out that circumstances in the country had considerably changed since the time when British Officers were a necessity in the security services. There was no longer any justification for continuing recruitment in England. He accordingly moved that the recommendations of the Commission should not be accepted by the House. Sir Sivaswami Ayyar gave his support

to the amendment of Pandit Nehru. He pointed out that under the existing circumstances not more than fifty per cent. of British element was required in the Indian Civil Service and he quoted the O'Donnel circular to show that even total stoppage of British recruitment would not equalise very soon the Indo-European position. It would not be before ten or twelve years that such a position would actually be reached. When there was such a certainty as to the continuance of a large European element in the superior Civil Service in spite of the stoppage of fresh recruitment in England it would be both unjust and unwise to continue the recruitment in that country. The amendment was put to the vote and carried. The Secretary of State however was not bound by the opinions of the Legislative Assembly or those of the Government of India. He saw to it that the recommendations of the Commission with minor exceptions were given effect to.

In 1913, after 80 years of the passing of the great Act of 1833 and after more than half a century of the Proclamation made by the Queen, the proportion of Indians in the Indian Civil Service was only five per cent. In 1922, Indians in the superior Civil Service including those holding listed appointments did not exceed 13 per cent. of the total number. On the first of January 1929 the number of Indians in the Indian Civil Service and holding Indian Civil Service posts was 367 as against 899 Europeans. The

Lee Commission expected that by January, 1939, the proportion of the Indians and Europeans would be half and half. But the Simon Commission has calculated that on that date on the existing basis the number of Indians was likely to be 645 as against 715 Europeans. So if the present rate of Indianisation is maintained even as late as 1939 the Europeans would be in a majority in the superior Civil Service posts. All the same nothing further is going to be done in this field till five years of the new constitution that is being framed have elapsed.

Not only the British Government assisted and tutored by the British Civilians in India have continuously fought the entry of Indians into the superior civil service but they are said also to have made an invidious distinction in matters of promotion to certain posts between Europeans and Indians already in the Service. We have seen that the Government were more willing to confer judicial than executive offices on Indians. The District and Divisional Officers and the Secretaries to Governments hold key positions in the fabric of Indian administration. The Government found that once Indians were admitted to the Covenanted Service they would claim as a matter of right the offices filled as a rule by the members of that body. They would lay claim to the posts of District and Divisional Officers and even to the superior offices in the different secretariats. It was only to nip those claims in

the bud that in 1876 rules were promulgated which practically shut out Indians from the governing service. The statutory rules formulated in 1879 by way of a compensation would allow of the appointment of Indians only to specific superior posts mostly of a judicial character. Their appointment to District Officerships was subject to the previous sanction of the Government of India which meant that such appointments would be few and far between. Even when the rules of examination were altered and Indians got opportunity to enter the Indian Civil Service in a greater proportion, superior executive offices still continued to be filled by European Officers. Mr. Gokhale put as a member of the Islington Commission a question to Mr. J. N. Gupta of the Indian Civil Service who appeared before the Commission as to why most of the Indians in the Service were in the judicial branch. Mr. Gupta said in reply that they preferred the judicial line because in the executive branch they stood the risk of not having their services duly appreciated and of having their claims superseded.

Indians were again barred as a rule out of the precincts of the secretariat. Even men of such outstanding abilities as Mr. R. C. Dutt and Sir K. G. Gupta were not given any secretariat charge. In Bengal, no Indian was ever thought worthy of being appointed to the responsible office of the Chief Secretary and only

a few have so far been raised to the office of a Secretary. Indian officers like Mr. K. C. De and Mr. J. N. Gupta were thought fit to be the Member of the Board of Revenue but they were debarred all the same from the superior offices in the Secretariat.

In 1921, some Indian members of the I. C. S. went on a deputation with Mr. J. N. Gupta as their leader to the Secretary of State, Mr. Montagu and placed before him their grievances with regard to promotion to superior executive offices. In the same year Saiyad Raja Ali moved a resolution in the Council of State recommending the appointment of Indians to the posts of Secretaries, Joint Secretaries, and Deputy Secretaries in the different departments of the Government of India. He observed that in 1911 there was only one Indian officer in the Imperial Secretariat and he too was only an Assistant Secretary. After ten years in 1921 the position, he complained, did not much improve. The situation must be improved. It was regrettable, he thought, that after the Government of India Act had been on the statute book for about 2 years, more Indians could not be introduced into the Secretariat. Mr. H. D. Craik moved an amendment to the effect that Indians should be given opportunities for becoming qualified for appointment to the offices of Secretary, Joint Secretary, and Deputy Secretary in the different departments of the

Governments of India. This amendment was accepted by the Council.

In February 1923, Mr. Sastri returned to the charge and moved in the same House that in order to give Indian members of the I. C. S. an insight into larger problems of imperial administration and policy, the Governor-General in Council should appoint at least one such officer as Secretary, Joint Secretary or Deputy Secretary in every department of the Government of India. He pointed out that the preamble to the Government of India Act laid emphasis on the increasing association of Indians in every branch of the public service. It was desirable that this intention of the Parliament was carried out in its right spirit and Indian members of the foremost civil service in this country were given opportunities of "learning not merely the secrets but the most responsible features of administration." The Secretariat of the Government of India was the sphere to which one would go for satisfaction upon the question whether the Government of India was serious in the pursuit of the policy of continuous and sleepless preparation of the Indian element for the work of carrying on and sustaining a fully developed system of representative government in this country. He complained that with the promotion of an Indian Secretary to a Membership of the Executive Council, there was now no Indian I. C. S man in the Secretariat. The Home Secretary, Mr. James Crerar, said in reply that

the source of supply of Indian officers for the Secretariat was being widened. In 1911 there was only one Indian in the Imperial Secretariat and very few in the Provincial Secretariats, in 1917 there were thirteen Indians in the central and hundred and eleven in the Provincial offices and in 1922 there were as many as fifty-one Indians in the central and 131 in the different Provincial Secretariats. But Mr. Crerar did not point out that almost all of these 51 Indians in the central Secretariat were men outside the Indian Civil Service. In other words almost all of them were in the lower offices of Assistant Secretaries. The superior offices were still practically the monopoly of the European members of the Indian Civil Service. Mr. Crerar tried to emulate the tactics employed so successfully by Mr. Craik in the same House in 1921. He wanted somehow to wriggle himself out of the situation created by the motion of Mr. Sastri. He moved an amendment that Indian members of the I. C. S "should be afforded wider opportunities to become qualified for appointment to posts of Secretary, Joint or Deputy Secretary in all the departments." The Council, however, had grown this time wiser. It was convinced that this amendment was only a ruse. It accordingly rejected the amendment of Mr. Crerar and passed the resolution of Mr. Sastri. It cannot however be said that passing of this resolution has improved very much the

position of the Indians in the central Secretariat.

It is high time now for the recruitment of the Europeans to be discontinued. If the inability of the Indians to fill high administrative offices was ever an argument for the appointment of Europeans, it has lost for quite a long time past its cogency. The Indian officers have proved all the time they have been in high administrative position their ability, impartiality and vigour. It has been pointed out *ad nauseum* that the stoppage of British recruitment will do away with the British character of the administration. If however by the British character we should mean an impartial, honest and vigorous administration, the Indianisation of the Civil Service is not likely to undermine that character. Impartiality has for long been looked upon as the monopoly of only the European Officers. The Indian members of the Civil Service belonging as they did to one or the other community were not expected to hold the scales even between the different sections of the Indian people. But supposing that the Indian officers have not been able to reach a high standard of impartiality, can we say that the European officers have uniformly been impartial in their outlook? Mr. J. N. Gupta in his evidence before the Islington Commission challenged this alleged superiority and characterised it as an exploded dogma.

If the maintenance of British overlordship

was again a argument for continuance of British recruitment, that argument also has lost all its force. When the directory of the Indian administration is fast being constituted by the representatives of the Indian people, it does not stand to reason, that the agency should at least partly be constituted by Europeans. To the extent that the policy of the Government is formulated by the Indians responsible to the people, the British overlordship is practically withdrawn. It is no use therefore continuing the British agency, if its purpose is to keep up the supremacy of Great Britain in this country. There was the time when the ambition of the Government of Great Britain was to maintain British overlordship over Indian affairs and the Duke of Argyll accordingly thought that the District and Divisional Officers should be predominantly British in race and training. Since 1917 however there has been a distinct change in the angle of vision of His Majesty's Government. It is now a question of years for the Indian administration to be transferred to the final control and supervision of the representatives of the Indian people. The *raison d'être* of British recruitment has therefore ceased with the inauguration of the new policy.

The All-India Services with their extra-Indian recruitment and control are also fast becoming an anachronism in the Indian provinces. They cannot any longer be maintained without being

seriously detrimental to the interests of responsible government and provincial autonomy. But the European personnel of the security services is an impediment in the way of their provincialisation. The European Officers insist that the Secretary of State must still preside over their official destiny. They must have a right of appeal to him in all cases of disciplinary action taken against them. They feel secure only under his protecting wings. So long therefore as British recruitment continues, it will be difficult to abolish the All-India Services and do away with the anomaly they have come to constitute. On this ground also, recruitment in England should be forthwith stopped.

CHAPTER IV

THE I. C. S. AND THE JUDICIARY

One of the many important functions vested in the Civil Service is the administration of justice. It includes not merely the minor criminal justice which is combined in this country in the hands of the District and Sub-Divisional Officers with general and revenue duties but also higher criminal and civil justice the administration of which requires highly specialised technical skill and knowledge. The association of the Civil Service with civil justice dates from the time of Warren Hastings and criminal justice which for twenty years more was administered by the underlings of the Nawab was taken out of their hands by Lord Cornwallis and vested in the Company's civil servants. This was confirmed by the statute of 1793 and since then the performance of all kinds of judicial duties has continued to be one of the primary functions of the Civil Service.

At present minor criminal cases are tried by Deputy, Joint and District Magistrates. These

Officers belong to the Provincial and the Indian Civil Services. The District Magistrate who is as a rule a member of the Indian Civil Service has been given powers of control and supervision over the lower criminal courts of the district. The administration of minor civil justice constitutes a separate function discharged by a separate agency. It is vested in the members of the judicial branch of the Provincial Civil Service. They are all law graduates, in some cases with previous experience at the bar. They are recruited exclusively for judicial duties, and mainly civil judicial duties at that. As Munsifs they try cases in which an amount up to Rs 1,000 is involved. Cases involving higher amounts are dealt with by the sub-judges who are recruited from among the Munsifs. Some of the district and sessions judges who are in charge of higher criminal and civil justice are in their turn appointed from among the sub-judges. Of the rest of the district and sessions judges the large majority belongs to the Indian Civil Service, only a few being recruited direct from the bar. The members of the Indian Civil Service are thus in charge of minor criminal justice and they also preside over the highest civil and criminal tribunals in the districts. As sessions judges, they are empowered, subject to confirmation by the High Courts, to award the highest penalty under the law. As district judges they have to administer civil justice of a

very complicated character. Some cases of a highly technical nature can be dealt with only by them. Appeals again in certain cases from the courts of the sub-judges lie only with them. So the members of the Indian Civil Service who occupy offices of district and sessions judges have to deal out justice in intricate civil and criminal cases. Nor are their judicial duties limited to the office of the district and sessions judge alone. One-third of the judges of the High Courts which are the highest tribunals in the country has also to be recruited, under statute, from the members of the judicial branch of the Indian Civil Service.

It has been complained for the last one-century that the Civilians are not trained and qualified for the judicial duties of such a technical and specialised nature as those which the district and sessions judges and the justices of the High Courts have to perform in India. During the first fifty years of British rule, the work of the Government was pre-eminently one of organisation. During the first half of the 18th century the old administrative machinery had totally broken to pieces. In every sphere of administration, a new machinery had to be set up and a new system had to be organised. This work of organisation began with Warren Hastings and was not completed till the time of Bentinck. During this half century, the primary duty of the Government in the field of justice was to

organise a chain of courts, define their powers and functions, chalk out their procedure and make the laws and regulations they were to apply. Those were unsettled times and what was wanted was a rough and ready form of justice. The judges were expected more to help in the organisation of the courts, the building up of their procedure, and the promulgation of laws than to master the technicalities and details of the laws already on the statute book. The bar either did not exist at all or was only in the making. The old customs and traditions having the force of laws were in a state of flux. They were too medieval and bristled with too many anomalies and inconsistencies. The British Government did not expect the judges to ignore them and altogether to go back upon them. They wanted that they would be modified and supplemented by the provisions of English Common Law and the spirit of English Equity. Justice in these circumstances had to be, to a great extent, a common sense affair. The Hindu Pundits and the Mussalman Maulvies were associated with the Judges. They put before them the provisions of Hindu or Mahomedan laws as the case might be in a particular instance. The Presiding Judges took into consideration the facts of the case and revolved in their mind if the particular injunction of the Sastras or the Shariat was applicable to them. If their common sense and their little acquaintance with English Equity and

Common Law told them that it did not actually fit in with them, they departed from the provision of the Sastras and issued a judgement dictated more by common sense and less by any definite provision of a legal code. For such judicial work the civil servants of the Company were, after the reforms of Lord Cornwallis, eminently fitted. They came young to India with all the pliability of temper and outlook of a "young person" and had opportunities not only of familiarising themselves with the Indian customs and traditions but also of entering into the spirit of the social and legal systems in vogue in the country. But, however well acquainted they might be with the Indian systems and traditions, their imagination could not be limited to them. They could not but bring to bear upon their study of Indian codes and practices a detached and fresh mind. They came over to India imbued to some extent with English social ethics and the spirit of English equity. This familiarity with English customs and traditions enabled them to take more of a rational view of the provisions of Indian laws and helped them in modernising Indian justice.

Throughout the first quarter of the last century, justice continued to be a common sense affair. With the start of the second quarter however the situation began to change. Although the great codes had not yet been crystallised, laws and regulations had been passed in large

numbers in different spheres and the procedure of the courts settled to a great extent. A bar also had been established and was growing every day in knowledge and influence. Exercise of common sense was no longer enough for the discharge of judicial duties. The judge was now expected to be learned in the principles of law and jurisprudence and acquainted with the details of the Regulations passed by the Government and the procedure of the courts over which he presided. The functions of the judge became as in other countries specialised and technical in nature. Those only who had a good grounding in the principles and details of laws and had a continuous experience of judicial business could alone sit on the judicial bench to the benefit of the people. Unfortunately, however, the common sense view of justice still held the ground in India. Judicial function was still regarded only as a part of general administration. Its technical character was altogether lost sight of. Not only those who presided over the different tribunals had only a perfunctory acquaintance with legal principles but they had not the advantage even of a continuous judicial experience. Those who performed judicial duties did not take permanently to the judicial line. Either they combined this function with executive and other miscellaneous duties or only temporarily they sat on the bench and then turned to some executive and administrative work.

The Select Committee of the Parliament formed in 1831 to consider the renewal of the charter of the East India Company took evidence on the question of the administration of justice in British India. Mr. Richard Clarke who had considerable experience of the administration of the Madras Presidency observed before the Committee that those who had to fill judicial situations had no special training for these offices. All that they had to do was to read the Regulations of the Government while at College and take an examination thereon. No other qualification was demanded of them. The custom was that as soon as a civil servant attained a certain standing, he had to become a judge. After a period of service in this capacity he became eligible for a higher pay and automatically he moved on to some office of an executive character, to which this higher salary was attached. Judicial duty was thus only an accident in the career of a civil servant. He was not expected to have any special qualification or aptitude for such a function. Sir Thomas Munro rather thought that the revenue department was the training ground of administrators of all description including the judges. In the revenue department an officer had opportunities of coming into intimate touch with the people and acquiring a detailed knowledge not only of their economic conditions but of their general habits, customs and traditions. It was this

knowledge which was essential for the judges in the discharge of their duties. No other special knowledge was so much a necessity.

Mr. Holt Mackenzie expressed surprise in his evidence that the Company's civil servants with such meagre training had acquitted themselves as judges even as creditably as they had done. It was monstrous, he thought, that the judicial appointments should be made with no better securities for due qualification. His remedy for the existing evil was however not any special legal and judicial training for those who would administer justice but a better and more comprehensive general education including a liberal law education for all the civil servants of the Company. He would not in other words disturb any way the administrative arrangement and the system of promotion in vogue in the country. He would only insist on higher intellectual qualification for all the recruits to the Civil Service. He even suggested that the purpose would be served best if some kind of competition was introduced for the appointment of the civil servants.

William Empson, Professor of Law at the Hailebury College, struck a note of warning in his evidence against the rosy view of the judicial ability of the civil servants of the Company. In two years the students at Hailebury had to attend the law class under the rules of the college only ninety days. Nor was law any way popular

with the great body of young men. Even those who passed as proficient in law were not really very much advanced in the subject. It would be also idle under the existing circumstances to demand more attention on the part of the students to legal studies. He suggested that those who would be given judicial duties in India should have special judicial training in England. Law was not *prima facie* an attractive study. An acquired preference for it must be formed before any person was expected to devote his time and attention to it. For all other appointments, one comprehensive general education would be sufficient. But for the judicial posts a separate class of recruits specially and technically trained was required. The general body of civil servants who appeared before the Committee was however of opinion that there should be no change in the existing arrangement.

In the face of these conflicting evidences, the Committee made no recommendation on the subject and the great Act of 1833 did not allude to it at all. Not only nothing was thus done by way of furthering the legal equipment of the civil servants but the Government of Lord William Bentinck took a step which deprived the civil servants of a valuable experience which served them well when they had occasion to sit on the bench. Up till this time the junior civil servants were attached to the district civil courts

as Registrars. In this capacity they were not only to be in charge of the order of business in the courts and the ministerial establishments thereof, but they had also to try some petty cases themselves. All the civil servants had thus opportunities of getting accustomed to the procedure of the courts and acquiring some experience of actually trying civil cases. When therefore in the future a civil servant returned to the civil court as its presiding judge, he was not altogether in strange surroundings. But the Government of Lord William Bentinck abolished in 1831 for convenience of general administration this practice of attaching junior civil servants to the civil courts as their Registrars. He entertained no elevated notion of the system of justice administered in this country. He too was under the delusion that it was a common sense affair and any civil servant who could under short notice discharge an executive duty could also administer higher civil and criminal justice without much of a previous preparation for it.

The matter was however too important to be so lightly disposed of. The inefficiency of the judges attracted the attention of H. Shakespeare, a member of the Supreme Council. On the 18th April 1836, he issued a note for eliciting information from the several Presidencies as to the mode of training of the civil servants in judicial and revenue departments. On the basis of this note a letter was written by the Secretary to

the Government of India, Judicial Department, to the Government of Bengal. But he was told in reply that the Governor had no knowledge of any rule on the subject in question. Mr. Shakespeare then wrote out a minute and opened thereby a discussion on the problem of the judicial training of the civil servants. He thought it regrettable and even dangerous that the civil servants could learn nothing of the forms of judicial procedure or of the civil laws and regulations until they were promoted to the Bench and had "to sit as a judge of appeal upon the decisions of the native judges who from their greater experience, would be more likely to be better acquainted with the question at issue." The problem therefore to be tackled was as to how best the civil servants could be properly trained to fill the office of civil judge. "And it is difficult," Mr. Shakespeare emphasised "to conceive a question of more vital importance to the good of the country and to the character of British rule."

The colleagues of Mr. Shakespeare, however, did not attach so much importance to the question which troubled him so much. The Governor-General, Lord Auckland, in a minute dated 17th February 1838 did not accede to the conclusion that a distinct course of education or a distinct class of men was either expedient or necessary for the judicial offices. The only indispensable qualification of a judge

in India was long experience in revenue matters and in the general business of the country, which alone would familiarise him with the prejudices, habits and attachments of the people. In the absence of this experience, the most accurate knowledge of regulations and even the long apprenticeship in a court would be a poor equipment for the judge. He further observed that a judicial officer in India was not required to master a voluminous and complicated body of statutes and precedents, so no intelligent Indian civil servant who had experience of the duties of a Collector and Magistrate would find any difficulty to encounter the duties of a civil judge.

When nothing came out of the discussion of the question by the members of the Governor-General's Council, it was referred to the Law Commission for an expert opinion. This body submitted its recommendation in July 1842 to the Governor-General in Council. In submitting their suggestions the Law Commissioners observed "twe adocate not those measures which abstractedly vve should consider the best, but such as we believe will be found the most effectual—consistently with a due regard to the patronage vested in the Hon'ble East Indian Company." Their recommendation was that the first three years of service the civil servants would pass in the mofussil in revenue work. After these three years' experience in the revenue department the ablest and the most competent of the civil

servants should be chosen for employment in the judicial line. Of course when making the choice the Government should consult the personal inclinations of the civil servants concerned. After the selection, the chosen officers would be required to pass one year in judicial apprenticeship before being entitled to an independent exercise of powers. Once chosen for the judicial line, they must be confined exclusively to that branch. However wise and practicable this suggestion might be, the Government of those days were not impressed by it. They took no action upon it. The civil servants still continued to move like a shuttlecock between executive and judicial offices with serious detriment to the administration of justice.

In 1853, when the question of the renewal of the East India Company's charter came up again before the Parliament and a select Committee was constituted to investigate into the Company's administration of Indian territories, considerable evidence was taken as to the equipment of the civil servants for judicial work. Mr. Frederick Halliday was asked if the judicial officers should be confined to judicial work alone. He replied that in his opinion it was neither practicable nor desirable. Questioned as to the reasons for such an opinion he harped on the same song as had been sung so repeatedly before by men like Sir Thomas Munro, Lord William Bentinck, and Lord Auckland. Thorough acquaintance with

the people of the country, with their languages, with their modes and habits of business and with their disputes and differences about land was the *sine qua non* of efficient administration of justice. This acquaintance could be gained only from experience in the revenue department. As a revenue collector again a civil servant did a good deal of quasi-judicial business which qualified him for the administration of justice when he was promoted to be a district and sessions judge. He was further questioned if judicial officers could not without experience of revenue department become so efficient as those with the benefit of such experience. To this he replied in the negative. A judicial Officer without such experience would be wanting in a great deal of the knowledge which in England grew up with a man as he mixed with his fellows and transacted business for himself and others, independently of his legal profession. Even in England a man who knew nothing but law would be a very bad judge, and still more must it be the case in India where law was the least thing he had to know in order to fulfil properly the duties of the Bench.

These arguments and contentions of Mr. Halliday had a great deal of force and contained a large element of truth. But in emphasising one side of the question, he belittled and even ignored the other side. A judge indeed required the knowledge of men and things. He must

certainly possess an insight into the nature and character of the people whose disputes he was to settle and whose actions he was to judge. But while he required knowledge of these things, he required no less a thorough knowledge of the principles and details of the laws he was called upon to apply. This intimate acquaintance with the provisions of law was indispensable in the judge if he was not to arrogate to himself the functions of the legislature as well. The civil servants of the Company were then indeed all of them foreigners and had the best opportunities of being acquainted with the manners and customs of the people here only in the revenue department. But three years' experience in that department should have been sufficient for an intelligent civil servant to pick up this necessary acquaintance. After that period as the Law Commission had suggested, he might stick to the judicial line. As a judge also he would be not only deepening his knowledge of law, but would also be perfecting his familiarity with the customs and traditions of the people. Mr. Halliday and many others like him exaggerated the importance of the revenue department and belittled the value of the law courts as a centre of general education. In the permanently settled tracts, like Bengal and Bihar, the revenue officers had very little opportunity of coming into direct and intimate touch with the people. The law courts were on the other hand thronged by

diverse people with various kinds of cases and disputes. It cannot be admitted that a civil and criminal judge in Bengal and Bihar got less acquaintance with the manners and customs of the people than the Collector.

The remedy which Mr. Halliday suggested for the inefficiency of the judges was a more careful selection of the civil servants of the Company. Macaulay who was a member of the Select Committee was also driving his questions towards the same end. He too believed that the judges would be more well read in law and the administration of justice would be more efficient if only young men of superior intellectual attainments were selected for the civil service. He seemed to think that selection by open competitive examination was the real remedy for the incompetence of the civil servants, specially in respect of their judicial functions.

Sir Erskine Perry, the late Chief Justice of the Supreme Court of Bombay, turned, on the other hand his face completely against the administration of justice by the Company's civil servants, however recruited they were. He held a very low opinion as to the efficiency of the Company's Courts in India and for this low standard of justice he thought the incompetency of the judges was responsible. He held that if judicial administration was really to be improved in India, no patch work would do, a complete change in the system of recruiting the judges should be made.

The Civil Service of the Company was quite effective for producing one class of officers, namely the Collectors and Political Diplomats, but it was "wholly inefficient to produce good judges." It was therefore up to the Government to resort to some better system for supplying a good body of judicial officers. His suggestion was that the zillah judges should be recruited from the bar in England, Scotland and India. Sir Edward Gambier who had just retired from the Chief Justiceship of the Madras Supreme Court was also of opinion that the recruits from the English and Indian bar would be quite fit for higher judicial work in India. Another Chief Justice, Sir Edward Ryan, also found fault with the administration of justice in India. He thought if there was to be no radical change in the system of judicial recruitment, it should at least be made a rule that those civil servants who would once enter the judicial line should continue in it and look for their reward in that branch of the service.

In spite of such evidences by persons of experience and authority, nothing substantial was done by the Parliament for the improvement of judicial administration in India. It merely opened the Civil Service to public competition, and possibly thought with Maculay that this reform would be the panacea for all ills. It is of course a fact that the *Competition-wallahs* took more easily and zealously to the judicial work than the Haileburians. They had a good grounding

in liberal Arts and were drawn more naturally to judicial functions which required some exercise of intellectual powers. But this better fitness of the new civilians fell still far short of the qualifications actually required of them. Their liberal education had indeed been laid sound and deep but they had built up no superstructure of legal knowledge upon that foundation without which it would be futile for them to sit on the Bench.

That the position of the Civil Service vis-a-vis the judiciary was becoming every day more and more anomalous was brought home to the Government of Bombay by Mr. E. J. Howard, Director of Public Instruction in his letter to the Chief Secretary, dated the 6th September, 1859. He warned the Government that unless the civil servant were properly and adequately trained for higher judicial work, the agitation for the appointment of judges from the bar would gain ground in the country and in the course of a few years when Indian lawyers would be available in large numbers the demand would go forth for the recruitment of these Indians with legal experience for the judiciary. There might be objections to the appointment of judges from the bar in England on the ground that they had no acquaintance with the manners, customs and traditions of the people. But these objections would be out of order in the case of Indian lawyers. "I am, therefore, humbly of opinion," he concluded, "that if it is intended to reserve higher judicial offices

to Europeans, no time should be lost in laying down a course of legal study to be passed by all Civilians designed for that branch of the public service."

The Government thus addressed became convinced of the wisdom of this suggestion and asked him to submit a scheme for the legal training required of the civil servants. On the seventeenth of October, 1859, Mr. Howard submitted this scheme. He recommended that the Civilians who ultimately would occupy the offices of the District and Sessions Judges should be asked to spend two years "in the study of law as a science." Of these one year should be spent in England the other in India. On the basis of this scheme, the Government of Bombay passed a Resolution on the first of March 1862, which directed all young civilians to be placed on their arrival in India, under the special charge of the Chief Secretary, so that under his supervision they might "while studying the vernacular language, attend the Government Law school at the Presidency for one year at the end of which their progress shall be tested by an examination." In Bombay thus something was done by way of rectifying the inefficiency of the officers who presided over the different tribunals. What was done was indeed a mere palliative and not an organic remedy, but even in taking this palliative the Government of Bombay was in advance of the other Provinces.

In the middle sixties, the inefficiency of the judicial officers in Bengal again invited the attention of the Government. In 1865, the High Court of Fort William complained bitterly that the Judges had little training for the duties they were called upon to perform. They had not only no training for civil justice but their experience of criminal justice was also very meagre. The Magistrates who were subsequently promoted to the office of the District and Sessions Judges had their time exhausted by diverse executive business and had little opportunity of administering criminal justice. So the District and Sessions Judges came to their seats of judgment without any previous judicial experience worth the name and with practically no scientific knowledge of law. In 1867, this complaint was repeated and the High Court suggested that "the time has arrived at which the necessity of separating the *judicial* from the *executive* branch of the Service must fairly be looked in the face and the means of accomplishing the separation carefully considered.

The reflections of the High Court on the previous judicial training and experience of the District Judges were transmitted by the Lieutenant-Governor of Bengal to the local officers for opinion and suggestion of any remedial measures. Some of the officers who submitted any note on the subject advocated the separation of the judicial from the executive branch of the Service.

There were others however who struck a discordant note and supported the *status quo*. Mr. H. L. Dampier, Officiating Secretary to the Government, on receipt of all these evidences and memoranda, drew up a note on the question, on the 27th August, 1867. It recommended that the Covenanted Civil Servants were to be employed in both executive and judicial duties until they passed through the existing second grade of Joint Magistrates. After that each officer was to elect whether he was to go over to the executive or the judicial branch of the Service, the two branches being distinct and separate. The election was of course to be subject to the approval and sanction of the Government.

The question was not settled with the submission of this note by Mr. Dampier. A fresh examination had to be undertaken at the instance of the Secretary of State. His attention had been invited to this problem by the repeated complaints of the High Court of Fort William and on the 10th January, 1868, Sir Strafford Northcote sent out a despatch to the Government of India. He observed that in the opinion of some people the civil administration of India was defective in the respect that no sufficient distinction was maintained between the classes of officers called upon to fulfil functions so widely different as executive and judicial. It was suggested, he further pointed out, that an alteration in the system of promotion should be effected.

so that no officer without requisite judicial training and experience was ever raised to the office of a judge. He would now be glad to have the opinion of the Government of India on the subject in question.

Sir Henry Maine, Law Member of the Governor-General's Executive Council recorded some time after the receipt of this despatch, a valuable note on the question under discussion and gave an effective rejoinder to the view that the experience of the revenue department supplied the real training for the judges. "It is all very well contending that an administrative training is essential to judicial efficiency, but," he observed "the proof of the pudding is in the eating, and I think I do not misstate the opinion of nearly all the Judges, Civilians as well as Barristers, in the Bengal and North-Western High Courts, when I say that they regard the great majority of the District Judges in both provinces as shamefully inefficient." "I do not undervalue" he continued, "an administrative training but to say it can ever wholly supply the want of sustained judicial or forensic experience is to me simply preposterous." His suggestion was that a young civilian should declare either for executive or judicial line of work, and once in the judicial line he must stick to it. The interchanging of judicial and executive functions was, he thought, ruinous to the credit and efficiency of both branches of the Service.

On the 9th of April 1868, the Government of India sent the despatch of the Secretary of State to the Government of Bengal. The Bengal Government was required to enlighten the Government of India as to whether a distinct judicial branch of the Civil Service should be formed and whether there were any difficulties in accepting the principle of such a change "absolutely with regard to the Indian Civil Service." The Government of Bengal was further asked to submit the opinions on this important question of a select number of experienced and distinguished officers serving under it. This was by way of helping the Government of India in coming to a right judgment on this disputed problem. Of the opinions of the officers submitted in accordance with this request, that of Mr. R. Cockerell was possibly the most comprehensive and well informed. Mr. Cockerell pointed out in his note of the 25th July, 1868, that the existing arrangement under which the Civilians moved to and fro between executive and judicial offices might have suited a time that was long past but was absolutely anomalous in the changed conditions of the country. Formerly, procedure law was ill defined, legal agents of the parties were uninstructed and ignorant and all technicalities were barred out. These gave such a latitude to the exercise of general ability and common sense as compensated for the Judge's want of experience and skill in the proper sifting

of evidence and expositions of the points of law. This age of mere common sense was however now gone. The procedure of the Courts was now clear, issues submitted to them were now defined, the pleaders were no longer ignorant and uninstructed in law. Instead there was now the unenviable spectacle of the Bar being far in advance of the Bench in legal knowledge and skill. The tragedy was completed by the Indian Subordinate Judges being more experienced and learned in law than the Principal Judges who would hear appeals against their judgments. The remedy against this state of things, he suggested, was the separation of executive and judicial functions and the constitution of a distinct judicial branch of the Civil Service.

Hon. Ashley Eden, Secretary to the Government of Bengal, pointed out in his letter of the 1st December 1869, to the Government of India that the Lieutenant-Governor, Sir William Grey, was satisfied that the progress of events in his Province had been such that if the administration of justice was to command respect and inspire confidence, the special qualifications of those who presided over the highest local courts must be materially improved. The best way to effect this improvement was to place the future judges at an early period of life in a position which would concentrate their attention on the requirements of judicial line as a profession. This concentration could only be ensured, the

Lieutenant-Governor thought, by disconnecting the future judges from the distraction of executive duties. Sir William Grey was convinced that a separate judicial service was necessary not only in the interests of the administration of justice but also in the interests of executive work which suffered equally under the existing arrangement. The question was how best a separate judicial branch of the Civil Service could be created. The first condition of the reform would be that it should disturb the existing administrative arrangement as little as possible, and the second was that it should involve as little change as possible in the prospects as regards pay and position of the members of the Covenanted Civil Service. The third condition of the new arrangement would be that it must not involve the withdrawal of judicial powers from the District Officers. The Lieutenant-Governor was strongly impressed with the inexpediency of such withdrawal. After a few years' service as Assistant Magistrates and Sub-divisional Officers, the civilians were to choose either the executive or the judicial branch of the service. In case a sufficient number of men was not forthcoming for the judicial line, the Government must have the power to compel some of the officers to go over to that branch. The Government would have also the right to ask those who were better fitted for judicial than for executive work to take to the judicial line.

Subject to these reserved powers of the Government, the selection of a career would be voluntary.

In spite of the unequivocal attitude on the part of the Government of Bengal towards the question of creating a separate judicial branch of the Indian Civil Service, nothing was done in this direction during the next two years. In 1872, the Lieutenant-Governor of Bengal, Sir George Campbell put it on record that the only effective way to ensure efficiency not only to the judiciary but also to the executive was to establish a system of parallel promotion under which the executive officers would seek their promotion and advancement in the executive line and the judicial officers in the judicial line alone. A letter embodying this recommendation was written to the Government of India for approval. In the meanwhile, Sir James Fitzjames Stephen, the Law Member of the Viceroy's Executive Council, penned his celebrated minute on the administration of justice in British India. This emphasised the necessity of combining executive authority with criminal jurisdiction in the hands of the District Officers. In this respect the minute stood against any further improvement in the judicial administration of the country. Otherwise, however, it recommended some salutary changes in the judicial organisation of India. He recommended that if no radical change was initiated, the civil service should at least be divided into

two branches, executive and judicial, the officers once choosing a particular line would be required to continue in that line. The Law Member does not seem to have been satisfied with this recommendation alone. If the judiciary was really to be improved, some other changes were also in his opinion necessary. He had learnt from his own experience that "the great qualities required in a judge are insight into evidence, sound discretion in dealing with it, and prompt decision in forming his judgment upon it." Nor could he forget that these qualities which characterised the English Judges were acquired by them from experience at the bar where they "have learnt to form opinions and take responsibility." He accordingly further recommended that some civil servants intended for the judicial branch should be allowed soon after their success in the competitive examination to remain in England till they were called to the bar. And as some civil servants should be encouraged to become lawyers, so some lawyers not being civilians should be permitted "to receive judicial appointments." He was even inclined to think that all District and Sessions Judgeships as well as the High Court Judgeships should be thrown open so that Indian lawyers of good standing might be largely appointed to these offices.

This Minute of Sir James Stephen being referred to the Judges of the High Court of Fort William, they laid down their opinions as to the

efficiency of the judicial administration they had to supervise. Mr. Justice Jackson in his note of the 10th March 1873 pointed out that judicial administration in the districts was defective and inefficient because the zillah judges suffered "from want of time, from want of experience, and occasionally from distaste or constitutional unfitness." It was notorious, he continued, that "a district judge commonly takes his seat on the bench without having ever previously had occasion to open the code of civil procedure." Similar were the opinions of his brother judges as well.

The Government of India were now convinced that something must be done by way of ensuring better training and greater experience to the judges who presided over the District Courts. They now sanctioned the scheme of constituting a separate judicial branch of the civil service and introducing parallel promotion in the two branches. Henceforward it became the rule that every civilian of six to twelve years service must select either on his own choice or at the dictation of the Government, either the executive or the judicial line, and once fixed up in the judicial branch he was not to be transferred to the executive branch and *vice versa*. This reform undoubtedly improved the tone of the Indian judiciary to some extent. A judicial officer had now a continuity of service in his own line assured to him. He had not any longer to shift

at random between judicial and executive work. And to the extent that experience and regular work in the same line facilitated business, the work of the judges became certainly improved.

But in spite of the reform of 1873, and the consequent improvement in the experience of the judges, civilian justice still suffers from some grave fundamental defects the removal of which is indispensable to further efficiency in the judicial administration of the country. The first and the foremost defect under which the civilian judges always labour consists in their lack of any systematic legal training. They have not, except in few cases, read law as a science and have consequently no grounding in legal principles. Nor ever have they any experience at the bar and do not consequently enjoy the advantages accruing therefrom. It is always difficult to make individually a scientific study of a subject like law and that too in the late years of his life and could not certainly be expected that all the civilian judges would at all make any such attempt.

In 1873, the judges of the Calcutta High Court complained that the civilians when appointed to the district bench were innocent of civil law and procedure. After the institution of a separate judicial branch of the civil service, the senior District and Sessions Judges have picked up indeed by experience a working knowledge of these subjects but the junior men promoted to

the district bench continue still to be ignorant altogether of civil law and procedure and it is only at a good deal of cost to the litigant public that they by practice and experience gain gradually an acquaintance of some sort with this complicated body of laws.

The third defect of civilian justice is the suspicion aroused in the public mind as to its impartiality. The Indian Civil Service is still the governing Service of India. Its corporate spirit runs through the whole body and inspires every member thereof. The officers belonging to the judicial branch of the Service have the same outlook and the same ideal as those engaged in executive work. They look at men and things from the same angle vision. This outlook is inculcated in the civilian judges partly by the traditions of the service to which they happen to belong and partly by the seven or eight years of executive work they have to perform in the beginning of their career. The result is that only a very small percentage of the civilian judges has ever been found to have any reputation for truly being independent.

The fourth defect of 'civilian' justice consists in the unpopularity of the judicial branch among the members of the Indian Civil Service. This branch of the Service has never been able to capture the imagination of the officers. The administrative line has always been popular with them. Ambitious and capable men find

more openings for distinction in the administrative field, greater freedom of action and the more varied nature of duty in this branch have also attracted the sturdier spirits. Besides, the administrative officers command greater respect and wield greater influence and power over the people. The judicial officers cannot but look upon with envy the high prestige which the executive officers enjoy. It is therefore not unexpected that the able and the efficient, the industrious and ambitious would always seek an executive career and the judicial branch would on that account become the dumping ground of the idlers and the discontented. In 1913, Mr. Gokhale asked Mr. J. N. Gupta who appeared as a witness before the Islington Commission as to why most of the Indian members of the Civil Service were engaged in judicial work. The answer was that they apprehended supersession by British Officers in the executive line and took consequently to the judicial branch. In other words it was not love for judicial work but discontent in the executive line that prompted their selection of the judicial branch. All the steps taken to make the judicial branch more popular have proved to be ineffective. In 1903, Mr. Rampini speaking in the Indian Legislative Council on the budget debate made the significant admission that "notwithstanding the facts that promotion to the High Court has been quickened and that a new grade of District Judges on a salary

of Rs. 3,000 per mensem has been created, the judicial branch continues to be unpopular and it is difficult to recruit it. This is perhaps due to judicial work being less varied and more monotonous and laborious than executive work."

Thus "civilian" justice is neither helpful to the public nor popular with the civilians themselves. In 1907, the Government of India after an enquiry apprised the Secretary of State in a despatch of the utter helplessness of the civilians when acting as judges of the district courts. "A modern civilian was called upon to administer a complicated body of laws. But the sum total of his legal knowledge was confined to the Indian Penal Code, the Code of Criminal Procedure, and the Evidence Act which he had read during his probationary period in England. He need have read nothing of the underlying principles of law. He has not even seen the inside of a court. When he arrives in India he is subjected to a desultory and unscientific form of training which consists of learning by heart more codes and of doing a little practical work." The remedy which the Government of India suggested for this deplorable state of things was the extension of the period of probation of the civilians to two years. This suggestion was not however, given effect to.

Several years later (1913) a scheme was sanctioned for awarding to the civilians intended for the judicial branch improved facilities for training in law. Under this scheme, some officers of at least

five years service who could be conveniently spared were to be continuously employed on civil judicial work for a period of about eighteen months. This scheme which had the approval of the Public Service Commission has been fitfully and haphazardly applied during the last two decades. It is now and again that a young civilian is posted in a district with the powers of a Sub-Judge. He gets indeed an opportunity in this capacity of handling important civil cases. But on the one hand only few of the future District Judges get in this way an experience of trying cases of this nature and on the other hand those who earn this experience acquire it only at the cost of the litigants who are unfortunate enough to find themselves in their courts. This scheme, even if universally applied, will not take us far in the way of improving the judiciary. Those in the judicial branch would only get two years' more experience in civil judicial work. It would not however compensate for the fact that they have never had any systematic legal training and any experience at the bar.

In 1913, when the Islington Commission on the Public Services began its enquiry, the Indians almost to a man demanded the discontinuance of the practice of recruiting the Judges from the Civil Service. Their suggestion was to recruit them from the bar. They argued that by such recruitment judicial administration would be conducted more efficiently and more economically.

Dewan Bahadur P. Rajagopala Chariar, a Statutory Civilian and a permanent Collector in the Madras Presidency but employed at the time as the Dewan of the State of Travancore gave it out from his own experience that "with the great improvement in the bar that has taken place in recent years, the average civilian has become increasingly unfit to hold his own in judicial work." "It is notorious," he further observed, "that many of the men appointed to the District and Sessions Judgeships are, for some years at least after their appointment, unfit for their work and they pick up their experience at the expense of the litigant public. Also the evil is accentuated by the unfortunate practice that sometimes prevails of relegating to the judicial department those who have been found unfit for the executive, under the erroneous impression that an incompetent man can do less harm at the head of a court than at the head of a district." He told the Commission by way of further explanation that as a Revenue Officer he had to do a good deal of quasi-judicial work. But all the same "when I became a Judge, I felt as if I had been blind-folded and made to run about."

While this was the strain in which evidence was given by the Indian witnesses, the Europeans, especially of the Civil Service, were unwilling to sever the connection between the I. C. S. and the judiciary. Mr. A. G. Cardew, the Acting Chief Secretary to the Madras Government,

was asked if the judges were to be recruited differently and separately. His answer was in the negative. He recommended only special training for those civilians who would elect the judicial branch. The Public Service Commission did not make any proposal which might cure the evil radically. What they suggested was merely a palliative. The Indian witnesses almost in a body had demanded that the judiciary should be recruited not from the Indian Civil Service but from the bar. The Commission merely recommended that the number of judge-ships to be held by persons who were not members of the Indian Civil Service should be increased and they further recommended that of this increased number forty posts should be held by members of the bar. The connection between the Indian Civil Service and the Judiciary was thus to continue to be almost as intimate as before.

As for the training of the Indian Civil Servants for the judiciary, the Commission suggested that a civilian should henceforward undergo probation not of one year only as had been hitherto the rule, but of three years. And during this period he should be encouraged to be called to the bar. It should be his object during this period of probation to acquire a good grounding in law. What he should concentrate upon was not a detailed study of Indian codes, a knowledge of which he would have opportunity of picking up

as he worked in India, but a firm grasp of legal principles on which these codes were based and a knowledge of comparative law which would stand him in good stead in dealing with fresh problems as they arose. The Commission also approved, as we have seen, of the scheme of posting young civilians intended for the judicial branch as District Munsifs and Sub-Judges, in which capacity they might expect to acquire a good experience of civil cases before their elevation to the District Judgeships. The Commission gave a whole-hearted support to another scheme of the Government for ensuring better legal training to the civilian judges. Under the new proposal of three years' probation, every civilian judge would have the qualification of being a barrister, though without having ever practised as such. But of the civilians already on the judicial branch or intended for it in the immediate future, there were few or none with this qualification. The Commission therefore supported the idea that liberal financial inducements should be offered to the officers who would like to undertake whilst on leave, the courses of study leading up to a call to the bar.

The majority of the Commissioners were evidently satisfied with these recommendations. Mr. Justice (now Sir) Abdur Rahim who wrote a minute of dissent could not however agree with his colleagues in the remedy they suggested for the existing inefficiency of the civilian judges.

He was in favour of facing the problem fully and squarely and suggesting a remedy that would be comprehensive and final. The only remedy which would be effective was, he thought, the stopping of all recruitment to the judiciary from the Indian Civil Service. "The removal of judicial appointments from the cadre of the Indian Civil Service," he observed, "is now overdue and should be fully recognised. The old conditions under which that service was drawn upon for filling a number of judicial appointments have long been obsolete." He assigned several very cogent reasons for coming to this conclusion. "A civilian judge who has never been behind the scenes, never drafted a plaint or a written statement nor examined or cross-examined a witness in his life," he observed, "must be at a considerable disadvantage in arriving at the true and important facts of a case." "Even if he brought to the bench a sufficient legal knowledge, which he actually did not possess, still he would be suffering from a serious handicap. He would realise on the first day he sat on the bench that the really difficult task for which he had no preparation was to apply the right law to the facts before him." "That is not capable of being learned except by years experience and training. It is not learned by passing an examination, however difficult. It is possible to acquire this capacity on the bench, but only at a great loss to the litigant public." Truly some civil service judges had conquered all these difficulties

and shed lustre on the bench. But the system itself was unsound and should be discarded.

Another serious ground on which Sir Abdur Rahim was objecting to the appointment of civilians to the judgeships was the cost of the training which this practice involved. A civil servant had to put in at least eight years' work in the capacity of a magistrate and executive officer or sometimes as a munsif or subordinate judge, in preparation for his future duties as a *zillah* judge. He calculated that this apprenticeship cost the Government about eight lacs a year, and if these minor duties, executive or judicial, were performed by officers of the lower services, as otherwise they would have been performed, they would have cost only about four lacs a year. So the Government became the loser to the extent of at least four lacs a year. This additional expenditure might have been justified only by a clear and substantial gain in efficiency. Unfortunately, however, the efficiency of the civilian judges trained in so costly and expensive a way, was at best questionable. If the judges were recruited from the bar, instead of from the civil service, this expense of training would be saved and at the same time the efficiency of the judiciary would be augmented.

The exhaustive minute of dissent of Sir Abdur Rahim only served the purpose of enlightening public opinion and quickening public demand for the withdrawal of the old practice of appointing

civilians to judgeship. But it made no impression on the mind of the Government. Even the suggestion of the majority that forty appointments should be made direct from the bar does not seem to have commended itself very much to it. It was only very tardily that effect has been given to some extent to this principle of direct recruitment from the bar.

• Thus the practice of constituting the district bench predominantly by the members of the Indian Civil Service has continued to be in force. One-third of the Justices of the High Courts has also remained even under the constitution of 1919 reserved for the civilians. The confidence of the public, however, in "civilian" justice has been thoroughly shaken. In 1922, Sir Phiroze Sethna only voiced this public feeling when he observed in the Council of State that "the appointment of Indian Civil Service judges should be done away with and that as soon as possible." In 1923 when the Lee Commission began its itinerant investigation much valuable evidence was gathered on this subject. Dr. (Sir Hari Singh) Gour told the Commission that "civilian justice has become a by-word among the members of the bar" and the sooner it was replaced by a more efficient system the better. Mr. C. M. Nair, the Advocate-General of Madras, speaking on behalf of the Bar Association also pointed out that the members of the Indian Civil Service should no longer be employed as Judges. The Commission however

made no recommendation which might disturb the existing system. But another recommendation which provided for twenty per cent. of I. C. S. posts being made over to non-I. C. S. men resulted in a slight decrease in the number of civilian judges in every province.

The complaints against civilian justice are so reasonable and so numerous that a further lease of life to this expensive but amateurish system would be cruel to the people and unwise on the part of the Government. In 1929, during the budget debate in the Bengal Legislative Council, Mr. Jogendrachandra Chakravarty, a very experienced and prominent member of a district bar, made a pointed accusation that the civilian judges "cannot make out anything out of the documents that are placed before them." "I remember", he continued, "that when an appeal case was being argued before a District Judge he asked, before the arguments were finished, as to why these appeals were made before him and not direct to the High Court: he did not know that no appeal lies before the High Court for cases below Rs. 5,000. This particular judge felt extreme difficulty in deciding a case which related to the shares of a deceased Mahomedan." Mr. Nagendranath Sen, the leader of another district bar, spoke also in the same strain. He gave it out from his own experience that the civilians when promoted to the district bench found themselves completely at sea when confronted with civil

cases for which they had made practically no preparation. The civilians, he was convinced, had really no training, no aptitude and no regard for judicial work. It was unthinkable to him why junior civilians should be pitchforked on the bench when men far better trained and with greater experience were available at the bar, as to the efficiency of which there could be no two opinions.

Mr. A. N. Moberley, then Home Member, revived in his reply the old stock argument that experience in the general executive and revenue department was an excellent training for judicial work. Such experience, he argued, enabled the civilian judge to weigh evidence. An element of truth there is certainly in this assertion. But there is no reason why too much importance should be attached to it. Besides, this general executive experience did not compensate for the fact that the judges had had no acquaintance with civil law and procedure before they came to sit on the district bench. Nor could it be gain-said that this executive experience was a double-edged weapon. It enabled the judges indeed to weigh evidence with some amount of accuracy, but it also inculcated in them an executive prejudice which handicapped them considerably in exercising impartiality. Mr. Moberley further observed, "The chief object of a court is to administer justice; law is essential but justice is more essential

still." It is difficult to unravel as to what was exactly behind the mind of Mr. Moberley when he made an observation like this. He seems to have held the opinion that lawyer judges who were well versed in law could not mete out justice to the litigants in so correct a way as the civilian judges who had only perfunctory acquaintance with it. In other words he seems to have detected a discrepancy between law and justice. To follow the law, he appeared to think, was not exactly to do justice. So the civilians in their ignorance of law would, he expected, be greater Daniels than those who took the trouble of carefully mastering the laws as laid down by the legislature of the country. Mr. Moberley followed this up with another assertion equally startling. There was a suggestion that the members of the bar should be recruited to the judiciary. Mr. Moberley however had discovered an objection to this proposal. "Well, Sir", he put in, "the members of the bar are undoubtedly very strong in their law but they have no training as regards the weighing of evidence. So the experienced lawyers who had been behind the scenes, who had inside knowledge of how things were prepared and got up, who were versed in the art of examining and cross-examining had no training as regards the weighing of evidence which however came easily to the civilians during the six years of their revenue and executive work. Evidently 'civilian'

justice propped it by arguments like these was fated not to keep longer afloat.

In the Services Sub-Committee of the Round Table Conference, while discussion was being carried on as to the future of the Indian Civil Service the question of recruiting the judges from this body was raised as a side issue by Sir Chimanlal Setalvad. He objected to the continuance of this practice on grounds with which we are now familiar. He wanted that as in England the judges should be selected from the bar which had now become a well-trained and influential body. The Chairman had his doubts if the discussion of this side issue was really within the terms of reference of the Sub-Committee. But he allowed the majority of the Committee to have it recorded that they were in favour of stopping further recruitment of civilians for judicial work. Nothing came out of this resolution. But this much is to be known that the resolution reflected the considered opinion of all in this country who had acquired any right to speak on the problem.

It has been held in certain quarters that the prejudice against 'civilian' justice is the result of an Anglo-American superstition that the judges should be recruited only from the bar. Outside England, the U. S. A. and the British Dominions, however, this principle is not observed and the judiciary in continental countries is only a part of the civil service. If go-ahead peoples

like the French can remain satisfied with civilian justice, it is not clear why the Indians should be so anxious for the introduction of the Anglo-American practice. But there is a good deal of difference between the civil service judge in the continental countries and his compeer in India. In France for instance the judges constitute indeed a part of the Civil Service, but this part is an independent body and is not amalgamated with any executive service as in India. The members of this body are required to have the initial qualification of being a law graduate. It is no doubt a fact that they are not required to have any experience at the bar. But their graduation in law which ensures to them a good grounding in legal principles is insisted on as a qualification. From the law college, a young recruit goes straight to the bench and is associated for some years as an apprentice to a senior judge. Then as his experience grows, he climbs up the ladder of the judicial hierarchy. The French judicial service thus bears a comparison with the judicial branch of the Provincial Civil Service in India, to which the Munsifs and the Sub-Judges belong. This judicial branch is absolutely separate and distinct from the executive branch. Except in a name there is very little in common between the two branches. The executive branch is recruited on the basis of the general education and all-round proficiency of the candidates, while the judicial branch is recruited on the basis of their legal

education. It is insisted on that every candidate must have a law degree as his minimum qualification. Experience at the bar for three years is also made another condition in some provinces. But in Bengal it is not now-a-days insisted on. So the Bengal Civil Service (Judicial) and the French judicial service stand on a par. There has been very little complaint against the composition of this subordinate judiciary in this Presidency. Similarly it is quite possible that the French people cherish no complaint against the "civil servants" who sit on their bench.

Totally different however is the position of the judicial branch of the Indian Civil Service. The members of this branch have had no legal training and have no grounding in legal principles. That is a handicap which can seldom be got over. Now and again some of them are granted study leave and allowed to be called to the bar in England. But this involves an expenditure which the Government are not justified to undertake. It makes little meaning to take untrained men and have them trained up at a considerable public expense when trained men are available in so large a number. Even again when this expensive training is available to a civilian, he has already done a good deal of mischief. An officer does not always take to the judicial line out of his own choice. Even when officiating as a judge he not unoften yearns after coming over to the executive branch. He consequently

does not think of any judicial training. Only when he fails to satisfy the Government after about ten years' work as to his capacity for executive administration and is shunted off on that score to the judicial line, he decides to avail and that too only in some cases, the study leave for qualifying himself as a barrister. Meanwhile as an officiating judge, he has done a lot of harm to the litigant public.

The executive training of the civil service judges in India is again another serious handicap from which the judges in countries like France have no occasion to suffer. The latter have neither any executive training which may vitiate their out-look nor do they belong to a service which has any intimate relationship with the executive administration. It is impossible in this country to separate an I. C. S man, to whichever branch he may belong, from the interests of the Government, such has been the identification of the Indian Civil Service with the Government of the Indian territories. A judge is the task-master of the executive but a civilian judge associated so intimately with the executive and imbued so much with its traditions cannot be expected to fill that role very justly and effectively. His membership of the governing Civil Service is inconsistent with his position as a judge. The conditions of his service also cannot but deflect him from the path of strict judicial rectitude. As an I. C. S. man, his leave, promotion, suspension,

and dismissal are all regulated and controlled by the Government a fact which does not fit in with the strict impartiality and independence he should observe.

Even if we concede to an I. C. S. judge an expensive training and even if we pass over his executive mentality and outlook, still the fact remains that he is a misfit. A munsif in India or a "Civilian" judge in France has to his credit a good grounding in the principles of law, but he has very little or none at all of experience at the bar. In other words he brings to the bench no experience of applying the laws to particular cases. This certainly constitutes a handicap to him. But for years together he has to try only petty cases which do not call for very large experience to handle. Gradually as he picks up experience by handling these simple and petty cases, his powers are enlarged and he goes over to a superior post. An I. C. S. judge, however, has at once to occupy the top positions. He cannot wait for his experience to ripen. Then again the judges in India except in some cases in the High Courts do not enjoy an advantage which to a large extent compensates for lack of legal experience at the bar of the French Judges. The bench in France is in no case a *single* one. Even the petty benches are of a *multiple* character. When at least two Judges have to agree for the decision of a case, the chances of injustice naturally become small. In India however

the judges in the district courts sit singly in all cases. Consultation with a brother judge is thus out of the question. Every thing depends upon the legal acumen and experience of the presiding judge. Under these circumstances particular care should be taken in the selection of the Judges. The civilians who lack both knowledge and temper necessary for an efficient discharge of judicial duties should not be allowed to continue their connection with the judiciary. The judges should be recruited only from among the lawyers who have already put in a few years' practice at the bar. It is regrettable that those who are now settling political and administrative destiny of the Indian people, do not appear to be convinced that the civilian judges are a misfit in the Indian Judicial Organisation. The Joint Select Committee has not only not set its face against the continuance of these judges in their existing positions but it has gone to the length of recommending that the civilians should be eligible for the offices of the Chief Justices as well. Under the existing law, the permanent Chief Justice has to be a barrister of an English Inn or a member of the Faculty of Law of Scotland. The Indian lawyers who are excluded from these offices should no doubt be made eligible. But a civilian as a Chief Justice would be an atrocious arrangement. The tone of every High Court depends upon the learning and independence of the Chief. A Civilian Chief Justice is unlikely to possess

either of these two attributes to the requisite degree. The proposal is a retrograde one. Not only it should not be embodied in the statute, but the connection between the I. C. S. and the Judiciary should now cease altogether.

CHAPTER V

ORGANISATION OF THE CIVIL SERVICES

Besides the Indian Civil Service, there are two other services in an Indian province, e. g., the Provincial Civil Service and the Junior Civil Service. These three constitute in India the civil service proper. They are all administrative services carrying on what is known as the General Administration of the country. It was the intention of the Parliamentary Statute of 1793 to reserve all the civil offices under the Company in India for the Covenanted Civil Service recruited in England. But as new territories came to be acquired and new functions of government had to be undertaken, the members of the Covenanted Civil Service proved to be too few in number to cope with the task of civil administration. On the one hand, in the new territories, military officers were harnessed to civil work and on the other an uncovenanted civil service had to be created in every province to assist the covenanted civilians in the discharge of general administrative duties. The posts of

the Deputy Collectors were created in 1837 and more than thirty years later (1873) another class of civil servants known as the Sub-Deputy Collectors was brought into being in Bengal, by Sir George Campbell. Their position and status was to be inferior to that of the Deputy Collectors and Deputy Magistrates and their duties, though administrative, were not exactly of the character as those performed by the superior uncovenanted servants. Gradually, however, this difference in the nature of work of the Deputy and the Sub-Deputy Collectors was considerably wiped out but the difference in status continued all the same as before. Similarly the nature and character of the duties of the uncovenanted and the covenanted hands came to be almost the same. Still, however there was a gulf of difference between the position and emoluments of a covenanted Civilian and those of an uncovenanted Deputy Magistrate. This distinction, between the three classes of civil servants, which is recognised by many as artificial, has been maintained to our day and it has been a source of considerable heart-burning among the officers of the two lower services. Difference in status and position of the civil servants based on the difference in the nature of work they perform and the education and the general intellectual attainments they have to their credit is intelligible and is accepted in the civil service organisation of every modern country.

But any distinction between classes of officers with almost the same academic qualifications and administrative training and doing practically the same kind of work can be considered only as artificial and should not be allowed to continue.

For long a hard and fast line of distinction has been drawn between the Indian and Provincial Civil Services. But the line never very scientific has of late become clearly artificial. The Deputy Magistrates and the Indian Civilians have to perform the duties of the same nature and kind. It cannot by any means be said that the work of the civilians is of a responsible type which calls for initiative and judgment and the work of the Deputy Magistrates is merely of a routine and mechanical character hardly demanding any great intellectual resource on the part of the officers concerned. The distinction that is made between the two services is not based on any such difference between the two types of work. In fact, the Deputy Magistrates have to bring to bear upon their duties as much of intellectual resource and initiative as the civilians upon theirs. So far as the Magisterial functions are concerned the Deputy Magistrates stand on the same ground as the Civilians. Both classes of officers are given, after a short experience, first class powers under the Code of Criminal Procedure, and the appellate jurisdiction under the same Code is also now in some cases exercised as much by the Civilians as by a number of Deputy

Magistrates as such. But as in the future scheme of things, it is desirable that criminal jurisdiction should be withdrawn from executive hands, it is not necessary to dwell upon it at any great length. In executive departments, there is indeed some difference between the duties of the Civilians and those of the Deputy Magistrates. But the difference is not one of kind and character, it consists only in the degree of responsibility which the two sets of officers are expected to exercise. Whether employed as Assistant Settlement Officers, as Assistant Registrars of Cooperative Societies, as Officers in the Khasmahals, the Court of Wards, the Treasury, and the Land Acquisition Department, or employed as Sub-divisional Officers and Assistant Secretaries to the Government, the Deputy Magistrates have to discharge duties which demand of them large powers of organisation, a good deal of initiative, an excellent sense of judgment and a large fund of driving force. There is therefore very little difference in type and character between the duties of the Covenanted Civilians and the Deputy Magistrates. Justice can be done to them in both cases only by men whose mind is well stored with knowledge and information, whose thoughts and ideas are systematised, whose intellectual powers have been fully awakened and disciplined and whose general character has been carefully nurtured and trained.

Nor can it be said that there is much to choose between the intellectual attainments and the general calibre of the average recruits to the I. C. S. and of those appointed to the lower service. The Deputy Collectors were, we have seen, for the first time appointed in 1837. During the next twenty years hardly any difference was noticeable between the general education they usually received and that which characterised the average Haileburians. In 1855 was introduced the competitive system in London and that of course brought men of superior intellectual attainments into the Civil Service. During the next decade, while the officers recruited to the Indian Civil Service were men of finished education, most of them being Honours Graduates of the British Universities, the average recruits to the cadre of the Deputy Magistrates only completed their secondary school studies. There was of course a sprinkling of graduates of the new Universities started in the year of the Mutiny among the Deputy Magistrates, and between them and the Competition-Wallahs hardly any difference in ability and attainments could be recognised. But generally speaking, it may be admitted that the inferior position of the Deputy Magistrates was during this period commensurate with the inferior education they had to their credit. In 1864 however the maximum limit of age of the candidates for the competitive examination in London was reduced

to twenty-one and in 1876 to nineteen. These changes at once made inevitable a fundamental change in the curriculum of the competitive examination, which now came to be based on the studies pursued in the Public Schools. True it is not to be forgotten that the boys declared successful in the competitive examination had to pass three years at the Universities. But these three years were usually spent in the study of special Indian subjects like law and vernacular languages. There were very few who submitted themselves to the discipline of the regular University studies and secured any University degree. The difference in the nature of the general education of the two sets of officers which explained and if not justified the difference in their status was thus obliterated. Rather we find that while the general intellectual qualifications of the Civilians were considerably lowered, those of the Deputy Magistrates were gradually raised more and more. The number of graduates among the latter was now on the increase. In 1892, the age limits of the candidates for the competitive examination in London were revised and the Honours Graduates of the British Universities have had again an opportunity of entering the Indian Civil Service since then. And meanwhile (1890) the rules of recruitment to the Provincial Civil Service were also changed to the effect that only Graduates could be directly appointed

to this body. Both the Deputy Magistrates and the Civilians now came to have finished general education to their credit. There are of course people who may recognise some difference between the higher education imparted in England and that imparted in this country. But none would look upon this difference as vital and fundamental. Broadly speaking, the officers of the two Services were henceforward men of the same ability and attainments.

In 1905 of course the competitive examination for the recruitment of the Deputy Magistrates was altogether abolished in India and during the next decade and a half, the Deputy Magistrates were appointed under the system of absolute patronage and although none but graduates were eligible for nomination under the rules, it was very common that men with a pass degree entered the service to the exclusion of candidates who had brilliant university careers to their credit. No wonder then that man to man the Deputy Magistrates proved to be unequal both in spirit and in actual intellectual attainments to the average civilian. Since 1922, however, the patronage system has to a considerable degree been modified by the introduction of the competitive test and the new method of recruitment has brought into the Provincial Civil Service men who are hardly inferior in character and intellectual ability to those recruited to the Indian Civil Service. A number of civilians is

recruited every year since 1922 through the channel of competitive examination in India. A comparative study of the antecedents of the officers thus recruited and those of their contemporaries who had to get into the lower service will not fail to prove that there is hardly any difference between them in outlook, ability and general intellectual attainments. In some Provinces e. g., U. P. no separate examination is held for the recruitment of the Deputy Magistrates. Those of the local candidates who in the I. C. S. examination held at Delhi under the auspices of the Public Service Commission fail to compete and are not in consequence given any appointment in the Superior Civil Service are chosen in order of their position for the Deputy Magistracies. The difference between the ability and attainments of the first man thus recruited to the Provincial Civil Service and those of the last man taken into the Indian Civil Service is hardly wider than what can be measured by fifteen or twenty marks. This slight difference can hardly justify the difference in status and conditions of service of a Deputy Magistrate and a Civilian.

In Bengal the Deputy Magistrates are selected by a separate intellectual and physical examination. The curriculum of this examination differs in some particulars from that followed at Delhi in the case of the Indian Civil Service candidates. But the intellectual test applied here is hardly

inferior on that account. The question papers set in the two examinations will when compared testify to that. Generally those who have narrowly missed being selected for the Indian Civil Service compete in this examination and enter the Provincial Civil Service as Deputy Magistrates. It has happened that a candidate who stood fifth in order of merit in the examination held at Delhi was taken into the Indian Civil Service, but the candidate who stood sixth could not secure an appointment in that body as in that year only five appointments were made in India by competition to that service. He had consequently to appear at the Bengal Civil Service examination and became a Deputy Magistrate. The difference between him and the fifth man chosen for the Indian Civil Service as brought out in the results of the examination held at Delhi was represented only by twelve marks. The chances of examination are proverbial and we cannot be sure that the gentleman who had to enter the lower service simply because he secured twelve marks less was really inferior in general calibre and attainments to his successful rival. It is only natural that he will cherish throughout his career a certain feeling of resentment and it is doubtful if he will be quite contented with his position in the official hierarchy. This resentment becomes all the keener when a candidate with a uniformly brilliant record at his University fails to compete in the All-India examination and

has to enter on that score the Provincial Service, while another candidate who was beaten by him in the University examinations now steals a march over him at the examination at Delhi and secures an appointment in the Superior Civil Service.

This anomaly is further nourished by some particular provisions of the system of recruitment now in operation. Indian candidates are now allowed to compete both in India and in England. So far as the candidates are concerned the competition in India has come to be decidedly stiffer than that held in London. This is because of the fact that while in India never more than nine appointments have been made by competition, in England the number is usually more than forty. The age limits of the candidates are also not the same in the two countries. In India they are twenty-one and twenty-two while in England they are twenty-two and twenty-four. Now some candidates who have failed to compete in India and have sufficient economic resources at their command go over to England and take advantage of the easier competition in London. This way actually some Indian candidates have secured appointments in the Indian Civil Service. It was simply for the fact that they were financially well off and could afford to take the risk that they obtained situations in the Covenanted Civil Service. Many of their contemporaries however who had a more brilliant University career to their credit and who stood higher also in the examina-

tion held at Delhi could not avail the chance in London on account of their poverty and had to enter consequently the lower service.

The Deputy Magistrates are thus in some cases at least men of greater intellectual attainments and resources and so far as the generality is concerned it cannot be said that the officers of the lower service are much inferior to the civilians. They have in fact the same academic qualifications and intellectual equipment. While in service, they are placed in charge only of responsible duties and are accustomed to discharge functions which involve the exercise of higher powers of the mind and intellect. All the same however, they are not except in a few special cases accessible to the superior administrative offices. These higher executive stations are all reserved for the members of the Indian Civil Service which is constituted only by direct recruitment. This practice is a survival of bygone times. As Indians were not thought worthy of high administrative offices, or rather as Europeans were considered indispensable for all superior executive charges, all higher offices were reserved for the Covenanted Civil Service which was until recently almost exclusively an European body and only the less responsible duties came to be vested in the uncovenanted service which was meant to be a *Native Service*. The line of demarcation between the powers and functions of the two sets of officers was

thus primarily based upon the racial factor. The uncovenanted servants could be entrusted with responsible duties up to a degree. Beyond that however they were not thought fit to proceed. This was not because they had no requisite experience and intellectual ability but because racially they were disqualified. How very much was the problem racial is brought out into relief by the keen opposition made to the entry of the Indians into the Covenanted Civil Service. Lest the membership of this body should bring the superior administrative offices within Indian reach, opinions were expressed and attempts made to exclude the Indians altogether from this Service. Those appointed to superior offices under the Rules framed in 1879 were also not given the status and position of the Covenanted Civilian. In the province of Bengal only two of them were ever raised to superior administrative offices, and they also could not rise beyond the office of a District Magistrate. The conditions of service of these officers were purposely made incompatible with their steady promotion upwards. They were not appointed to any organised service which might have ensured to them a certain status and brought within their easy reach offices of a certain description and character. They were appointed only to specific posts promotion beyond which was not automatic and might have been denied altogether.

This organisation of civil service divisions on

the basis of race was confirmed and crystalised on the recommendation of the Aitchison Commission of 1886-87. The Commission took a good deal of evidence as to the higher employment of Indians and decided that recruitment under the rules of 1879 should be discontinued and Indian aspiration should be adequately met in the uncovenanted civil service which was re-christioned the Provincial Civil Service. This body was recommended to be essentially an Indian service to which were to be transferred some particular superior offices which had up till then been included in the list reserved for the Civilians. The number of members of the Covenanted Service was correspondingly to be cut down but this reduced body essentially European in personnel and character was to be regarded as a *Corps d'elite* employed as far as practicable only in superior charges. Indians would of course be eligible for admission into this *Corps d'elite* on the results of the competitive examination in London. But the Commission expected that the number of Indians would be only few and the service which would be in charge of the superior management of Indian affairs would be mainly constituted by European officers. The Provincial Civil Service the members of which would be ordinarily entrusted only with minor administrative charges would be on the other hand manned as a rule by Indians. So it was not educational qualifications nor the character of work performed

that constituted the basis of the division of the two services. The wall of separation between them was primarily and out of set purpose racial.

The transference of a number of superior posts to the Provincial Service could not be effected exactly in the way recommended by the Commission. The Secretary of State was not ready to go in for a parliamentary legislation which would be required for reserving these offices for the members of the Provincial Civil Service. Accordingly these offices were separately scheduled and listed and the members of the Provincial Service were made eligible for appointment of these posts. The view that the line of distinction between the two services was warranted mainly by racial consideration may not appeal to all and sundry. Some may hold that the Provincial Civil Service was intended for minor supervision and lesser charges while the Imperial Civil Service was intended for higher supervision and direction. The difference in status was based on this difference in the nature of duties. But this theory is at once given the lie to by the fact that even when members of the Provincial Civil Service are raised to listed appointments i.e., offices of superior initiative and direction, they are not incorporated in the Indian Civil Service. They have to remain outside this fraternity, however superior an office they may hold. Nor can they enjoy some of the valued

privileges which attach only to the membership of this administrative brotherhood.

The view that the division between the two services is based pre-eminently on racial consideration is further reinforced by the attitude Lord Curzon took up in the early years of the present century with regard to higher employment of Indians. Both in his Legislative Council and outside, there was a good deal of opposition to the existing European monopoly of superior offices. Lord Curzon in his speech on the budget of 1904-05 in the Legislative Council tried in his own way to meet this opposition. The views he then expressed were embodied almost word for word in a Home Department Resolution issued on the 24th May 1904. It was pointed out in this document that two principles were observed in the recruitment and organisation of the administrative staff. The first was that there must be a small body of Europeans who would constitute the *Corps d'elite* of the Administrative Service and the second was that outside this Corps Indians were to be appointed in an ever increasing number. In other words, the Indian Civil Service was to be mainly a European body while the Provincial Services were to be in the same degree Indian in personnel. The Resolution in fact leaves no ambiguity as to the division of the services on a racial basis.

Such a division however roused naturally the opposition of the Indian public. Speaking in the

Indian Legislative Council in 1911, Mr. Gokhale pointedly denounced the artificial division of the Civil Service into Imperial and provincial. It was an arrangement, he thought, absolutely unjust to the 'Provincial' men. "I am therefore strongly of opinion," he concluded, "that this division between Imperial and Provincial must go." The Islington Commission which was appointed in the following year and to which this question was referred did not however recommend in its Report any change of principle in the existing arrangement. In the details of course, here and there some alterations were suggested. But the rigid division of the Civil Service into Imperial and Provincial was recommended to be continued. It did not base this recommendation on the grounds of racial distinction. It put all the emphasis on the difference in the class and character of duties performed by the two sets of officers. It was convinced that men in the Imperial Service were concerned with duties of higher supervision and direction while those in the Provincial Service were responsible for work of a less important character. The distinction in status and position between the two services was, it thought, justified by the distinction in the nature of work they performed. The Commissioners did not emphasise in this connection the racial factor possibly because they also thought that such emphasis would be inconsistent with another recommendation they made. They

suggested that 25 per cent. of total recruitment to the Indian Civil Service should be made every year in India. This suggestion, if given effect to, would change the racial complexion of the Service to an appreciable extent. In view of this provision for larger recruitment of Indians to the Superior Civil Service, the Commission not unnaturally may have thought it irrelevant to emphasise the racial factor as the basis of the distinction between the two services. But that the Commission was not influenced in recommending the continuance of the existing division between the two services merely by the difference it discovered in the nature of duties the two services had to perform is testified to by its attitude towards the officers holding "listed" appointments. If the Commission attached all the importance to the nature and character of the functions discharged, it should have recommended the incorporation of the officers in "listed" posts in the Indian Civil Service. But without assigning any reason the Commission suggested that the existing arrangement should not be disturbed. These officers in other words would continue to be shut out from the membership of the Superior Service and the privileges and rights which attached to it although they would perform equally responsible duties and occupy equally responsible offices.

So the fact remains that the existing division of the Civil Service into Imperial and Provincial

is based on grounds which are highly artificial and extraneous. If there was ever a virtue in organising the two services on the basis of racial affiliation such a division has become increasingly untenable with the progressive Indianisation of the Superior Civil Service. Already a large percentage of the Service has become Indian and at the earliest convenience European recruitment to this body will have to be totally discontinued. The racial factor will in consequence disappear and with it will also be removed the real ground of the existing division of the services. The difference in nature and importance of the duties performed by the two services is also such as not to justify on any account the rigid wall that keeps them absolutely separate at present. The officers who are accustomed to take the initiative, exercise responsibility, and meet emergencies in a smaller sphere can be expected also to do the same with success in a larger field and this especially because they are men who have received the best education available in the country and proved their superior intellectual powers at the University and at the competitive test. A member of the Provincial Service who can perform the functions of a Sub-divisional Officer with vigour and efficiency can also in time discharge the responsibility of a District Officer with equal ability.

If the line of demarcation between the Indian and the Provincial Civil Services, has become

untenable equally absurd is the distinction now observed between the Provincial and Subordinate Civil Services. The Sub-Deputy Collectors are recruited from the same class of people, have practically the same educational qualifications, undergo the same administrative training and have to perform duties of the same nature and character as the Deputy Collectors. But all the same, every attempt at amalgamating the two services has proved to be abortive so far. Thirty-five per cent of the recruits to the provincial service are taken from the lower service but the rest are appointed direct. It is time that the rigid line of demarcation between the two should be abolished.

The officers of the three services are men practically of the same education and ability. If one of them can perform superior administrative work with efficiency and vigour, given the same opportunity a second man is also expected to carry it out with similar credit. It of course should not be expected that all the officers will throughout their career keep up the same energy and capacity. Some are sure to deteriorate while some others will develop even greater capacity and vigour as they earned some experience and became interested in their work. It is unwise therefore to divide the service from the very beginning into three watertight compartments and giving from the start some of the officers a higher status and larger emoluments while condemning others to

a lower position and smaller emoluments. It is time to revise this arrangement and amalgamate the existing three services into one Provincial Civil Service. All the officers should be recruited to the same service, given the same training and should have opportunity of working under the same conditions. Up to a certain degree their promotion should be regulated according to seniority, Beyond that however merit should alone be the criterion. In the British Civil Service we find most of the officers recruited to the Administrative Service have opportunity of being promoted in time to the posts of Assistant Secretaries. The offices of Deputy and Assistant Under Secretaries and permanent Under Secretaries however are regarded as demanding superior calibre and resources on the part of their incumbents. Only the pick of the Service are accordingly raised to these prize posts. This arrangement is working satisfactorily in Great Britain. In an Indian Province also, it may be laid down that all the officers appointed to the combined Administrative Service would be automatically given in time minor administrative charges. But only those among them who evince capacity of a high order should be promoted to superior offices. There was a time possibly when there might have been the necessity of a corps of officers who would almost from the beginning be placed in superior charges. It was thought that if higher responsi-

bility was not exercised from the start of the career, an officer would not be up to it at all. Work in an inferior capacity for more than three or four years would accustom a man only to routine work and would make him unfit for more responsible duties. This theory might have some element of truth when the District Officers in India were in the position of so many sub-kings. They had then to do most of their duties without any reference to higher authorities. Now-a-days, however, circumstances have changed considerably. The nature of duties performed by the District Officers and his Assistants and Deputies is essentially the same. They have all to work according to regulations and instructions laid down by the directory. Only the responsibility of the District Officers is one degree higher than that of his Deputy in a Sub-division. In the changed conditions, the old division of the Services into three rigid groups has become artificial. The barriers should now be removed and there should be one general administrative service in a province, for district work.

CHAPTER VI

INDIAN IDEAS AS TO METHODS OF RECRUIT- ING CIVIL SERVANTS

Demands for sectional representation in the civil services on the part of the different communities have influenced considerably during the last half century the attitude of the people and the Government towards the principles and methods of their recruitment. The Hindu intelligentsia has all along been imbued with the most go-ahead political thought of England. In the nine-teenth century, it was inspired by the teachings of Mill, Macaulay and the Manchester School. So far as the principle of competitive examination for the selection of the civil servants was concerned, it was Macaulay who was regarded as the high priest. His great speech in 1833 advocating the introduction of some form of competition in the recruitment of the Company's Writers appealed at once to the imagination of the young men who had been educated at the Hindu College under Derozio and Richardson. As the number of the English

educated people increased, the votaries of competitive principle increased correspondingly and by the time the Charter of the East India Company came up for renewal in the early fifties, the Hindu upper class as a whole had been inoculated with this advanced official thought. The introduction of the principle of open competition along with the renewal of the Charter in 1853 and the speeches made in that connection in the British Parliament strengthened further their confidence in this method of recruiting the civil servants.

• The British Indian Association sent several memorials to the Board of Control and the Secretary of State for India, advocating the employment of Indians in the superior offices. On all these occasions, it pleaded for the introduction of competitive examination in this country for the recruitment of Indians to the Covenanted Civil Service. This Association was an organisation of landed magnates and it would not have been unbecoming on its part to demand the restriction of superior appointments to men of birth and social influence. Instead, however, of making any such proposal it invariably pinned its faith to the principle of competitive examination which had been hailed in western countries as the hand-maid of democracy. In 1879, when the rules for the appointment of Indians to the Statutory Civil Service were published it was found that nomination was the leading principle

of this proposed system. There was a provision that some of the Statutory Civilians would be chosen from among the cadets of influential land-holding families. They were supposed to be the natural leaders of the people and their nomination to this superior service would only amount to the vesting of these natural leaders with administrative and governing powers. This scheme had thus much to commend itself to the British Indian Association whose members were expected to profit by it. But the Association, instead of welcoming the principle of nomination condemned it most unequivocally. On the 1st of September 1879, its organ, the *Hindu Patriot*, came out with a leader on this subject. "For our part," it observed, "we are decidedly opposed to the system of nomination." "The best interests of the country," it thought, "would be in danger and the success of the great experiment which is being launched apparently with good will of all right-thinking men would be seriously imperilled. A more potent device could not have been designed for bringing that experiment into discredit and contempt than this system of nomination."

When the British Indian Association which was the organisation of the landed aristocracy could take so easily to the principle of competition, it was but expected that a popular body like the Indian Association should be also an earnest advocate of this system of recruitment.

This body drew its inspiration from the teachings of European Radicals. Competitive examination for the selection of the civil servants had become a plank of the liberal platform in England. In 1870, Mr. Gladstone's Government had substituted this method of appointment for the old patronage system in many of the departments at Whitehall. It was therefore natural for the Indian Association which swore by the teachings of Mr. Gladstone and his radical colleagues to fall in with this principle of public service recruitment. It sent in a petition to the Secretary of State in 1883 for the introduction of competitive examination in India as the only method of appointing Indians to superior offices.

The Congress soon after its inauguration in 1885 became also a protagonist of the principle of fair field and no favour in the matter of civil service recruitment and gave its whole-hearted support to the method of competitive examination. In the very first session it passed a Resolution which not only demanded the introduction of competitive test in India for selecting the natives of the country for the Covenanted Civil Service but asked for the same method of recruitment in the uncovenanted service as well. From year to year a resolution of this kind was repeated by the Congress whose faith in the principle of open competition never slackened. In the evidence it submitted to the Public Service

Commission in 1887, it advocated the frank acceptance of this principle for all first appointments in the country. In 1904 again when Lord Curzon's Government abolished the competitive test for the Provincial Civil Service in most of the Indian Provinces, and frankly introduced the patronage system, it entered its emphatic protest against the Resolution. It was afraid that the method of nomination by which alone recruitment would now be made would bring into the Provincial Civil Services only second and third rate men and impair thereby the efficiency of the administration.

In April 1904, Mr. Bhupendra Nath Basu, a leader of the Congress and one of its future Presidents lamented, in his speech on the budget in the Bengal Legislative Council, the recent Resolution of Lord Curzon's Government. "The shutting of the open door competition means," he said, "the virtual closing of the career of many brilliant university men who may not possess sufficient interest to secure nomination. Appointments will now go to mediocres and men who will be able to gain the ears of the powers that be. I cannot but look with dismay upon this part of the Resolution of the Government of India". In the following year, Mr. Gokhale who presided over the annual session of the Congress at Benares next Christmas, made similar remarks in his speech on the financial statement in the Imperial Legislative Council.

In pre-reform days, the Hindus of all classes and parties, except the non-Brahmins of Madras who had developed since the beginning of the present century a bitter antipathy against the intellectual supremacy of the Brahmins, supported as one body the principle of competition and had no confidence in the patronage system. When the Public Service Commission began its enquiry in 1913, Hindu public opinion asserted itself almost unanimously in favour of competitive examination being held simultaneously in India and England for making selections for the Indian Civil Service. For the recruitment of the Provincial Civil Servants also, it was held that competitive examination was more suitable and efficacious than the existing arrangement. Mr. J. M. Mitra, a member of the Bengal Civil Service who occupied at the time the responsible office of the Registrar of Co-operative Societies deposed before the Commission that those who had entered the service by competition were decidedly superior in administrative skill, driving force and general efficiency, to those brought into it by nomination. This opinion was corroborated by all Hindu members of the Bengal Legislative Council in 1917. The occasion was the moving of a very modest resolution by Mr. Akhilchandra Dutt for filling up half the vacancies in the Provincial Civil Service every year by competition. He himself was a whole-hogger in this matter but to conciliate the Mahomedans he moved

for throwing open to competition only fifty per cent of the vacancies. The existing method of recruitment by nomination, he said, was demoralising the service. The officers thus appointed felt every moment that they had entered the service by the back door, through favour and not by merit. This had a baneful effect on their independence and integrity. Not only again was the effect of this arrangement morally disastrous, it told seriously also upon the efficiency of the service. Men of poor acumen secured appointments under this system while men of sound intellectual equipment were barred out. No wonder therefore that the universal verdict was that the executive branch of the Provincial Civil Service had appreciably deteriorated ever since the introduction of the pure nomination system. Mr. Ambicacharan Mazumder who supported Mr. Dutt was likewise definite in his opinion that patronage system was not only responsible for the deterioration of the service but was also having a baneful effect upon public morality. It therefore must go and be replaced by the principle of fair field and no favour.

Four years later, in February 1921, Mr. Indu Bhusan Dutt returned to this question and in moving a resolution for the recruitment of the officers in the different departments of the Provincial Government by competitive examination, had no hesitation in saying that the patronage

system fostered a spirit of servility in the candidates and a spirit of favouritism in the Officer who made the nomination. The services, under this system of recruitment, were fast becoming a close preserve of the sons and sons-in-law of the Government servants. An official caste was being brought into existence. In the interest of public morality, and in the interest of efficiency in public services, it was necessary that the patronage system should go and the principle of public competition should be introduced. Hindu public opinion was thus uniformly in favour of the competitive test as the only method of civil service recruitment, and it was mainly because of the assertion of this point of view that the Provincial Government had to abandon the nomination system in 1922.

Quite different has been the attitude of the Mahomedans towards the principle of competitive examination for the recruitment to the public services. They regard themselves as a separate entity and want representation as such in the civil services. The State is to them not a union of individuals but of communities and as the legislature is to be constituted by the representatives of the different communities so the civil service is to be made up of the men supplied by them. This stand-point can hardly fit in with a general competitive test which would bring into the public services only the most talented of the candidates irrespective of the

communities to which they were affiliated. Besides the Mahomedans had kept themselves for a very long time rather rigidly aloof from the new learning. They had consequently become "backward" in education and if competitive examination was the gate-way to the public services, they would have little chance of gaining a fair share in them. Sir Syed Ahmad Khan, the leader of the Moslem community, became accordingly an opponent of the principle of competitive test. He had no objection to the administration being conducted by Englishmen. But he was not ready to see that it passed into Hindu hands simply because the Hindus were intellectually more acute and more advanced. This view he tried to impress as much upon the British administrators as upon his own co-religionists and fellow communalists. Of the Public Services Commission of 1886-87, he was a member and had an influencing hand in the conclusion of the majority that competitive examination for recruitment to the Covenanted Civil Service was unsuited to the conditions of this country. By bringing in youngmen into the Service from only one particular class of the people, it would, he was definitely of opinion, create a greater sense of inequality among them than under the existing system. So long as he was living, the vocal section of the Mahomedans was almost unanimous in its opposition to the merit system. Even after his death in 1898,

there was little change for some time in the attitude of the Moslems in this matter. In the early years of the new century, the Mahomedans rather banged the door of their community against all advanced political and administrative thought. When in 1904, Lord Curzon persuaded his Government to issue the notorious Resolution for abolishing the competitive examination wherever it was followed for recruitment to the Provincial and Subordinate Services, it was as much opposed by the Hindu Nationalists as it was welcomed by the Mahomedans.

For the next half a decade more this reactionary attitude was the dominant trait of Moslem political feeling. In 1906, was organised the All-India Moslem League. It was a sectional organisation, its one object being to promote and safe-guard the rights and privileges of the Mahomedans as a separate community and political entity. From its birth, it put itself vehemently in opposition to the principle of competitive examination for public service recruitment. It was not till early in the next decade that some appreciable change came about in the ideas and outlook of a large section of the Moslem community. The Balkan wars brought the Mahomedans into contact with world thought and widened considerably their outlook. When the Islington Commission came out to India early in 1913, the Mahomedans were no longer unanimously championing the

patronage system which Lord Curzon's Government had declared to be most suited to Indian conditions. So far as the Superior Civil Service was concerned, some of the most prominent Moslem leaders supported the selection of Indian recruits by merit alone. Both H. H. Aga Khan and Mr. M. A. Jinnah gave their enthusiastic support to the proposal of simultaneous examinations in India and England for appointments to the Indian Civil Service. His Highness observed that with regard to the governing service he was ready to forgo all questions of communal representation and would advocate the selection of the best and the most well-equipped Indian youths irrespective of their religious and communal affiliations. Open intellectual competition was hence the method of recruitment which appealed to him. Mr. M. A. Jinnah was more emphatic still in his admiration for the principle of open competition. He had absolutely no confidence in the principle of nomination nor was he drawn any way to the system which combined nomination with examination. "I would recommend" he observed, "only open competitive examination as the best system one could think of at the present moment." This was the only way, he thought, that efficiency could be ensured.

Thus it would seem that the Mahomedans had outlived that stage of their political evolution when they could support the system of pure patronage in the recruitment of the public

services. They could at least be supposed now to be in favour of some limited literary competition as the method of official selection. But this liberalism which Moslem politics evinced in the second decade of this century was confined only to some enlightened section. It did not permeate all classes of the Mahomedan community. The introduction of the Reforms in 1919 brought new leaders to the front and their emergence into public life as the elected representatives of the community wrought a change in Moslem political outlook. Men of the world, with hardly any systematic schooling, now got into the legislatures in no mean number through the separate Moslem constituencies. They had no confidence in literary education for purposes of administration; only common sense and tradition, they thought, were all that were required to this end. In the course of a debate in the Legislative Assembly in 1923 on the recruitment of the Indian Civilians, Maulvi Muhammad Yamin Khan ridiculed the idea that simply because a man had passed a certain literary examination, he should be thought worthy of administering the affairs of the country. Nawab Nawab Ali Chaudhury, who was for one term a Minister in the Bengal Government and subsequently a member of the Executive Council was noted as a man with little literary education but with a large fund of common sense and great native capacity for administration. He spoke on the

same subject in the Bengal Legislative Council in 1924 with a still stronger emphasis. Competitive examinations, he asserted, were mere artificial devices of the 19th century. They were by no means a sure instrument for testing the capacity of the candidates for administration. He did not attach any value to the literary ability of the candidates nor did he appreciate at all the administrative technique which a young man with a good general education and well stored mind might easily pick up. What he valued in the candidates was the respect which they might inspire and command in the different sections of the people. He was however silent as to how a man who had no sound education to his credit and could not pick up the technique of administration could win the respect of all sections of the people. He was, it seems, confusing, all the while he was speaking, between the functions of a political head of a department which he himself had discharged and the duties of a permanent civil servant. A minister was indeed to supply the common sense view point and to keep the department in touch with public opinion. It was essential for the proper administration of his department that he should enjoy the confidence and respect of the people. But a civil servant was to be first and foremost an expert. He is the tool in the hands of the minister and if the minister is to have his department properly run, his tools must be efficient and to be efficient the civil servants must be

thoroughly educated. But the Nawab did not attach any value to literary education and on that account he had so poor an opinion of the competitive examination. On another ground also he could not support this system of recruitment. It had removed the patronage from the hands of the Government and weakened thereby its influence over the people. "The Government by virtually handing over one of its essential privileges namely, the selection of its official personnel to a body of examination paper appraisers," he observed, "has deprived itself of one of its legitimate and important sources of power and influence in the country." The Muhammadan public has thus not yet set its face against the system of patronage. There are of course a few representatives who have acquired some confidence in the competitive test.

Some classes of the Hindus, especially in the Madras Presidency, who are backward in education and demand on that score special representation in the services, have also opposed the selection of the official personnel by open literary competition. Competitive examination which has been looked upon in the West as an adjunct of democracy is associated by these classes of people with high caste oligarchy. In 1911, and 1912, when resolutions were introduced in the Madras Legislative Council for instituting competitive examination as the channel of recruitment to the Provincial Service, the non-

Brahmin Representatives who were engaged in a class war with the Brahmins of the Presidency put themselves in opposition to the proposed measures, for they thought competitive examinations would bring only the Brahmins to the top and place them alone on that account in the public services, while "the people who toil and moil would have no opportunity to share in the loaves and fishes of Government service." In 1919, Mr. L. K. Tulasiram, a non-Brahmin delegate from the same Province, cited in his evidence before the Joint Select Committee these resolutions of 1911 and 1912 as illustrations of the intense class selfishness of the Brahmins. Sir Tiagaraya Chetti, the founder of the non-Brahmin movement deposed in the same strain before the Public Service Commission in 1913. He opposed the proposal of Simultaneous Competitive Examination on the ground that it would be unfavourable to the cause he espoused. In case an examination was held in India at all for the recruitment of Indians to the Civil Service, a number of appointments should be specifically allotted to the different provinces and to the different communities in each province, so that competition might be limited to the candidates from each province and each community. Opposition to the pure merit system on the part of the non-Brahmins has not lost in vigour during the last ten years of the new regime. They are yet in mortal fear of the

intellectual superiority of the Brahmins and think it consequently wise to belittle the value of competitive examination as a method of testing the administrative ability of the candidates.

The Government and the Europeans consistently opposed throughout the latter half of the nineteenth century and the early part of the twentieth century the introduction of a competitive examination for recruiting Indians to the Covenanted Civil Service. This, as a method of public service recruitment, was, they thought, unsuited to Indian conditions. Not only would it favour unduly certain sections of the people to the almost total exclusion of other sections and communities from the Civil Service, but competitive examination was thought, so far as the Indians were concerned, as really no test of ability. Sir John Strachey who held high office in this country suggested that the competitive system was open even with Englishmen to objections and drawbacks. But if it was a moderate success with them, that was not because of an inherent merit of the system itself, but that was because of the traditions and general training of the British recruits. "Not the least important part of the competitive examination of the young Englishman," he observed, "was passed for him by his fore-fathers, who, as we have a right to assume, have transmitted to him not only their physical courage, but the powers of independent judgment, decision of character, the habits

of thought, and generally those qualities that are necessary for the government of men." In 1913, Sir Hugh Stephenson echoed this opinion in his evidence before the Islington Commission. "Success in a literary examination," he observed, "does not necessarily connote those qualities which are necessary for successful administration in India."

Although the Government put up a consistent and stout opposition to the agitation for introducing competitive examination in India for recruitment to the Indian Civil Service, they did not maintain all through the same attitude with regard to the selection of recruits to the Provincial Service. In 1868 Sir William Grey, the Lieutenant-Governor of Bengal, decided in a Resolution that the posts of Deputy Collectors should not be filled any longer by pure patronage. A limited competition would, he thought, bring in more suitable men to the Service. The plan he initiated was that for every vacancy expected to be available, three men were to be nominated by the Lieutenant-Governor. The nominated candidates would then be subjected to a competitive examination and those standing highest in this test would be taken into the Service. The proposed examination was actually held in May 1868. The syllabus of the examination was such as to test the general education and intelligence of the candidates.

His successor, Sir George Campbell, made a

change in the rules of the examination in 1872. It was no longer to be of a competitive character. Henceforward it was merely to be a pass examination. Those who would pass this examination would be eligible for appointment. But it was for the Government to decide as to which of these eligible candidates would be actually provided with an appointment and that when. In another vital aspect also, the nature of the examination was changed. It was no longer intended to test general education and intelligence. Its syllabus was changed and the examination was now meant for estimating the proficiency of the candidates in certain subjects like drawing, surveying, engineering and law. In other words, the examination was to test knowledge, not ability. During the next three years, so many candidates appeared at these examinations and so many passed them and got their names entered in the waiting list that by 1875 the Government of Sir Richard Temple who had succeeded Sir George Campbell in the Lieutenant-Governorship of Bengal thought that some further change in the rules of the examination was urgent. Accordingly in November, 1875, it was announced that four vacancies in the cadre of the Deputy Collectors and seven in that of the Sub-deputy Collectors, would be filled up by competition to be held next January. Except however for this principle of competition no other change was effected in the

system of examination as introduced by Sir George Campbell.

For two years effect was given to this plan. But it could not meet with the approval of Sir Ashley Eden, the next Lieutenant-Governor of Bengal. Sir Ashley was an autocrat of the deepest dye and had no confidence in the principle of competitive examination. He was a confirmed champion of the patronage system and believed that the right of appointing public servants was a valued privilege of the Government which should on no account be abandoned. He further thought that the competitive system as introduced by Sir Richard Temple had become an absolute failure and should not therefore be continued. All examination for public service recruitment were now discontinued and appointments came to be made only by nomination.

For several years this system was experimented. Then in 1883, Sir Rivers Thomson was of opinion that this nomination system had not made for a satisfactory selection of the civil servants. He therefore "determined on gradually introducing a system under which appointments to the Subordinate Executive Service as Deputy Magistrates and Deputy Collectors shall again be thrown open to competition."

As laid down in this Resolution, an examination was held in January 1884. And in the following three years competitive system exclusively held the ground. As outlined in the

Government Resolution of 1883, appointments as Deputy Magistrates now came to be made through the competitive channel alone. This experiment for three years however did not give the Government the satisfaction expected of it. All those successful in the competitive test during these years were Bengalee Hindus. The Mahomedans and the candidates from Bihar and Orissa which were then incorporated in the Province of Bengal were barred out altogether from the Provincial Executive Service by this method of selection. The intellectual superiority of the Bengalee Hindus got full scope for appreciation and reward under this system. But it was not the objective of the Government to fill the Service with one class of men only, however superior they might be in intellectual attainments and general ability to the candidates from other classes and groups of people. Accordingly on the 24th April, 1889, the Government of Sir Stuart Bayley passed a fresh Resolution by which the rules of competitive examination and subsequent appointment to the Provincial Executive Service were altered. It was laid down in this Resolution that in any scheme of recruitment, "the principle of competition must occupy a prominent, perhaps the most prominent place. But competition alone will not meet all wants." It was decided that all the available vacancies would not be filled by competition. Some of the appointments would be reserved for those who

had stood highest in the examination, but the rest would be given to those who could not compete but secured at least one-third of the marks and were considered by the Government to have claims to nomination. So an examination would be held as usual but the Government would select their officers by competition as far possible and by nomination where necessary.

This system of competition cum nomination was in vogue till 1904. In this year, the Government of India in course of a Resolution on the education system of the country went out of its way to refer to the question of recruitment to the public services. It thought that according to rules the candidates for the executive posts had to be Graduates of the Universities. Their literary and educational qualifications must in all cases therefore be sufficient for Government purposes. It was consequently unnecessary to subject the candidates to a fresh examination. The system of nomination was consequently resorted to and it remained in operation for about eighteen years. During this long period of its life, it could never win the approbation of the people. The Resolution of 1904 was consistently and vehemently opposed by their representatives. The nomination system could not consequently have a long lease of life and the Home Member informed the Bengal Legislative Council in November, 1921 that with effect from 1922 it would be abolished.

For the last few years, competitive system of recruitment has been in force in this Province. Every year an examination has been held, which however has been open only to about two hundred candidates. The selection of these candidates has been vested first in the heads of Colleges and secondly in a Selection Committee. The heads of Colleges recommend three hundred candidates (a particular number being allotted to each first grade college) for the examination. The first selection that is made by the heads of colleges is done as far as possible on grounds of merit, though communal considerations are not altogether a taboo. The second selection made by the Selection Committee is however based mainly on political and communal considerations. Then finally the intellectual written competition is held. This examination unlike those held for similar purposes in the 19th century is not meant for testing knowledge immediately necessary for the officers to carry out their duties in office, but intended for judging the general ability of the candidates. But though the examination is a competitive one, the candidates do not get the appointments strictly in order of merit. Communal considerations come in again. The principle of communal representation has been recognised by the Government and forty-five per cent. of the vacancies are reserved for the Mahomedan candidates. The Mahomedan

candidates are to compete not with all the candidates but only with one another. Their names also are separately listed in order of merit. Similarly the candidates affiliated to the so-called depressed classes and to the Anglo-Indian and Indian Christian communities are classed together in a separate list and one or two appointments are reserved for those among them who are at the top of this special list. The examination is thus competitive only very partially. Under it not the best men available in the province but the best men available according to a certain proportion in different communities are chosen for the Government Service.

The future of the competitive system of recruitment is, we may conclude, inextricably bound up with the question of communal representation in the services. People who may be said to have a genuine love for the patronage system are but few in number. Many however cling to it either absolutely or in a modified way merely as a hand-maid of communal representation. Recruitment on a pure competitive basis may not ensure the representation of the cadets of certain communities in the major services according to a specified proportion. So long therefore the principle of sectional representation is not abandoned, the competitive system cannot frankly and wholeheartedly be accepted.

CHAPTER VII

CONSTITUTIONAL POSITION OF THE CIVIL SERVICE

The civil servants fill indeed an important role in the government of the modern democracies. But theirs is not the function to direct and control the policy of the state. They are rather an instrument and a tool in the hands of the persons who constitute the directory. They are to help and serve the political chiefs who make up the governing body of the country in the administration of its affairs. In a parliamentary democracy, these political chiefs are responsible to the legislature for the working of the departments under their charge. The minister is accountable to the parliament for everything with which his department is any way concerned, He discharges his responsibility with, of course, the help and cooperation of the permanent civil servants. But his permanent associates do not share his responsibility to the legislature. They live and move and have their being under the shelter of their political chief. If the permanent officials mis-

manage a business, it is not they who would come in for attack in the legislature. All the fury of the people's representatives will be directed towards the minister in charge of the department.

Now that the political chief is alone responsible to the legislature for the work of his department, it is only meet and proper that the departmental machinery should be run on his authority alone. Power and responsibility should go together. When it is likely that the minister in charge may be given a vote of censure and even thrown out of office for some action of his subordinates, it is only essential that he should have sufficient authority over these permanent civil servants. In Great Britain, the permanent officials were required, said President Lowell early in the century, "to give their advice upon the questions that arise, so as to enable the chief to reach a wise conclusion and keep him from falling into mistakes. When he had made his decision, they are to carry it out; and they keep the department running by doing the routine work. In short the chief lays down the general principles, while his subordinates give him the benefit of their advice and attend to the details." During the last quarter of a century, the civil service has gained considerably in influence and prestige. Not only in executive administration, but in spheres of legislation and finance as well, the civil service has become a power to reckon with.

But whatever the actual power a civil servant may exercise, he does it only with the tacit consent and approval of his political chief. If the civil servants are men of superior knowledge and experience it is but natural that the minister will considerably yield to their influence and allow them to have in most matters their own way. But the fact remains all the same that they exercise these powers only through the seal of his authority. They are still absolutely under his control and direction. In case a Minister thinks it necessary to differ from the opinion of the office his view must prevail. The function of the civil servants consists in enlightening the chief upon the facts and figures of a question, in bringing to his notice its past history and present complications and in furnishing him with the pros and cons of the lines of action possible. This done, they must wait for the minister to make up his mind. And as he commits himself to a course, they have to act according to it.

The historic statement of the Secretary of State for India in the House of Commons on August 20th 1917 announced a new policy of the British Government towards India. It declared that henceforward it was the ambition of His Majesty's Government to introduce in India full responsible government, not of course all at once, but by stages and instalments. According to this declaration of policy, the Government of India Act, 1919, was placed on the statute book.

This great constitutional measure transferred some of the governmental functions in the provinces to the hands of the representatives of the newly created electorates. So far as these functions were concerned, full responsibility of the executive to the legislature was to be introduced in India. These departments were to be run under the leadership and supervision of some ministers to be chosen from among the elected representatives of the people. For the proper administration of these departments the ministers were to be responsible to the legislature which could remove them at its will.

Now in order to fulfil his responsibility to the legislature and ultimately to the electorate, the minister should have in the fitness of things been invested with all the authority over his departments. The permanent officers should have looked to him alone for inspiration and guidance. They should have given him all the help and cooperation necessary and carried out his order and policy loyally and ungrudgingly. As permanent and experienced officers it is not unexpected that they may have definite opinions of their own upon many important questions of the day. But as subordinate officers working under the minister theirs is not a function to formulate policy according to their own lead and light. Unfortunately however the past traditions and many of the present functions of the higher permanent services, their extra-Indian recruitment

and control and in short all the conditions of their service are incompatible with their implicit loyalty to the minister. The higher services are recruited by the Secretary of State for India in Council. They hold office during the pleasure of His Majesty which means that only the Secretary of State in Council can dismiss them. In the provinces their prospects in office are no doubt to a great extent determined by the Provincial authority. But in case they feel unappreciated and wronged, they may appeal to the Secretary of State in Council whose authority is final. It is therefore not the least unnatural that the ministers find their authority shadowy over the officers who are not appointed by them and whom they cannot reward or punish any way. Under the regulations the Secretary to a department has to be as a rule recruited from among the senior members of the Indian Civil Service. Now this system is as much true of the transferred departments as of the reserved subjects. As a member of the Indian Civil Service the Secretary, "holding a position analogous to that of permanent Under secretary in England", is beyond the control of his political chief. His loyalty is not limited to the minister. He has greater responsibility to discharge to the authorities who control his future prospects. As a servant responsible ultimately to the Secretary of State he is not expected to be always the willing and faithful supporter of the minister's authority. Now not

only these anomalous extra-provincial conditions of his service are a natural bar to the Secretary's unflinching loyalty to his chief, but the memory of the past traditions of his office also makes it almost impossible that he should so suddenly develop the silent and anonymous habit of a British civil servant.

The members of the Indian Civil Service have since the planting of British administration in this country, enjoyed immense prestige, dignity and power. They have performed duties far greater in scope and more responsible in nature than any that ever was done by their compeers in Britain. Their functions have been not simply administrative but political as well in character. "They are in fact," observed Lord Wellesley in a Minute in the year 1800, "the ministers and officers of a powerful sovereign...They are required to discharge the functions of Magistrates, Judges, Ambassadors and Governors of Provinces...Their duties are those of statesmen in every other part of the world..." More than one century later, the Right Honourable Mr. Herbert Fisher who came to India as a member of the Islington Commission, could discover no change in the functions and position of the Indian Civil Service. It was still the Government of the country. It was obvious that the civil servants with such a load of traditions behind them would not agree to play a second fiddle to the popular head of a transferred department. If the modicum of responsible

government that was being introduced was meant to be real and if this form of Government was gradually to grow and expand, the civil services should have been reconstituted on a new basis to fit in with the new system.

That the position of the All-India Services would be in conflict with the implications of the Reforms was foreseen by some of the members of the Indian Civil Service itself. In a scheme of government they put forward after the declaration of August 1917, they recognised "that imperial services appointed by the Crown for India as a whole are incompatible with provincial autonomy and responsible government. The first attribute of any Government is the power to appoint and remove its own administrative servants. The existence of a Government, dependent for the execution of its orders on administrative services which are neither responsible to nor removable by it, is obviously impossible. Therefore autonomous self-government cannot be realised until all the Imperial Services have been eliminated. If this is to be within a calculable period, recruitment for the public services should be provincialised without delay". A few of the European civil servants of the Central Provinces also pointed out in a note submitted to the Provincial Government on the Mont-Ford Report, that the inauguration of contemplated Reforms must be accompanied by a distinct alteration in the conditions of

service of the permanent officers. The services, they were convinced, would be required to be reconstituted on altogether a different basis.

The Government of India however were not ready for any revolutionary change in the system of provincial administration. The introduction of dyarchy would mean some change in the principle of government at the top. If side by side with it, there was a change in the position of the permanent body of civil servants as well, that would be facing a revolution in the administrative arrangement. The existing conditions of service of the permanent officers should not, they recommended, be disturbed in the new regime. The ministers would be new to their work and consequently, they might be prone to yield too much to pressure of opinion both within and without the legislature. The control over the services should not therefore be vested in them.

The members of the Moderate Deputation, sent to England to give evidence before the Joint Select Committee, protested at once against this move on the part of the Government of India to buttress the position of the Services which would be inconsistent with the spirit of the impending reforms. The acceptance of the proposal of the Government of India, observed Sir Surendra Nath Banerjea and his colleagues, would make the position of the Ministers difficult if not impossible. But the protest proved

unavailing. The Secretary of State, Mr. Montagu, pointed out indeed in the course of his speech in the House of Commons on the second reading of the Government of India Bill that it was his ambition to see that in time the Indian Civil Service was reduced to the status of the British Civil Service, carrying out the wishes of those who were sent by the people to the councils of the nation to dictate policy. But that it was a mere pious wish was brought out in a reply that he felt constrained to give to some observations of a member, Col. Yate. This gentleman was anxious that there should be no change in the status of the Indian Civil Service. Mr. Montagu gave out in reply "I agree with every word that the honourable and gallant gentleman says as to the Indian Civil Service."

In the new regime, we find, the old spirit and traditions of the Civil Service have survived to the detriment of the progress of responsible government. The civilians fortified by the conditions of their service and inspired by the old traditions of their fraternity have snapped their fingers at the popular Ministers. In their independent attitude they have been considerably helped by regulations once perhaps salutary but irrationally maintained in the transferred departments under the Reforms. Before the regime of Lord Canning, the form of the Government of India was "a consultative Council presided over by the Governor-General who initiated all busi-

ness and under whose direct orders the Secretaries of the different departments carried out their duties." There was no portfolio system and the members of the Governor-General's Executive Council had practically no concern with the Secretaries to the departments. The latter were to act under, and were responsible to the Governor-General, with of course a right of appeal as to conditions of their service to the higher authorities beyond India. The Indian Councils Act of 1861 gave to Lord Canning the means of reforming this system and the Council was forthwith converted virtually into a cabinet, with each of its members in charge of a department. But even after the introduction of this portfolio system, the Secretary was authorised to take matters to the Governor-General over the head of his own chief.

This practice was as a matter of course introduced in all the provinces along with the installation of a Council-Government. Now, so long as the Indian administration was purely of a bureaucratic character and irresponsible in nature, no fault could possibly be found with the system. With the introduction of the Reforms, however, the Indian Constitution has entered upon a new career. A popular element, responsible to the legislature, has been brought into being. The old secretariat arrangement does not fit in with the political and constitutional changes effected since 1919. The Minister to discharge his account-

ability to the legislature must have full control over his departmental staff. But illogically enough the Secretary happens to exercise an amount of power quite inconsistent with ministerial responsibility. In cases of disagreement between the Minister and the Secretary, the latter might carry the subject over the head of his political chief to the Governor of the Province. It is for the Governor to decide whom to support.

Lala Harkishen Lal, an ex-Minister of the Punjab, complained before the Muddiman Reform Enquiry Committee of 1925 that the Secretary 4/
 "enjoyed under the rules pre-audience of the Governor." "We had fixed days," he explains, "for seeing the Governor. The Secretary went first and the Minister went afterwards...A file was waiting on my table. The Secretary was instructing the Governor. Then I took the file and the Governor knew all about it and he had formed an opinion before I took the papers to him." Some Ministers even experienced cases in which without their knowledge, the Secretaries and heads of departments were having a brisk discussion and correspondence with the Governor as to an important public question. The responsible Ministers were not taken into the least confidence in these matters. Naturally Rao Bahadur N. K. Kelkar, an ex-minister of the Central Provinces, protested bitterly before this Committee that "there is no reason why the heads

of the departments should be at liberty to send recommendations directly to the Governor and ignore the Minister altogether." The same gentleman gave also some specific instances of the minister's orders being overruled at the instance of his subordinates. Of course many of the Ministers have been fortunate enough to receive full co-operation from their subordinates. But even in these cases, the very fact that the Secretaries and heads of departments could, if they so willed, refuse to accept the Minister's orders as final must have weakened considerably his hands. The very apprehension that these officers could rebel against his policy and he could bring to bear upon them no disciplinary action on that account, must have been a great impediment to the discharge of his full responsibility to the legislative council.

9 This anomalous state of things was brought home to the Royal Commission on the Superior Services in India (1923-24). Several responsible witnesses pointed out in their evidence that the Government of India Act had made the Ministers responsible for all their actions to the Legislative Council but their permanent associates had been placed outside the purview of his control. This was an arrangement which could hardly be productive of smooth and efficient work.

The Commission appreciated the strength of this contention and framed proposals "to remedy this particular anomaly." It recom-

• mended that no further recruitment should be made for the Imperial Services on the transferred side. The personnel required for these branches of administration should in future be recruited and appointed by Local Governments. So far so good. But the officers of these services could at best rise to the position of the heads of departments. The posts of Secretaries to these departments, however, are reserved for members of the Indian Civil Service. And the Commission recommended that the appointment of, and control over, this latter service "must continue to vest in the Secretary of State." Not only this. There are more anomalies still. While dyarchy has been introduced as a form of government in these provinces, the old unitary method has yet been considerably maintained in matters of day to day administration. Mr. Ramsay MacDonald with his pre-war experience characterised the District Officer as "the tortoise which supports the elephant upon which the Indian Government rests." The position of this officer has hardly changed after the introduction of the reforms. Even now the functions of government are interwoven in a complete fabric and centre in the moffussil in the hands of the District Magistrate. He is not only the representative of the reserved side of Government in his district but he is quite in a position to help or hinder the activities of the popular half as well. For successful discharge of ministerial responsibility in matters of Public

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Works, Forests, Public Health and Education, his active co-operation is still needed. The Divisional Commissioners also exercise not a little influence and power over the working of the transferred subjects. In matters of Local Self-Government, these officers are the agents of the Ministers in their respective divisions and as such control to a very large extent the district board and municipal administration. Over them however the control of the Ministers is nominal. As long ago as 1917 Mr. Lionel Curtis issued the timely warning that in its relations with the transferred departments, the Civil Service, as it existed in India, would be an anachronism. "Any system of government which does not give a Minister complete control over his own officers and his own department" would, he prophesied, be unworkable. That this prophesy has come true is now patent to all.

Ministerial responsibility and the existing conditions of the All-India Services cannot thus go together. Provincial autonomy with Ministers responsible to the Legislative Council and with the permanent officers still looking to the India Office for power, protection and inspiration will be a misnomer. The position of the services must be radically changed if the representatives of the people are at all to secure any real and effective control over the administration. The body which controls the Ministers should also

through them exercise full control over the permanent civil servants.

The Services question came to be discussed at the Round Table Conference in London which appointed a Sub-Committee under the Chairmanship of Sir William Jowitt to make recommendations on the subject. Its membership included the names of such prominent Indian publicists as Mr. C. Y. Chintamani and Sir Chimanlal Setalvad. The Sub-Committee met for six days and recommended that "for the Indian Civil and the Indian Police Services recruitment should continue to be carried out on an All-India basis." A small minority in which appear the names of Messrs. Shiva Rao and Tambe dissented of course from this view and advocated immediate provincialisation of these two services as well. But the overwhelming majority of the Sub-Committee stood in favour of maintaining the all-India character of these two services. While, however, it was decided that these two security services should continue to be organised on an all-India basis, it was laid down at the same time by the majority of the Sub-Committee that the recruiting and controlling authority in the future should no longer be vested in the Secretary of State, it should be placed in the hands of the Government of India. According to this recommendation the Services must cease in the future to look to the Secretary of State for inspiration and protection. They must no

longer have any extra-Indian duty and allegiance. They will have their loyalty limited to Indian authorities. But this recommendation has the drawback that in the security departments the provincial Governments will not be entitled to recruit their own officers and exercise full disciplinary powers over them. They will have an appeal to the Government of India against any action which the Provincial Government may think fit to take against them. This extra-provincial control seems to be inconsistent with the principle that the officers of every Government in a federal union must be appointed and controlled by that Government. The security services are the pivot of the provincial administration. If the officers of these services are controlled from outside, provincial autonomy will be a contradiction in terms. But even the mild recommendation of the Jowitt Sub-Committee has not been accepted. The existing organisation of the Services will remain undisturbed even when provincial autonomy is at work. Only after five years of the experiment of the new constitution, there will be an enquiry as to the future position of the Services. This is a recommendation which hardly fits in with provincial autonomy and federal union.

Not only the rights and privileges of the All-India Services are anomalous and incongruous in the transferred departments and constitute a hindrance to the growth of responsible

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government in the provinces, but the present constitutional arrangement of the secretariat also does not make for efficiency and good government. When a popular minister is placed at the head of some department, he cannot be expected to conduct it ably and vigorously without the expert help and cooperation of the permanent officers. He comes new to office and at best brings with him some shrewd common sense and good general knowledge. Of administrative details, he is not likely to possess any. It is, therefore, imperative, as Bagehot declared it to be long ago that "when the fresh mind rules the fresh mind requires to be informed." The higher permanent staff of the department must always be ready to enlighten him on the history of some question and make available to him all the recorded knowledge upon a matter he comes to handle. They have not only to acquaint him with the policies of the former ministers as to a particular subject but have also to bring before him all the experiences and practices of other countries in solving like difficulties. They should be always abreast of the most up to date ideas upon a particular administrative problem and bring them to the notice of their political chief at the appointed hour. The permanent Secretary and his assistants have in fact to be the reservoir of all kinds of information which have a bearing upon

the activities of the department. It is for the minister now to draw upon it.

In the Indian provinces, however the higher permanent staff of the Secretaries is as much new to the work of the department as the minister himself. The permanent staff, excepting in the lower grades, is not permanent at all. The Secretary and his immediate assistants "are selected from the administrative staff, serve for a time in offices, and then return to administration." They are so many birds of passage, as it were, in the secretariat. "Rightly or wrongly it has always been held desirable to maintain touch between the head quarters offices and the districts." So batch by batch, officers are relieved of administrative work in the districts and deputed to secretariat duty in one capacity or another. And after a period of work here at the head quarters, they go back to the districts again. It has been maintained all along that without this constant change of duties and places of activity the efficiency of the officers cannot be kept up in this tropical climate. "The corpuscles which form the life-blood of British policy in India are always in a state of circulation." Were it otherwise, wrote Sir Auckland Colvin in the nineties of the last century, "the vitality of the whole body would perish. They are continually being pumped from the centre to the extremities, from the extremities finding their way back to the centre."

Change of duties no doubt creates some enthusiasm among the officers. It breaks the monotony of their work and keeps up the freshness of their ideas. Besides it is necessary that they should be now and again relieved of their duties at the desk and brought into contact with the realities of life. The first hand knowledge of men and things which they have opportunity of acquiring as sub-divisional and district officers in this country certainly stands them in good stead when they come over to the secretariat. It gives touches of reality and freshness to the despatches and memoranda which they draw up. It also removes the vagueness of their ideas as to a certain problem which they are called upon to tackle. Their experience in outdoor work may thus add to their efficiency as indoor officers. It is undeniable hence as Professor Graham Wallas put it that "part of a wise system of official training would consist in seconding young officials for experience in the kind of work which they are to organise." But in the Indian provinces, this system has been carried too far. The secretariat officers would have turned out to be very useful and efficient if they were kept normally at their office and deputed only on occasions to the field work in the districts. Instead, the reverse is the actual practice. The civil servants devote their time normally to district work and some of them are brought to the secretariat only temporarily. A

man after several years of sub-divisional work, may come to the Secretariat as Under-secretary and continue in this capacity for about two years. He is sure then to be sent back to the districts and may not have any further occasion to come to the head quarters office. A senior district officer again who has had no experience ever in the business of the secretariat may be transferred into it as the Secretary to a department. The maximum period which this officer may expect to pass in this position seldom exceeds three years, very often it is far less. During this short period it is impossible for him to pick up much information about the subjects with which his department is concerned. As a district officer, he was at best a jack of all trades. Here however he is required to possess specialised knowledge. But much of the period of his office is spent only in understanding the technique of the departmental business. And before he finds himself at home in his office, his term comes to a close. Lala Harkishen Lal pointed out in his evidence before the Muddiman Committee that in one department under his charge there were five changes in the post of the Secretary in the course of thirty-four months. The Secretaries were thus as new to the department as the Minister himself. Possibly, they were newer still. Under these circumstances, he adds, he got no assistance from the permanent staff. It is hence urgent that the present conditions of

secretariat service should be considerably amended. The permanent secretary and his assistants should be really permanent in their office and not mere birds of passage as they happen to be at present.

The existing arrangement is a survival of old days. It is warranted by the convenience of the Indian Civil Service which was and still is the Corps de'elite of Indian Administration. The members of this body were to lead and supervise the work of every department. The covenanted civilians were intended only for this work of leadership. They were recruited and trained definitely for this purpose. All the superior offices were therefore in the fitness of things reserved for them. Their duty was not to do things for themselves but to have them done by others. What they were consequently required to do was to cultivate this art of supervision and an officer who could have things done smoothly and efficiently as a District Officer was expected also to evince similar efficiency as the Commissioner of Salt and Excise or as the Secretary to the department of Education. There was therefore no bar to their being shifted from office to office at short intervals. Moreover the number of covenanted civilians being small, it was thought neither possible nor desirable to divide the body into district and secretariat groups. The duties in the two spheres were rather regarded as complementary. The experience gained in the districts of men and things would stand an

officer in good stead when in the secretariat and experience in the secretariat would give him an insight into the attitude of the Government towards different public questions which would be of considerable value to the officer when he would revert to district work.

In the 19th century again business in the secretariat was very small. The functions of the Government were mainly of a police character. They were to maintain law and order and impose and collect revenue. These were performed mostly by the district and divisional officers at their own initiative and on their responsibility. Only some broad regulations were chalked out at the head quarters and this also was done on the recommendations of the local officers. Up to the Mutiny, there was very little scope of control by the Secretariat over the district administration. Communications were difficult, and local opinion was absent. The district and divisional officers consequently acted very often without any reference to the secretariat. With the inauguration of the Railways and Telegraphs, secretariat supervision no doubt increased. But all the same throughout the 19th century it was regarded as undesirable and the local officers did not take kindly to secretariat control at all. In the ranks of the Civil Service there was almost a universal tendency to belittle the work of the secretariat and cry down the merits of those officers who remain-

ed for any length of time associated with it. Sir Charles Aitchison was one of the most brilliant members of the Covenanted Civil Service. But his long association with the Imperial Secretariat made him unpopular among his colleagues. For similar reasons, Mr. H. J. Reynolds was not in the confidence of his brother civilians in Bengal. The atmosphere was thus the most unfavourable to the development of a distinct service for higher work in the Secretariat.

The situation has now considerably changed. The work of the secretariat has increased several times and its nature also is no longer what it was. It has become specialised. The higher officers in every department are indeed required to be men of wide outlook and first rate intellectual resources. But they are required also to be men with long experience of the work they are expected to deal with. It is time that the Civil Service in every province should be divided into two groups, one for district work and the other for work in the secretariat. The two should be recruited through the same examination and each successful candidate should be given the option of choosing either the one or the other group. Once in the secretariat, they would be called upon to do the duties now entrusted to the higher grade clerks. Gradually by promotion they would be raised to the position of the Secretary to a department. Under the altered circumstances, some such reform in the service organisation seems essential.

CHAPTER VIII

PUBLIC SERVICE COM- MISSION

So long as the patronage system remains enthroned, no occasion arises for the protection of the civil servants from the vagaries of the political heads of departments. That both with regard to appointment and promotion favouritism would be made is implicit in this system. Once however the system of patronage is abandoned and the principle of merit is accepted both in the first appointment and the later promotion of the civil servants, we have to provide for a machinery which may enforce obedience to this principle. In case the Ministers still remain in charge of recruiting their permanent subordinates, they may not infrequently follow the principle of merit more in the breach than in the observance. If again in exercising disciplinary action and considering claims of promotion, they are to depend only upon their own discretion, injustice may not infrequently be done to some and favour shown to others. His political supporters and

friends must have their pound of flesh and if he has power it is not unnatural that he should succumb to their persuasions. It consequently transpires to be too great a responsibility for the minister to bear. If the merit system is at all to be worked, some impartial body of Commissioners should be installed to take charge of the recruitment of the civil servants and to give advice to the ministers in matters of promotion and departmental discipline. This idea was for the first time mooted by Sir Strafford Northcote and Sir Charles Trevelyan in 1853 in their Report on the Civil Service reorganisation in England. In 1855, action was taken on their recommendation and the first Civil Service Commission was instituted in Great Britain. Since then the example set by this country has been followed in the U. S. A. and the British Dominions and to-day such a Commission has come to be regarded as almost an indispensable adjunct of democratic government.

In India the question of protecting the Services is only of recent origin. Before the passing of the Government of India Act, 1919, the Civil Service was the government of the country. All the reins of power were concentrated in its hands. The Civil Servants had therefore no occasion to demand protection from the hands of the politicians. The politicians rather were in awe of them. The declaration in the British Parliament of the Secretary of

State for India on August 20, 1917 that step by step the administration of Indian affairs would be transferred to the representatives of the Indian people created, however, a new situation. The chance of being placed under the authority and control of the Indian politicians sufficiently agitated the minds of the permanent civil servants. They became pessimistic as to their future. In order to allay much of this unfounded fear and pessimism Mr. Montagu and Lord Chelmsford put emphasis, in their Report on Indian Constitutional Reforms, upon the protection of the legitimate interests of the services. "Our purpose is," they declared, "that any public servant whatever the Government under which he is employed, shall be properly supported and protected in the legitimate exercise of his functions; and that any rights and privileges granted or implied in the conditions of his employment shall be secured to him." But although they were thus emphatic in their attitude towards the position of the Services, they did not think it necessary to recommend the institution of any impartial special tribunal for the day to day protection of their interests. This gap was filled by the first despatch of the Government of India on constitutional reforms. It pointed out that in most of the Dominions the establishment of a permanent Public Service Commission had been necessitated by the demand for protecting the permanent service from

political influences. In India also, the despatch continued, "the prospect that the services may come more and more under ministerial control, does afford strong ground for instituting such a body." Accordingly a provision was made in the Government of India Bill for the creation of a board like this and Section 96C (2) of the Government of India Act, 1919, provides for the establishment of a Public Service Commission which "shall discharge in recruitment and control of the public services in India such functions as may be assigned thereto by rules made by the Secretary of State in Council." For some years however, no effect was given to this provision.

In 1923 was appointed a Royal Commission on the Superior Civil Services in India and it put in its report a fresh emphasis on the subject. It thought that if the civil service was to be an efficient instrument of government, it must be protected from political and personal influences and given a position of stability and security and to this end it recommended that "the statutory public service commission contemplated by the Government of India Act should be established without delay." This recommendation could not be acted up to at once. It had to be held over for two years and it was not after a protracted discussion on the subject by Whitehall and Simla that a final decision was arrived in 1926. In February of this year it was accepted by the Secretary of State in Council that the

Public Service Commission in India should consist of a Chairman and four members. Accordingly in the next few months the Chairman and members were appointed and they were asked to assume their duties from the 1st of October 1926. Since then the Commission has been at work in this country.

It has got a wide range of responsible duties to discharge. It has to act as the expert adviser to the Governor-General in Council in matters connected with the recruitment to the All-India Services and the Central Service (Class 1). If a competitive examination is to be held for purposes of recruitment to any such service, the Commission has to advise the Government of India as to the rules and regulations for these examinations and make arrangements for holding them from year to year and declare their results at stated times. In case of recruitment by selection also, the Commission has to give similar advice as to rules regulating the qualifications of candidates and the submission of applications. Again when special communal representation in certain services is decided upon by the Governor-General in Council, it is for the Commission to recommend the names of suitable candidates for the reserved appointments.

Apart from this heavy work of recruitment, the Commission has also other duties not less important. These functions are quasi-

judicial in character. They are connected with the disciplinary control and protection of the services. In case an officer makes an appeal to the Governor-General in Council against an order of censure, withholding of promotion, suspension, etc., by a lower authority, he is required to consult the Commission before passing any verdict either way. The Commission is to study all the papers in connection with the order and then supply the Governor-General in Council with its expert and impartial advice as to the step taken against the officer. It is next for the Governor-General in Council to uphold or set aside the order of the lower authority. There are also cases in which the Governor-General in Council has to pass an original order withholding promotion of an officer, reducing him to a lower post, suspending him from office or awarding some other punishment like this. But before passing an order of this character, the Governor-General in Council is required to consult the Commission and solicit its expert and impartial opinion. Again a situation is not unlikely to crop up when the abolition of any post or any class of posts may adversely affect the future prospects of some officers in the All-India or the Central Services. Cases like these also must be referred to the Public Service Commission for advice in regard to the orders to be passed on them. Like the Governor-General in Council, the Secretary of State in Council

also may now and again call for the expert advice of the Commission. A case may have gone up to him on appeal. Before deciding it any way, the Secretary of State may refer it through the Governor-General in Council to the Commission for opinion.

The details enumerated above would show at once that the functions of the Commission are exclusively of an advisory character. It is not an executive body. The powers of control contemplated by the Government of India Act (section 96 C) were not vested in it. It transpires that when in 1924 correspondence was opened between the Government of India and the Secretary of State on the question of instituting a Public Service Commission, the former insisted that it should be merely an advisory body and must have no executive authority. The Secretary of State however had his doubts whether the Commission should be constituted on such a limited advisory basis. He seemed to be of opinion that a Public Service Commission with such circumscribed powers would command the confidence neither of the public nor of the Services. But he ultimately allowed the Government of India to have their own way. He only insisted that when the Statutory Commission would be at work in India, the Public Service Commission would have the right to propose to it the expansion of its powers and functions. The Government of India in its

evidence before the Simon Commission justified the limited powers vested in the Commission. It pointed out that although it was an advisory body, a convention had been established to the effect that in all quasi-judicial functions of the Commission, its advice had in all cases been accepted by the Government. Similarly in matters of recruitment also, all nominations made by the Commission had been accepted by the Government of India. But although concessions had been made to this extent, it was imperative to maintain the constitutional position that the Government of India were in the last resort responsible for the appointment and discipline of all public servants. The services in India played a specially important part in the life of the people and the organisation and structure of Government.

Questions of racial and communal representation in the services are of a political character and the Public Service Commission has not much to do with them, although so far as they affect the efficiency of the services the opinions of the Commission should be available to the Government. The Commission in fact has not wanted to arrogate any authority to itself in this sphere. The Chairman of the Commission, rather definitely pointed out in his evidence before the Simon Commission that over questions of distribution of offices among different nationalities and communities, the Government and

not the Commission should have authority. But while these questions of political policy should be settled by the Government, it should not have any voice over the methods of recruitment. The grounds on which the Government of India want to maintain its existing control over the recruitment of the civil servants are not tenable in the least. It is of opinion for granted that the Public Service Commission has not and cannot have any information and knowledge as to how the candidates selected for the public services acquit themselves in actual administration and as to what qualities in the candidates turn out ultimately to be of the greatest value to the Government and the people. This assumption is surprising. It is one of the primary functions of the Public Service Commissions every where in the world to earn such experience and acquire such knowledge. Only such men are to be appointed to the Commission who may command knowledge and experience in these matters. It is certainly impossible for a commission to recommend a method of recruitment without knowing whether the qualities tested and brought out by it would be of any value to the administration. If the Public Service Commission in India do not possess adequate knowledge in these fields, that would be an argument for changing the personnel of the Commission but not for maintaining the control of the Government over the methods of recruitment.

Sir Ross Barker, the first Chairman of the Public Service Commission, declared in his memorandum to the Simon Commission that he considered the powers of the body over which he presided to be inadequate and defective. The powers which the Government possessed over the recruitment of the civil servants stood in the way of the right discharge of its duties by the Commission. It was not now for the Commission to decide as to whether recruitment to certain offices should be made by competitive examination or by selection or by both. When, again it was decided that appointment to some offices should be made by competitive examination, the Commission could not determine on its own authority the preliminary qualifications of the candidates. The Government was the final authority in this matter also. This Government control could not but be disastrous in some instances at least. Sir Ross cited one case in which the Commission was compelled to examine a number of candidates who, owing to the low educational qualification which had been accepted contrary to the Commission's advice, had not the remotest chance of success. In cases of recruitment by competitive examination, the Commission should have the final authority to determine the preliminary qualifications of the candidates, the subjects to be examined, and the organisation of the examinations. The existing interference of the Government in the work of the

Commission in these spheres was really irksome and must be discontinued. In a case, Sir Ross complained, the Government of India objected to a syllabus which the Commission had unanimously adopted after prolonged consultation. It was not known on what basis the Government of India formed their views which proved to be so much at variance with those of the Commission. In cases of recruitment by selection also, the Commission had not a free hand. They were subject to frequent interference. Sir Ross was definitely of opinion that once the question of communal and racial representation in the services was settled, the Governments' function with regard to the recruitment of the public service personnel must end and the duty and responsibility of the Public Service Commission should begin. Four lacs of rupees was annually spent on the Commission but unless adequate powers were vested in this body no return for this money can be available.

The want of requisite authority and power is not again the only drawback of the Public Service Commission in India. The duties of the Commission are highly responsible in character and it is only meet that men of first rate ability, and experience should alone be appointed to this body. In 1853 Sir Strafford Northcote and his colleague, Sir Charles Trevelyan, recommended in their Report that the Board of Commissioners they contemplated "should be

composed of men holding an independent position and capable of commanding general confidence" and "it should have at its head an officer of the rank of a Privy Councillor." The Macdonell Commission which reported in 1914 also recommended that the aim of the Government should always be to secure for the Commission "men possessing wide experience both of school and university education to work under the chairmanship of a man of affairs possessing experience as well as sympathy with academic studies."

We should look into the conditions of service of the Public Service Commissioners in India and the rules which have governed their selection during the last ten years. We should examine them so as to see if they can make available to the Commission the services of really experienced, impartial and independent men. Tenure of office during good behaviour has now been universally accepted as an essential condition for the independence of an officer. In England the members of the Civil Service Commission hold office, no doubt in theory, during the pleasure of the Crown. But in practice, they can continue in their position until they attain the age limit and are superannuated in consequence. For the tenure of their office they have not therefore to be dependent upon the pleasure of anybody. It is this condition of service which has helped the building up of that tradition of independence and impartiality

which inspires the British Civil Service Commissioners now. In the Dominion of Canada also the Commissioners hold their position during good behaviour and like the Judges can be removed only on a joint address from both Houses of Parliament. But the members of the Indian Public Service Commission hold their office only for five years. In making this unwise arrangement the framers of the Government of India Act departed from the practices in England and Canada. No doubt in Australia the members of the Civil Service Commission are appointed for five years at a time. But we must discover something new as to human nature before we can accept these departures in Australia and India as an improvement upon the system in vogue in Great Britain and the Dominion of Canada. As in Australia the appointment of the Public Service Commissioners can be renewed in India also. Now the officers who have to look to the Secretary of State in Council and the Government of India for the renewal of their appointments after every five years cannot certainly be expected to maintain uniformly an independent attitude towards these authorities, and resist the pressure of their influence on all occasions.

The other conditions of service of the Commissioners are also not favourable to the growth of independent traditions. The Chairman of the Commission is alone debarred, under the rules, from accepting an office under the

Government of India after his retirement from the Commission. He has, therefore, no interest in obliging the authorities except for the renewal of his own term of office. The other members of the Commission are, however, not debarred from accepting an office under the Government of India after retiring from this body. Two members of the Commission have again under the rules to be persons "who have been for at least ten years in the service of the Crown." There are offices in India of greater emolument and prestige than a Public Service Commissionership, which are accessible to the members of the permanent services. A civilian member of the Commission is not therefore very likely to remain content with the office he occupies. He will naturally aspire to the palms and trophies in the service to crown his career. His interest thus demands that he should remain in the good books of the Government. It is clear from the above that if the Commission is required to be an independent body, the condition of service under which the Commissioners work should be considerably amended.

The principle now followed in the selection of the Public Service Commissioners tends considerably to lower them in the estimation of the people. They are appointed on the basis of the different special interests they happen to represent in the country. Besides the Chairman, there are as many as four other members of the

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Commission. The number has been fixed at this figure possibly because with a reduced membership the Commission was not expected to represent the different interests so completely as it does now. First of all it has been statutorily laid down, as we have seen already, that two members of the Commission must be chosen from among the civil officers of the Crown who have put in at least ten years of service in this country. The third member again is chosen from among the Mahomedans. The fourth member is generally required to be an educationist. The members of the Commission are thus chosen not on the basis of their holding an independent position and commanding general confidence of the people. Nor are they selected because of their wide experience of school and university education. Their appointment is due only to their association with the special interests which should in the opinion of the Government have a mouthpiece in the Commission.

This body thus consists of men who, chosen as they are on the basis of the communities and interests they happen to represent, cannot but think it their duty to plead sectional claims and push sectional and special interests. They must necessarily lack a judicial balance and a sense of impartiality—the two things so essential in the equipment of a public service commissioner. Their outlook may naturally tend to become narrow and their imagination confined to the

special interests whose claims they have been appointed to uphold. Lord Lothian who came to India as the Chairman of the Franchise Committee in 1932 gave it out as his deliberate opinion that nothing could be a greater mistake than to choose the members of a committee or commission on the basis of their sectional affiliations. It makes calm and dispassionate deliberation out of the question. All Commissions and Committees are of the nature of a public tribunal and should as such be impartial in character and judicial in outlook. The permanent institutions like the Tariff Board, the Railway Rates Commission and the Public Service Commission should possess these qualities to a greater degree still. Now if Lord Lothian could complain that his Franchise Committee was very much handicapped because of the sectionalism of his colleagues, much more certainly would the Public Service Committee be handicapped on that account. It is high time that the Commission is constituted on a different basis and with different conditions of service.

While for the recruitment and protection of the All-India and the Central Services, a Public Service Commission has been instituted, outside Madras the Provincial Services are still recruited by the Government itself. In Madras, a Public Service Commission on the lines of the Indian body was set up in 1929 and this Commission does for the Madras services what the Indian Public

Service Commission has been entrusted to do for the All-India and Central Services (Class 1). In other provinces, the civil servants are recruited by the Government and are promoted, suspended and dismissed by the same authority, without the officers having the opportunity of any appeal to any impartial tribunal. Only the officers in some particular cadres have been given the right of appeal to the Governor-General against the order of suspension and dismissal by the Provincial Government. As against the Government the officers of the Provincial Services have thus practically no right. Their future prospects depend literally upon the pleasure of the Provincial Government. As regards promotion, an outside tribunal cannot be of much help to the officers. So long as promotion committees of the type of Whitley councils at Whitehall are not set up, heads of departments must continue to determine the promotion of officers to higher posts. In matters of suspension and dismissal, however, a Public Service Commission would be an effective check upon the whims and freaks of the Government and constitute a sure protection to the officers concerned. More useful still would such an independent body be in matters of the first appointment of the civil servants. In Bengal we find that for the recruitment of the Deputy and Sub-deputy Magistrates the Government appoint a Selection Committee consisting of six members, three of them being

officials and three non-officials. The Director of Public Instruction is appointed invariably the Secretary to this Committee and the Member of the Board of Revenue the Chairman. It is this Committee which finally selects the candidates for the competitive examination and under its auspices the examination is also held. The examiners are appointed by this body and the names of successful candidates are submitted by it to the Government which declare the final selections to the services. A limb of the Government as this Selection Committee is, its work is not expected to inspire implicit confidence in the public mind.

This leads us to the question as to whether for every province there should be a separate Commission like this or whether the duties of recruitment and control of the provincial civil servants should be entrusted to the Indian Public Service Commission. This latter suggestion has not appealed to the Madras Legislature. It declared itself unwilling to transfer such authority to an extra-provincial body. It seemed to think that such a step would be inconsistent with the principle of provincial autonomy. The Punjab Legislature has also thought it right that the province should have a Commission of its own. To this end an Act has been passed but the existing financial conditions have not made it possible that the Act should go into effect at once. It is in abeyance. It would not be wise for

us to accept the verdict of the Madras and Punjab legislatures as final in this matter. We should examine afresh if it would really be incompatible with provincial autonomy to vest in the Indian Public Service Commission the powers of recruitment and control of the provincial services. The autonomy of the provinces would be affected only in case an outside authority could interfere in the administration of the subjects vested in the provincial governments. But it is not the function of the Public Service Commission to poke its nose into the administration of a province. It would be the duty of the Commission to recruit the civil servants and see that their legitimate interests were safe-guarded. It matters little to a provincial Government whether this duty is discharged by a local or a central Commission. Neither body would fulfil it with any deference to the provincial Government. Both would perform it judicially and impartially, irrespective of the wishes of the Government. Financially the Provincial Governments are not so prosperous as to be able to maintain a costly Commission at ease on their own account. They will be making a wise saving by transferring the duties of recruiting and controlling the civil servants to the Central Commission. A Local Commission again may be influenced too much by the feelings and prejudices that may temporarily get the upper hand in a province. But the Central Commission constituted by men from different parts of the

country will be considerably above these sudden gusts of wind. The Central Commission is a fairly large body, and may not find its work too heavy if the duties with regard to the provincial services are entrusted to it.

CHAPTER IX

SALARY OF THE CIVIL SERVANTS

The salary scale which is assured to the members of the Indian Civil Service is higher than in any Eur-American country. Even before the increase of emoluments in 1919 and 1924 the scale was exorbitantly high. The further additions which were made in these two years have made it higher still. In an abjectly poor country like India this scale of pay cannot be justified by any canon of public administration and finance. Only historical reasons may explain it to some extent. The clerks who kept the books and managed the warehouses of the East India Company were given a very poor pay. They had free board and lodge and had a graduated scale of salary which ranged usually from £ 5 to £ 40 a year. A writer would get only £ 5, a factor £ 15, a junior Merchant £ 30 and a senior Merchant £ 40. Only the Governor of a Settlement used to get a moderately high salary—£ 300 a year. Of course besides the fixed pay, the company's

servants had their right of private trade through which source they managed to eke out a decent income.

The Battle of Plassey revolutionised the political and economic position of these officers of the Company. It closed the period of moderate competence and ushered in an age of opulence for them. Before 1772 they did not indeed take up directly the reins of administration. But they became the power behind the throne and as king-makers they made a fortune. Every change on the *mushnad* of Bengal brought them a windfall. Private trade also now became more lucrative than ever. They enjoyed practically an immunity from customs duty to which the indigenous merchants were subjected. Competition became unfair and the servants of the Company found it easy to make themselves rich overnight. Forced presents from the noblemen also added considerably to their fortune. In 1766 the Court of Directors had information to the effect that the Resident at Burdwan extorted from the local Raja at least Rs. 80,000 as present. This extortion had continued from year to year. This case was not an isolated but a typical one.

The court of Directors thought it necessary to move in the matter. Its agents in India made their fortune in course of a few years and then returned to England to lead the life of a Nawab. Their ostentatious mode of living however roused the conscience of the English society

and the court thought it right to regulate the conditions of service of its servants in India. In 1764 it issued injunctions against the custom of taking presents and engaging in private trade on the part of its agents in India. But it was obeyed more in the breach than in the observance. The regulating Act of 1773 gave a stimulus to the enlargement of the existing salary scale. It provided for high salaries for the Governor-General and the members of the Council. The high salary of these functionaries became an argument for the increase of the pay of the officers in the lower rungs as well. By 1777 the Chiefs of the Provincial Councils used to receive Rs. 1200 per month and when these Councils were abolished, the Collectors who stepped into the shoes received the same amount. This increase in the salaries however made little impression upon the Civil Servants who still added very largely to their income through the forbidden avenues.

When Cornwallis came down to India as the Governor-General of Bengal, he found almost every one of the Company's servants engaged in private trade in the name of some friend or relation and eking out a very large income through this source. Acceptance of presents was also a regular habit with them at the time. The Resident at Benares was given a not unworthy salary of Rs. 1000 per month. But through the illegitimate channels, he drew an annual income

of Rs. 400,000. The situation was thus far from encouraging when Cornwallis arrived in India. He was now determined to bring this shameful chapter of corruption to a close. In England he was closely associated with the purity movement which was now sweeping the country under the leadership of the Younger Pitt. In India also he wanted that the existing corruption among the officials should be eradicated and a new era of purity and efficiency should be inaugurated.

But if the irregular sources of income of the civil servants were to be henceforward stopped altogether, it was necessary, he thought, that a considerable addition must be made to their salary. Unless such a bait was offered, it was unlikely that the Company's servants who were imbued with the traditions of the Nabobs would all at once settle down to the moderate income which they might derive from their existing salary. The conditions of the country were abnormal and it would be unwise to stick to a salary scale out here with which the civil servants in other countries were familiar. Not only the Company's servants would be working in a strange land under a strange climate, but public opinion was altogether absent and the people were accustomed to corruption among the officials. It was therefore imperative that if the civil servants were to be contented with their salary alone, it must be a very high one.

Cornwallis accordingly arranged that those

civil servants who would work in the capacity of Collectors would get the salaries fixed for their posts (Rs. 1,200 a month) and also a commission of one and half per cent upon the net collections of revenue in the districts under their charge. On this basis the emoluments of the Collectors would be in average about Rs. 3,000 a month. The Court of Directors after some procrastination had to accept the arrangement of Lord Cornwallis and it was embodied in the Charter Act of 1793, which provided that a civil servant with three years' service in India would be eligible for a salary of Rs. 5,000 a year, one with at least six years of service would be eligible for the annual salary of Rs. 15,000 and those only who completed twelve years' service in India might be given a salary of Rs. 40,000 a year. Twenty years later, the Act of 1813 further improved the salary-scale of the civil servants. It laid down that officers of only four years' standing might be appointed to posts worth Rs. 15,000 a year and those with only ten years' service to their credit might be promoted to offices whose annual value was Rs. 40,000. It was therefore not very uncommon that young men of twenty-five or twenty-six would be earning more than Rs. 2,000 per month. Sir Charles Metcalfe was actually given the salary of Rs. 2,000 when he was barely twenty-three. We have it also on record that a judge and magistrate in Bengal (two offices were then combined) who was as a rule a junior officer drew in 1826 a

salary of Rs. 24,000 to Rs. 28,000 a year and a Collector was earning in salary and commission Rs. 25,000 to Rs. 45,000 a year. The Chief Secretary to the Government and the Senior Member of the Board of Revenue were given Rs. 55,000 and the other Secretaries to the Government Rs. 50,000. The Chief Judge of the Sudder Court had in pay and allowances Rs. 60,000 a year and the other judges used to receive Rs. 45,000. A quarter of a century later, we find in 1852 that the salary-scale was still as high as it once used to be. The Members of the Governor-General's Executive Council were given Rs. 100,000 a year and the Secretaries to the Government of India had each a salary of Rs. 52,000 while the Commissioners of Divisions received as a rule Rs. 35,000 and the District Judges Rs. 30,000.

For some years before 1850 opposition was gaining ground to the exorbitantly high scale of salary given to the civil servants. The circumstances which persuaded Cornwallis to determine the salary on such a lavish scale had now changed altogether. It was time therefore that the scale should be revised and reduced to the normal level. The Government also found the existing arrangement intolerable, and the Charter Act of 1853 set the ball rolling in the direction of lesser emoluments for the servants of the Company. It reduced the salary of the Members of the Governor-General's

Council to Rs. 80,000 a year. Two years later, one Mr. Ricketts of the Civil Service, was appointed Commissioner to suggest ways and means for the reduction of expenditure of the Government. He submitted his report in 1858 and one of his recommendations was to the effect that the salary-scale of the civil servants should be lowered. Accordingly some reduction was effected. The amount of this reduction is brought out into relief as we look at the salary figures in 1870. The District and Sessions Judges still received in Bengal Rs. 2,500 per month and the Divisional Commissioner Rs. 3,000. The Salary of the senior Member of the Board of Revenue was however reduced from Rs. 55,000 to Rs. 48,000 a year. The average monthly pay of a civil servant of sixteen years' standing was in 1871 Rs. 1776 in Bengal, Rs. 2,110 in Madras and Rs. 2750 in the Central Provinces.

In 1912, a member of the Indian Civil Service began his career on a salary of Rs. 400 a month and was automatically promoted to posts with a monthly salary of Rs. 2,500. Many of the civil servants of course rose to superior posts and commanded salaries ranging from 3,000 to 6,000 rupees a month. Of course even for promotion to offices which did not carry a salary of more than Rs. 2,500 a month, time scale system was not then in vogue. Officers had to rise from grade to grade. Theoretically a third grade

Collector could rise to the second grade only on merit. But actually as there were vacancies in the upper grade, officers were promoted to it from below almost automatically. Only for select posts like the Commissionerships promotion was made on merit. An ordinary civilian was thus assured of rising to an office which carried a salary of Rs. 2,500 a month. But the members of the Civil Service became still discontented with the financial conditions of their service. A Royal Commission was appointed accordingly to look into the question of emoluments of the Civil Services along with some other conditions of their work in India. This Commission reported in 1916 and recommended a considerable increase in the pay and allowances of the members of the Indian Civil Service. This recommendation was carried out in 1919. The amount of actual increase thus effected in the emoluments is brought out by the following figures.

Years of Service	Average	Monthly Salary
	on	on
	1/7/11	1/7/21
25	Rs. 3,002	Rs. 3,116
20	.. 2,419	.. 2,500
15	.. 1,744	.. 2,043
10	.. 1,235	.. 1,515
5	.. 779	.. 935

This increase of pay however did not appeal to the Civil Servants very much. Soon after the recommendation of the Islington Commission

was enforced, a fresh demand for further increase of salary was made by the Civil Servants. It was their contention that the prices of things had risen sixty per cent and the increased salary could hardly cope with the changed conditions. They sent a memorial to His Majesty's Government in London and early in 1923 the appointment of a fresh Royal Commission was announced. One of the objects of this Commission would be to make recommendation for the increase of salary scale of the superior Civil Servants. This Commission with which Lord Lee was associated as Chairman submitted its report after a short enquiry in India and one of the recommendations embodied in this report was to the effect that a considerable addition should be made to the Overseas pay of the Civil Servants. The basic pay would remain more or less unaffected. It is very difficult to estimate the value of the arguments on the strength of which the Lee Commission recommended this 12 per cent increase in the salary of the superior civil servants. That the civil servants in their memoranda to the Commission exaggerated the demands upon their purse is undoubted. In one case Lord Lee himself practically disbelieved their story. But exaggerations were made in every item and it was not possible for members of the Commission to question every one them, unaccustomed as most of the members were to the conditions of their life. Sample budgets were

presented to the Commission to supply it with an indication as to the demands upon the purse of the Civilians. In one budget for a family which consisted of husband and wife, there was provision for seven servants. But however unreasonable were the grounds on the basis of which the increase of salary was recommended, the recommendation was immediately given effect to (from April 1924.)

Under the arrangement now introduced, a civil servant would begin his career at Rs. 600 a month and would under time scale rise in the course of twenty years to a salary of about Rs. 2,600 a month. Besides this large salary he has some extraordinarily liberal conditions of furlough. Four times during his official career in India he would be entitled to first class return passages to and from England for himself, his wife and to a limited degree for his children. His pension also is very large. Formerly he had to contribute four per cent of his salary towards the £ 1,000 annuity which was assured to him on retirement. But on the recommendation of the Islington Commission this annuity has become exclusively a charge upon the tax-payers of India. The civil servants themselves do not contribute anything to this fund.

Beyond the time scale pay which rises automatically to Rs. 2,600 a month, some of the civil servants are promoted to offices which command higher emoluments still. Those who become

Secretaries to the Provincial Governments happen to draw Rs. 2,750 per month. A Commissioner of a Division gets the monthly salary of about Rs. 3,200 and the Chief Secretary and the Member of the Board Revenue Rs. 3,750. Those again who are promoted to be Secretaries to the Central Government draw a monthly salary of Rs. 4,000, and the members of the Executive Council have an income of Rs. 6,666 per month. Some of the Civilians are even promoted to Governorships of provinces and draw in this capacity a monthly salary up to Rs. 10,000.

The rate of civil service salary has been determined by conditions and on principles which are rather extraneous to the question. Originally large emoluments were assured to the civil servants so that they might be persuaded to give up their illegal and unconstitutional perquisites. For long however circumstances have radically changed in this country and opportunities of illegal gratification are no longer so plentiful as they had once been. Besides it has been proved to the hilt by more cases than one that even high salary is no preventive against bribery and corruption. The honesty and integrity of the officers depend upon the kind of supervision that is exercised upon them. The lower paid Deputy Magistrates are as a rule found immune from corruption but cases of bribery among the highly paid District Officers have been noticed. As soon as an officer feels that the eyes of the higher authorities

are not upon him, he may indulge in illegal gratification even though his salary is princely according to the standard of the country. The original ground on which the high salary scale was initiated by Cornwallis is no longer valid.

Another ground on which the existing high salary scale is supported is that this is the tradition of the country and it will be unwise to go back upon it. In the Moghul days, the officers were the grandees of the realm. They were assured of a lavish salary scale. Civil and military offices were combined and every officer even employed in purely civil capacity used to draw his salary according to his military rank. A commander of 5000 who was usually appointed as a Governor of a Province used to get Rs. 30,000 per month, the Commanders of 3000 Rs. 17,000 and the Commanders of 1000 from whom the district officers were recruited drew about Rs. 8,000 a month. If this was the financial condition of service in the Moghul days, it is argued that the existing salary scale of the civil servants is not exorbitant and should not be modified. But the underlying principles of Moghul administration were entirely different from and even opposite to the ideals of modern administration. Not the welfare of the people but the grandeur of the court was the criterion of administrative efficiency in medieval days. Consequently the Padishah lived amidst pomp and pageantry and his agents in the provinces

and districts also followed in his foot-steps in lavish living. But with the change of ideals, the salary scale also must be determined according to principles which are observed in other democratic countries.

It is the aspiration of every modern Government to draw into the higher civil service only the pick of the University graduates. The salary should be so regulated as to make it sufficiently attractive and inviting to these men. It should also be such as to make the members of the civil service economically independent. They should be in a position to maintain a family of moderate-size quite decently. Nor should the scale of salary be such as to relegate the recruits to the civil service to a lesser social position than what their compeers happen to enjoy. But by way of making the economic conditions attractive, the Government cannot be expected to pay the civil servants at the rate at which business firms pay their officers. Nor can it be expected that the civilians should be assured of the same income as some fortunate members of the bar happen to earn. The other conditions of work being entirely different in these professions, it is unwise to expect that their emoluments should be the same. In a business firm as the salary is high and the chances of large bonus great, so the security of tenure is entirely absent. In the Government Service pay may be moderate, promotion may be slow but security is hundred per cent.

The prestige in Government service is also greater than in a merchant firm. Under these circumstances, people do a blunder by comparing the salary scale in the business establishments with that in the Government services. In 1922-23 India was passing through the post-war business boom. Prices were high and business was brisk. The salary and bonus of the officers of the commercial firms had been consequently increased to a very large extent. They were living grandly, and passing their time magnificently. This roused the jealousy of the members of the Indian Civil Service and in their evidence to the Lee Commission they compared their position with that of the position of the officers of the merchant firms. The argument appealed to the Commission and the salary scale of the civil servants, as we have seen, was increased. But several years later as business was overtaken by slump that proved to be rather continuous, first bonus was cut out, then salary was lowered in some cases by 40 per cent and then the staff itself was reduced to the minimum. We wish that the members of the Civil Service now thought of exchanging their position with that of the persons they had once so envied. If they envied them in good days, they should be expected to share their fate in bad days as well. But during the last six years while the officers of the business firms had to scratch their head so that notice of discontinuance of service might be

avoided, the Indian Civilians have even grumbled against the five per cent cut which was imposed upon their salary. Just like the emoluments in business, the income at the bar also should not be the standard for civil service salary. The struggle for existence of the civil servants practically ceases as they enter service. But that of the lawyer only begins as he gets into his profession. Many years of toil he has to put in and many disappointments he has to suffer before he finds it possible to earn a decent income. While few again earn a large amount of money, the rest have either to be content with a pittance or even to do without any income from the profession. The risks in other words are very great. As the civil servants do not run these risks, they should not be expected to enjoy the prizes as well.

In modern democracies like England, France and America, the pay of the civil servants is quite moderate and is regulated on principles already enunciated. People there enter the civil service not that they will be able to earn princely salaries and live luxurious lives, but that they will have the pleasure of doing some useful work, acquiring some social prestige and living a decent life. Although the standard of living and the per capita income in these countries are far higher and greater than in India, the salaries which the civil servants are paid there are not only much lower than the emoluments of the Indian Civil Service but are much lower also in some

countries than even the salaries of the Provincial civil servants out here. The per capita income in India is half as much as it is in Japan and fourteen times lower than in England. But still the pay of the civil servants of the Administrative Class (the highest class) is to start in England at £ 275 a year or in other words his initial monthly salary is to be about Rs. 340 which is almost half the salary given to a member of the Indian Civil Service at the start. Except in few special cases again, they are not to rise beyond £ 1500 a year, the maximum salary given to an Assistant Secretary in a department at Whitehall. In other words a civil servant of the highest class in England is not, as a rule, expected to earn, in the course of his career of thirty-five years more than Rs. 1,700 a month, a salary which an Indian Civilian is entitled to get in the 12th year of his service.

In fixing the salary scale of the civil servants, certain principles have been followed in Great Britain. "The first principle is," quotes the Tomlin Royal Commission on the Civil Service of 1929-31 from the evidence of the Controller of the Establishment Department of the Treasury, "that remuneration is only one of a number of factors in the conditions of service of the civil servants, and that in fixing remuneration due regard must be had to these other factors in the conditions of employment of civil servants, notably security of tenure, prospects of promotion,

leave and sick leave privileges and pensionability. Subject to that, it has been held to be essential that the remuneration and other conditions of employment of civil servants shall be adequate to ensure the recruitment to the civil service of a fully qualified staff, and the maintenance of an efficient and healthy public service." The Controller warned at the same time that the pay of the civil servants should not be unduly high because any appreciable disparity "between the conditions of service of civil servants and the conditions of service outside the civil service would have the effect of elevating civil servants into a privileged class, and so of doing an injustice to the community which exhypothesi would be worse off, and has always to foot the bill."

In Japan which is twice as rich as India, no civil servant has a salary of more than Rs. 650 a month, (5,000 yen a year). The salary of the highest class of civil servants ranges in normal times from Rs. 150 to Rs. 500. In France also the salaries of the public servants are proverbially low. Long ago Sir John Strachey in defending the salary scale of the Provincial Civil Services in India pointed out that in France "the salaries of the higher judicial and executive officers are smaller than those given to natives in India." He, of course did not point out at the same time that if the salaries of the French civil servants were smaller than those of the Provincial Civil Servants in India how many times smaller they were

than the emoluments of the members of the Indian Civil Service to which Sir John Strachey happened to belong. That is however beside the point. The point is that the scale of pay adopted for civil servants in France in 1929, which was a distinct improvement upon the scale superseded, ranges from 8,500 francs to 130,000 francs a year or in other words from Rs. 75 to about Rs. 1,100 a month. (W. R. Sharp—French Civil Service 1931 p. 236).

Now, if these are the salary scales for the civil services in countries with a higher, sometimes far higher, standard of living and far greater per capita income, what should be the salary scale for the civil servants in India? All extraneous grounds which in the past entered into the inflation of salaries of the public servants in this country should now be ruthlessly brushed aside. We should now determine the pay and emoluments of the permanent civil service only with an eye to scientific arguments and facts.

The fact that the members of the Indian Civil Service were for long exclusively and later on predominantly non-Indian had much to do with the high scale of salary. It is out of the question that foreigners would travel six thousand miles to a strange country unless they were assured of sufficient financial compensation. Foreign labour is in every case costlier than indigenous labour and it becomes more so when the services of Europeans are requisitioned in an Asiatic

country. If the salary scale is to be reduced, the first essential step that is to be taken is the Indianisation of the Service. As early as 1879, the late Sir. W. W. Hunter tried to bring it home in an address to the British public that the high salary of the permanent officers was pressing like a nightmare upon the Indian finances. The best remedy he thought for this absurd situation was the rapid Indianisation of the services. He had his doubts also if the European Officers were not being overpaid in India. But he thought if the disease was to be radically cured and the salaries were to be cut down to their proper limit, foreign labour should cease to be imported and India must depend upon her own indigenous agency. In the same year John Bright also protested with his own oratorical vehemence against the fabulously high salaries given to the members of the Covenanted Civil Service. He pleaded that so large a scale of civil service pay might have been warranted in unsettled days of the 18th and the early 19th century, but it was altogether an anomaly in the later 19th century.

There are many reasons why the Civil Services in India should be manned exclusively by the Indians themselves. One of the most weighty of these reasons is certainly the question of finance. The Indian public has always looked upon the Indianisation of the services as a method of reducing the cost of our public administra-

tion. Unfortunately, however, the appointment of Indians to the all-India services has been followed so far by little relief to the Indian exchequer. Since the acceptance of the Lee Commission recommendations, the Indians recruited to the Indian Civil Service, even in England, have ceased to receive the Overseas pay. But this small reduction touches only the fringe of the subject of high salary. So long the Indians have been paid on the European basis. If, however, the state is to profit by indigenous labour, it should pay for it only according to indigenous standards. It was in the fitness of things that Dr. Ahmbedkar pleaded in the Services Sub-Committee of the Round Table Conference for the relief of the public purse with the Indianisation of the public services. But so far these efforts have not borne any fruit.

CONCLUSION

Created in the dark and anarchical days of the 18th century, the Covenanted Civil Service became a useful and efficient instrument of government in the country. It repressed crime and rolled back the tide of anarchy which had begun with the death of Aurangzeb. A new machinery of administration was gradually built up under its auspices and Regulations were framed on its advice for maintaining peace, tranquility, and good government in the British territories.

For over one century, the Indian Civil Service was both theoretically and practically the Government of the country. Its members constituted the executive agency of the Government in the districts as also from it were recruited the chief judges for the settling of disputes and the punishment of offenders against the laws of the country. It was from their body that the heads of provinces were chosen and the members of the Supreme Council were appointed. On occasions they even supplied the head of the Indian Government itself. It was thus the business of the Indian Civil Service to enact

laws, apply them in individual cases and decide the disputes arising out of such application. It is no exaggeration therefore that it constituted a Corporation which was entrusted with the duty of administering the affairs of this country. Since 1861, representatives of the people came to be associated more and more with the enactment of laws and the framing of policy. But all the same the voice of the Civil Service has continued to be paramount in these spheres to this day.

It must be said that for about one hundred years, the Civil Service discharged its responsibility both with efficiency and impartiality. The Right Honourable Mr. Herbert Fisher in course of his lectures before a Glasgow audience observed a few years ago that the ideal form of government of which Plato dreamt in the 4th century B. C. was achieved in India in the 19th century A. D. The members of the Indian Civil Service possessed all the qualities which Plato's Philosophers were expected to have to their credit. Administration was their one pre-occupation. It was in the government of the Indian people that they not only found their duty but their pleasure as well. Their integrity was unquestioned. They were above all temptations of bribery and corruption. They had no interest in the country and could in consequence afford to be absolutely impartial in their treatment of all public questions. They

were ideally fit to hold the balance even between conflicting interests and warring communities. Mr. Fisher may have exaggerated the virtues of the members of the Civil Service of India. But there is no denying the fact that it built up excellent traditions of efficiency and integrity. It is true that in some cases where white men were involved, there were lapses from their ideal. But generally they held the scales even between man and man. As for their equipment, for their duties, there was no questioning it after the inauguration of the competitive system in 1853. Even before the introduction of this method of recruitment, many of the civilians proved to be as informed and as vigorous as Plato's Philosopher kings were expected to be.

So long as the bureaucratic government was untempered by any popular influence and authority, the members of the Civil Service put in their best for the administration of our affairs. The government was absolutely theirs and every individual member of the governing brotherhood considered himself responsible for the welfare of the people and for the proper development of the resources of the country. The Civil Service of course showed its capacity more in the discharge of the police functions of the state than in planning and performing the welfare duties. Its aptitude was suited more to the stemming of the anarchical tide and to the maintenance of law and order in the country than to the organisation of educa-

tional and public health activities. But still it is no exaggeration to remark that the Covenanted Civil Service worked in the 19th century India in the best traditions of the 18th century *Benevolent Despotism of Europe*.

But with the growing association of popular element with the administration of the country, the Civil Service became more and more an unsuitable instrument of government in India. It found it difficult to adjust itself to the changing circumstances and environments. In the last century it had worked in an atmosphere of absolute subordination of the people to the will of the Civil Servants. But in the twentieth century, the people looked upon themselves as no longer in their political cradle. They refused to walk in the leading strings of the Civil Service. The Government at Westminster appreciated the changes that had been effected in Indian conditions and made provision for their increasing association with the public administration of their country both in the Acts of 1909 and 1919. The members of the Civil Service however pinned their faith to the *Peter Pan* theory. They not only looked upon Indians as so many political children whose interests were safer in the hands of the bureaucracy, but further it was their conviction that these children would never grow into manhood and be in a position to manage their own affairs. They objected to the policy of enlarging the powers of the Legislative Councils to which the

non-official Indians would be entitled to be returned by their fellow citizens. They refused to be reconciled to an order of things in which they would be required to argue and to persuade instead of merely issuing the orders which were to be obeyed.

Up to the end of the War, of course they carried on their work with the old zeal and enthusiasm. But the Reforms Act of 1919 became the last straw on the Camel's back. They became positively discontented as the Act came into operation and many of them decided to retire on a proportionate pension rather than to continue their work in the new age that was now ushered into being. Discontented officers however well trained are never a source of strength to the Government and after 1921 it is doubtful if the Civilians contributed their best to the administration of the country. The anonymous author of the brilliant book, *The Lost Dominion*, had the frankness to admit more than ten years ago that these highly paid officers who still preferred to remain in service only did their routine work and marked time. They no longer evinced the old zeal and earnestness. Exceptions were of course noticeable to this general rule of indifference. But one swallow does not make a summer. A few serious men were not expected to keep up the old traditions of the Civil Service. This great body once so useful and potent an instrument of government has now become an anachronism.

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